



**FACULTY OF LAW**

**QUALIFICATIONS  
AND  
REGULATIONS**

**2020**

The University has the right to supplement, delete or change any part,  
section or regulation without prior notice.

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## **FACULTY OF LAW**

### **GENERAL INFORMATION (as on 02 January 2020)**

#### **GENERAL ENQUIRIES**

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Internal bursaries 011 559 4409

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External bursaries 011 559 4741

Student accounts 011 559 3910/3935/4303/4339/3277

## **ACADEMIC STAFF (as on 02 January 2020)**

### **Executive Dean**

Mpedi, LG – Bluris, LLB (Vista), LLM (RAU), LLD (UJ)

### **Vice Dean (Teaching & Learning)**

Njotini, M – LLB (Vista), LLM, LLD (Unisa)

### **Vice Dean (Research, Innovation & Internationalisation)**

Du Toit, SF – BA, LLB, LLD (RAU)

### **Professors**

Alberts, W – Bluris, LLB (UOFS), LLM, LLD (Unisa)

Bilchitz, DI – BA (Hons), LLB (Wits), MPhil, PhD (Cantab)

De Villiers, DS – BA, LLB, LLD (UP)

Hugo, CF – BA, LLB (UP), LLM (Unisa), LLD (US)

Legwaila, T – Bluris (Univen), LLB, LLM (Wits), PG Dip Tax, LLM (UCT), LLD (UP)

Neels, JL – BCom, LLB, LLM (RAU), Dr Jur (Leiden)

Sonnekus, JC – BA, LLB, LLM (RAU), Dr Jur (Leiden)

Strydom, HA – Bluris, LLB, LLM (UOFS), LLD (Unisa)

Van der Linde, KE – B Juris, LLB, Hons BA (PU), LLM, LLD (Unisa)

Watney, MM – BA, LLB, LLM (RAU), LLM (Unisa), LLD (RAU)

### **Associate Professor**

Calitz, J – Bluris, LLB, LLM, LLD (UP)

Fredericks, EA – BA, LLB, LLM (RAU) Dr Jur (Leiden)

Njotini, M – LLB (Vista), LLM, LLD (Unisa)

Phooko, R – LLB (NWU Mafikeng), LLM (University of Notre Dame USA), LLD (Unisa)

### **Senior Lecturers**

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Du Preez, ML – BA, LLB (RAU), LLM (Cantab)

Fourie, E – BProc (RAU), LLM (UJ), LLD (NWU)

Hall, J – BA LLB (UCT), LLM (Unisa), PhD (UCT)

Marais, EJ – BA, LLB, LLD (US)

Pillay, M – LLB, LLM (UP)

Roux, M – LLB, LLM, LLD (UJ)

Van Staden, MJ – LLB, LLM (UJ) LLD (UP)

Venter, R – BCom, LLB, LLM, LLD (UJ)

### **Lecturers**

Bouwers, GJ – LLB, LLM (UJ)

Cachalia, R – LLB, LLM (Wits)

Heleba, SC – LLB (UWC), LLM (Utrecht)

Ismail, N – LLB, LLM (UJ)

Johannes, C – LLB, LLM (UCT)  
Joubert, YM – BA, LLB (Wits), LLM (UJ)  
Kgori, DB – BProc, LLB (Wits), LLM (Unisa)  
Lenong, J – BA, LLB, LLM (US)  
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Munyai, A – LLB, (Univen), LLM, LLD (NWU)  
Nkosi, SS – BLuris, LLB (Unizulu), LLM (UJ)  
Reddy, S – LLB, LLM (UKZN)  
Rosenberg, W – LLB, LLM (UJ)  
Rostoll, ME – LLB (UJ), LLM (Wits)  
Van der Merwe, L – LLB (UJ), LLM (UNISA)  
Van Eck, M – B Com Law, LLB, LLM (UJ), LLD (UP)

### **Law Clinic**

Naidoo, RN – BA (Wits), LLB (RAU), LLM (UP) Director  
Beyl, AE – BProc LLM (UP), Principal Attorney  
Effendi G – BA Film and Media Production (UCT), LLB (UCT) Attorney  
Hart, ER – BCom (Hons), LLB (US), Attorney  
Radley, E – BProc, LLB (RAU), Principal Attorney

### **Honorary Professors**

Malan, FR (Judge) – BA, LLB, LLD (UP)

### **Emeritus Professors**

Malherbe, EFJ – BA, LLB (US), LLD (RAU)  
Otto, JM – BA, LLB, LLD (UP)  
Prinsloo, MW – BA, LLB, LLD (Unisa)  
Rautenbach, IM – BA, LLB (UP), LLD (Unisa)  
Reinecke, MFB – BA, LLB (UP)  
Van Der Merwe, D – BA, LLB, LLD (UP)

### **Distinguished Visiting Professor**

Martinek, M G – Dr iur (FU Berlin), Dr rer publ (Speyer), Dr iur habil (Kiel), Dr iur h.c. (Zhongnan), Dr h.c. (Lille 2), Dr h.c. (Craiova), Dr h.c. (Warszawa)

### **Visiting Professors**

Davy, B – Magister Iuris, Doctor Iuris ((University of Wien) (Austria)  
Davy, U – Magister Iuris, Doctor Iuris (University of Vienna) (Austria)  
De Jager, JJ – Dip Iuris BLuris LLB (Unisa), LLM, LLD (RAU)  
De Villiers, B – BA (Law) (RAU), LLB (RAU), LLD (RAU)  
De Vos, WL – BA (Law) (RAU), LLB (RAU), LLM, LLD (RAU)  
Khanderia, S – BA LLB (Symbiosis Society's Law School (Pune) (India), LLM (UJ), PhD Nat Law University (Delhi) (India)  
Locke, N – BA (RAU), LLB (RAU), LLM (RAU), LLD (Unisa)  
Pertegas Sender, M – Lic Iur (Universitat de Barcelona), LLM, PhD (KU Leuven)  
Pretorius, JT – B Iuris (UP), LLB (University of Natal), LLM (UCT), LLD (RAU)

### **Visiting Associate Professor**

Kapindu, R – LLB (Hons) (MLW), LLM (UP) LLD (Wits)



## SPECIFIC REGULATIONS

### LA.1 QUALIFICATIONS OFFERED

#### 1.1 Undergraduate degrees

*(Only offered on a full-time basis at the Auckland Park Kingsway Campus)*

##### **NQF Level 7:**

1. Baccalaureus Artium (Jurisprudentiae) – BA (Law)
2. Baccalaureus Commercii (Jurisprudentiae) – BCom (Law)

##### **NQF Level 8:**

1. Baccalaureus Legum – LLB

#### 1.2 Master's degrees

*(Only offered at the Auckland Park Kingsway Campus)*

##### **NQF Level 9:**

1. Master of Laws by dissertation – LLM
2. Master of Laws by coursework – LLM
  - 2.1 LLM in Banking Law
  - 2.2 LLM in Commercial Law
  - 2.3 LLM in Corporate Law
  - 2.4 LLM in Drafting and Interpretation of Contracts
  - 2.5 LLM in Human Rights
  - 2.6 LLM in Intellectual Property Law
  - 2.7 LLM in International Commercial Law
  - 2.8 LLM in International Law
  - 2.9 LLM in Labour Law
  - 2.10 LLM in Tax Law

#### 1.3 Doctoral degrees

*(Only offered at the Auckland Park Kingsway Campus)*

##### **NQF Level 10:**

Doctor of Laws – LLD

### LA.2 UNDERGRADUATE DEGREES

*(See also the provisions of the Academic Regulations applicable to undergraduate degrees offered by the Faculty of Law.)*

#### 2.1 Rules of access

##### **2.1.1 General**

- i. Work prescribed in law modules is in English and in Afrikaans. Students are responsible for ensuring that they are able to understand the prescribed work in both languages.
- ii. The Faculty has the right to correct any errors made during the registration of students.
- iii. Applications for admission to the first year of study for the BA (Law), the BCom (Law) and the LLB degrees must reach the Faculty before 30 September in any given year in order to be considered for the following year. The Faculty decides from year to year on the number of applicants that may be admitted.
- iv. The Faculty has the right to cancel the registration of a student who provided incorrect information or documentation material in an application for admission, or who omitted to provide material information or documentation.
- v. Other than in the case of the renewal of the registration of a student who had been registered the previous academic semester for a programme to which these rules of access apply, the registration of an applicant for any year of study is subject to the

applicant showing satisfactory academic performance in any programme for which the applicant had registered previously at this or another institution. The criteria which the Faculty may apply when considering satisfactory academic performance in this regard include the rules applicable to that programme, the average mark of the applicant for it, which generally should be at least 65%, and the rules applicable to programmes offered by the Faculty.

- vi. Admission of non-South African resident students is subject to the conditions set out in Academic Regulation 4.7

### 2.1.2 First year

#### Admission of students who completed Grade 12 in 2008 or thereafter (NSC)

- i. Students must possess a National Senior Certificate (NSC) endorsed with admission to a bachelor's degree and must have achieved a minimum Admissions Points Score (APS) of 27 (with Mathematics) or 28 (with Mathematical Literacy). The APS and the GES are based on the achievement rating of each subject as indicated above and are the sum of the achievement ratings of the seven school subjects, keeping in mind that the performance rating achieved for Life Orientation must be divided by two.
- ii. Prospective students currently in Grade 12 will be considered for admission to study at the University based on a Grade Eleven Score (GES) that is calculated in the same way as the APS using the final achievement ratings of the Grade 11 subjects. Any student who has been admitted on the Grade 11 results will have to satisfy the minimum admission requirements in Grade 12 for registration for the relevant qualification as laid down by the University.
- iii. The GES and the APS are calculated as follows:
  - a) The prescribed seven subjects are used for the calculation of the GES and APS.
  - b) The GES and the APS of an applicant are the sum of the achievement ratings of the NSC subjects of that applicant, subject to the achievement rating of Life Orientation (10 credits) being divided by two in the calculation of the GES and the APS.
  - c) If applicants included more than the minimum of three electives in their NSC, the four compulsories and the best three of the electives are used.
  - d) If an elective is compulsory for admission, this subject must be included in the calculation.

Table used for calculating the Admission Point Score (APS)

APS	NATIONAL			INTERNATIONAL										
	NSC/IEB/SACAI	SC HG (M-SCORE)	SC SG (M-SCORE)	HIGCSE/NSSC (HL)	IGCSE/NSSC (OL)	AS LEVELS	A LEVELS	IB (HL)	IB (SL)	WAEC	KCSE	Diplome/Exam D'Etat	CHL/EM	Baccalaureate
10							A	7						
9							B	6						
8							C	5						
7	7 (80-100%)	A		1		A	D	4	7		A			
6	6 (70-79%)	B	A	2		B	E	3	6		B			
5	5 (60-	C	B	3	A	C		2	5	A	C	80-	16-	16-

	69%)											100%	20	20
4	4 (50-59%)	D	C	4	B	D		1	4	B	D	70-79%	14-15	14-15
3	3 (40-49%)	E	D		C	E			3	C	E	50-69%	10-13	10-13
2	2 (30-39%)	F	E		D/E				2	D/E	F	30-49%	8-9	8-9
1	1 (0-29%)	G	F		F/G				1	F/G	G	0-29%	0-7	0-7

### ABBREVIATIONS

a)	NSC	National Senior Certificate (completed Grade 12 since 2008)
b)	SC HG	Senior Certificate Higher Grade (completed Grade 12 before 2008)
c)	SC SG	Senior Certificate Standard Grade (completed Grade 12 before 2008)
d)	IEB	Independent Examination Board
e)	SACAI	South African Comprehensive Assessment Institute
f)	HIGCSE	Higher International General Certificate of Secondary Education
g)	NSSC (HL)	Namibia Senior Secondary Certificate (Higher Level)
h)	IGCSE	International General Certificate of Secondary Education
i)	NSSC (OL)	Namibia Senior Secondary Certificate (Ordinary Level)
j)	AS Levels	Advanced Subsidiary Level
k)	A Levels	Advanced Level
l)	IB (HL)	International Baccalaureate Schools (Higher Levels)
m)	IB (SL)	International Baccalaureate Schools (Standard Levels)
n)	WAEC	West African Examination Council
o)	KCSE	Kenya Certificate of Secondary Education
p)	Diplome/Exam D'Etat	Diplome d'Etat or d'Etudes Secondaire du Cycle
q)	CHL/EM	Certificado de Habilitacoes Literarias (Mozambique/Enssino Medio (Angola
r)	Baccalaureate	Gaboness School Leaving

- iv. In addition to the general requirement in (i), the specific requirements for the undergraduate programmes presented by the Faculty and minimum scores required in respect of certain subjects are set out in the table below.

- v. If a student wishes to register for a module that resides in a faculty other than the Faculty of Law, then the student has to meet the specific admission requirements for the

PROGRAMME	Qualification Code	Minimum APS	English	Additional Language *	Mathematics	Mathematical Literacy	CAREER	CAMPUS
<b>DEGREE PROGRAMMES</b>								
<b>B Degree (3 years)</b>								
<b>BA (LAW)</b>	<b>B4A01Q</b>	28 with Mathematics OR 29 with Mathematical Literacy	5 (60%+)	4 (50%+)	3 (40%+)	4 (50%+)	Legal Advisor, Career in Public Administration	APK
<b>BCOM (LAW)</b>	<b>B4C01Q</b>	28 with Mathematics ONLY	5 (60%+)	4 (50%+)	4 (50%+)	Not accepted	Legal Advisor, Career in Commerce	APK
<b>B Degree (4 years)</b>								
<b>LLB</b>	<b>B4L03Q</b>	28 with Mathematics OR 29 with Mathematical Literacy	5 (60%+)	4 (50%+)	3 (40%+)	4 (50%+)	Advocate, Attorney, State Advocate, Legal Advisor, Magistrate, Public Prosecutor	APK

module of that faculty. Such a registration will further be subject to the University's Enrolment Management Plan and subject to any maximum number of registrations per module that the relevant faculty may determine.

- vi. Prospective students who do not fulfil these admission requirements may, in exceptional cases and at the discretion of the Executive Dean, be referred for psychometric evaluation by the University and may gain admission on the strength of that evaluation.
- vii. Prospective students who have not yet completed Grade 12 but whose results for the Grade 11 year-end examinations meet the above requirements may gain conditional admission to the qualification subject to the enrolment plan followed by the University and Faculty. Their final admission will be subject to their meeting fully all the admission requirements upon obtaining the National Senior Certificate and, if so required by the enrolment plan followed by the Faculty, also the availability of study spaces for the qualification. In the latter instance, the available study spaces may be filled by ranking prospective students who have been conditionally admitted subject to space availability in accordance with their academic performance.
- viii. In the first year of registration, no student may register for any other module or modules than those prescribed in the first year.
- ix. Prospective students who comply with the minimum legal requirements for admission to a Bachelor's degree programme, but who do not meet the additional faculty-specific minimum Admission Points Score, may, upon good cause shown, be granted admission to such programme at the discretion of the relevant executive dean. If prospective

students do not meet faculty-specific admission requirements in respect of a module in such a programme that is taught in a faculty other than the faculty in which the programme is offered, the Executive Dean must consult with the Executive Dean of the faculty within which the module resides before admission to the programme may be granted.

### **2.1.3 Second, third and fourth years**

- i. Students are promoted to the second year of study only if not more than two of the prescribed modules of the first year are outstanding, on condition that only students who have passed both Law of Persons and the Family, and Introduction to Legal Studies, may proceed with any law modules of the second year, except with the special permission of the Executive Dean of the Faculty of Law.
- ii. A student is promoted to the third year (and fourth year in the case of the LLB degree) if he/she successfully completed 60% of the modules of the preceding study year.
- iii. Before a student is allowed to register for any module where a prerequisite module or modules are applicable, he/she must first pass the prerequisite module concerned. The prerequisite modules are listed below.
- iv. A student who has not yet passed a co-requisite module may register for the module concerned only if he/she also registers for the co-requisite module. Co-requisite modules are listed below.
- v. For a year module, a student must obtain a half-year mark of at least 40% to continue in the second semester. This half-year mark comprises half of the mark for the summative assessments of the first semester and half of the mark for the final assessment of the first semester of a year module.
- vi. The Assessment Committee of the Faculty of Law has the right to refuse a student re-registration for the module Law of Persons and the Family and, therefore, for the BA (Law), BCom (Law) or LLB degree if his/her half-year mark for Law of Persons and the Family is not at least 40%. The Assessment Committee may also refuse re-registration to a student who has failed any of the modules Law of Persons and the Family or Introduction to Legal Studies.
- vii. No student may in any academic year register for more than the equivalent of 14 semester modules with a maximum of the equivalent of 7 semester modules per semester, provided that the modules in excess of the equivalent of 10 semester modules are modules the student is repeating
- viii. A student must register for modules comprising a programme in the sequence as set out in the curriculum. The Executive Dean may permit a student to register for a module out of sequence where exceptional circumstances require this. Such permission is granted solely at the risk of the student who seeks such indulgence and does not entitle the student to any special arrangements arising from such permission in respect of the lecture and examination timetable.

### **2.1.4 Recognition of prior learning**

- i. Through recognition of prior learning, students may gain access, or advanced placement, or recognition of status, on condition that they continue their studies at this University.
- ii. Recognition takes place in terms of requirements and procedures applied by the Faculty of Law in consultation with the Faculty of Humanities or the Faculty of Economic and Financial Sciences where applicable.
- iii. Recognition of prior learning in the case of students not complying with the formal entry requirements
  - is conducted after payment of the prescribed fee in accordance with the policy and guidelines of the University;

- is based on other forms of formal, informal and non-formal learning and experience;
- is considered only where prior learning corresponds to the required NQF-level;
- takes place where prior learning in terms of applied competencies is relevant to the content and outcomes of the qualification;
- is considered in terms of an assessment procedure that includes a motivated recommendation by an assessment panel to the Dean's Committee of the Faculty of Law; and
- is finally decided upon by this Dean's Committee.

## **2.2 Assessment**

### **2.2.1 General**

- i. Assessment is based on the principle of continuous and regular assessment in each module and complete and prompt feedback. Integrated assessment, focusing on the achievement of the exit-level outcomes, will be done by means of formative as well as summative assessment.
- ii. The student acquires a progressively deeper and broader understanding of the law and of arts, social sciences, economic sciences and management sciences in general, where applicable, and of the modules elected as core modules. In most modules, prior knowledge acquired in preceding years of study is a prerequisite for understanding the study material of modules in subsequent years of study. Students are assessed on their ability to apply such previously acquired knowledge to, and integrate it with, the subject matter of the later module.

### **2.2.2 Formative assessment**

- i. Formative assessment refers to assessment that takes place during the process of learning and teaching – it is day-to-day assessment. Its purpose is to support the learning process and to assist future learning. The student's weaknesses and strengths are diagnosed, and (immediate) feedback is provided. It is developmental in nature; therefore, credits/certificates are not awarded, and it results in learning from assessment. Formative assessment activities are often integrated with learning activities and rely on self-assessment, peer assessment and reflection by students.
- ii. Formative assessment is aimed at the development of a life-long learning culture based on continuous self-study.
- iii. These forms of formative assessment are supplemented by continuous interaction and feedback and an encouragement of students to analyse, discern and enquire in order to develop their intellectual skills.

### **2.2.3 Summative assessment**

- i. Summative assessment takes place at the end of a learning experience to determine whether the student is competent or not yet competent, and results in learning for assessment. The end of a learning experience can refer to the achievement of a number of outcomes, e.g. after two to three weeks in a module, but also to the achievement of all the outcomes at the end of a module. Evidence initially collected for formative assessment purposes can be used for summative assessment purposes in agreement with the students. Learning may be organised around one outcome and then assessed, or it can be organised around a set of outcomes and assessment could take place when all the outcomes have been achieved. This makes it possible for summative assessments to be done on a continuous basis during a module.
- ii. Summative assessment comprises the following:
  - (a) For every semester module, two formal written semester tests and one examination are required.

- (b) For every year module two formal written tests per semester (one of which takes the form of an examination at the end of the first semester) and one examination at the end of the second semester are required.
  - (c) Students in some modules complete written assignments on set topics.
  - (d) Peer and self-assessment are conducted through group discussions, practical exercises, class tests, and questions included in study material.
  - (e) In conjunction with the above summative assessment, a final assessment determines whether the student is awarded the qualification.
  - (f) Students are finally assessed on their knowledge and understanding of all the study material of every module by means of written and, in some modules, oral examinations. These final assessment opportunities (examinations) are conducted at the end of each semester module and twice a year for each year module.
- iii. A student who failed a module may be admitted to a supplementary final assessment opportunity (supplementary examination) at the end of each module on a very limited scale. This admission is based on the summative assessment marks obtained for that specific module, and the General Regulations provide further details on this. Supplementary assessment opportunities are not applicable to the final assessment opportunity at the end of the first semester of a year module.
  - iv. Replacement summative assessment opportunities are scheduled for those students who have valid reasons for being absent from an assessment opportunity. For this purpose, except in exceptional circumstances where the Dean decides otherwise, valid reasons are confined to the student's own illness on the day of the assessment opportunity, compassionate occasions such as the serious illness, death or burial of a close relative, or other circumstances beyond the student's control that prevented him/her from attending the assessment opportunity. In all cases, documentary proof of the reason must be produced (e.g. a medical certificate, a copy of a death certificate, or a sworn affidavit to support the claim of the student). Application for admission to a replacement assessment opportunity must be made by handing in the prescribed application form at the Dean's office of the Faculty in which the module resides within seven days of the date of the missed assessment opportunity. Such an application will not be considered if the applicant did attend the original assessment opportunity concerned.

### **2.3 Pass requirements**

- i. To be admitted to the final assessment opportunity, a student must obtain a module mark of at least 40% in each of the law modules. The requirements for other modules are determined by the faculty offering the modules concerned.
- ii. The final mark of a module comprises half of the module mark and half of the final assessment mark.
- iii. In order to pass a module, a student must obtain a final mark of at least 50%, and a final assessment mark of at least 40% for the specific module.
- iv. A student is awarded the qualification with distinction if he/she passes the prescribed modules within the minimum period of time and with a final mark weighted average of at least 75%.

### **LA.3 BACCALAUREUS ARTIUM (JURISPRUDENTIAE) – BA(LAW) (NQF LEVEL 7)**

*(See also the provisions of the Academic Regulations applicable to bachelor degree studies)*

### 3.1 Purpose of the qualification

The purpose of the qualification is threefold:

- Students acquire a basic knowledge and understanding of the basic concepts, structure and history of the South African legal system and of the main branches of private law, as well as Constitutional law and indigenous law.
- Students acquire a basic knowledge and understanding of aspects of the arts and the social sciences.
- Students acquire a basic knowledge and understanding of languages and language structure.

### 3.2 Curriculum

#### 3.2.1 General

- Students are registered only as full-time students for the BA (Law) degree modules.
- The minimum period of study for the BA (Law) degree is three years, but this minimum period of study may be reduced to two years depending on the number of modules a student is credited with on the grounds of previous studies or prior learning.
- The maximum period of study for the BA (Law) degree is five years.
- Students who have registered in **2015 or later** for the BA (Law) degree for the first time must register for the degree according to the new curriculum
- Students who have registered in **2014 or earlier** for the first time for the BA (Law) degree and have obtained credits towards the degree must complete the degree according to the old curriculum as indicated in the 2014 Qualifications and Regulations of the Faculty of Law.

#### 3.2.2 First year

Nº	Name of module	Code	Sem or Yr module (SM/YM)	Remarks, prerequisites (P) and co-requisites (C)
1	Legal Skills	LSK41A0	SM(1)	
2	Introduction to Legal Studies	ILS41Y0	YM	
3	Law of Persons and the Family	LPF41Y0	YM	
4	Two semester modules or one year module from one of the following modules or module groups. Note: i. The outcomes of these modules are included in the faculty regulations of the Faculty of Humanities. ii. Students with 65% or more for English Home Language or 75% or more in English First Additional or Second Additional Language in Grade 12 must register for English 1A/1B or English 1C/1D. Students with less than 65% for English Home Language or less than 75% in English First Additional or Second Additional Language in Grade 12 may be directed to register for English for Law subject to capacity constraints. iii. A student can only obtain credit for one of English 1A/1B, English 1C/1D or English for Law.			
a	English 1A English 1B	ENG1AA1 ENG1BB1	SM(1) SM(2)	Gr 12 ENG Home Lang 65% or more (P) or Gr 12 ENG 1 <sup>st</sup> or 2 <sup>nd</sup> Additional Lang 75% or more (P)
b	English 1C English 1D	ENG0CA1 ENG0DB1	SM(1) SM(2)	Gr 12 ENG Home Lang 65% or more (P) or Gr 12 ENG 1 <sup>st</sup> or 2 <sup>nd</sup> Additional Lang 75% or more (P)
c	English for Law	EFL41Y0	YM	Gr 12 ENG Home Lang 60% to 64% (P) or Gr 12 ENG 1 <sup>st</sup> or 2 <sup>nd</sup> Additional Lang 60% to 74% (P)



Nº	Name of module	Code	Sem or Yr module (SM/YM)	Remarks, prerequisites (P) and co-requisites (C)
	English for Law does not give admission to English 2A/2B			
5	A further two semester modules from one of the following module groups. Note: i. English, selected under 4 above, or the subject selected here must be passed on second and third year level to constitute a major subject for the BA(Law) curriculum. ii. The outcomes of these modules are included in the faculty regulations of the Faculty of Humanities.			
a	Development Studies 1A Development Studies 1B	DEV1AA1 DEV1BB1	SM(1) SM(2)	
b	Historical Studies 1A Historical Studies 1B	HIS1AA1 HIS1BB1	SM(1) SM(2)	
c	Politics 1A Politics 1B	POL1AA1 POL1BB1	SM(1) SM(2)	
d	Psychology 1A Psychology 1B	PSY1AA1 PSY1BB1	SM(1) SM(2)	Psychology 1A (P)
e	Sociology 1A Sociology 1B	SOC1AA1 SOC1BB1	SM(1) SM(2)	
f	Zulu 1A Zulu 1B	ZUL1AA1 ZUL1BB1	SM(1) SM(2)	No prior knowledge required Zulu 1A (P)

### 3.2.3 Second year

Nº	Name of module	Code	Sem or Yr module (SM/ YM)	Remarks, prerequisites (P) and co-requisites (C)
1	Constitutional Law	CLW41A0	SM(1)	Law of Persons and the Family (P) Introduction to Legal Studies (P)
2	Indigenous Law	IDL41B0	SM(1)	
3	Law of Delict	LDL41Y0	YM	Law of Persons and the Family (P) Introduction to Legal Studies (P)
4	Law of Succession	LSU41A0	SM(2)	Law of Persons and the Family (P) Introduction to Legal Studies (P)
5	Two semester modules from one of the following module groups not selected under 5 in the first year. Note: i. These modules (marked with *) may only be selected if there are no timetable clashes with any other module selected concurrently. ii. The outcomes of these modules are included in the faculty regulations of the Faculty of Humanities. iii. Students with 65% or more for Afrikaans Home Language or 75% or more for Afrikaans First Additional or Second Additional Language in Grade 12 must register for Afrikaans 1A/1B. iv. Students with less than 65% for Afrikaans Home Language or less than 75% in Afrikaans First Additional or Second Additional Language in Grade 12 may be directed to register for Afrikaans 0A/0B. v. A student can only obtain credit for one of Afrikaans 1A/1B or Afrikaans 0A/0B.			
a	Afrikaans 0A * Afrikaans 0B *	AFR0AA1 * AFR0BB1 *	SM(1) SM(2)	} Gr12 AFR Home Lang 60% to 64% (P) or Gr 12 AFR 1 <sup>st</sup> or 2 <sup>nd</sup> Additional Lang 60% to 74% (P) *
b	Afrikaans 1A * Afrikaans 1B *	AFR1AA1 * AFR1BB1 *	SM(1) SM(2)	

Nº	Name of module	Code	Sem or Yr module (SM/ YM)	Remarks, prerequisites (P) and co-requisites (C)
c	Anthropology 1A * Anthropology 1B *	ATL1AA1 * ATL1BB1 *	SM(1) SM(2)	*
d	Development Studies 1A * Development Studies 1B *	DEV1AA1 * DEV1BB1 *	SM(1) SM(2)	*
e	French 1A * French 1B *	FRE1AA1 * FRE1BB1 *	SM(1) SM(2)	*
f	Historical Studies 1A * Historical Studies 1B *	HIS1AA1 * HIS1BB1 *	SM(1) SM(2)	*
g	Zulu 1A * Zulu 1B *	ZUL1AA1 * ZUL1BB1 *	SM(1) SM(2)	No prior knowledge required * Zulu 1A (P) *
6	Two semester modules from one of the following module groups of which the modules were passed under 4 or 5 of the first year: Note: i. The outcomes of these modules are included in the faculty regulations of the Faculty of Humanities. ii. English for Law does not give admission to English 2A/2B. iii. If Psychology is selected at second year level either PSY2A or PSY2C should be selected together with PSY2B.			
a	Development Studies 2A Development Studies 2B	DEV2AA2 DEV2BB2	SM(1) SM(2)	
b	English 2A English 2B	ENG2AA2 ENG2BB2	SM(1) SM(2)	English 1A/1B (P) or English 1C/1D (P)
c	Historical Studies 2A Historical Studies 2B	HIS2AA2 HIS2BB2	SM(1) SM(2)	
d	Politics 2A Politics 2B	POL2AA2 POL2BB2	SM(1) SM(2)	
e	Psychology 2A (Developmental Psych) or Psychology 2C (Social Psych)  Psychology 2B (Research Psych) or Psychology 2D (Positive Psych) or Psychology 2H (Personality Psych)	PSY2AA2  or PSY2CA2  PSY2BB2 or PSY2DB2 or PSY2HB2	SM(1)  SM(1)  SM(2) SM(2) SM(2)	
f	Sociology 2A Sociology 2B	SOC2AA1 SOC2BB2	SM(1) SM(2)	

### 3.2.4 Third year

Nº	Name of module	Code	Sem or Yr module (SM/ YM)	Remarks, prerequisites (P) and co-requisites (C)
1	Human Rights	HRT41B0	SM(2)	Constitutional Law (P)
2	International Law	INL41A0	SM(1)	Introduction to Legal Studies (P) Law of Persons and the Family (P)
3	Law of Contract (including specific contracts)	LCT41Y0	YM	Law of Delict (C) and Law of Succession (C)
4	Law of Property	LPY41Y0	YM	Law of Delict (C) and Law of Succession (C)
5	Two semester modules from one of the following module groups of which the modules were passed under 6 of the second year: Note: The outcomes of these modules are included in the faculty regulations of the Faculty of Humanities.			

Nº	Name of module	Code	Sem or Yr module (SM/ YM)	Remarks, prerequisites (P) and co-requisites (C)
a	Development Studies 3A Development Studies 3B	DEV3AA3 DEV3BB3	SM(1) SM(2)	Development studies 1A/1B (P). Development studies 1A/1B (P).
b	English 3A English 3B	ENG3AA3 ENG3BB3	SM(1) SM(2)	English 2A/2B (P)
c	Historical Studies 3A Historical Studies 3B	HIS3AA3 HIS3BB3	SM(1) SM(2)	
d	Politics 3A Politics 3B	POL3AA3 POL3BB3	SM(1) SM(2)	
e	Psychology 3A (Research Psych) or Psychology 3G (Cognitive)  Psychology 3D (Psychopathology) Or Psychology 3F (Psychotherapy)	PSY3AA3 or or PSY3GA3  PSY3DB3 or PSY3FB3	SM(1)  SM(1)  SM(1)  M .///..888 SM(2)	
f	Sociology 3A Sociology 3B	SOC3AA3 SOC3BB3	SM(1) SM(2)	Sociology 1A/1B (P) Sociology 1A/1B/3A (P)

#### LA.4 BACCALAUREUS COMMERCII (JURISPRUDENTIAE) – BCOM (LAW) (NQF LEVEL 7)

*(See also the provisions of the Academic Regulations applicable to bachelor degree studies.)*

##### 4.1 Purpose of the qualification

The purpose of the qualification is twofold:

- Students acquire a basic knowledge and understanding of the basic concepts, structure and history of the South African legal system and of the main branches of private law, as well as business enterprises law, labour law and indigenous law.
- Students acquire a basic knowledge and understanding of aspects of the economic and management sciences.

##### 4.2 Curriculum

###### 4.2.1 General

- Students are registered only as full-time students for the BCom (Law) degree modules.
- The minimum period of study for the BCom (Law) degree is three years, but this minimum period of study may be reduced to two years depending on the number of modules a student is credited with on the grounds of previous studies or prior learning.
- The maximum period of study for the BCom (Law) degree is five years.
- Students who have registered in **2015 or later** for the BCom (Law) degree for the first time must register for the degree according to the new curriculum.
- Students who have registered in **2014 or earlier** for the first time for the BCom (Law) degree and have obtained credits towards the degree must complete the degree according to the old curriculum as indicated in the 2014 Qualifications and Regulations of the Faculty of Law.

###### 4.2.2 First year

Nº	Name of module	Code	Sem or Yr module (SM or YM)	Remarks, prerequisites (P) and co-requisites (C)
1	Legal Skills	LSK41A0	SM(1)	
2	Introduction to Legal Studies	ILS41Y0	YM	
3	Law of Persons and the Family	LPF41Y0	YM	
4	Business Management 1A Business Management 1B	BMA11A1 BMA21B1	SM(1) SM(2)	

Nº	Name of module	Code	Sem or Yr module (SM or YM)	Remarks, prerequisites (P) and co-requisites (C)
5	Economics 1A Economics 1B	ECO01A1 ECO01B1	SM(1) SM(2)	NSC Grade 12 Mathematics 50% (P) NSC Grade 12 Mathematics 50% (P)
6	Both modules from one of the following module groups:			
a	Accounting 1A Accounting 1B	ACC01A1 ACC01B1	SM(1) SM(2)	NSC Grade 12 Mathematics 50% (P) ACC01A1 40% (P)
b	Accounting A Accounting B	ACC0AA1 ACC0BB1	SM(1) SM(2)	ACC0AA1 40% (P)
<i>Accounting A/B does not give admission to Accounting 2A/2B</i>				

#### 4.2.3 Second year

Nº	Name of module	Code	Sem or Yr module (SM or YM)	Remarks, prerequisites (P) and co-requisites (C)
1	Indigenous Law	IDL41B0	SM(1)	
2	Law of Delict	LDL41Y0	YM	Law of Persons and the Family (P) Introduction to Legal Studies (P)
3	Law of Succession	LSU41A0	SM(2)	Law of Persons and the Family (P) Introduction to Legal Studies (P)
4	Two modules from one of the following module groups			
a	English 1A English 1B	ENG1AA1 ENG1BB1	SM(1) SM(2)	Gr 12 ENG Home Lang 60% or more (P) or Gr 12 ENG 1 <sup>st</sup> or 2 <sup>nd</sup> Additional Lang 60% or more (P)
b	English 1C English 1D	ENG0CA1 ENG0DB1	SM(1) SM(2)	Gr 12 ENG Home Lang 60% or more (P) or Gr 12 ENG 1 <sup>st</sup> or 2 <sup>nd</sup> Additional Lang 60% or more (P)
5,6	All modules from two of the following module groups:			
a	Business Management 2A Business Management 2B	BMA12A2 BMA22B2	SM(1) SM(2)	
b	Economics 2A Economics 2B	ECO2AA2 ECO2BB2	SM(1) SM(2)	ECO01A1 (P)
c	Accounting 2A Accounting 2B	ACT02A2 ACT02B2	SM(1) SM(2)	ECO01A1, ECO01B1 (P) ECO01A1, ECO01B1; ECO02A1 40% (P)

#### 4.2.4 Third year

Nº	Name of module	Code	Sem or Yr module (SM or YM)	Remarks, prerequisites (P) and co-requisites (C)
1	Commercial Computer Systems	CCS22B2	SM(2)	
2	Business Enterprises Law	BEL41A0	SM(1)	Law of Contract (C)
3	Labour Law	LLW41B0	SM(2)	Law of Contract (C)
4	Law of Contract (including specific contracts)	LCT41Y0	YM	Law of Delict (C) and Law of Succession (C)
5	Law of Property	LPY41Y0	YM	Law of Delict (C) and Law of Succession (C)
6	All modules from one of the following module groups:			
a	Accounting 3A Accounting 3B	ACC03A3 ACC03B3	SM(1) SM(2)	ACT02A2 (P), ACT02B2 (P)
b	Business Management 3A Business Management 3B	BMA13A3 BMA23B3	SM(1) SM(2)	
c	Economics 3A Economics 3B	ECO3AA3 ECO3BB3	SM(1) SM(2)	ECO01A1 (P) ECO01B1, ECO2AA2 (P)

## LA.5 BACCALAUREUS LEGUM – LLB (NQF LEVEL 8)

(See also the provisions of the Academic Regulations applicable to bachelor degree studies.)

### 5.1 Purpose of the qualification

The purpose of this qualification is for students to acquire a basic knowledge and reflective understanding of the prescribed substantive law, as well as the basic competence and the basic practical skills that will enable them to apply the substantive law formally in the competent and effective provision of legal services to the community.

### 5.2 Curriculum

#### 5.2.1 General

- Students are registered only as full-time students for the LLB degree modules.
- The minimum period of study for the LLB degree is four years, but this minimum period of study may be reduced to two years depending on the number of modules a student is credited with on the grounds of previous studies or prior learning.
- The maximum period of study for the LLB degree is six years.
- Students who have registered in **2015 or later** for the LLB degree for the first time must register for the degree according to the new curriculum
- Students who have registered in **2014 or earlier** for the first time for the LLB degree and have obtained credits towards the degree must complete the degree according to the old curriculum as indicated in the 2014 Qualifications and Regulations of the Faculty of Law.

#### 5.2.2 First year

Nº	Name of module	Code	Sem or Yr module (SM/YM)	Remarks, prerequisites (P) and co-requisites (C)
1	Legal Skills	LSK41A0	SM(1)	
2	Introduction to Legal Studies	ILS41Y0	YM	
3	Law of Persons and the Family	LPF41Y0	YM	
4	Two semester modules or one year module from one of the following modules or module groups. Note: i. Students with 65% or more for English Home Language or 75% or more in English First Additional or Second Additional Language in Grade 12 must register for English 1A/1B or English 1C/1D. Students with less than 65% for English Home Language or less than 75% in English First Additional or Second Additional Language in Grade 12 may be directed to register for English for Law subject to capacity constraints. ii. A student can only obtain credit for one of English 1A/1B, English 1C/1D or English for Law.			
a	English 1A English 1B	ENG1AA1 ENG1BB1	SM(1) SM(2)	Gr 12 ENG Home Lang 65% or more (P) or Gr 12 ENG 1 <sup>st</sup> or 2 <sup>nd</sup> Additional Lang 75% or more (P)
b	English 1C English 1D	ENG0CA1 ENG0DB1	SM(1) SM(2)	Gr 12 ENG Home Lang 65% or more (P) or Gr 12 ENG 1 <sup>st</sup> or 2 <sup>nd</sup> Additional Lang 75% or more (P)
c	English for Law	EFL41Y0	YM	Gr 12 ENG Home Lang 60% to 64% (P) or Gr 12 ENG 1 <sup>st</sup> or 2 <sup>nd</sup> Additional Lang 60% to 74% (P)

Nº	Name of module	Code	Sem or Yr module (SM/YM)	Remarks, prerequisites (P) and co-requisites (C)
5	A further two semester modules from one of the following module groups. Note: i. The modules marked with an asterisk (*) may only be selected if there are no timetable clashes with any other module selected concurrently. ii. Students with 65% or more for Afrikaans Home Language or 75% or more for Afrikaans First Additional or Second Additional Language in Grade 12 must register for Afrikaans 1A/1B. Students with less than 65% for Afrikaans Home Language or less than 75% in Afrikaans First Additional or Second Additional Language in Grade 12 may be directed to register for Afrikaans 0A/0B. iii. A student can only obtain credit for one of Afrikaans 1A/1B or Afrikaans 0A/0B.			
a	Accounting A * Accounting B *	ACC0AA1* ACC0BB1*	SM(1) SM(2)	REK0A01 40%(P)
b	Afrikaans 0A * Afrikaans 0B *	AFR0AA1* AFR0BB1*	SEM(1) SEM(2)	Gr12 AFR Home Lang 60% to 64% (P) or Gr 12 AFR 1 <sup>st</sup> or 2 <sup>nd</sup> Additional Lang 60% to 74% (P)
c	Business Management 1A Business Management 1B	BMA11A1 BMA21B1	SM(1) SM(2)	
d	Development Studies 1A Development Studies 1B	DEV1AA1 DEV1BB1	SM(1) SM(2)	
e	Economics 1A * Economics 1B *	ECO01A1* ECO01B1*	SM(1) SM(2)	NSC Grade 12 Mathematics 40% (P) NSC Grade 12 Mathematics 40% (P)
f	Historical Studies 1A Historical Studies 1B	HIS1AA1 HIS1BB1	SM(1) SM(2)	
g	Politics 1A Politics 1B	POL1AA1 POL1BB1	SM(1) SM(2)	
h	Psychology 1A Psychology 1B	PSY1AA1 PSY1BB1	SM(1) SM(2)	Psychology 1A (P)
i	Sociology 1A Sociology 1B	SOC1AA1 SOC1BB1	SM(1) SM(2)	
j	Zulu 1A Zulu 1B	ZUL1AA1 ZUL1BB1	SM(1) SM(2)	No prior knowledge required Zulu 1A (P)

### 5.2.3 Second year

Nº	Name of module	Code	Sem or Yr module (SM or YM)	Remarks, prerequisites (P) and co-requisites (C)
1	Constitutional Law	CLW41A0	SM(1)	Law of Persons and the Family (P) Introduction to Legal Studies (P)
2	Criminal Law	CRL41Y0	YM	Law of Persons and the Family (P) Introduction to Legal Studies (P)
3	Human Rights	HRT41B0	SM(2)	Constitutional Law (C)
4	Indigenous Law	IDL41B0	SM(1)	
5	International Law	INL41A0	SM(1)	Law of Persons and the Family (P) Introduction to Legal Studies (P)
6	Interpretation of Statutes	ITH41B0	SM(2)	Law of Persons and the Family (P) Introduction to Legal Studies (P)
7	Law of Delict	LDL41Y0	YM	Law of Persons and the Family (P) Introduction to Legal Studies (P)
8	Law of Succession	LSU41A0	SM(2)	Law of Persons and the Family (P) Introduction to Legal Studies (P)

### 5.2.4 Third year

Nº	Name of module	Code	Sem or Yr module (SM or YM)	Remarks, prerequisites (P) and co-requisites (C)
1	Administrative Law	ADL41B0	SM(2)	Constitutional Law (C)
2	Law of Civil Procedure	CPR41Y0	YM	
3	Law of Contract (including specific contracts)	LCT41Y0	YM	Law of Delict (C) and Law of Succession (C)
4	Law of Criminal Procedure	CPR41A0	SM(1)	
5	Law of Evidence and Litigation Techniques	LEL41Y0	YM	
6	Law of Property	LPY41Y0	YM	Law of Delict (C) and Law of Succession (C)

### 5.2.5 Fourth year

Nº	Name of module	Code	Sem or Yr module (SM or YM)	Remarks, prerequisites (P) and co-requisites (C)
1	Applied Legal Studies	ALS41Y0	YM	Law of Civil Procedure (C) and Law of Evidence and Litigation Techniques (C) <i>Students must participate in sessions of the Law Clinic during working hours. Clinic sessions may be scheduled during the first or second semester or both. The final results for the module will only be available in December.</i>
2	Research Methodology	RMD41B0 <b>RMD41A0</b>	SM(2) <b>SM(1)</b>	
3	Law of Negotiable Instruments	LNI41B0	SM(2)	Law of Contract (C)
4	Business Enterprises Law	BEL41A0	SM(1)	Law of Contract (C)
5	<i>Capita Selecta: Private Law</i>	CPA41B0	SM(2)	Law of Contract (C) and Law of Property (C)
6	Jurisprudence	JUR41A0	SM(1)	
7	Labour Law	LLW41B0	SM(2)	Law of Contract (C)
8	Law of Insolvency	LIN41A0	SM(1)	Law of Contract (C)
9	Private International Law	PIL41A0	SM(1)	Law of Contract (C) and Law of Property (C)
10	Tax Law	TLW41A0	SM(1)	
11	One of the following four semester modules:			
a*	<i>Capita Selecta: Mercantile Law</i> (including Intellectual Property Law, Insurance Law (with Third Party Compensation Law) and Competition Law)	*CML41B0	SM(2)	Law of Delict (C) and Law of Contract (C)
b*	International Trade Law	*ITL41B0	SM(2)	Private International Law (C), Law of Contract (C), Law of Civil Procedure (C)
c*	Social Security Law	*SSL41B0	SM(2)	
d*	Cyber Law	*CYL41A0	SM(2)	

\* The following applies to the elective modules in the final year:

- 1) An elective module is offered only if at least twenty students register for it and venues and timeslots on the lecture roster are available.
- 2) The Faculty of Law reserves the right not to offer all the electives every year. At least one elective will be offered annually.

## **LA.6 MASTER OF LAWS BY DISSERTATION – LLM (NQF LEVEL 9)**

*(See also the provisions of the Academic Regulations and the Higher Degrees and Postgraduate Studies Policy applicable to master's degree studies in the Faculty of Law.)*

### **6.1 Purpose of the qualification**

The purpose of this qualification is to let a student demonstrate through research training an ability to master at an advanced level the current state of specialised knowledge on a given topic within a particular branch of the law and to provide a sound training in research methodologies.

### **6.2 Rules of access**

#### **6.2.1 General**

- i. The minimum entry requirement is an LLB degree (or equivalent qualification) at NQF Level 7 or 8 and a minimum number of credits of 624. Candidates for admission to Master's degrees in general need to have obtained their previous degree with an average mark of at least 65%.
- ii. The relevant Head of Department may permit an applicant to register as a student for purposes of receiving guidance with, and use the facilities of the University for, the preparation of a research proposal. This does not create an expectation that the student will be admitted to Master's studies and such registration is provisional pending the approval of the admission of the student by the Board of the Faculty of Law. The Board of the Faculty of Law approves the admission of a student on the basis of the academic merit of the student, the research proposal submitted by the student and the ability of the Faculty to provide appropriate and continuous study guidance and supervision.
- iii. Work prescribed in law modules is in English and in Afrikaans. It is the student's responsibility to ensure that he/she is able to understand the prescribed work in both languages.

#### **6.2.2 Recognition of prior learning**

- i. Through recognition of prior learning, a student may gain access, or advanced placement, or recognition of status, on condition that he/she continues his/her studies at this University.
- ii. Recognition takes place in terms of requirements and procedures applied by the Faculty of Law.
- iii. Recognition of prior learning in the case of a student not complying with the formal entry requirements
  - is conducted after payment of the prescribed fees in accordance with the policy and guidelines of the University;
  - is based on other forms of formal, informal and non-formal learning and experience;
  - is considered only where prior learning corresponds to the required NQF-level;
  - takes place where prior learning in terms of applied competencies is relevant to the content and outcomes of the qualification;
  - is considered in terms of an assessment procedure that includes a motivated recommendation by an assessment panel to the Dean's Committee of the Faculty of Law; and
  - is finally decided upon by this Dean's Committee.



- iv. A BProc degree does not satisfy the formal entrance requirements for an LLM programme, but the holder of a BProc degree may apply for admission to the LLM degree through recognition of prior learning, which application may be granted subject to such conditions as may be considered to be appropriate.

## **6.3 Assessment**

### **6.3.1 General**

- i. Integrated assessment, focusing on the achievement of the exit-level outcomes, will be done.
- ii. Assessment seeks
  - to evaluate student performance in order to determine whether a student complies with the assessment criteria; and
  - to encourage and guide the improvement of student performance.
- iii. Assessment is based on the principles of continuous and regular assessment and complete and prompt feedback.
- iv. Assessment consists of two components: formative assessment and summative assessment.

### **6.3.2 Formative assessment**

- i. Formative assessment aims at the development of a life-long learning culture based on continuous self-study and at the preparation of the student for writing a quality dissertation.
- ii. In the course of the writing of the dissertation, the student is required to take part in a number of seminar discussions on subjects relating to the research topic. The purpose is to assess the student's understanding of the field of study and his/her ability to communicate effectively on problem areas and issues related to the research topic. In addition, the student is stimulated and encouraged by this participation in discourse on the field of study and, particularly, the dissertation.
- iii. Throughout, regular meetings between the student and the supervisor take place during which all aspects pertaining to the preparation for the oral examination, the research topic, the conducting of the research, and the writing and finalisation of the dissertation are discussed.
- iv. The supervisor assesses the student continuously and, equally important, guides him/her through the process.

### **6.3.3 Summative assessment**

- i. Summative assessment is at first conducted by means of a formal oral examination. The oral examination on prescribed study material serves to assess the student's ability to engage in the type of research, and the writing of the dissertation, required for this qualification. The oral examination must be passed before the student formally embarks on the writing of the dissertation.
- ii. Summative assessment is finalised when the dissertation is assessed as provided for in the Academic Regulations and the Higher Degrees and Postgraduate Studies Policy.
- iii. Both in the oral examination and in the dissertation, students are assessed on their ability to integrate prior knowledge gained in preceding studies with a deeper, high-level knowledge of the research topic gained from the research into the topic and from the scholarly writing on it. The purpose is to demonstrate a reflective and scholarly understanding of the research topic and of the relevant branch of the law.
- iv. In conjunction with formative assessment, summative assessment determines whether the student is awarded the qualification.
- v. As a further demonstration of the student's ability in this regard, the student is required to submit a publishable article based on the dissertation that may, at the discretion of the supervisor, be submitted for publication in a law journal under the name of the student or the names of both the student and the supervisor.

## 6.4 Pass requirements

- i. A student must pass the oral examination and the dissertation individually.
- ii. In order to pass the oral examination, a student must achieve a minimum mark of 50% in the examination.
- iii. In order to pass the dissertation, a student must achieve a minimum mark of 50% in the dissertation.
- iv. The final mark of the qualification comprises one third of the mark for the oral examination and two thirds of the mark for the dissertation.
- v. The qualification is awarded if a student passes both the oral examination and the dissertation.
- vi. The qualification is awarded with distinction if a student completes the qualification within two years and obtains a final mark of at least 75%.

## 6.5 Curriculum

- i. The minimum period of study for the LLM by dissertation is one year.
- ii. The maximum period of study for the LLM by dissertation is two years for a full-time and three years for a part-time student. Extensions to these periods will only be entertained in exceptional circumstances and will be dealt with in accordance with the Higher Degrees and Postgraduate Studies Policy.
- iii. The curriculum comprises a dissertation of approximately 100 pages typed in one and a half spacing on an A4 page.
- iv. The student must also submit a publishable article based on his/her dissertation that may, at the discretion of the supervisor, be submitted for publication in a law journal under the authorship of the student or both the student and the supervisor.
- v. The LLM degree by dissertation is offered in the following specialisation fields:

a	Administrative and Municipal Law	m	International Law
b	Administrative Law	n	Interpretation of Statutes
c	Banking Law	o	Jurisprudence
d	Civil Procedural Law	p	Labour Law
e	Constitutional Law	q	Labour Law and Employment Relations
f	Corporate Law	r	Law of Evidence
g	Criminal Law	s	Mercantile Law
h	Criminal Law, Criminal Procedure and the Law of Evidence	t	Private International Law
i	Criminal Procedural Law	u	Private Law
j	Human Rights	v	Roman Law
k	Human Rights and Constitutional Practice	w	Social Security Law
l	Indigenous Law	x	Tax Law

## LA.7 MASTER OF LAWS BY COURSEWORK – LLM (NQF LEVEL 9)

*(See also the provisions of the Academic Regulations and the Higher Degrees and Postgraduate Studies Policy applicable to master's degree studies in the Faculty of Law.)*

## **7.1 Fields of study**

The following coursework LLM degrees are offered in the Faculty of Law

- LLM in Banking Law
- LLM in Commercial Law
- LLM in Corporate Law
- LLM in Drafting and Interpretation of Contracts
- LLM in Human Rights
- LLM in Intellectual Property Law
- LLM in International Commercial Law
- LLM in International Law
- LLM in Labour Law
- LLM in Tax Law

## **7.2 Purpose of the qualification**

- i. The purpose of the three taught modules is to develop the student's intellectual and theoretical competencies at an advanced level, and to strengthen his/her ability to understand the different fields of study and related law from the viewpoint of a critical analysis of the underlying principles and a comparative evaluation of the application value of foreign data.
- ii. The purpose of the minor dissertation is to develop the student's capacity to give a scientific account of and apply the knowledge in the area of the different fields of study and related law that he/she has gained through literature study.

## **7.3 Rules of access**

### **7.3.1 General**

- i. The minimum entry requirement is an LLB degree (or equivalent qualification) at NQF Level 7 or 8 and a minimum number of credits of 624. Candidates for admission to Master's degrees in general need to have obtained their previous degree with an average mark of at least 65%.
- ii. A student can gain entry at the beginning of and for purposes of registration for any of the three coursework modules.
- iii. Depending on the pre-study, a supplementary study programme may be required as condition for admission.
- iv. Students may be selected for entry to the qualification. This selection will be based on one or more objectively justifiable and appropriate criteria. Such criteria may include the academic merit of an applicant, the relevant practical experience of an applicant and the number of students who can be effectively accommodated in a programme or module having regard to the high level of personal interaction required between Master's students and supervisors/study leaders.
- v. Work prescribed in law modules is in English and in Afrikaans. It is the student's responsibility to ensure that he/she is able to understand the prescribed work in both languages.

### **7.3.2 Recognition of prior learning**

- i. Through recognition of prior learning, a student may gain access, or advanced placement, or recognition of status, on condition that he/she continues his/her studies at this University.
- ii. Recognition takes place in terms of requirements and procedures applied by the Faculty of Law.

- iii. Recognition of prior learning in the case of a student not complying with the formal entry requirements
  - is conducted after payment of the prescribed fees in accordance with the policy and guidelines of the University;
  - is based on other forms of formal, informal and non-formal learning and experience;
  - is considered only where prior learning corresponds to the required NQF-level;
  - takes place where prior learning in terms of applied competencies is relevant to the content and outcomes of the qualification;
  - is considered in terms of an assessment procedure that includes a motivated recommendation by an assessment panel to the Dean's Committee of the Faculty of Law; and
  - is finally decided upon by this Dean's Committee.
- iv. A BProc degree does not satisfy the formal entrance requirements for an LLM programme, but the holder of a BProc degree may apply for admission to the LLM degree through recognition of prior learning, which application may be granted subject to such conditions as may be considered to be appropriate.

## **7.4 Assessment**

### **7.4.1 General**

- i. Integrated assessment, focusing on the achievement of the exit-level outcomes, will be done.
- ii. Assessment seeks to
  - evaluate student performance in order to determine whether students comply with assessment criteria; and
  - encourage and guide the improvement of student performance.
- iii. Assessment is based on the principle of continuous and regular assessment and complete and prompt feedback.
- iv. Assessment consists of two components: formative assessment and summative assessment.

### **7.4.2 Formative assessment**

- i. Formative assessment is aimed at the development of a life-long learning culture based on continuous self-study.
- ii. In this qualification, formative assessment aims at the preparation of students for writing an examination at the end of each module and for writing a quality minor dissertation or offering a quality seminar programme.
- iii. Formative assessment is conducted by means of class discussions, seminars, assignments, and the writing of the minor dissertation.
- iv. Discussion of assignment and examination results, and questions and other forms of feedback are integral and critical parts of assessment.
- v. Regular meetings between students and their supervisors take place during which all aspects pertaining to the preparation for and drafting of the minor dissertation (or the presentation of the seminar programme) are discussed.
- vi. Supervisors assess students continuously and, equally important, guide them through the process.

### **7.4.3 Summative assessment**

- i. Summative assessment for each coursework module takes the form of oral or written examinations (as determined by the Faculty Board) at the end of each semester.
- ii. A panel of not fewer than two examiners, one of whom must be an external examiner, examines each coursework module and the minor dissertation or seminar programme.
- iii. In the modular examinations and in the minor dissertation students are assessed on their ability to integrate prior knowledge gained in preceding studies with a deeper, high-

level knowledge of relevant topics dealt with in the course of the qualification, and of the research topic gained from the research into the topic and from the scholarly writing thereon. The purpose is to demonstrate a reflective and scholarly understanding of the different fields of study and related law and of the relevant research topic.

- iv. In conjunction with formative assessment, summative assessment determines whether the student is awarded the qualification.
- v. As a further demonstration of the student's ability in this regard, the student may be required to submit a publishable article based on the dissertation that may, at the discretion of the supervisor, be submitted for publication in a law journal under the authorship of the student or the student and the supervisor.
- vi. In general, no supplementary examination is granted in a coursework module. The internal assessor may, however, exercise his/her discretion in calling a student for a reassessment when a student needs only one coursework module to complete the qualification.
- vii. The Academic Regulations regarding substitute and aegrotat examinations are applicable with the necessary adaptations.
- viii. A student who fails a coursework module may re-register for that coursework module only once and then in the following semester during which the module is offered.

## **7.5 Pass requirements**

- i. A student must individually pass all three coursework modules and the minor dissertation.
- ii. To pass a coursework module or the minor dissertation, a student must obtain a minimum summative assessment mark of 50%.
- iii. A student may receive credit for any coursework module or minor dissertation passed.
- iv. Each one of the three coursework modules carries a weight of 2/9 (22.3%) and the minor dissertation a weight of 1/3 (33.3%) in the calculation of the final mark of the qualification.
- v. The qualification is obtained if the student passes all three modules and the minor dissertation.
- vi. The qualification is awarded with distinction if a student completes the qualification within the minimum prescribed period of study plus one year and obtains a final mark of at least 75%.

## **7.6 Curriculum**

### **7.6.1 General**

- i. The minimum period of study for some of the coursework LLM degrees in the Faculty of Law is one year. For other LLM degrees, it is two years as determined by the Faculty Board.
- ii. The maximum period of study for the coursework LLM is two years for a full-time and three years for a part-time student, including the finalisation of the minor dissertation. Extensions to these periods will only be entertained in exceptional circumstances and will be dealt with in accordance with the Higher Degrees and Postgraduate Studies Policy.
- iii. The curriculum comprises four modules of which three are coursework modules and one is a minor dissertation of limited scope. Of the time of each coursework module, 25% is spent conducting and reporting research, whilst of the time spent on the minor dissertation, 100% is spent conducting and reporting research. The research component of the qualification is thus 50%.
- iv. The coursework modules are offered one per semester over a period of two years or two per semester over a period of one year as determined by the Faculty Board.
- v. A student may not register for the minor dissertation before the final year of registration. The Executive Dean may approve a deviation from this rule in exceptional circumstances.

vi. The curricula for the different coursework LLM degrees comprise the following:

### 7.6.2 LLM (Banking Law) (M4043Q) Full-time/Part-time

*Not all these modules will necessarily be offered every year. Details of available modules and of the semester in which they will be offered will be available later.*

Nº	Name of module	Code	Type	Year and semester offered	Credits
1	Banking Law	BLW9X0C or BLW9X1C	Coursework	SEM 1 or SEM 2	40
2	Credit Law	CTL9X1C or CTL9X0C	Coursework	SEM 1 or SEM 2	40
3	Financial Services Regulations	FSR9X0C or FSR9X1C	Coursework	SEM 1 or SEM 2	40
4	Banking Law Master's Minor Dissertation	BL19XDC or BL29XDC	Minor Dissertation	SEM1 or SEM 2	60

### 7.6.3 LLM (Commercial Law) (M4050Q) Full-time/Part-time

*Not all these modules will necessarily be offered every year. Details of available modules and of the semester in which they will be offered will be available later*

Nº	Name of module	Code	Type	Year and semester offered	Credits
1-3	Three electives selected from the following:				
i	Banking Law	BLW9X0C or BLW9X1C	Coursework	SEM 1 or SEM 2	40
ii	Company Law	CML9X1C or CML9X0C	Coursework	SEM 1 or SEM 2	40
iii	Corporate Finance Law	CFL9X1C or CFL9X0C	Coursework	SEM 1 or SEM 2	40
iv	Corporate Insolvency Law	CIL9X1C or CIL9X0C	Coursework	SEM 1 or SEM 2	40
v	Credit Law	CTL9X1C or CTL9X0C	Coursework	SEM 1 or SEM 2	40
vi	E-Commerce	ECM9X1C or ECM9X0C	Coursework	SEM 1 or SEM 2	40

Nº	Name of module	Code	Type	Year and semester offered	Credits
vii	Economic Crime	ECR9X1C or ECR9X0C	Coursework	SEM 1 or SEM 2	40
viii	General Principles and Individual Labour Law	GPI9X0C or GPI9X1C	Coursework	SEM 1 or SEM 2	40
ix	Insurance Law	ISL9X0C or ISL9X1C	Coursework	SEM 1 or SEM 2	40
x	Intellectual Property Law	IPL9X0C or IPL9X1C	Coursework	SEM 1 or SEM 2	40
xi	International Commercial Law A	ICL9XAC	Coursework	SEM 1	40
xii	International Commercial Law B	ICL9XBC	Coursework	SEM 1	40
xiii	Interpretation of Contracts	INC9X0C or INC9X1C	Coursework	SEM 1 or SEM 2	40
xiv	Securities and Financial Markets Law	CFM9X0C or CFM9X1C	Coursework	SEM 1 or SEM 2	40
xv	Small Business Forms	SBF9X0C or SBF9X1C	Coursework	SEM 1 or SEM 2	40
xvi	Unjustified Enrichment	UJE9X0C or UJE9X1C	Coursework	SEM 1 or SEM 2	40
xvii	Tax Law: Basic Principles	TBP9X0C or TBP9X1C	Coursework	SEM 1 or SEM 2	40
4	Commercial Law Master's Minor Dissertation	CL19XDC or CL29XDC	Minor Dissertation	SEM1 or SEM 2	60

#### 7.6.4 LLM (Corporate Law) (M4048Q) Full-time/Part-time

*Not all these modules will necessarily be offered every year. Details of available modules and of the semester in which they will be offered will be available later.*

Nº	Name of module	Code	Type	Year and semester offered	Credits
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Nº	Name of module	Code	Type	Year and semester offered	Credits
1	Company Law	CML9X1C or CML9X0C	Coursework	SEM 1 or SEM 2	40
2	Two electives selected from the following:				
i	Corporate Finance Law	CFL9X0C or CFL9X1C	Coursework	SEM 1 or SEM 2	40
ii	Corporate Insolvency Law	CIL9X0C or CIL9X1C	Coursework	SEM 1 or SEM 2	40
iii	Securities and Financial Markets Law	CFM9X0C or CFM9X1C	Coursework	SEM 1 or SEM 2	40
iv	Small Business Forms	SBF9X0C or SBF9X1C	Coursework	SEM 1 or SEM 2	40
3	Corporate Law Master's Minor Dissertation	CP19XDC or CPL9XDC	Minor Dissertation	SEM 1 or SEM 2	60

### 7.6.5 LLM (Drafting and Interpretation of Contracts) (M4056Q) Part-time

*Not all these modules will necessarily be offered every year. Details of available modules and of the semester in which they will be offered will be available later.*

Nº	Name of module	Code	Type	Year and semester offered	Credits
1	Interpretation of Contracts	INC9X0C or INC9X1C	Coursework	SEM 1 or SEM 2	40
2	Drafting of Contracts	DRC9X0C or DRC9X1C	Coursework	SEM 1 or SEM 2	40
3	Law and Language	LAL9X0C or LAL9X1C	Coursework	SEM 1 or SEM 2	40
4	Drafting and Interpretation of Contracts Masters Minor Dissertation	DI19XDC or DIC9XDC	Minor Dissertation	SEM 1 or SEM 2	60



### 7.6.6 LLM (Human Rights Law) (M4055Q) Part-time

Nº	Name of module	Code	Type	Year and semester offered	Credits
1	Philosophical and Structural Dimensions of Fundamental Rights	DFR9X0C	Coursework	SEM 1	40
2	Fundamental Rights In South Africa	FRS9X0C	Coursework	SEM 2	40
3	The Enforcement of Fundamental Rights in South Africa and Internationally	EFR9X0C	Coursework	SEM 1	40
4	Human Rights Master's Minor Dissertation	HRT9XDC	Minor Dissertation	SEM 2	60

### 7.6.7 LLM (Intellectual Property Law) (M4057Q) Part-time

Nº	Name of module	Code	Type	Year and semester offered	Credits
1	Trade mark Law	TML9X0C or TML9X1C	Coursework	SEM 1 or SEM 2	40
2	Copyright Law	CRL9X0C or CRL9X1C	Coursework	SEM 1 or SEM 2	40
3	Patent Law	PTL9X0C or PTL9X1C	Coursework	SEM 1 or SEM 2	40
4	Intellectual Property Law Master's Minor Dissertation	IP19XDC or IP29XDC	Minor dissertation	SEM 1 or SEM 2	60

### 7.6.8 LLM (International Commercial Law) (M4053Q) Full-time/Part-time

*Not all these modules will necessarily be offered every year. Details of available modules and of the semester in which they will be offered will be available later.*

Nº	Name of module	Code	Type	Year and	Credits
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				<b>semester offered</b>	
1	International Commercial Law A	ICL9XAC	Coursework	SEM 1	40
2	International Commercial Law B	ICL9XBC	Coursework	SEM 1	40
3	International Commercial Law C	ICL9XCC	Coursework	SEM 2	40
4	International Commercial Law Master's Minor Dissertation	IC19XDC or IC29XDC	Minor dissertation	SEM 1 or SEM 2	60

### 7.6.9 LLM (International Law) (M4049Q) Full-time

Nº	Name of module	Code	Type	Year and semester offered	Credits
1	International Criminal Law	ICR9X0C	Coursework	SEM 1	40
2	International Human Rights	IHR9X0C	Coursework	SEM 1	40
3	International Environmental Law	IEL9X0C	Coursework	SEM 2	40
4	International Law Master's Minor Dissertation	IT19XDC or IT29XDC	Minor Dissertation	SEM 1 SEM 2	60

### 7.6.10 LLM (Labour Law) (M4046Q) Part-time/Full-time

*Not all these modules will necessarily be offered every year. Details of available modules and of the semester in which they will be offered will be available later.*

Nº	Name of module	Code	Type	Year and semester offered	Credits
1	General Principles and Individual Labour Law	GPI9X0C or GPI9X1C	Coursework	SEM 1 or SEM 2	40
2	Public Law, International Law and Comparative Law Relevance	PIC9X0C or PIC9X1C	Coursework	SEM 1 or SEM 2	40
3	Collective Labour Law and Dispute Resolution	CLD9X0C or CLD9X1C	Coursework	SEM 1 or SEM 2	40
4	Labour Law Master's Minor Dissertation	LL19XDC or LL29XDC	Minor Dissertation	SEM 1 or SEM 2	60

**7.6.11 LLM (Tax Law) (M4051Q) Part-time**

Nº	Name of module	Code	Type	Year and semester offered	Credits
1	Tax Law: Basic Principles	TBP9X0C or TBP9X1C	Coursework	SEM 1 or SEM 2	40
2	Law of International Tax	LIT9X1C or LIT9X0C	Coursework	SEM 1 or SEM 2	40
3	Tax Treaties	TTR9X0C or TTR9X1C	Coursework	SEM 1 or SEM 2	40
4	Tax Law Master's Minor Dissertation	TX19XDC or TX29XDC	Minor Dissertation	SEM 1 or SEM 2	60

**LA.8 DOCTOR OF LAWS – LLD (NEW NQF LEVEL 10)**

*See also the provisions of the Academic Regulations and the Higher Degrees and Postgraduate Studies Policy applicable to doctoral degree studies in the Faculty of Law.*

**8.1 Purpose of the qualification**

The purpose of this qualification is to let students demonstrate an ability to make an own, distinctive and novel contribution to the corpus of knowledge on a particular subject of legal study.

**8.2 Rules of access****8.2.1 General**

- i. The minimum entry requirement is an LLM degree (or equivalent qualification) at NQF Level 8 or 9 and a minimum number of credits of 892. Candidates for admission to doctoral degrees in general need to have obtained their previous degree with an average mark of at least 65%.
- ii. The Board of the Faculty may require students to submit to an oral examination on set study material to demonstrate their competence for doctoral research before they are admitted to the qualification.
- iii. The relevant Head of Department may permit an applicant to register as a student for purposes of receiving guidance with, and use the facilities of the University for, the preparation of a research proposal. This does not create an expectation that the student will be admitted to doctoral studies and such registration is provisional pending the approval of the admission of the student by the Board of the Faculty of Law. The Board of the Faculty of Law approves the admission of the student and recommends to the Senate Higher Degrees Committee of the University the title of the thesis and the supervisor(s) on the basis of
  - academic merit of the student;
  - prior qualifications obtained by the student;
  - the merit of the research proposal submitted to the Board; and
 the availability and competence of a member of faculty to promote the study.

- iv. Prescribed materials maybe in English and Afrikaans. It is the student's responsibility to ensure that he/she is able to understand the prescribed work in both languages.

### **8.2.2 Recognition of prior learning**

- i. Through recognition of prior learning, a student may gain access, or advanced placement, or recognition of status, on condition that he/she continues his/her studies at this University.
- ii. Recognition takes place in terms of requirements and procedures applied by the Faculty of Law.
- iii. Recognition of prior learning in the case of a student not complying with the formal entry requirements
  - is conducted after payment of the prescribed fees in accordance with the policy and guidelines of the University;
  - is based on other forms of formal, informal and non-formal learning and experience;
  - is considered only where prior learning corresponds to the required NQF level;
  - takes place where prior learning in terms of applied competencies is relevant to the content and outcomes of the qualification;
  - is considered in terms of an assessment procedure that includes a motivated recommendation by an assessment panel to the Dean's Committee of the Faculty of Law; and
  - is finally decided upon by this Dean's Committee.

## **8.3 Assessment**

### **8.3.1 General**

- i. Integrated assessment, focusing on the achievement of the exit-level outcomes, will be done.
- ii. Students are assessed on
  - their ability to demonstrate an interpretative, problem-sensitive understanding – based on research of stated law and scholarly writings – of the fundamental legal principles underlying the subject-matter of the thesis;
  - an ability to communicate this understanding accurately, systematically and lucidly; and
  - the competency to utilise this understanding to develop these principles into theoretical constructs applied to areas of knowledge not yet explored or integrated into the relevant field of law, and thereby to generate novel solutions to recognised problems.
- iii. Assessment, therefore, strongly focuses on
  - an exhibition of specialised knowledge and
  - the ability of students to make an own, distinctive and original contribution to the knowledge on the subject of study.
- iv. Assessment is based on the principles of continuous and regular assessment and complete and prompt feedback.
- v. Assessment consists of two components: formative assessment and summative assessment.

### **8.3.2 Formative assessment practices**

- i. Formative assessment is aimed at the development of a life-long learning culture based on continuous self-study and at the preparation of students for writing a quality thesis.
- ii. In the course of the writing of the thesis, the student is required to take part in a number of seminar discussions on subjects relating to the research topic. The purpose is to give the student an opportunity to present and defend the research proposal to assess the student's understanding of the field of study and his/her ability to communicate effectively on problem areas and issues related to the research topic and to encourage peer and self-assessment. In addition, the student is stimulated and encouraged by his/her participation in discourse on the field of study and, particularly, the thesis. The

student must present the results of the research projects and simultaneously justify the originality of the thesis in a final seminar discussion.

- iii. Throughout, regular meetings between students and their promoters take place during which all aspects pertaining to the preparation for the oral examination, the research topic, the conducting of the research, and the writing and finalisation of the thesis are discussed.
- iv. The promoter assesses the student continuously and, equally important, guides him/her through the process.

### 8.3.3 Summative assessment

- i. As part of the requirements for completion of the degree a formal oral examination must be passed before the student formally embarks on the writing of the thesis. The oral examination serves to assess the student's ability to engage in the type of research, and the writing of the thesis, required for this qualification. The candidate may be exempted from the examination by the Board of the Faculty of Law on the ground of the candidate having passed oral or written examinations in respect of a previously obtained qualification which adequately assessed the candidate's ability to engage in the type of research to be undertaken and the writing of the thesis.
- ii. Summative assessment is finalised when the final thesis is assessed as provided for in the Academic Regulations and the Higher Degrees and Postgraduate Assessment Policy.
- iii. Each assessor must submit a written report, assessing the substantive content and the formal presentation of the thesis.
- iv. The qualification is obtained if the thesis is accepted.
- v. As a further demonstration of the student's ability in this regard, the student is required to submit two publishable article based on the thesis that may, at the discretion of the study leader, be submitted for publication in a law journal under the name of the student or the names of both the student and the study leader.

### 8.4 Curriculum

- i. The minimum period of study for the LLD degree is two years.
- ii. The maximum period of study for the LLD degree is five years. Extension of this period will only be entertained in exceptional circumstances and will be dealt with in accordance with the **Higher Degrees and Postgraduate Studies Policy**.
- iii. The curriculum comprises a thesis, being an original contribution to the knowledge of and insight into the subject.
- iv. The LLD degree is offered in the following specialisation fields:

a	Administrative Law
b	Civil Procedural Law
c	Constitutional Law
d	Criminal Law
e	Criminal Procedural Law
f	Human Rights
g	Indigenous Law
h	International Law

i	Interpretation of Statutes
j	Jurisprudence
k	Law of Evidence
l	Mercantile Law
m	Private International Law
n	Private Law
o	Roman Law
p	Social Security Law

## LA.9 LEARNING OUTCOMES AND ASSESSMENT CRITERIA

### 9.1 General

#### 9.1.1 Purpose of Modules

The overall purpose of all modules is to equip a student to fulfil the purpose of the qualification, which is for students to acquire a basic knowledge and reflective understanding of the prescribed substantive law, as well as the basic competence and the basic practical skills that will enable them to apply the substantive law formally in the competent and effective provision of legal services to the community.

### 9.2 BA (Law), BCom (Law) and LLB Degrees: Module Information

#### 9.2.1 Administrative Law (ADR0021) (ADL41B0)

Purpose of the module	Module NQF level	Module NQF credits
A student who has successfully completed this module will be have a general knowledge of the legal requirements for lawful administrative action taken by organs of state and non-governmental institutions.	7	16

	Module assessment criteria
	The learner will be competent if he or she is able to:
1. identify the different sources of administrative law	1.1 explain how the different sources impact upon administrative law
2. define an administrative action in terms of the Promotion of Administrative Justice Act (the PAJA)	2.1 explain the function of the PAJA 2.2 critically discuss the relevant case law to be applied to the PAJA 2.3 critically analyse the provisions of the PAJA 2.4 critically discuss the application of the principle of legality when the PAJA is not applicable with reference to relevant case law
3. identify the Constitutional prerequisites for just administrative action	3.1 critically discuss what is meant by a reasonable, just and procedurally fair administrative action with reference to relevant case law
4. identify the review powers of the courts	4.1 discuss the grounds for review 4.2 critically distinguish between an appeal and a review with reference to relevant case law 4.3 discuss the different remedies that a court of review can grant with reference to relevant case law

### 9.2.2 Applied Legal Studies (TPR0000) (ALS41Y0)

Purpose of the module	Module NQF level	Module NQF credits
A student who has successfully completed this module should be equipped with the clinical legal education of final-year LLB students in respect of communication, ethics, divorces, drafting of pleadings, examination-in-chief and cross-examination and matters in the Small Claims Courts. The focus is on analytical skills and the application of theory while appreciating the practical nature and consequences of theory in order for the student to acquire a methodology to render with ease a professional service under new circumstances. The student will further be able to render free legal services to the indigent according to the guidelines of the LSSA.	8	32

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he or she is able to:
1. communicate orally and in written form in a clear, organised and professional manner	<p><i>Written</i></p> <p>1.1 illustrate knowledge and comprehension of the content of the lecture(s) by writing legal letters to clients and all third parties, making few and preferably no mistakes</p> <p>1.2 show knowledge and comprehension by applying the definitions of the aims in all letters</p> <p>1.3 name and discuss the six guidelines of clarity</p> <p>1.4 illustrate knowledge and understanding by applying the three tasks of organisation in all letters</p> <p>1.5 divide the content of letters so that the reader be excellently informed and/or persuaded</p> <p>1.6 write closing letters correctly</p> <p>1.7 show knowledge and comprehension by analysing letters written by third parties and/or the student</p> <p><i>Orally</i></p> <p>1.8 consult more effectively and confidently, despite a lack of experience</p> <p>1.9 improve the use of each consultation by applying consultation skills progressively quicker and more effectively</p> <p>1.10 advise a client about the law in plain language but still in a professional manner</p> <p>1.11 define the concept of consultation</p> <p>1.12 analyse the three phases or stages indicating the different views of the different writers</p> <p>1.13 criticise the question approach with specific reference to clinic matters</p> <p>1.14 evaluate his/her own consultation at the clinic in discussions and/or written essays</p> <p>1.15 make and receive telephone calls effectively</p>

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he or she is able to:
2. reflect on her/his communication methods and strategies	2. illustrate the reflection ability by analysing, criticising and evaluating the process and/or product during written and oral discussions
3. approach and perform all legal work engaged in, according to the rules of professional legal ethics	3.1 prove an ability, in particular his/her willingness, to adhere to ethical rules by approaching and performing all legal work according to the above knowledge 3.2 illustrate comprehension of above knowledge by applying it to suitable ethical problems 3.3 show knowledge and understanding of study material by being able to apply, analyse, criticise and evaluate the study material and real-life situations. This must be done not only in tests and examinations but also through his/her behaviour at the clinic as well as in his/her everyday life (because legal ethics are a way of living)
4. demonstrate in her/his application of these rules to practical and theoretical problems insight, moral values and a personal attitude and philosophy in accordance with high legal ethical standards	4. demonstrate insight by discussing, evaluating and criticising sets of facts in written examinations as well as in the clinic
5. institute and complete divorce actions effectively by conducting consultations, settlement negotiations; drafting of all legal documents in the process; studying and applying case law, statutes, rules and regulations to her/his case studies	5.1 advise the client correctly 5.2 draft the different types of particulars of claims and applications based on different sets of facts in a correct and suitable manner 5.3 fill in forms correctly and completely 5.4 reach settlements and draft deeds of settlements 5.5 understand the divorce procedure as illustrated by discussions and proposing tactics 5.6 complete divorce actions speedily
6. reflect on the divorce process	6. illustrate reflection skills by evaluating successes and failures; the legal system (with particular reference to this process) and the legal service rendered to the public, during oral and written discussions and in completing questionnaires at the clinic
7. develop a methodology to assist her/him when dealing with new and/or unfamiliar legal work.	7.1 research a new problem presented in class or in the clinic and propose a solution to the problem



Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he or she is able to:
8. draft all simple and selected advanced legal documents correctly by analysing sets of facts and case studies, and applying the relevant law thereto	8.1 draft pleadings, notices and affidavits correctly and within the required time frame 8.2 apply the court rules and sections to the relevant pleadings, notices and affidavits 8.3 research the case law applicable to the court rules and sections 8.4 apply the formal principles laid down by the case law when drafting pleadings, notices and applications
9. develop a methodology in the drafting of legal documents in general	9. use the legal documents, cases and books (prescribed or researched) to draft own, new and, where relevant, adapted legal documents
10. assist clients effectively by advising them on the Small Claims Courts Act, rules, procedures and process, and referring them to the Court by formulating letters of demand and completing summonses	10.1 advise the client about the Small Claims Court 10.2 write correct and complete letters of demand 10.3 complete summonses correctly
11. demonstrate civic responsibility in dealing with the public	11. demonstrate civic responsibility during class discussion, in the clinic and in written examinations by analysing, criticising and evaluating sets of facts.
12. develop a methodology to deal with specific acts, rules, regulations, process and courts	12. research a given problem presented either in class or in the clinic and propose a solution to the problem
13. prepare for a simple criminal trial by consulting effectively with accused and witnesses; draft subpoenas correctly; prepare examination-in-chief fully and prepare for cross-examination by applying the relevant rules and principles to her/his case studies and/or sets of facts	13.1 is able to conduct complete consultations with an accused and witness(es) 13.2 draft a subpoena correctly 13.3 prepare examination-in-chief fully 13.4 apply his/her knowledge about cross-examination to a set of facts by writing down or stating orally a series of cross-examining questions, or preparing the client to undergo cross-examination by discussing/writing down possible cross-examining questions

### 9.2.3 Bill of Rights/Human Rights (HRE0021) (HRT41B0)

Purpose of the module	Module NQF level	Module NQF credits
Module learning outcomes	Module assessment criteria	
The learner will be able to:	The learner will be competent if he or she is able to:	

<p>A student who successfully completes this module will have adequate knowledge of constitutional principles and the general provisions of the South African Bill of Rights, and will be able to apply procedural and substantive issues to provide advice concerning the violation of fundamental human rights.</p>	<p>6</p>	<p>16</p>
<p>1. understand and identify procedural and substantive issues that are applicable in Bill of Rights litigation</p> <p>2. integrate the general principles of the Bill of Rights and apply them to selected fundamental rights</p>	<p>1.1 explain the basic principles of the Constitution and its impact on legislation, the common law and customary law</p> <p>1.2 identify in a factual scenario whether the Bill of Rights is applied in a direct or indirect manner, and whether it imposes obligations on a vertical or horizontal level</p> <p>1.3 discuss and apply the procedural elements of justiciability and jurisdiction over constitutional matters</p> <p>1.4 describe the interpretive approaches followed by courts in cases of infringements of fundamental rights</p> <p>1.5 discuss and apply the various elements of the general limitation clause, and describe and provide examples for the demarcation of rights, special limitations clauses, and the derogation of rights</p> <p>1.6 determine and describe which constitutional remedies may be awarded by a court in the case of an infringement of rights</p> <p>2.1 apply constitutional principles, provisions of the Bill of Rights, as well as procedural and substantive issues to critically evaluate factual scenarios and problem questions</p> <p>2.2 critically discuss and apply in writing constitutional principles and provisions of the Bill of Rights by evaluating current events to construct an independent argument that will provide solutions or make recommendations to violations of fundamental human rights</p>	

### 9.2.4 Business Enterprise Law (KPR0011) (BEL41A0)

Purpose of the module	Module NQF level	Module NQF credits
A student who completes this module will be able to examine and resolve basic problems encountered in the fields of the law of partnership, close corporations law and business trust law, and complex problems encountered in the field of company law, and provide written advice in relation thereto.	8	16

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he or she is able to:
1. contrast various business forms and recommend the most suitable form in a particular application	1.1 differentiate between and compare the legal forms and different types of partnership, company, close corporation and business trust in a practical set of facts 1.2 compile written guidance and advice on the choice of an appropriate business form, based on an evaluation of a client's legal position
2. analyse and provide advice on the legal structure of the partnership, company, close corporation and business trust	2.1 analyse key elements of the legal structure of the partnership, company, close corporation and business trust in a practical set of facts 2.2 propose solutions to legal problems relating to the formation, operation and functioning of the partnership, company, close corporation and business trust 2.3 evaluate the roles of the key organs and governance structures in the partnership, company, close corporation and business trust 2.4 analyse both basic and complex legal aspects regarding the financing of the partnership, company, close corporation and business trust and provide a legal opinion
3. examine and critically evaluate the rights and duties of the different role players in the partnership, the company, the close corporation and the business trust	3.1 provide a written analysis of key legal principles regarding the rights and duties of the different role players in the partnership, the company, the close corporation and the business trust 3.2 assess and resolve both basic and complex legal problems regarding the identification and enforcement of the rights and duties of the different role players in the partnership, the company, the close corporation and the business trust 3.3 assess both basic and complex legal problems regarding contractual and other relationships between the partnership, company, close corporation and business trust, its internal role players as well as third parties and propose solutions

### 9.2.5 Capita Selecta: Mercantile Law (Intellectual Property Law) (HRA0021) (CML41B0)

Purpose of the module	Module NQF level	Module NQF credits
<ul style="list-style-type: none"> <li>A student who completes the intellectual property section of this module will have the necessary knowledge to provide broad advice relating to the basic problems that are encountered in the field of intellectual property law.</li> <li>A student who completes the competition law section of this module will have the necessary knowledge to create suitable advice relating to the typical problems that are encountered in the field of competition law.</li> </ul>	8	16

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he or she is able to:
1.. examine the origin and legal nature of intellectual property rights and differentiate between the various types of intellectual property (IP) rights 2. classify the IP rights (copyright, trademarks, patents and registered designs) 3. evaluate infringements in respect of intellectual property (IP) rights and make recommendations regarding the most appropriate remedies in each instance	1.1 discuss briefly the origin of IP rights 1.2 assess the legal nature of intellectual property rights 1.3 identify and briefly differentiate between copyright, trademarks, patents and registered designs 1.4 determine which IP right will protect a particular concept 2.1 categorise the international treaties and national legislation that govern each of the respective IP rights and assess the interaction between the international treaties and the national legislation 2.2 provide a brief historical overview of each IP right 2.3 explain, identify and critically discuss the requirements of each individual IP right 2.4 indicate and identify which works are and which are not susceptible to protection under a specific IP right 2.5 explain the registration process and requirements to a client in respect of trademarks, patents and registered designs 2.6 explain who the owner of each IP right is 2.7 identify the duration of each individual IP right 2.8 analyse the transfer of ownership of IP rights 3.1 determine when an IP right has been infringed 3.2 differentiate between direct and indirect infringement of copyright 3.3 design defences to infringements of IP rights 3.4 judge which remedies would be appropriate to infringements of IP rights

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he or she is able to:
4. appraise the common-law principles that govern the law of competition	4.1 provide a brief historical overview of the development of the law of competition 4.2 define unlawful competition 4.3 apply the requirements of unlawful competition in detail 4.4 compile advice to a client on matters related to “passing off” 4.5 discuss the principles relating to goodwill in detail 4.6 advise a client regarding the effectiveness of the common-law remedies in the case of unlawful competition
5. provide basic advice regarding the salient provisions of the Competition Act 89 of 1998	5.1 explain the application of the Act 5.2 differentiate between the various restrictive practises as provided for in the Act 5.3 assess the mechanisms (processes and procedures) provided for in the Act to deal with unlawful competition 5.4 compare the duties of the competition commission and tribunal 5.5 propose solutions to a client who suffers loss due to unlawful competition

### 9.2.6 *Capita Selecta: Private Law A (PRA0021) (CPA41B0)*

(including Law of Enrichment, Law of Estoppel and Consumer Protection Law)

Purpose of the module	Module NQF level	Module NQF credits
<p>A student who completes this module will have adequate knowledge to identify and discuss the principles of the substantive law in respect of claims based on unjustified enrichment, a defence based on estoppel and the impact of consumer protection legislation in South Africa.</p> <p>▪ A student will also have adequate knowledge to resolve basic and complex problems encountered in the law of unjustified enrichment, law of estoppel and consumer protection law, and provide advice in relation thereto.</p>	8	16

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he or she is able to:
1. understand the place of the law of unjustified enrichment within the legal system	1.1 identify and explain why the law of unjustified enrichment forms part of the law of property in general and the law of obligations in particular 1.2 appraise the practical importance of the location of the law of unjustified enrichment within the fields of the law of property in general and the law of obligations in particular

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he or she is able to:
2. Critically analyse and provide advice on the content of each separate action in respect of unjustified enrichment that developed in South Africa's common law and consider them in relation to a general enrichment action	<p>2.1 list and discuss the various separate enrichment actions by comparing the various circumstances in which these particular actions would be applicable in the South African law</p> <p>2.2 provide written guidance and advice to a client on the choice of a particular enrichment action which will be appropriate and provide a legal solution when applied to a given set of facts</p> <p>2.3 identify and resolve both basic and complex legal problems regarding the identification and application of the various requirements of the respective common law enrichment actions</p> <p>2.4 compare the possible requirements for a general enrichment action with the requirements of the separate common-law actions and apply the respective requirements to a set of facts by providing written advice in relation thereto</p> <p>2.5 construct and write a critical opinion on the development, nature and content of a general enrichment action having regard to the historical foundations of our law, modern developments in the South African law and the experience gained in comparable legal systems</p>
3. understand and analyse the origins and development of and the rationale for the doctrine of the law of estoppel in the South African context	<p>3.1 identify the unique features of the defence of estoppel and explain in writing why this defence, if successfully raised, does not effect a change in the legal position of the parties involved</p> <p>3.2 identify and assess the difficulties arising as a result of the uniqueness of the defence, particularly having regard to the consequences of a successful reliance on estoppel for ownership and third parties</p>
4. explain and provide advice on the operation of the defence of estoppel	<p>4.1 identify and describe the various crystallised requirements, elements and qualifications of the defence of estoppel</p> <p>4.2 identify and resolve both basic and complex legal problems regarding the identification and application of the various requirements of the defence of estoppel in a given set of facts</p> <p>4.3 recognise and explain the limits of estoppel as a defence based on equity</p>

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he or she is able to:
5. explain, assess and provide advice on the content, underlying policy and impact of consumer protection legislation in South Africa	5.1 define and explain South Africa's international obligations with regard to consumer protection 5.2 identify and explain the relation between the Consumer Protection Act and other existing consumer legislation 5.3 explain the definitions contained in the Consumer Protection Act 5.4 provide written advice on the practical implications of the definitions when applied to a set of facts 5.5 identify, explain and apply the most important provisions of the Consumer Protection Act to a set of facts 5.6 identify and resolve both basic and complex legal problems by providing advice, in writing, on the impact of the Consumer Protection Act on matters such as marketing, business transactions, contracts and interaction with consumers.

### 9.2.7 Constitutional Law (CLW41A0)

Purpose of the module	Module NQF level	Module NQF credits
A student who has successfully completed this module has acquired the knowledge and skills necessary to explain and apply constitutional law and principles to problems concerning the composition and functioning of organs of state, the exercise and control of government authority, the relationship between the state and the individual and between individuals as governed by general constitutional law and principles	6	16

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he or she is able to:
1. demonstrate knowledge about the foundational constitutional values of the South African legal order and all the other basic constitutional concepts and principles.	1.1 define and classify the foundational constitutional values and all other general constitutional concepts and principles such as law, public law, citizenship, state, government authority and the individual within a constitutional context 1.2 apply foundational values and general constitutional concepts and principles to practical constitutional problems 1.3 list and distinguish the sources of constitutional law, with emphasis on the Constitution as the main source 1.4 identify and apply the basic rules of interpretation of statutes to these sources of constitutional law

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he or she is able to:
2. interpret concepts and principles relating to the division, exercise and control of government authority	2.1 describe, discuss and evaluate the doctrine of separation of powers and its application in South Africa 2.2 describe and critically analyse the nature and the implications of judicial and other forms of control over organs of state
3. comprehend and analyse the composition, powers and functioning of legislative, executive and judicial bodies in all spheres of government	3.1 describe, discuss and evaluate the composition, powers and functioning of organs of state at the central, provincial and local levels of government
4. demonstrate the ability to do basic undergraduate research on selected aspects of the course content	4.1 collect, structure and evaluate information on selected aspects of the course content and to give scientific account of their findings in assignments and/or essays

### 9.2.8 Criminal Law (SFR0000) (CRL41Y0)

Purpose of the module	Module NQF level	Module NQF credits
A student who completes this module will have adequate knowledge and understanding to identify and discuss the principles of the substantive law in respect of criminal liability and punishment of natural persons and corporate bodies.	6	32
Module learning outcomes	Module assessment criteria	
The learner will be able to:	The learner will be competent if he or she is able to:	



1. understand and critically analyse the fundamental values underlying the criminal justice system in South Africa	1.1 discuss the role and position of the criminal law within the legal system 1.2 explain the functions and objectives of criminal law 1.3 discuss the foundation of the South African criminal law and its sources 1.4 explain the effect of the bill of rights on the criminal law and the harmonisation thereof with common law principles 1.5 indicate the specific position of criminal law within the legal system as part of public law and the significance thereof 1.6 discuss the principle of legality
2. demonstrate a knowledge of the basic terminology and principles of the criminal law	2.1 recall and define basic concepts of criminal law 2.2 discuss critically the general principles that underlie the criminal law 2.3 list the relevant legislation applicable to the criminal law and apply critically the relevant sections to a given set of facts
3. distinguish between the different categories of accused	3.1 identify and explain the difference between natural persons and corporate bodies and the application of the criminal law in respect of both 3.2 discuss the application of the criminal law in respect of children in terms of the applicable legislation 3.3 identify and discuss the various forms of participation in the commission of a crime
4. indicate a sufficient knowledge of the criminal law to critically evaluate and motivate whether a crime was committed and identify the specific crime	4.1 discuss conduct in the criminal law 4.2 list, discuss and distinguish specific criminal offences with reference to the elements of each offence 4.3 discuss causation in the criminal law 4.4 distinguish between complete and inchoate crimes 4.5 distinguish between offences committed in a physical and an electronic medium 4.6 appreciate and discuss the effect of globalisation on the criminal law and the remedies available to address crimes committed across borders 4.7 provide written advice to the prosecution on which charges to prefer against an accused person with reference to a set of facts
5. demonstrate sufficient knowledge of the criminal law to motivate whether a person is criminally liable or not	5.1 identify and discuss the principles of criminal liability 5.2 discuss the concept of criminal capacity 5.3 discuss the concept of unlawfulness 5.4 identify the various defences that may exclude criminal liability and prepare a judgment on a given set of facts either to convict or acquit an accused person with reference to possible defences available in the criminal law

6. explain, assess and provide an opinion on the imposition of an appropriate sentence	6.1 identify, describe and discuss the theories and principles of sentencing 6.2 prepare a judgment on an appropriate sentence with reference to a given set of facts
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### 9.2.9 Cyber law (CYL41A0)

Purpose of the module		Module NQF level	Module NQF credits
A student who completes this module will have adequate knowledge to assess the impact of information technology on the legal system and evaluate how the law responds to the impact of the creation, distribution, manipulation and exchange of information:		8	16
Module learning outcomes	Module assessment criteria		
The learner will be able to:	The learner will be competent if he or she is able to:		

<p>1. define the concept 'cyber law', distinguish between an electronic medium and cyberspace and provide a critical analysis of the challenges that face an information society that functions in an electronic medium</p>	<p>1.1 critically discuss the meaning of cyber law and information and communication technology law 1.2 appraise the interaction between cyber law and information and communication technology within cyberspace and an electronic medium 1.3 characterise cyberspace 1.4 critically discuss the impact the characteristics have on information exchange and distribution</p>
<p>2. provide a detailed, critical appraisal of the governance of cyberspace</p>	<p>2.1 provide critical argument for and against the regulation of cyberspace 2.2 identify the role players regarding cyberspace governance 2.3 critically evaluate whether regulation should be by means of the imposition of a liability and/or responsibility 2.4 appraise the advantages of each form of regulation 2.5 critically analyse the challenges facing cyberspace governance, such as jurisdiction, the different approaches to governance and where the power of governance should be</p>
<p>3. typify the information created, distributed and exchanged in cyberspace and apply your knowledge to case studies</p>	<p>3.1 provide evidence to illustrate that information is intangible 3.2 provide examples of the the different formats of information 3.3 critically evaluate the concept of information as property 3.4 critically discuss the concept of ownership of information in cyberspace 3.5 argue whether information should be protected and how such protection should be enforced 3.6 indicate how disputes involving information protection may be resolved 3.7 critically evaluate whether information protection is viable within cyberspace</p>
<p>4. critically reflect on the impact of e-commerce on society</p>	<p>4.1 categorise aspects relevant to e-commerce, such as consumer-to-business contracts, consumer protection regarding online shopping, online advertising, electronic payment 4.2 provide a detailed appraisal of the legislation that govern South African e-commerce 4.3 advise a consumer on the challenges that exist within an online environment</p>

5. apply the principles pertaining to the right to freedom of expression and privacy in cyberspace to case studies	5.1 provide a critical appraisal of the impact of social media on society 5.2 provide written advice on whether an unlimited right to privacy exists with reference to issues such as surveillance 5.3 explain critically with reference to examples whether an unlimited right to freedom of expression exists in cyberspace
6. provide a critical appraisal of unlawful behaviour in cyberspace with reference to specific examples	6.1 evaluate the different types of behaviour that may amount to an abuse of information technology 6.2 provide legal advice on how unlawful behaviour in cyberspace may be addressed with reference to specific examples 6.3 critically evaluate whether cyberspace may be successfully regulated to provide a law-abiding environment
7. research and critically reflect on an advanced aspect of Cyber Law	7. write a research essay on an approved topic in cyber law

#### 9.2.10 Indigenous Law (IRG0021) (IDL41B0)

Purpose of the module	Module old NQF level	Module NQF credits
On successful completion of the module, is student is expected to know the place of indigenous law within the South African legal landscape. A student will be able to appreciate which areas of or practices under indigenous law have been impacted the most by South Africa's final Constitution of 1996. Importantly, students are expected to know that today there are broadly two competing sources of indigenous law, being official and living customary law, and which source is important and why.	5	16

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he or she is able to:
1. Demonstrate an understanding of the place assumed by indigenous law as one of South Africa's sources of law in the constitutional dispensation. 2. Linked to the above, demonstrate an understanding of the recognition and application of indigenous law by courts.	1. Evaluate the legal status of indigenous law under the Constitution of 1996. 2. State and discuss the factors a court will take into account in deciding whether to apply indigenous law or common law when both are applicable 2. Identify and apply the relevant rules relating to customary law of family, contract, succession, delict and customary criminal law to a given set of facts

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he or she is able to:
3. Have a good understanding of social theories of law as exemplified in deep legal pluralism to jurisprudential theories of law as embodied in state law legal pluralism or legal positivism 4. Critically analyze and apply the legal principles relating to customary family law, law of property, law of contract, delict and criminal law to a legal problem 5. Show a clear understanding of the rules of traditional courts and the participation (or lack thereof) of women in those courts 6. Appreciate the benefits and challenges in preferring living customary law over official customary law in dispute resolution 7. Have a good understanding of the recognition and role played by traditional leadership in local governance. 8. Understand, at a practical level, the influence of the indigenous law within the diverse South African legal community and be able to associate with it in a legal comparative way	3. Distinguish between the social theory of law as exemplified in deep legal pluralism and the jurisprudential theory of law as embodied in state law legal pluralism or legal positivism 4. Identify and apply the rules of procedure used by traditional courts to a given set of facts 5. Linked to the above, demonstrate how the rules of procedure in traditional courts and customs encourage or exclude the participation of women in these courts. 6. Critically evaluate why living customary law should be applied over official customary law in resolving disputes 7. Identify and comment on the role of traditional leadership and institutions in the present constitutional dispensation. 8. evaluate the impact of indigenous law on the lives of individuals having regard to the legal pluralistic society in South Africa

### 9.2.11 International Law (ITR0011) (INL41A0)

Purpose of the module	Module NQF level	Module NQF credits
A student who has successfully completed this module will be acquainted with the functioning and aim of the international legal order and how it regulates the rights and duties of states and international organisations.	6	16

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he or she is able to:
1. demonstrate knowledge of the different sources of international law and their legal status	1.1 interpret and apply the Vienna Convention on the Law of Treaties and the Statute of the International Court of Justice 1.2 explain the role of UN resolutions as a source of international law
2. identify the different ways in which international law is enforced in the international legal order	2.1 discuss the rights and duties of states in terms of the UN Charter 2.2 explain when individual and collective self-defence will be justified in international law 2.3 explain the difference between countermeasures as a form of enforcement and other forms of enforcement
3. comprehend the legal consequences of the recognition or non-recognition of states and governments	3.1 explain what the effect is of non-recognition on the international relations of a non-recognised state 3.2 identify the requirements for collective recognition of a state by the UN 3.2 explain the consequences of non-recognition on the domestic law of a non-recognised state
4. identify the different forms of jurisdiction in international law	4.1 explain the different grounds for the different forms of jurisdiction 4.2 discuss the role of universal jurisdiction in the prosecution of war criminals and other perpetrators of gross human rights violations 4.3 explain the jurisdiction of a state in respect of adjacent sea areas and the airspace above the state
5. distinguish between the different forms of immunity	5.1 explain the difference between state immunity and diplomatic immunity 5.2 explain the circumstances in which immunity will apply or not apply 5.3 discuss the effect of immunity on the prosecutions of heads of state or government officials for gross human rights violations
6. distinguish between the international and regional mechanisms for the protection of human rights	6.1 explain the role of the UN in the formulation and enforcement of universal human rights standards 6.2 explain the different regional mechanisms for the protection of human rights
7. show knowledge of the situations in which international humanitarian law will apply	7.1 discuss the main principles of the Geneva Conventions and additional Protocols 7.2 explain the jurisdiction of the different tribunals for the prosecution of war criminals

### 9.2.12 International Trade Law (IHR0021) (ITL41B0)

Purpose of the module	Module NQF level	Module NQF credits
A student who has completed this module will have knowledge of International Trade Law from a South African, a comparative and an international perspective and will be able to apply that knowledge.	8	16

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he or she is able to:

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he or she is able to:
<ol style="list-style-type: none"> <li>predict the decisions of the courts in South Africa and in other selected jurisdictions in respect of the legal system to be applied in matters of international sales</li> <li>solve disputes pertaining to the legal consequences of international sales, arising in South African courts as well as in the courts of other selected jurisdictions</li> <li>determine the legal position in matters of international financing arising in South African courts</li> <li>predict the decisions of the South African courts in matters of international transport and transport insurance</li> <li>comprehend and demonstrate knowledge of the law in respect of international commercial arbitration</li> <li>compare the possibilities of having a South African judgment or arbitral award enforced in selected foreign jurisdictions and a foreign judgment or arbitral award in South Africa</li> </ol>	<ol style="list-style-type: none"> <li> <ol style="list-style-type: none"> <li>analyse and apply the rules and principles of private international law of contract, liberative prescription and property in South Africa and comparative legal systems</li> <li>assess the impact of regional, supranational and international instruments on the determination of the applicable law in international sales</li> </ol> </li> <li> <ol style="list-style-type: none"> <li>analyse and apply the rules and principles of international sales law in South Africa and comparative legal systems</li> <li>assess the impact of international instruments on the regulation of international sales</li> </ol> </li> <li> <ol style="list-style-type: none"> <li>analyse and apply the rules and principles of South African international financing law</li> <li>assess the impact of international instruments on international financing transactions</li> </ol> </li> <li> <ol style="list-style-type: none"> <li>analyse and apply the rules and principles of South African international transport and transport insurance law</li> <li>assess the impact of international instruments on</li> </ol> </li> <li> <ol style="list-style-type: none"> <li>analyse and apply the rules and principles of the law relating to international commercial arbitration in South Africa</li> <li>assess the impact of international instruments in this regard</li> </ol> </li> <li> <ol style="list-style-type: none"> <li>analyse and apply the rules and principles of the law relating to the recognition and enforcement of foreign judgments and arbitral awards in South Africa and selected foreign jurisdictions in a written report</li> <li>assess the impact of international instruments in this regard</li> </ol> </li> </ol>

### 9.2.13 Interpretation Theory/Interpretation of Statutes (ULL0024)(ITH41B0)

Purpose of the module	Module NQF level	Module NQF credits
Upon the successful completion of the module, students will be familiar with the established approaches and canons of statutory interpretation in South Africa, will be able to assess the impact of the Constitution on statutory interpretation in South Africa, and will be conversant with influential approaches to statutory interpretation globally.	6	16

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he or she is able to:
<ol style="list-style-type: none"> <li>locate and identify statutes, statutory provisions and legislative instrument</li> <li>interpret a legislative provision using the accepted tools and techniques of statutory interpretation</li> </ol>	<ol style="list-style-type: none"> <li>differentiate statutes, statutory provisions and legislative instruments from other sources of law</li> <li>describe the lifecycle of statutes, statutory provisions and legislative instruments <ol style="list-style-type: none"> <li>critically discuss the evolving nature of statutory interpretation, including examining approaches and canons of statutory interpretation in traditional and modern contexts</li> <li>analyse and apply statutory provisions to factual scenarios</li> <li>critically analyse the interpretive approach of a court in a given case</li> <li>communicate in writing the interpretation, nature and effect of statutory provisions to relevant stakeholders, such as clients and courts</li> </ol> </li> </ol>

#### 9.2.14 Introduction to Legal Studies (IRS0000) (ILS41Y0)

Purpose of the module	Module old NQF level	Module NQF credits
<ul style="list-style-type: none"> <li>The purpose of this module is to equip a student to fulfil the purpose of the qualification, which is for students to acquire a basic knowledge and reflective understanding of the prescribed substantive law, as well as the basic competence and the practical skills that will enable them to apply the substantive law formally in the competent and effective provision of legal services to the community.</li> <li>A student who has successfully completed this course should be equipped to deal with the challenges and difficulties a law student is likely to experience during the course of his/her studies. For this reason, the course comprises three components: (1) theory (i.e. weekly lectures and written academic assignments); (2) practical exposure (e.g. court visits and guest lectures by members of the legal profession); and (3) skills training (e.g. library orientation, computer training, moot court and workshops aimed at enhancing study and life skills).</li> </ul>	5	32

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he or she:
<ol style="list-style-type: none"> <li>demonstrate that he/she is equipped to deal with the various challenges and difficulties a law student is likely to experience during the course of his/her studies</li> <li>construe/explain the concept of "law" and comprehend basic legal theory</li> </ol>	<ol style="list-style-type: none"> <li>has been exposed to theory (i.e. structured lectures and weekly assignments), practice (i.e. court visits and guest lectures by various members of the legal profession) and skills training (e.g. library orientation, computer training, moot court proceedings and workshops aimed at enhancing study and life skills) <ol style="list-style-type: none"> <li>can explain the characteristics of legal rules</li> <li>can distinguish legal rules from other rules, i.e. rules of nature</li> <li>can distinguish between natural law and legal positivism</li> </ol> </li> </ol>



Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he or she:
3. identify the various sources of South African law and know how to assess and interpret each	3.1 knows how and where to find each of these sources 3.2 can distinguish between primary and secondary sources of the law 3.3 can solve basic legal problems/case studies by accessing relevant legislation, case law, text books and journal articles 3.4 can make an informed choice regarding the correct interpretation of each source 3.5 understand the Latin terminology used in each of the sources
4. undertake legal research and to prepare a written academic assignment	4.1 can conduct proper legal research 4.2 has illustrated an understanding of important legal concepts by analysing legal problems, applying legal rules, writing clearly and logically, and properly structuring academic writing 4.3 knows what proper referencing entails 4.4 understands how to read and interpret footnotes in journal articles 4.5 understand what plagiarism entails
5. discuss the history of South African law and its role in the current context	5.1 can explain the foundations of the legal system 5.2 can outline the history of the legal system with reference to Roman law, Roman Dutch law and early South African law 5.3 understands the impact of the Constitution of 1996
6. understand the basic tenets of the law of civil procedure, criminal law, law of criminal procedure, business law, law of evidence and the law of business enterprises	6.1 provide a framework containing an explanation of when a relevant branch of the law will be applicable to a case study and what the basic solution would be to a problem contained in such a case study 6.2 provide a basic classification of South African law
7. identify the hierarchy of courts that exist in South Africa and explain/comprehend the role of the legal profession in this context	7.1 can identify the various courts in South Africa with reference to applicable legislation 7.2 can distinguish between the various branches of the legal profession 7.3 can describe the importance and scope of legal ethics and comprehend how ethical rules apply in practice
8. understand what alternative dispute resolution entails	8.1 can distinguish between formal litigation and alternative dispute resolution 8.2 can distinguish between the various forms of alternative dispute resolution
9. comprehend the importance of the Constitution of 1996 and human rights in the South African context	9.1 can briefly discuss the main provisions of the Constitution and the Bill of Rights 9.2 read and interpret the Constitution and Bill of Rights with reference to relevant national and international case law

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he or she:
10. understand the process and relevance of legal comparison	10.1 identify and characterise the various legal families of the world 10.2 knows what legal comparison entails
11. appreciate the inclusion of socio-economic rights in the Bill of Rights and more specifically comprehend the relationship between HIV/Aids and the legal system in the South African context	11.1 discuss the medical, social, political and legal aspects pertaining to HIV/Aids 11.2 read and interpret relevant law reports pertaining to socio-economic rights
12. have a basic understanding of legal argument and logic, and know what legal language entails	12.1 identify fallacies of argument 12.2 appreciate the relevance and application of legal language 12.3 use plain legal language
13. comprehend basic legal philosophy	13. identify and discuss various philosophical approaches to the law/legal rules and to express his/her own opinion in relation to various philosophical points of view

### 9.2.15 Jurisprudence (ARL0011) (JUR41A0)

Purpose of the module	Module NQF Level	Module NQF credits
This module aims to provide students with a critical introduction to Western and African approaches to legal philosophy and to encourage students to question the nature of the phenomenon of law and its significance as a form of social control. This module also aims to encourage the development of written communication skills and the student's effectiveness in group situations..	8	16

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he or she is able to:
1. critically evaluate competing theses regarding the question "what is law?" and articulate coherent arguments in support of various theoretical positions	1.1 write an essay which outlines, contrasts and compares existing and ongoing debates over the relationships between law, morality, society and politics 1.2 identify and explain the disparate social forces acting upon the nature of legal reasoning 1.3 analyse a set of facts and give a considered opinion if a given scenario should carry the label of law
2. critically evaluate competing theses regarding the question "what is a just law?" and articulate coherent arguments in support of various theoretical positions	2.1 write an essay which outlines, contrasts and compares existing and ongoing debates regarding the justness of a given scenario 2.2 communicate which beings or entities should be included in a theory of justice 2.3 critically analyse a set of facts and give a considered opinion if a given scenario can be said to be just

**9.2.16 Labour Law (ABR0021)(LLW41B0)**

Purpose of the module	Module old NQF level	Module NQF credits
A student who has successfully completed this module will have sufficient knowledge to be able to identify and solve labour law disputes in practice. The student will gain an insight into substantive law as contained in common law, individual service contracts and collective labour law as contained in legislation. The student will also be conversant with the necessary dispute routes and procedures and utilise these to create workable solutions.	8	16

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he or she is able to:
1. identify and solve basic labour law disputes	1.1 critically analyse a case study so as to determine the relevant sources of labour law that are relevant in a written report 1.2 describe the substantive law that would be applicable in any given scenario 1.3 generate/create a solution to a case study by applying all relevant contractual, statutory and case law principles in a written report
2. recognise and appraise the importance and functioning of equity legislation in the employment relationship	2.1 describe the effect and importance of the equality provision in the Bill of Rights for the purpose of labour law 2.2 generate guidelines on the provisions of the Employment Equity Act 55 of 1998 and apply these provisions to case studies in a written report
3. evaluate the importance of freedom of association in South African labour law	3.1 assess the current protection of freedom of association in South Africa by referring to both the Constitution and the Labour Relations Act in a written case study report 3.2 analyse the checks and balances in statutory regulation of the right to freedom of association in a written report 3.3 distinguish between the positive and negative rights to freedom of association and the right not to associate

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he or she is able to:
4. recognise and assess the regulation of collective labour relations in South Africa	4.1 apply the statutory provisions relevant to the collective relationship between workers and/or their representatives and employers or employers' organisations in case studies 4.2 identify the importance of organisational rights to unions and can formulate the requirements needed to qualify for such rights in a report 4.3 assess the importance of industrial actions in labour relations 4.4 evaluate a case study to determine whether or not there are protected or unprotected industrial actions and to determine what the consequences of such actions are 4.5 define a collective agreement based on a case study and illustrate when such an agreement will be considered a valid and enforceable agreement with reference to the definition of a collective agreement
5. recall the rights and obligations of the individual employment relationship	5.1 report on the common-law duties and obligations of the respective parties to the employment relationship 5.2 explain how legislation impacts on the individual employment relationship 5.3 illustrate an ability to solve case studies regarding dismissals by applying the law of unfair dismissal to such sets of facts
6. indicate and evaluate the relevant dispute routes and procedures for and labour law dispute	6.1 choose the appropriate forum where a dispute should be dealt with 6.2 compare different dispute routes and procedures 6.3 exploit the strengths and weaknesses of different dispute routes and procedures in a given case study 6.4 advise a client on issues relating to representation, time frames, right to appeal or review and the possible remedies in a given case study

### 9.2.17 Law of Civil Procedure (SPR0000) (CPR41Y0)

Purpose of the module	Module old NQF level	Module NQF credits
A student who has completed this module will have a thorough basic knowledge of the underlying principles of Law of Civil Procedure, the jurisdiction and functions of the various courts, <i>locus standi</i> , the relevant aspects of application and action procedures, appeals and reviews, execution and debt collection.	6	32

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he or she is able to:
1. know the basic principles and sources that govern civil procedure and apply them in practical situations	1.1 distinguish the various principles underlying an adversarial legal system 1.2 indicate which statutes and rules govern the South African Law of Civil Procedure

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he or she is able to:
2. explain the hierarchy and functioning of the various civil courts after studying them, and attending the courts on a structured basis	2.1 distinguish between the various court structures with reference to their specific powers and composition 2.2 distinguish between the functionaries of the respective courts
3. explain the principles that govern civil jurisdiction in the various courts and apply such principles in practical situations	3.1 indicate the various principles underlying the law of jurisdiction 3.2 indicate what the inherent jurisdiction of the High Court entails 3.3 explain and apply the statutory principles relating to High Court jurisdiction 3.4 explain the jurisdictional principles relating to foreign peregrinus defendants 3.5 explain and apply the principles relating to Magistrate's Court jurisdiction
4. know the principles that govern <i>locus standi</i> , joinder and representation, and apply them in practical situations	4.1 explain the principles applicable to <i>locus standi</i> and determine whether a person has <i>locus standi</i> in a given situation 4.2 distinguish between joinder of convenience and joinder of necessity, and apply this knowledge to a practical situation 4.3 explain the theory underlying High Court Rule 13 and apply it to a practical situation
5. give a complete overview of both the action and the application procedures and the functioning thereof and be able to apply them practically, with emphasis on the individual functioning of the respective components of these procedures	5.1 list the differences between the action and the application procedure, discuss the principles relating to disputes of fact and the various types of applications, and apply such knowledge to a practical situation to determine whether the application procedure should be used 5.2 show what a pleading is, distinguish between the various stages of the action procedure and the remedies and sanctions available in each stage, and draft the relevant notices and pleadings 5.3 explain how preparation for trial works, know the relevant procedure and and draft the relevant notices
6. explain the various debt collection procedures and skilfully apply them at a practical level	6.1 explain and apply the basic principles of execution 6.2 distinguish between the section 65 procedure, emoluments attachment orders and administration orders

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he or she is able to:
<p>7. distinguish between appeals and reviews and rescission of judgment and apply such knowledge to a practical situation</p> <p>8. demonstrate that he or she has acquired certain basic skills relating to drafting, consultation and presentation of argument that are essential for laying a proper foundation for the practice of civil procedure</p>	<p>7.1 explain the principles applicable to appeals and apply them to a practical situation</p> <p>7.2 explain the principles applicable to reviews and apply them to a practical situation</p> <p>7.3 explain the principles applicable to rescission of judgment and apply them to a practical situation</p> <p>8.1 explain the components of a successful consultation and can properly conduct such a consultation in accordance with a given set of facts</p> <p>8.2 argue an opposed civil motion successfully after being exposed to simulated motion court exercises</p> <p>8.3 draft heads of argument in support of a civil matter (after having done proper research and with specific emphasis on formulation of a legal argument.)</p> <p>8.4 exhibit and adhere to general court etiquette and codes of collegiality</p> <p>8.5 draft a wide variety of legal notices and pleadings</p> <p>8.6 cooperate with fellow students in a “firm” regarding practical litigation instructions, simulating situations that may occur in practice</p> <p>8.7 show communication skills that are essential for the legal profession</p>

**9.2.18 Law of Contract (KOR0000) (LCT41Y0)**  
(including specific contracts)

Purpose of the module	Module NQF level	Module NQF credits
The student will acquire a thorough understanding of the principles of the Law of Contract, including the requirements for a valid contract, the contents and operation of contracts, remedies of parties to a contract and termination of contracts. In addition, the above principles will serve as necessary background knowledge for students to continue to study the Nominate Contracts.	7	32

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he or she is able to:
1. understand, identify and apply the general principles pertaining to the law of contract	1.1 identify the sources of South African law of contract and sketch a history of the development of each of these sources 1.2 classify contractual terms as <i>essentialia</i> , <i>naturalia</i> , <i>incidentalia</i> , void, voidable and unenforceable terms 1.3 critically appraise the influence of the Consumer Protection Act 68 of 2008 on the South African law of contract
2. understand and apply the requirements for the validity of a contract	2.1 identify, describe and apply the rules pertaining to consensus, capacity to contract, legality, possibility of performance and formalities 2.2 critically appraise the influence of the Constitution on the South African law of contract
3. understand and apply the principles pertaining to the drafting and interpretation of contracts	3.1 distinguish between express, tacit and imputed terms and apply the principles to practical problems 3.2 describe and apply principles pertaining to rectification, presumptions of interpretation and maxims to practical problems
4. understand and apply the principles pertaining to transfer of rights	4.1 describe and apply the principles of agency, <i>stipulation alteri</i> , cession, delegation and assignment to practical problems 4.2 critically analyse the implications of plurality of parties and apply the principles to practical problems
5. understand and apply the principles pertaining to breach of contract and the relevant remedies that apply to each form of breach	5.1 identify the various forms of breach of contract and apply these principles to practical problems 5.2 identify the appropriate remedies for the various forms of breach of contract and provide advice as to the most appropriate remedy in given set of facts
6. Identify the most common nominate contracts and critically analyse the legal framework applicable to each contract	6.1 distinguish between the <i>essentialia</i> , <i>naturalia</i> and <i>incidentalia</i> of the various nominate contracts, including sale, lease, credit agreements, security and insurance 6.2 apply the legal principles pertaining to the various nominate contracts to practical problems 6.3 for each nominate contract, identify the appropriate legal framework and when applied to a set of facts, critically evaluate whether the requirements have been complied with
7. Critically analyse the role of alternative dispute resolution in contract law and apply the principles to practical situations	7.1 explain what is meant by alternative dispute resolution in the context of contract law 7.2 interpret typical alternative dispute resolution clauses and illustrate the impact of these for the parties to the contract

### 9.2.19 Law of Criminal Procedure (SAR0011) (CPR41A0)

Purpose of the module	Module NQF level	Module NQF credits
A student who has completed this module will have sufficient knowledge of the principles and procedures involved in criminal procedures.	7	16

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he or she is able to:
1. understand and apply the general principles and procedures underlying the different phases of the law of criminal procedure	1.1 discern different phases of the law of criminal procedure as applied in accordance with general principles 1.2 apply the different procedures and principles to the different phases of the law of criminal procedure, namely the investigation, plea, trial and post-trial phases 1.3 demonstrate an understanding of the inquisitorial procedural model as opposed to an accusatorial procedural model 1.4. apply the crime control and due process approach to criminal procedures 1.5 illustrate an understanding of procedures reflecting a contextual approach
2. have a basic knowledge of the various statutes applicable to the procedures that underlie the law of criminal procedure	2.1 understand that the different procedures are based on different statutes 2.2 illustrate knowledge of the relevance of statutes on the law of criminal procedure, such as the Constitution of South Africa 108 of 1996 and the Criminal Procedure Act 51 of 1977
3. understand the relationship between criminal law, law of evidence and the law of criminal procedure	3.1 understand that criminal law and law of evidence are also relevant regarding the different phases of the law of criminal procedure that underlie the criminal justice system 3.2 distinguish between criminal law, law of evidence and the law of criminal procedure during the different phases that underlie the criminal justice system
4. attend a criminal court hearing and complete an assignment in respect of the criminal case attended	4.1 attend the court hearing and answer the questions posed in respect of that court hearing, such as which criminal court heard the criminal matter, what the jurisdiction of the criminal court is, etc. 4.2 show an understanding of the practical relevance of the theoretical principles and procedures applicable to the procedure of the criminal court



5. practically apply the theoretical procedures and general principles that underlie the different phases in accordance with legislation to various sets of facts	5.1 answer the questions regarding a given set of facts 5.2 illustrate the relevance of practical knowledge of law of criminal procedure with reference to a set of facts
6. realise that as a jurist he/she must ensure that justice is applied in all criminal matters	6.1 demonstrate a realisation of the importance of the ethical conduct of a jurist in criminal matters 6.2 identify unethical conduct, resulting in an injustice, in a set of facts

### 9.2.20 Law of Delict (DER0000) (LDL41Y0)

Purpose of the module	Module old NQF level	Module NQF credits
A student who successfully completes Law of Delict will have sufficient knowledge and understanding of the law of delict to analyse delictual cases and disputes independently, form an opinion as to how the South African courts are bound to adjudicate a specific case or dispute and advise a client accordingly.	6	32

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he or she is able to:
1. Critically and independently analyse delictual cases and disputes to establish whether a particular set of facts give rise to a delictual action	1.1 list, discuss and identify the general elements of a delict 1.2 appraise a case study and report on which elements of a delict are absent or present as the case may be 1.3 differentiate between cases where fault, as an element of a delict, is present and those cases where it is not
2. advise a client in writing or orally as to how the South African Courts are bound to deal with specific cases or disputes	2.1 interpret and apply the general elements of a delict in a case study 2.2 describe how courts have dealt with similar cases in the past and estimate whether there is any reason to deviate from such approach in a specific case or dispute 2.3 advise a client in writing as to the appropriate remedy in the circumstances
3. analyse case studies, and communicate your knowledge by drafting letters, legal opinions, particulars of claim and heads of argument on behalf of a plaintiff	3.1 test the facts of a case against the general elements of a delict 3.2 prepare a letter or advice on evidence that provides a substantiated opinion in a coherent fashion on the expected outcome of a case. 3.3 Draft the particulars of claim on behalf of a plaintiff on any delictual claim.

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he or she is able to:
4. apply knowledge and comprehension of sources on all the elements of a delict to furnish a client with comprehensive advice and write heads of argument to argue a specific case	4.1 recognise the basis for a delictual action (whether patrimonial or non-patrimonial loss) and apply the principles to a case study 4.2 describe and apply the requirements for such loss to be compensated 4.3 argue a case on behalf of a plaintiff or a defendant

### 9.2.21 Law of Evidence and Litigation Techniques (BWR0000) (LEL41Y0)

Purpose of the module	Module NQF level	Module NQF credits
A student who has completed this module successfully will be able to identify and distinguish between the principles of the law of evidence, answer admissibility questions, apply the various principles of the law of evidence to sets of facts, and master strategies and techniques of litigation at a practical level.	7	32

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he or she is able to:
1. identify and analyse the origins and principles of the Law of Evidence	1.1 locate the place of the Law of Evidence in the wider legal system 1.2 relate to the different phases of development of the Law of Evidence 1.3 critically distinguish and analyse the different concepts found in the Law of Evidence 1.4 reflect on the different sources of the Law of Evidence and determine the applicability of such source to a given set of facts
2. solve problems regarding admissibility questions by understanding the relationship between relevancy and admissibility	2. evaluate the differences between relevancy and admissibility of evidence
3. demonstrate knowledge and understanding of admissibility questions	3.1 explore and reflect on the five relevance applications (relating to previous consistent statements, similar facts, character evidence, collateral facts and opinion evidence) 3.2 analyse and evaluate five more specific admissibility questions (relating to competence and compellability, privilege, hearsay evidence, documentary evidence as well as admissions and confessions)

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he or she is able to:
4. apply the various principles of the Law of Evidence to sets of facts	4.1 evaluate whether a rule or principle of admissibility is applicable in a case study and whether the facts indicate that an exception to the rule is relevant 4.2 argue that certain evidence should be (dis)allowed in a particular scenario by integrating the rules relating to questions of admissibility of evidence 4.3 evaluate evidence in its different formats 4.4 distinguish between the concepts of burden of proof and burden of rebuttal by forming an opinion on which party carries which burden in a case study 4.5 differentiate between standards of proof in criminal trials and civil trials
5. demonstrate advanced competency to master strategies and techniques of litigation at a practical level	5.1 analyse which requirements and skills are necessary for a competent negotiator and litigator 5.2 evaluate various litigation techniques 5.3 create examination-in-chief, re-examination and cross-examination questions and arguments in a given scenario

### 9.2.22 Law of Insolvency (INR0011) (LIN41B0)

Purpose of the module	Module old NQF level	Module NQF credits
A student who completes this module will have knowledge of the legal rules that are applicable when a company is wound up, the estate of a debtor is sequestrated or a company is placed under business rescue proceedings, including the practical consequences thereof and will be able to propose solutions to legal disputes in this regard.	8	16

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he or she is able to:
<ol style="list-style-type: none"> <li>1. understand the development of the insolvency law in South Africa and comprehend the purpose and nature of the insolvency law</li> <li>2. formulate and understand the main principles applicable to the sequestration process and the winding up process in terms of the Companies Act</li> <li>3. understand and advise on the principles relating to business rescue</li> </ol>	<ol style="list-style-type: none"> <li>1.1 critically discuss the foundation and history of the South African insolvency law</li> <li>1.2 define the purpose of insolvency law</li> <li>2.1 identify and critically discuss the statutory requirements and formalities in regard to compulsory and voluntary sequestration applications, compulsory and voluntary winding up and the effects thereof as applied to a given case study</li> <li>2.2 distinguish in writing between the different forms of recognised security in South African insolvency law and formulate the rules regarding the application of the proceeds of the insolvent estate by applying these rules to a set of facts</li> <li>2.3 formulate and critically evaluate the legal principles and identify in writing the conduct and interests protected by the Constitution in regard to interrogations, creditor meetings and proof of claims in an insolvent estate</li> <li>2.4 advise a client in writing on the statutory and common-law rules and identify and resolve complex problems relating to impeachable transactions and uncompleted contracts</li> <li>2.5 critically evaluate and discuss in writing the legal principles regarding the administration process of an insolvent estate</li> <li>3.1 explain and critically evaluate the principles that a business rescue model should entail</li> <li>3.2 identify and resolve complex problems relating to the legal rules applicable to business rescue</li> </ol>

**9.2.23 Law of Negotiable Instruments and Banking Law (WRG0021) (LNI41B0)**

Purpose of the module	Module old NQF level	Module NQF credits
To equip students to understand and to deal with the fundamental aspects of the bank-customer relationship and instruments of payment involving banks, with reference to negotiable instruments and cheques, payment cards, credit and debit transfers, documentary collections and letters of credit.	8	16

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he or she is able to:
<ol style="list-style-type: none"> <li>Understand,, describe, analyse and differentiate the concepts of money (including electronic and mobile money), payment and legal tender</li> <li>Understand, describe and evaluate critically the meaning of “bank” and “banking law”, and the different sources of banking law</li> <li>Understand and evaluate critically the bank-customer relationship, its nature, content, sources, the rights and duties emanating from it, and the manners in which it can be terminated</li> <li>Understand , describe and apply the fundamental principles of the law of bills of exchange with reference to especially trade bills, bankers’ acceptances and cheques</li> </ol>	<ol style="list-style-type: none"> <li> <ol style="list-style-type: none"> <li>explain and differentiate between the concepts listed alongside</li> <li>explain when and whether payment of a particular debt has occurred</li> <li>apply this knowledge relating to to practical situations (in order, for example, to provide legal advice)</li> </ol> </li> <li> <ol style="list-style-type: none"> <li>explain the concepts listed alongside</li> <li>explain the different sources of banking law and how they integrate with one another</li> <li>find and apply the legal principles governing banking amongst the various sources of banking law</li> <li>explain the impact of the Code of Banking Practice and the Constitution on banks and banking law.</li> </ol> </li> <li> <ol style="list-style-type: none"> <li>explain the concepts listed alongside with reference to relevant case law</li> <li>apply knowledge relating to these concepts to practical situations (in order, for example, to provide legal advice)</li> </ol> </li> <li> <ol style="list-style-type: none"> <li>explain the concepts listed alongside with reference to relevant legislation and case law</li> <li>apply knowledge relating to these concepts to practical situations (in order, for example, to provide legal advice)</li> </ol> </li> </ol>

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he or she is able to:
5. Understand , describe, evaluate critically and apply the law relating to debit and credit transfers, credit cards, documentary collections and letters of credit	5.1 explain the concepts listed alongside with reference to relevant case law and ICC instruments 5.2 apply knowledge relating to these concepts to practical situations (in order, for example, to provide legal advice)

### 9.2.24 Law of Persons and the Family (PER0000) (LPF41Y0)

Purpose of the module	Module NQF level	Module NQF credits
Upon the completion of the course, a student will have acquired the necessary knowledge of the basic terminology and principles of the South African law of persons to be able to apply this knowledge to a practical set of facts. A student will also have a thorough knowledge of the basic principles of South African family law and will be able to apply this knowledge at a practical level to a wide range of factual situations.	5	32

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he or she is able to:
1. show that he/she has acquired the necessary knowledge of the basic terminology and principles of the law of persons	1.1 is able to recall and define basic concepts of the law of persons 1.2 is able to explain the role and place of the subject field in the wider legal system
2. demonstrate knowledge and understanding of the beginning and end of legal subjectivity	2.1. is able to discern whether or not a subject has legal subjectivity and can be the bearer of rights 2.2. is able to record the instances through which legal subjectivity will be terminated
3. demonstrate knowledge and comprehension of four factors that influence the status of a natural person	3.1. is able to list the relevant factors 3.2. is able to recognise the factors that are present in a case study and proceed to apply the rules relating to such factors to describe how the status of the person is influenced thereby
4. illustrate a thorough knowledge of the basic principles of the South African family law	4.1. is able to apply the knowledge gained in the course on a practical level to a wide range of factual situations 4.2. is able to explain the role and place of family law in the wider legal system 4.3. is able to research and find the relevant law in order to write answers to questions relating to the Law of Persons and the Family, including answering questions based on factual scenarios

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he or she is able to:
5. demonstrate knowledge and understanding of the legal requirements for the conclusion of a valid engagement and marriage, as well as for the termination thereof.	5.1. is able to list the legal requirements for the conclusion of a valid engagement and marriage (or termination thereof) 5.2. is able to evaluate a case study to determine whether or not a valid engagement or marriage has been concluded or not
6. demonstrate a good understanding of all relevant consequences of a valid marriage	6.1. is able to compare critically the different matrimonial property law systems applicable in South Africa 6.2. is able to illustrate the personal and financial consequences of marriage 6.3. is able to calculate the amount of accrual to which a spouse is entitled at death or divorce, after evaluating a case study
7. demonstrate knowledge and understanding of parental responsibilities and rights and family mediation	7.1. is able to list and discuss the relevant principles relating to parental authority 7.2. is able to evaluate a factual scenario and explain what principles relating to parental responsibilities and rights are applicable 7.3. is able to explain the basic principles governing family mediation 7.4. is able to use the knowledge acquired of family mediation in order to resolve problems based on a case study
8. demonstrate an understanding of the legal principles dealing with domestic violence and the abuse of children and aged persons	8.1. is able to discuss the relevant principles of the law relating to domestic violence and the abuse of children and aged persons 8.2. is able to apply the relevant principles relating to domestic violence and the abuse of children and aged persons to a case study

### 9.2.25 Law of Property (SAK0000) (LPY41Y0)

Purpose of the module	Module NQF level	Module NQF credits
. A student who has successfully completed this module will have an integrated knowledge of the main areas of property law and will be able to identify and solve property law disputes in practice. The student will gain an insight into substantive law as contained in the common law, case law, statute law and the Constitution. The student will also be conversant with the key property law remedies.	7	32

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he or she is able to:

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he or she is able to:
<p>1. identify and solve accurately property law disputes encountered in practice by providing written advice to clients</p> <p>2. recognise and assess precisely the fallacies in the construal and application of theories developed by the cour</p>	<p>1.1 name and describe the substantive legal principles that are applicable in any given scenario</p> <p>1.2 choose and explain in detail the appropriate legal remedy to solve dispute at hand as well as its requirements</p> <p>1.3 solve the legal dispute by applying the relevant legal principle(s) and the requirements of the applicable remedy, as found in the common law, case law, statute law, and the Constitution</p> <p>2.1 identify and discuss the property law theory applicable to a factual scenario and distinguish the different applications of the theory by the courts</p> <p>2.2 recognise and justify the accurate application of the theory in view of property law doctrine</p> <p>2.3 explain and criticise the fallacious application of the theory by the courts</p> <p>2.4 apply the theory precisely to a factual scenario to solve a legal dispute</p>



Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he or she is able to:
<p>3. reflect on and assess generally the relative strength and limits of ownership in different contexts</p> <p>4. undertake legal research and prepare a written assignment based on a legal problem</p> <p>5. explain generally the importance and functioning of transformative legislation and fundamental human rights when solving property disputes</p>	<p>3.1 recall the property law principles, court cases and relevant provisions in the Bill of Rights that are relevant for construing the content and limits of ownership in the context of the rights' paradigm</p> <p>3.2 recognise how of both private law (specifically neighbour law) and public law (the Bill of Rights, specifically section 26 of the Constitution) place limitations on ownership</p> <p>3.3 demonstrate an understanding of why ownership, even though it is the most complete right a person can have in property, cannot be regarded as an absolute and individualistic right in modern South African law</p> <p>4.1 access, evaluate, interpret and use different legal sources to conduct legal research</p> <p>4.2 use different legal sources in an ethical and fair manner</p> <p>4.3 comprehend what plagiarism entails and avoid plagiarism through proper referencing</p> <p>4.4 grasp the structure of a range of legal sources in South Africa</p> <p>4.5 read legal sources and identify parts relevant for solving the problem at hand</p> <p>4.6 analyse advanced legal problems and apply relevant legal principles</p> <p>4.7 summarise and paraphrase legal sources</p> <p>4.8 produce a clearly structured and well-finished academic assignment</p> <p>4.9 write clearly and logically</p> <p>4.10 use plain language in legal writing</p> <p>5.1 describe the importance of the housing provision in the Bill of Rights and its effect on an owner's right to reclaim property in the possession of another person</p> <p>5.2 analyse and apply the relevant provisions of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998 to solve a factual scenario</p>

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he or she is able to:
6. evaluate in detail the constitutionality of state interferences with property	<p>6.1 recall the provisions in section 25 of the Constitution that are applicable to a constitutional property dispute</p> <p>6.2 follow a logical (ie structured) method for assessing the constitutionality of a law authorising a property infringement</p> <p>6.3 define “property” for purposes of the property clause and ascertain whether the affected interest in a factual scenario enjoys protection under the property clause</p> <p>6.4 explain “deprivation” and “expropriation”, describe the difference between them and assess which one is present in a factual scenario</p> <p>6.5 describe and evaluate the justification behind a deprivation under the non-arbitrariness test in section 25(1) of the Constitution to ascertain whether the authorising law is constitutional</p> <p>6.6 discuss the importance of land reform, especially the land restitution programme, in modern South African law</p>

### 9.2.26 Law of Succession (ERF0011) (LSU41A0)

Purpose of the module	Module NQF level	Module NQF credits
The purpose of this module is to equip students with a basic understanding of the law of succession in South Africa. A student who has successfully completed this course will be able to identify and apply the relevant legal rules to a practical problem, and critically assess the various principles contained in the law of succession. In addition, the student will be able to evaluate judgments and use them to develop their arguments regarding the application of the law. The student will also be able to appreciate the impact of the Constitution on the law of succession. Minor research and use of both online and physical information sources will be required, and students will be examined by means of written tests.	6	16

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he or she is able to:
<p>1. Understand and critically apply the rules of the South African law of intestate succession, including the common law and customary law rules</p> <p>2. Understand and critically apply the rules of the South African law of testate succession</p> <p>3. Provide reasons for your identification of these situations and explain the substantive rules</p>	<p>The learner will be competent if he or she is able to:</p> <p>1.1 You will be considered competent to understand and apply the rules of the law of intestate succession if you can:</p> <p>1.2 Identify how parties can inherit intestate, focusing on capacity to inherit and any rules which impact this</p> <p>1.3 Use a given set of facts to illustrate how the law of intestate succession in South Africa is applied</p> <p>1.4 Distinguish between situations where the common law rules must be applied and situations where the customary law must apply.</p> <p>1.5 Provide reasons for your identification of these situations and explain the substantive rules</p> <p>2.1 You will be considered competent to understand and apply the rules of the law of testate succession if you can:</p> <p>2.2 Identify how parties can inherit testate, with reference to the relevant legislation</p> <p>2.3 Identify whether or not a document is a valid will, with reference to the various formalities found in legislation and case law</p> <p>2.4 Analyse court judgments regarding testate succession and use them to illustrate how the law of testate succession must be applied in a given set of facts</p> <p>2.5 Explain the substantive rules governing the law of testate succession</p> <p>3.1 You will be considered competent to critically assess the historical development of the law of succession in South Africa if you can:</p> <p>3.2 Identify and discuss the various legislation that was previously applicable to intestate succession of black persons</p> <p>3.3 Discuss the impact of the Constitution of South Africa on the application of these laws</p> <p>3.4 Discuss the legislative reform of the law of intestate succession and evaluate whether or not such reform has been effective in our current dispensation</p>

### 9.2.27 Legal Skills (LSK41A0)

Purpose of the module	Module NQF level	Module NQF credits
<ul style="list-style-type: none"> <li>The purpose of the module is to equip students with the basic competences and basic practical skills required for the successful study and practice of Law.</li> <li>A student who has successfully completed this course will be able to access and understand a range of sources of information, through both the physical and virtual library as well as other information sources, undertake legal research, analyse a legal problem and produce an associated written assignment.</li> <li>In addition, the student will be able to draft a range of legal documents and have developed the basic numeracy skills required for Law, and the basic litigation skills needed to apply the substantive law formally.</li> </ul>	5	16

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he or she:
1. undertake legal research and prepare a written assignment based on a legal problem	1.1 has been exposed to library orientation and knows how to access, evaluate, interpret and use information for legal research purposes 1.2 knows how to use information in an ethical and fair manner 1.3 understands what plagiarism entails and avoids plagiarism through proper referencing. 1.4 understands the structure of a range of legal sources in South Africa 1.5 can read legal and other relevant sources and identify issues of relevance 1.6 can analyse basic legal problems and apply relevant legal rules 1.7 can summarise and paraphrase texts 1.8 can produce a clearly structured and well finished academic assignment 1.9 can write clearly and logically 1.10 can use plain language in legal writing 1.11 understands, values and can explain the role of our Constitution, constitutional values and a therapeutic approach towards the law
2. understand the nature of legal drafting and draft basic legal documents	2.1 can analyse the structure of a range of legal documents 2.2 can draft a letter to a client using plain language 2.3 can draft a range of basic legal documents

<b>Module learning outcomes</b>	<b>Module assessment criteria</b>
The learner will be able to:	The learner will be competent if he or she:
3. understand the nature of legal argument and logic and display this understanding in plain legal language 4. understand and apply basic mathematical processes in a legal context 5. understand and apply mediation appropriately in the context of Family Law	3.1 can identify the fallacies of argument 3.2 can display basic litigation skills through opening and closing arguments 4. can understand and apply the basic concepts and processes of addition, subtraction, multiplication and division, as well as fractions and percentages in a range of legal contexts 5.1 can demonstrate an understanding of family mediation, the value of therapeutic outcomes and the role of mediation in the South African legal system 5.2 can indicate when mediation as an alternative dispute resolution method is required 5.3 can demonstrate basic interviewing skills within the context of mediation 5.4 can draft relevant legal documents in the context of mediation, based on real life situations

### 9.2.28 Private International Law (IPR0014) (PIL41A0)

<b>Purpose of the module</b>	<b>Module old NQF level</b>	<b>Module NQF credits</b>
<p>The purpose of this module is to equip students with a basic understanding of private international law in South Africa. A student who has successfully completed this course will be able to identify and apply the relevant legal rules to a practical problem, and critically assess the various principles contained in private international law. As part of their assessment, the students will be required to complete a written research assignment regarding the impact of the general principles of private international law. In doing so, the students will make use of physical and online information sources, and will be developing critical thinking, writing and research skills. The student will also be able to identify various international organisations, and evaluate the impact that international legal instruments have on South African private international law</p>	8	16

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he or she is able to:
<p>1. Understand and apply the rules of South African private international law in the context of family law, the law of succession, the law of property, the law of contract, the law of delict, the law of unjustified enrichment and the law of procedure and evidence</p> <p>2. Critically assess the impact of the general principles of private international law in this regard, including the doctrines of the exclusion of foreign law, classification, <i>renvoi</i> and the incidental question</p> <p>3. Identify rules and principles of private international law and international commercial law as formulated by international organisations</p>	<p>1.1 You will be considered competent to understand and apply the rules of South African private international law if you can:</p> <p>1.2 Identify the correct legal system to be applied in civil and commercial disputes with an international link from a given set of facts</p> <p>1.3 Provide reasons for your identification of such a system and explain how the various rules would apply</p> <p>Explain the substantive rules</p> <p>2.1 You will be considered competent to critically assess the impact of the general principles of private international law if you can:</p> <p>2.2 Correctly identify and define each of the general principles</p> <p>2.3 Apply these principles to a given set of facts</p> <p>2.4 Analyse these principles and assess the advantages and disadvantages of applying them in South African law</p> <p>2.5 Provide your own researched opinion on how these advantages and disadvantages affect South African private international law</p> <p>3.1 You will be considered competent to identify the various rules and principles of private international law and international commercial law as formulated by international organisations if you can:</p> <p>3.2 Identify the relevant international organisations and their respective goals</p> <p>3.3 Identify the relevant legal instruments produced by these organisations and show how the principles that they contain link to South African private international law</p>

**9.2.29 Social Security Law (SSL0021) (SSL41B0)**

Purpose of the module	Module NQF level	Module NQF credits
A student who has successfully completed this module will be able to identify and solve social security law disputes in practice. The student will gain an insight into substantive law as contained in legislation, international standards and regional instruments. The student will also be conversant with the pertinent monitoring, adjudication and enforcement of social security.	8	16

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he or she is able to:
1. analyse the sources and principles of social security law	1.1 select the relevant sources of social security law applicable to a case study 1.2 examine the different concepts found in social security law 1.3 solve a case study by applying all relevant constitutional, statutory and case law principles 1.4 assess the effect and importance of the rights enshrined in the Bill of Rights for the purpose of social security law
2. evaluate the existing legal framework of social security in South Africa	2.1 explain the importance of the constitutional framework 2.2 demonstrate an understanding (a critical insight?) of the applicable statutes dealing with both social assistance and social insurance by analysing a factual case study 2.3 analyse a case study for the issues relating to equality in social security coverage 2.4 discuss the relevant legislative provisions pertaining to administration and institutional framework of social security
3. elaborate on the various social risks catered for in the South African social security law	3.1 critically discuss the scope of application of pertinent social security laws 3.2 evaluate a case study to determine whether or not the eligibility requirements for social security benefits have been complied with 3.3 discuss the different ways in which the social security benefits are protected
4. demonstrate an understanding of the importance and relevance of international standards in social security provisioning	4.1 discuss the scope and content of international agreements which pertain to the field of social security 4.2 recognise the relevant social security international instruments which have been ratified by South Africa and discuss the duties imposed by such instruments on South Africa 4.3 analyse the link between international instruments and the social security legislative framework

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he or she is able to:
5. illustrate insight regarding the impact of regional standards on social security in South Africa	5.1 describe the Southern African Development Community (SADC) structures and instruments which provide for social security in the region 5.2 provide an opinion on the implications of the pertinent SADC social security instruments for social security in the region and in member states
6. evaluate the monitoring, adjudication and enforcement of social security	6.1 define/create an appropriate forum where a social security dispute should be dealt with based on a case study (factual set) 6.2 discuss the role of supervisory bodies (such as the South African Human Rights Commission) in monitoring social security rights 6.3 critically assess the various internal and external review and appeal mechanisms available in the South African social security system

### 9.2.30 Tax Law (BRE0011) (TLW41A0)

Purpose of the module	Module old NQF level	Module NQF credits
A student who has passed this module will have a sound knowledge of the principles of the income tax law. Although the module is theoretical in nature, the general principles are illustrated with practical examples.	8	16

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he or she is able to:
1. demonstrate an understanding of when an individual will be liable for income tax in terms of South African tax laws	1.1 explain each component of the gross income formula in depth 1.2 distinguish comprehensively between direct and indirect taxation in South Africa
2. compare the tax liability of a resident and non-resident	2.1 critically analyse the principles of residence for tax purposes in a factual set 2.2 determine in a given case whether income was received from a source within the Republic or deemed to be within the Republic 2.3 identify and motivate which receipts will qualify as specific inclusions in a taxpayer's gross income and which receipts will qualify as partial or absolute exemptions



Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he or she is able to:
3. provide advice on how business entities will be taxed in terms of the South African Income Tax Act 58 of 1962  4. describe the relevant rules relating to donations tax  5. recognise and evaluate the anti-avoidance provisions as found in the Income Tax Act 58 of 1962	3.1 make an analysis of the tax liability of a company, having specific regard to current amendments resulting in the taxation of dividends 3.2 compare the tax liability of a close corporation with that of a company 3.3 explain the tax liability of a partnership 3.4 discuss critically the tax liability of a trust  4. list and argue which donations/gifts will be exempt from donation tax  5.1 discuss critically the difference between tax avoidance and tax evasion, as well as the importance of section 80A – 80L in this regard 5.2 explain comprehensively the common law anti-avoidance and the difference between the old section 103 and the new section 80A – 80L

### 9.2.31 RESEARCH METHODOLOGY (RMD41B0)

Purpose of the course	Module old NQF level	Module NQF credits
<p>The purpose of this module is to provide students with the theoretical methods and principles applicable to the field of study. This would be the Law. A student who completes this course will be able to conduct research independently.</p> <p>In the context of the degree, the practical application of the skills and knowledge acquired in the course is assessed by students completing a research paper in one of the four final year LLB elective modules, namely <i>Capita Selecta</i>: Mercantile law (CML41B0), International Trade Law (ITL41B0), Social Security Law (SSL41B0) and Cyber Law (CYL41B0).</p> <p>Specific outcomes:</p> <ul style="list-style-type: none"> <li>• Understand research terminology</li> <li>• Awareness of the ethical principles of research, ethical challenges and approval processes</li> <li>• Understand and apply quantitative, qualitative and mixed methods approaches to research</li> <li>• Demonstrate an understanding of the critical literature review process</li> <li>• Critically analyse and engage with published research</li> </ul>	N/A	8

Course learning outcomes	Course assessment criteria
The learner will be able to:	The learner will be competent if he or she is able to:
<p>1. Identify a research topic related to one of the four final year electives (<i>Capita Selecta</i>: Mercantile law, International Trade Law, Social Security Law and Cyber Law).</p> <p>2. Formulate a clear research question.</p> <p>3. Reflect on an appropriate research methodology.</p> <p>4. Create a hypothesis to answer the research question.</p> <p>5. Identify and obtain appropriate sources.</p>	<p>1.1 Develop a research topic</p> <p>1.2 Argue and develop a substantive motivation on the viability of the research.</p> <p>2.1 Identify research objectives;</p> <p>2.2 Motivate and argue for the basis of the research;</p> <p>2.3 Identify key questions salient to the research topic</p> <p>3.1 Identify types of legal research methodologies</p> <p>3.2 Distinguish between doctrinal analysis, jurisprudential perspectives, socio-legal research and comparative legal analysis as potentially appropriate legal research methodologies.</p> <p>3.3 Identify, describe and substantiate the most appropriate methodology for the research paper.</p> <p>4.1 Distinguish the research question from the hypothesis.</p> <p>4.2 Formulate an appropriate legal hypothesis to answer the research question.</p> <p>5.1 Distinguish between primary and secondary sources.</p> <p>5.2 Access, peruse and demonstrate a working knowledge of UJ's plagiarism policy and academic conventions.</p> <p>5.3 Demonstrate a sound working knowledge of proper referencing techniques.</p>

### 9.3 Undergraduate Service Modules

#### 9.3.1 Business Law 1A (BUS11A1, BSL11A1, BUL41A1)

Purpose of the module	Module NQF level	Module NQF credits
<ul style="list-style-type: none"> <li>▪ Learners will be enabled to acquire a basic knowledge and reflective understanding of the prescribed substantive law.</li> <li>▪ Learners will be introduced to the basic requirements for a valid contract and the consequences of contracts.</li> </ul>	5	15
Module learning outcomes	Module assessment criteria	
The learner will be able to:	The learner will be competent if he/she is able to:	

<p>1. identify and explain the sources of South African Law</p>	<p>1.1 define the concept “law”  1.2 define the concept “ethics”  1.3 define the concept “positive morality”  1.4 distinguish legal rules from the above normative systems and provide examples of each  1.5 name and discuss the sources of law with reference to case law  1.6 briefly discuss the influence of the Constitution of 1996  1.7 explain the concept “the law of obligations”  1.8 explain the concept “mercantile law”  1.9 draw a diagram of the SA court system (hierarchy of courts)  1.10 briefly discuss each court and its function  1.11 distinguish between civil and criminal cases and discuss the features of each type of case  1.12 define the concept “jurisdiction”  1.13 explain the jurisdiction of the different courts  1.14 discuss the nature of proceedings in the Small Claims Court  1.15 explain how judgment is executed in civil and criminal cases respectively  1.16 define the concept “divided profession”  1.17 briefly discuss the various legal practitioners and the function of each practitioner in the justice system</p>
<p>2. briefly define the law relating to contract and basic concepts used</p>	<p>2.1 explain the concept “<i>obligatio</i>”  2.2 explain the consequences of an “<i>obligatio</i>”  2.3 identify 4 subjective rights and discuss the content of each right  2.4 distinguish between a natural person and a legal person  2.5 define a “personal right”  2.6 define a “reciprocal contract”  2.7 state the minimum number of parties to a contract  2.8 name the requirements for a contract to be valid  2.9 define a “valid contract”  2.10 define a “void contract”  2.11 define a “voidable contract”  2.12 define an “unenforceable contract”  2.13 name the consequences of each of the abovementioned types of contract  2.14 distinguish between the <i>essentialia</i>, <i>naturalia</i> and <i>incidentalia</i> of a contract</p>
<p>3. explain the requirement of serious intention to conclude a contract</p>	<p>3.1 explain the requirement of serious intention to conclude contract  3.2 distinguish between the different approaches followed by different legal systems in so far as this requirement is concerned  3.3 explain and apply the <i>iusta causa</i> principle with reference to case law</p>

<p>4. explain and demonstrate consensus (meeting of the minds) and how it comes about</p>	<p>4.1 explain the requirement that the parties must reach consensus  4.2 identify and discuss the sources of consensus  4.3 define the following concepts: “offer”; “acceptance”; “counter-offer” and “option”  4.4 name and apply the requirements for a valid offer with reference to case law  4.5 name the ways in which an offer may be terminated  4.6 name and apply the requirements for a valid acceptance (of an offer)  4.7 demonstrate an understanding of the theories indicating the time and place a contract was concluded  4.8 briefly state, with reference to case law, which theory is used in cases of contracts concluded by telephone, fax, and electronically  4.9 briefly state whether terms on tickets and receipts form part of the agreement  4.10 define a so-called “tacit agreement”</p>
<p>5. explain and apply the factors that may influence consensus, and to consider whether each of them renders the contract either void or voidable</p>	<p>5.1 name the different factors that can influence consensus  5.2 define the following concepts: “mistake”, “misrepresentation”, “duress” and “undue influence”  5.3 name and explain, with reference to case law, the requirements for each of these factors  5.4 understand how the validity of a contract is influenced by each of these factors  5.5 distinguish between the different types of mistake (<i>error</i>)  5.6 distinguish between the different types of misrepresentation  5.7 discuss the remedies available in each case  5.8 explain the concept “rectification”</p>
<p>6. explain and apply the meaning of contractual capacity and the contractual capacities of different categories of persons</p>	<p>6.1 explain the requirement of contractual capacity  6.2 distinguish between full, limited and no contractual capacity  6.3 define a minor and distinguish between different categories of minors  6.4 discuss fully the contractual capacity of a minor  6.5 explain and apply the concept “ratification” (distinguish from “rectification”)  6.6 explain and apply the concept “emancipation”  6.7 explain what contracts a minor can conclude without any assistance  6.8 discuss the contractual capacity of married persons  6.9 distinguish between the different matrimonial property systems  6.10 discuss the contractual capacity of an insane person  6.11 discuss what happens if the insane person contracts during a <i>lucidum intervallum</i>  6.12 state the contractual capacity of a drunken person  6.13 define a prodigal and state his/her contractual capacity  6.14 state the contractual capacity of an insolvent person  6.15 state the contractual capacity of a legal person (body corporate)</p>

7. explain the term “legality” and consider the effect of illegality on a contract	7.1 evaluate the impact of legality on the validity of a contract 7.2 discuss the requirement that a contract must be lawful in order to be valid 7.3 explain the <i>ex turpi causa</i> rule 7.4 explain the <i>par delictum</i> rule 7.5 discuss the lawfulness of a restraint of trade agreement
8. identify and illustrate the different formalities that can be required for a contract to come into existence	8.1 discuss whether <i>all</i> contracts require some kind of formality or not 8.2 name the different types of formalities that may apply to contracts 8.3 highlight the impact of formal requirements on the validity of a contract 8.4 briefly discuss what the consequences are when the formality was not adhered to 8.5 explain what the <i>parol evidence</i> rule is
9. explain the possibility of certain or ascertainable performance under the contract as a requirement for a valid contract, and to consider the effects of initial and supervening impossibility of performance on a contract	9.1 define the concept “performance” 9.2 distinguish between subjective and objective impossibility of performance 9.3 explain what initial impossibility of performance is and the consequences thereof 9.4 explain what supervening impossibility of performance is and the consequences thereof 9.5 distinguish supervening impossibility of performance from the type of breach of contract known as “rendering performance impossible”
10. demonstrate the consequences of valid, void and voidable contracts	10. explain the consequences of valid, void and voidable contracts
11. identify the different parties who may be party to, or involved in, a contract	11.1 explain the concepts “debtor” and “creditor” 11.2 explain the concepts “co-debtor” and “joint creditor” 11.3 distinguish between joint liability ( <i>pro rata</i> ) and several liability ( <i>in solidum</i> ) 11.4 explain what is meant by a contract for the benefit of a third party 11.5 distinguish the concepts “assignment”, cession” and “delegation” and provide an example of each
12. identify and explain the different terms that make up a contract	12.1 define: <i>essentialia, naturalia, incidental</i> 12.2 distinguish between essential and non-essential terms 12.3 distinguish between express and implied terms 12.4 distinguish between suspensive and resolute conditions and provide examples of each 12.5 define a “time” clause 12.6 define a “guarantee”

13. define and explain the principles relating to breach of contract and the different forms it can take	13.1 identify the various forms of breach of contract 13.2 define and name the requirements for each of the following: 1) <i>mora debitoris</i> ; 2) <i>mora creditoris</i> ; 3) repudiation; 4) positive malperformance; 5) “rendering performance impossible” 13.3 apply the principles relating to breach of contract to practical cases
14. identify and explain the correct remedies for the different kinds of breach of contract	14.1 explain what a “remedy” is 14.2 define the concept “specific performance” 14.3 explain when specific performance is not available as remedy 14.4 define “cancellation” 14.5 briefly discuss damages as remedy and the quantification of damages 14.6 distinguish a claim for damages from a penalty clause contained in a contract 14.7 explain what an interdict is and identify various types of interdicts 14.8 briefly explain what the defence “ <i>exceptio non adimpleti contractus</i> ” refers to
15. identify and explain the different ways in which a contract can come to an end	15.1 name and define all the ways in which a contract can be terminated 15.2 distinguish termination of a contract from breach of contract 15.3 state what the consequences of termination are
16. explain and apply – in the actual interpretation of a law – the theory, rules and principles of interpretation theory	16.1 explain the guidelines to interpret statutes 16.2 discuss the various presumptions of interpretation

### 9.3.2 Business Law 1B (BSL11B1, BUS11B1, BUL41B1)

Purpose of the module	Module NQF level	Module NQF credits
<ul style="list-style-type: none"> <li>▪ Learners will be enabled to acquire a basic knowledge and reflective understanding of the prescribed substantive law.</li> <li>▪ Learners will be enabled to discuss basic principles of different categories of specific contracts.</li> </ul>	5	15

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
<p>1. understand the law pertaining to contracts of sale</p> <p>2. identify, apply and discuss the salient provisions of applicable legislation (i.e. the National Credit Act (NCA) 34 of 2005) and understand the concept of buying or leasing goods and services on credit</p> <p>3. understand the concept of using and enjoying property while the ownership of it lies elsewhere</p>	<p>1.1 define a contract of sale</p> <p>1.2 name and explain the <i>essentialia</i> of such a contract</p> <p>1.3 describe the basic principles associated with this specific contract</p> <p>1.4 explain when a contract is “<i>perfecta</i>”</p> <p>1.5 name the requirements for ownership to be transferred in the case of movable and immovable property respectively</p> <p>1.6 briefly explain the “warranty against eviction”</p> <p>1.7 briefly explain the “warranty against latent defects”</p> <p>1.8 understand the consequences of a “voetstoots” or “as is” clause</p> <p>1.9 explain the special rights of the purchaser</p> <p>1.10 briefly explain the “passing of the risk” rule</p> <p>2.1 describe the basic principles associated with credit agreements</p> <p>2.2 name and explain the basic terms used in the NCA</p> <p>2.3 briefly discuss the purpose and application of the NCA</p> <p>2.4 name and explain the function/s of the consumer credit institutions</p> <p>2.5 explain how the consumer industry is regulated</p> <p>2.6 explain the rights of the consumer</p> <p>2.7 briefly discuss consumer credit agreements</p> <p>3.1 describe the basic principles associated with this specific contract</p> <p>3.2 define a “contract of lease”</p> <p>3.3 discuss the <i>essentialia</i> of the contract of lease</p> <p>3.4 name and explain the rights and duties of the parties to this contract</p> <p>3.5 explain the landlord’s tacit hypothec</p> <p>3.6 name the remedies available to the parties in the case of breach</p> <p>3.7 explain the concept “sub-letting”</p> <p>3.8 explain the concept “huur gaat voor koop”</p> <p>3.9 explain long-term leases and the requirements for such leases</p> <p>3.10 name the ways to terminate the lease</p> <p>3.11 briefly explain the main provisions of applicable legislation relating to contracts of this nature</p>

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
4. explain the concept of insurance and to explain the basic principles relevant thereto	4.1 define a “contract of insurance” 4.2 discuss the <i>essentialia</i> of a contract of insurance 4.3 name the parties to this contract 4.4 understand how and by whom the offer is made in insurance contracts 4.5 explain the requirement that the insured must have an insurable interest in the thing insured with reference to case law 4.6 briefly explain the principle of “subrogation” 4.7 comment on the duty of disclosure 4.8 explain the duty of the insured to show good faith 4.9 fully explain warranties in insurance contracts and differentiate between various types of warranties 4.10 distinguish between indemnity and non-indemnity insurance and provide examples of each
5. identify and explain the ways in which a creditor can secure the debt owed by a debtor	5.1 briefly explain surety as a form of security 5.2 distinguish between real security and personal security 5.3 define the various forms of security 5.4 name the formalities for a suretyship contract 5.5 name and explain the special rights of the surety 5.6 briefly explain mortgage and pledge as a form of security 5.7 name the formalities for pledge and mortgage 5.8 briefly explain hypothec as a form of security and be able to distinguish between two forms of hypothec 5.9 briefly explain liens as a form of security and be able to distinguish different forms of liens
6. identify and explain the ways in which to obtain credit, pay debts and promise to pay debts, other than in cash	6.1 briefly explain the meaning of a negotiable instrument 6.2 define each type of negotiable instrument 6.3 name the various parties to negotiable instruments 6.4 briefly discuss the requirements for a valid bill 6.5 briefly discuss the negotiability of a bill 6.6 distinguish between bearer and order instruments 6.7 explain ‘negotiation’ 6.8 explain ‘indorsement’ 6.9 explain ‘crossings’ and ‘markings’ 6.10 discuss the most important statutory provisions relating to negotiable instruments
7. explain the applicable legal rules if a debtor is wound-up / the estate of a debtor is sequestrated	7.1 explain the concept “sequestration” 7.2 briefly discuss the process of sequestration 7.3 differentiate between voluntary and compulsory sequestration 7.4 define terms such as “uncompleted contracts”, “impeachable transactions”, “composition and rehabilitation”, “judicial management” and “corporate rescue” 7.5 discuss the administration of an insolvent estate 7.6 briefly discuss the liquidation of juristic persons



### 9.3.3 Business Law 2A (BSL22A2, BUS22A2)

Purpose of the module	Module NQF level	Module NQF credits
To enable learners to acquire a basic knowledge and reflective understanding of the prescribed substantive law. To introduce learners to the basic concepts, procedures and consequences of insolvency law.	6	15

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he or she is able to:
<p>1. explain the term "insolvency" and the other basic concepts pertaining to the law of insolvency.</p> <p>2. differentiate between "voluntary surrender" and "compulsory sequestration" and to discuss and apply the aforementioned concepts</p>	<p>1.1 explain the meaning of the term "insolvency"</p> <p>1.2 define the purpose of insolvency law</p> <p>1.3 describe the purpose of a sequestration order</p> <p>1.4 know and apply the meaning of the concepts "estate" and "debtor"</p> <p>1.5 identify which courts have jurisdiction in respect of insolvency proceedings</p> <p>1.6 briefly describe the role of the Master</p> <p>2.1 explain the difference between "voluntary surrender" and "compulsory sequestration"</p> <p>2.2 identify the statutory requirements and formalities in regard to compulsory and voluntary sequestration applications</p> <p>2.3 in relation to voluntary surrender:</p> <ol style="list-style-type: none"> <li>define the term "voluntary surrender"</li> <li>indicate who may apply for voluntary surrender</li> <li>list, discuss and apply the formal requirements for voluntary surrender</li> <li>discuss the preliminary formalities for an application of this nature</li> <li>list and describe the effect of a "notice of surrender"</li> <li>give a broad outline of the process for an application for voluntary surrender</li> <li>discuss the content of the affidavit deposed to in support of an application for voluntary surrender</li> <li>briefly describe the concepts "discretion of the Court", "costs of surrender" and "setting aside of a sequestration order"</li> </ol> <p>2.4 in relation to compulsory sequestration:</p> <ol style="list-style-type: none"> <li>define the term "compulsory sequestration"</li> <li>discuss and apply the formal requirements for compulsory sequestration, with particular emphasis on: <ul style="list-style-type: none"> <li>when it can be applied for</li> <li>the concept of a "liquidated claim"</li> <li>the various ways in which a debtor can commit an act of insolvency</li> <li>the concept of "advantage to creditors"</li> </ul> </li> <li>discuss the term "friendly sequestration"</li> <li>give a broad outline of the process for an application for compulsory sequestration</li> <li>briefly describe the concepts "discretion of the Court", "costs of the proceedings", "vexatious proceedings" and "setting aside of a compulsory sequestration order"</li> </ol>

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he or she is able to:
3. explain the effects of sequestration	3.1 assess the effect of sequestration on an insolvent individual, the estate of the insolvent and the solvent spouse respectively 3.2 briefly explain how sequestration affects uncompleted contracts and legal proceedings not yet finalised
4. explain how estate assets are collected and preserved and discuss the process of proving claims against the estate	4.1 discuss the legal principles and statutory rules in regard to interrogations, proof of claims and meetings of creditors 4.2 explain how estate assets are preserved pending the appointment of the trustee 4.3 list the duties and powers of the trustee 4.4 list and briefly discuss the different types of creditors' meetings 4.5 know the purpose of each of the meetings of creditors 4.6 know, apply and discuss the proving of claims in detail 4.7 briefly describe the voting process at meetings of creditors 4.8 briefly explain the purpose of the interrogation of the insolvent and other witnesses 4.9 list and briefly discuss the duties of the insolvent 4.10 define the term "disposition" 4.11 list the dispositions that may be set aside on application to the Court 4.12 understand the requirements for setting aside a voidable disposition 4.13 explain the indemnity of the <i>bona fide</i> recipient of the disposition 4.14 discuss under which circumstances the transfer of a business will be void
5. explain and discuss the manner in which estate assets are realised and discuss the types of creditors and their ranking in detail	5.1 describe the procedure for the realisation of estate assets in general 5.2 understand the special rules that govern the realisation of particular assets 5.3 briefly explain how the solvent spouse's property is realised 5.4 distinguish between the different types of creditors for ranking purposes, i.e. concurrent, preferred and secured 5.5 list and discuss the types of security recognised for purposes of qualifying as a secured creditors 5.6 discuss and explain the ranking of claims in respect of encumbered assets and unencumbered assets (free residue)

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he or she is able to:
6. discuss and apply the concepts "composition" and "rehabilitation"	6.1 explain the concept "common law compromise" 6.2 explain the concept "statutory offer of compromise" 6.3 know how the statutory offer is submitted and what the terms thereof must be 6.4 explain how a binding composition is effected and list the consequences thereof 6.5 list the different ways in which rehabilitation can be effected 6.6 explain how an insolvent is automatically rehabilitated 6.7 discuss rehabilitation by the Court within 10 years 6.8 understand what "illegal inducement not to oppose rehabilitation" refers to 6.9 describe the effect of rehabilitation
7. briefly discuss sequestration in the context of a partnership	7.1 understand that a partnership qualifies as a person 7.2 explain the process and procedures that apply in regard to partnerships
8. briefly discuss the principles applicable to insolvent deceased estates	8.1 indicate who is responsible for determining the solvency of a deceased estate 8.2 know what happens if it appears that a deceased estate is insolvent
9. discuss the relevant law pertaining to the winding up of companies	9.1 discuss the legal principles relating to the winding-up process of a company 9.2 distinguish between the different methods of winding-up a company i.e. by court and voluntary surrender 9.3 list and discuss the grounds upon which a court may wind-up a company 9.4 list the parties who may apply for the winding-up of a company 9.5 distinguish between voluntary winding-up by creditors and members respectively 9.6 list the consequences of winding-up 9.7 briefly discuss the meetings of creditors, members and the proof of claims 9.8 define the concept of "judicial management" 9.9 list the circumstances under which a company may be placed under judicial management 9.10 identify who may apply for judicial management 9.11 discuss the procedure by which a company may conclude a compromise with its creditors and the effect of such compromise 9.12 explain what the "deregistration" of a company entails

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he or she is able to:
10. explain the applicable law pertaining to the winding up of close corporations (CC)	10.1 discuss the legal principles relating to the winding-up of a CC 10.2 distinguish between the different modes of winding-up a CC, i.e. voluntary and by the Court 10.3 list and discuss the grounds upon which a court may wind-up a CC 10.4 discuss the circumstances under which payments to members by the CC may be set aside 10.5 briefly discuss what is meant by the misapplication of money / property 10.6 explain if a CC can enter into a compromise with its creditors 10.7 explain what the "deregistration" of a CC entails

#### 9.3.4 Business Law 2B (BSL22B2, BUS22B2)

Purpose of the module	Module NQF level	Module NQF credits
<ul style="list-style-type: none"> <li>▪ To enable learners to acquire a basic knowledge and reflective understanding of the prescribed substantive law.</li> <li>▪ To introduce learners to corporate law and procedure.</li> </ul>	6	15

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
1. understand and explain companies as a form of business enterprise	1.1 briefly discuss the company as a form of a form of business enterprise 1.2 discuss the company as a juristic person 1.3 list the consequences of a company's separate legal personality 1.4 discuss when a company's separate legal personality will be disregarded (the so-called "piercing of the corporate veil" concept).
2. discuss and compare the different types of companies and consider the conversion of companies.	2.1 differentiate between the various types of companies 2.2 identify which types of companies can be converted 2.3 list the requirements for the conversion of a company
3. explain the legal position pertaining to pre-incorporation contracts	3.1 discuss the common law position regarding the conclusion of pre-incorporation contracts 3.2 explain how the common law position was changed by applicable legislation 3.3 discuss and apply the statutory provisions that apply with regard to these contracts 3.4 explain whether or not pre-incorporation contracts have retrospective application

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
4. discuss and understand how companies are formed and consider the nature and purpose of a company's constitution	4.1 explain the process of forming a company 4.2 know what constitutes a company's constitution 4.3 know what will be contained in a company's memorandum of association 4.4 explain the requirements which apply to alter a company's memorandum or articles of association 4.5 explain what the position is when there is a conflict between the memorandum and articles of association 4.6 discuss the legal nature of a company's memorandum of association 4.7 discuss the legal relationships that arise from a company's constitution
5. discuss the various office bearers within a company and their respective functions	5.1 discuss the role and nature of employees <i>vis-a-vis</i> the company 5.2 explain the concept "executive directors" 5.3 discuss and explain the role of the company secretary, as well as her/his relationship with the company 5.4 discuss and explain the role of the company's managers 5.5 discuss and explain the role of the managing director of a company 5.6 discuss the role of the chairperson of the Board of Directors 5.7 explain the division of powers within a company
6. understand and explain how a company functions	6.1 distinguish between the various types of meetings that may take place in the context of a company 6.2 indicate how general meetings may be convened 6.3 discuss the notice requirement that applies in respect of the holding of meetings 6.4 define the concept "quorum" 6.5 explain the application of voting rights at meetings 6.6 list the ways in which voting can take place 6.7 distinguish between ordinary resolutions and special resolutions 6.8 discuss the concept "conduct by unanimous assent" 6.9 discuss the legal position of directors and the Board of Directors of a company 6.10 explain how directors are appointed 6.11 discuss who does not qualify to act as a director of a company 6.12 explain how directors can be removed from office 6.13 discuss meetings of the Board of directors 6.14 explain the rights and duties of directors 6.15 discuss the principles of <i>ultra vires</i> , <i>estoppel</i> and the <i>Turquand rule</i> insofar as they relate to directors 6.16 briefly discuss the contract between directors and the company 6.17 discuss the relevant statutory provisions that apply to directors 6.18 explain the concept "corporate governance"

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
7. explain in detail the manner in which companies act, as well as the legal principles that apply in this regard	7.1 list and briefly explain the manner in which authorisation may be obtained 7.2 fully understand and explain the doctrine of disclosure 7.3 apply and fully explain the doctrine of constructive notice 7.4 apply and fully explain the operation of the <i>ultra vires</i> doctrine (both the common law and legislative positions) 7.5 apply and fully explain the operation of the <i>Turquand rule</i> 7.6 discuss and explain the concept <i>estoppel</i> and "ostensible authority"
8. discuss the manner in which a company obtains its capital and matters incidental thereto	8.1 explain the concept "capital" 8.2 list and briefly discuss the types of share capital 8.3 identify various types of preference shares 8.4 discuss the nature of ordinary shares 8.5 know to whom deferred shares are issued 8.6 indicate whether a company can acquire shares within itself 8.7 briefly discuss the enforceability of contracts for the acquisition by the company of its own shares 8.8 explain what "debentures" refer to 8.9 distinguish between "member" and "shareholder" 8.10 discuss how one becomes a member 8.11 discuss how membership is terminated 8.12 briefly discuss the concept "nominee shareholder" 8.13 briefly explain what "uncertificated shares" refer to
9. understand and explain the acquisition of shares	9.1 explain what is meant by "offers for subscription" and "offers for sale" and to briefly discuss the differences between the two concepts 9.2 explain what constitutes "non public offers" 9.3 briefly explain what a "prospectus" refers to 9.4 briefly discuss the consequences of omissions and untrue statements in a prospectus 9.5 discuss the use of shares as security 9.6 differentiate between pledges and cession as a method of providing security 9.7 briefly discuss liens on shares
10. briefly explain companies as groups and matters related thereto	10.1 discuss the concepts "holding companies" and "subsidiary companies" 10.2 briefly discuss the relationship between holding companies and subsidiary companies 10.3 briefly discuss the differences between mergers, take-overs and reconstruction of companies
11. discuss when and how minority interests are protected	11.1 briefly discuss and apply the <i>rule in Foss v Harbottle</i> 11.2 discuss the concept "derivative action" (both common law and in terms of legislation)

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
12. discuss and explain the applicable law pertaining to close corporations	12.1 indicate who can be members of a CC 12.2 discuss the concept "membership interest" 12.3 discuss how the internal and external relationship of CC are regulated 12.4 discuss how members of a CC can be held personally liable 12.5 discuss the conversion of a CC
13. discuss and explain the applicable law pertaining to business trusts.	13.1 define a "trust" 13.2 explain the legal nature of a trust 13.3 explain how trusts are formed 13.4 list the parties to a trust 13.5 explain the rights and duties of each party to a trust 13.6 explain when trustees can be removed 13.7 define a business trust 13.8 differentiate between the various types of business trusts 13.9 discuss the advantages of a business trust

### 9.3.5 Commercial Law 100 (CML1B01)

Purpose of the module	Module NQF level	Module NQF credits
Upon the successful completion of this module, a student will be familiar with the statutory regulation of some specific contracts as well as the legal framework within which entities operate. A student will be able to integrate the principles learned in Introduction to Law for B Acc students and build upon this foundation. A student who has successfully completed this course should be equipped to deal with the challenges and difficulties a Chartered Accountancy student will experience during the course of his/her studies and profession	6	12

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if she or he is able to:
1. apply the relevant principles pertaining to credit agreements and consumer protection in terms of the National Credit Act 34 of 2005 as well as the Consumer Protection Act 68 of 2008	1.1 discuss and apply the salient provisions of the National Credit Act 34 of 2005 1.2 discuss and apply the salient provisions of the Consumer Protection Act 68 of 2008

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if she or he is able to:
2. apply the legal principles relating to the law of insurance as well as discuss the purpose and objective of the Financial Advisory and Intermediary Services Act 37 of 2002 (FAIS), also with reference to intermediaries and the broader regulatory framework	2.1 define an insurance contract 2.2 discuss the <i>essentialia</i> of an insurance contract. 2.3 differentiate between indemnity and non-indemnity insurance 2.4 apply the principles of average and contribution to a set of facts 2.5 explain briefly the principle of subrogation 2.6 comment on the duty of disclosure 2.7 differentiate between the types of warranties 2.8 evaluate whether FAIS is successful as a consumer protection tool in regulating the position of intermediaries 2.9 comment on the role of the Financial Services Board as a regulator in the insurance industry
3. apply the legal principles underpinning the law of security	3.1 differentiate between real security and personal security 3.2 define the various forms of security 3.4 identify which form of security is the most appropriate in a set of facts 3.5 discuss the rights and duties of the parties 3.6 list the ways in which security is terminated
4. consider the role of important tax case law in the interpretation of tax principles	4.1 apply important case law to solve a relevant tax problem
5. critically evaluate the general principles relating to the law of insolvency, formulate and recognise the main principles in regard to the initiation process of the winding-up of a company and demonstrate knowledge and understanding of the principles relating to business rescue	5.1 formulate an overview of South African insolvency law 5.2 analyse and distinguish between the main principles and sources of insolvency law 5.3 differentiate between the different legal principles and statutory requirements in regard to the initiation of a liquidation application 5.4 explain and discuss the basic principles that a business rescue model should entail 5.5 evaluate a proper business rescue model
6. consider various pieces of legislation that regulate labour law in South Africa	6.1 list the most important pieces of labour legislation and briefly discuss what aspects each act regulates 6.2 differentiate between an employee and an independent contractor 6.3 discuss briefly and differentiate between the various forms of unfair and fair dismissal 6.4 discuss briefly the remedies available to an employee in the case of a dismissal which was unfair



Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if she or he is able to:
7. consider the importance of corporate governance especially with reference to fiduciary duties of directors and whistle-blowing	7.1 identify the various fiduciary duties of directors and how they fit into the corporate governance and company law system 7.2 apply relevant principles pertaining to whistle-blowing in terms of the Protected Disclosures Act 26 of 2000, the Companies Act 71 of 2008 as well as the Labour Relations Act 66 of 1995 and the role whistle-blowing plays in the promotion of corporate governance
8. evaluate the supervision of banks from a legal perspective	8.1 discuss and apply relevant provisions in South African banking legislation and regulations

### 9.3.6 Commercial Law 1A (KMR1A11, COL41A1)

Purpose of the module	Module NQF level	Module NQF credits
Upon the successful completion of this module, a student will achieve knowledge and a broad understanding of the basic components/principles of the law of contract and its requirements for validity of contracts.	5	16

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
1. demonstrate the necessary knowledge of the history of the South African legal system	1.1 identify the various periods of development 1.2 identify the major development in each period
2. have a deep understanding of the structure of the South African legal system	2. identify the various tenets of the South African legal system
3. highlight and analyse the different sources of South African law	3.1 identify and discuss the various sources of South African law 3.2 analyse legislation and case law
4. understand, at a practical level, the various rules and presumptions of interpretation	4.1 identify and apply the various maxims of interpretation 4.2 discuss the various presumptions of interpretation
5. understand the general principles of the law of obligations	5.1 identify and apply the basic principles relating to the law of obligation 5.2 discuss and apply the principles that underlie the law of delict

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
6. demonstrate a clear understanding of consensus as a requirement for a valid contract	6.1 identify and discuss the sources of consensus 6.2 demonstrate a clear understanding of the theories indicating the time and place that a contract was concluded 6.3 discuss the factors that influence consensus
7. demonstrate a clear understanding of contractual capacity as a requirement for a valid contract	7.1 analyse and discuss the impact of marriage on a person's contractual capacity 7.2 analyse and discuss the impact of age on a person's contractual capacity
8. demonstrate a clear understanding of legality and physical possibility as requirements for a valid contract	8.1 evaluate the impact of illegality on the validity of a contract 8.2 evaluate the impact of physical impossibility on the validity of a contract
9. demonstrate a clear understanding of formalities as a requirement for a valid contract	9.1 highlight the impact of formal requirements on the validity of a contract 9.2 discuss the parole evidence-rule
10. illustrate a thorough knowledge of the parties involved in the conclusion of a valid contract	10.1 identify the parties involved in the conclusion of a contract
11. illustrate a thorough knowledge of the various forms of breach of contract	11.1 identify the various forms of breach of contract 11.2 identify and apply the various remedies

### 9.3.7 Commercial Law 1B (KMR1B21, COL41B1)

Purpose of the module	Module NQF level	Module NQF credits
Upon the successful completion of this module, a student will have a broad overview of general principles relating to the law of partnership, company law, close corporations law and business trust law.	5	16

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
1. provide basic legal advice regarding the choice of business form	1.1 differentiate between the legal forms and different types of partnership, company, close corporation and business trust 1.2 provide general guidance on the choice of an appropriate business form 1.3 discuss the advantages and disadvantages of each of the business forms

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
2. discuss the legal structure of the partnership, company, close corporation and business trust	2.1 describe and compare key elements of the legal structure of the partnership, company, close corporation and business trust 2.2 identify the basic legal problems relating to the formation, operation and functioning of the partnership, company, close corporation and business trust 2.3 identify and compare the roles of the key organs and other role players in the partnership, company, close corporation and business trust
3. explain the rights and duties of the different role players in the partnership, the company, the close corporation and the business trust	3.1 provide a general exposition of key legal principles regarding the rights and duties of the different role players in the partnership, the company, the close corporation and the business trust 3.2 solve basic legal problems regarding the identification and enforcement of the rights and duties of the different role players in the partnership, the company, the close corporation and the business trust 3.3 identify basic legal problems regarding contractual and other relationships between the partnership, company, close corporation and business trust, its internal role players and third parties

### 9.3.8 Commercial Law 2C (KMR2C21)

Purpose of the module	Module NQF level	Module NQF credits
Upon the successful completion of this module, a student will have a broad overview of certain specific types of contracts and certain commercial law <i>capita selecta</i> .	6	16

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
1. distinguish between the different types of contracts and discuss the basic principles of such respective contracts (including Purchase and Sale, Lease and Credit Agreements)	1.1 define each of the contracts 1.2 classify the specific contracts 1.3 identify the <i>essentialia</i> and <i>naturalia</i> of the agreements, where applicable 1.4 discuss the rights and duties of the parties to the contracts 1.5 describe the basic principles associated with a specific contract 1.6 discuss and apply the salient provisions of the National Credit Act 34 of 2005 1.7 discuss briefly how each of the contracts is terminated

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
2. apply the legal principles relating to the law of insurance	2.1 define an insurance contract 2.2 discuss the <i>essentialia</i> of an insurance contract 2.3 differentiate between indemnity and non-indemnity insurance 2.4 apply the principles of average and contribution to a set of facts 2.5 explain briefly the principle of subrogation 2.6 comment on the duty of disclosure 2.7 differentiate between the types of warranties
3. apply the legal principles underpinning the law of security	3.1 differentiate between real security and personal security 3.2 define the various forms of security 3.3 identify which form of security is the most appropriate in a set of facts 3.4 discuss the rights and duties of the parties 3.5 list the ways in which security is terminated
4. discuss the basic principles of the law of negotiable instruments	4.1 define the various types of bills 4.2 differentiate briefly between the various bills 4.3 discuss briefly the requirements for a valid bill 4.4 discuss briefly the negotiability of a bill
5. discuss the basic principles associated with the law of insolvency	5.1 differentiate between voluntary and compulsory sequestration 5.2 identify the statutory requirements and formalities in respect of compulsory and voluntary sequestration applications 5.3 identify whether or not a creditor holds a secure claim 5.4 discuss briefly the effect of insolvency on the unrehabilitated insolvent and the solvent spouse 5.5 differentiate briefly between the various impeachable transactions 5.6 discuss rehabilitation briefly
6. consider various pieces of legislation that regulate labour law in South Africa	6.1 list the most important pieces of labour legislation and briefly discuss what aspects each law regulates 6.2 differentiate between an employee and an independent contractor 6.3 discuss briefly and differentiate between the various forms of unfair and fair dismissal 6.4 discuss briefly the remedies available to an employee in the case of a dismissal which was unfair

### 9.3.9 Hospitality Industry Law (HIL32-1)

Purpose of the module	Module NQF level	Module NQF credits
<ul style="list-style-type: none"> <li>The purpose of this module is for students to acquire a basic understanding of the law of obligations with specific emphasis on the law of contract and delict.</li> <li>A student who has successfully completed this course will have a basic understanding of the law relating to contract and delict. Students will also cover specific issues relating to the law of agency, the National Credit Act 34 of 2005, and the different forms of business enterprises that may be formed under South African law taking into account the Companies Act 71 of 2008.</li> </ul>	6	16

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
1. explain the law relating to contracts	1.1 identify the basic principles of the law of contract with specific emphasis on the requirements to draft a valid contract 1.2 identify and apply the basic concepts, terms and conditions associated with the law of contract 1.3 understand and apply the principles relating to breach of contract and the different forms it can take; as well as the remedies on which the innocent party may rely in the case of breach of contract
2. understand and explain the legal principles pertaining to the law of delict with specific emphasis on how the law of delict affects hospitality industry law	2.1 name the requirements for a delict 2.2 define a delict 2.3 differentiate between a contract and a delict 2.4 explain the concurrence of actions (delict and contract) 2.5 briefly discuss each of the requirements for a delict 2.6 identify the actionable omissions 2.7 identify the grounds of justification for a delict 2.8 give examples of potential delicts in the hospitality industry 2.9 name and explain the remedies for delict 2.10 apply all the legal principles pertaining to delict to a set of facts
3. understand and explain the law of agency and the relationships, rights and duties between a principal, agent and the third party in an agency contract	3.1 define agency 3.2 identify the parties to an agency agreement 3.3 identify the ways in which authority is established 3.4 explain the ways in which authority is established 3.5 explain how authority is terminated 3.6 discuss the duties of the principal 3.7 discuss the agent's lien and set-off 3.8 discuss the liability of the principal and third parties 3.9 discuss the duties of an agent 3.10 discuss the agent's liability to third parties

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
4. understand and explain the concepts, principles and rules applicable to credit agreements under the National Credit Act 34 of 2005	4.1 define, explain and identify from a set of facts the different types of credit agreements 4.2 identify and explain the exclusions to the National Credit Act 34 of 2005 4.3 distinguish between a small, intermediate and large credit agreement 4.4 be able to identify, explain and distinguish between the various rights and duties of both the consumer and credit provider from a set of facts 4.5 list and briefly explain the items recoverable by a credit provider under the Act 4.6 explain the required procedures prior to debt enforcement under the Act
5. explain the various forms of business enterprises available to a prospective entrepreneur, taking into account the provisions of the Companies Act 71 of 2008	5.1 identify the types of business enterprises 5.2 list and briefly explain the factors to be taken into account in deciding which form of business enterprise would be most suitable to establish 5.3 identify and explain the salient characteristics relating to each form of business enterprise 5.4 identify from a set of facts which form of business enterprise is most suitable to establish

### 9.3.10 Introduction to Law (INL100)

Purpose of the module	Module NQF level	Module NQF credits
<p>Upon the successful completion of this module, a student will be familiar with the structure of the legal system and legal framework within which entities operate. A student will be equipped with a general understanding of basic legal concepts relevant to his/her profession.</p> <p>A student who has successfully completed this course should be equipped to deal with the challenges and difficulties a Chartered Accountancy student will experience during the course of his/her studies and profession. For this reason, the course comprises three components: (1) theory (i.e. weekly lectures and written academic assignments); (2) practical exposure (e.g. a court visit and guest lectures by members of the Chartered Accountancy profession; and (3) skills training (i.e. library orientation and workshops aimed at enhancing study and life skills).</p>	5	32

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
1. demonstrate that he/she is familiar with the structure of the legal system and the legal framework	1.1 demonstrate that he/she has been exposed to theory (i.e. structured lectures and weekly assignments), practice (i.e. a court visit, and guest lecturers), skills training (i.e. library orientation and workshops aimed at enhancing study and life skills)

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
2. demonstrate a basic understanding of the concept of “law”	2.1 distinguish legal rules from other rules (i.e. rules of conduct)
3. identify the various sources of the South African law	2.2 explain the characteristics of legal rules 3.1 explain how legal rules are created 3.2 find each of the sources 3.3 make an informed choice regarding the interpretation of each source 3.4 read and understand the structure of a statute and a court case (i.e. tax case law, Companies Act) 3.5 demonstrate familiarity with the South African court structure
4. demonstrate the necessary knowledge of the history of the South African legal system	4. outline the history of the legal system and understands the impact of the Constitution of the Republic of South Africa, 1996
5. obtain a basic understanding of the classification of the law – understand the basic tenets of the law of civil procedure, criminal law and law of evidence	5.1 provide a framework of the different branches of the law 5.2 display a basic understanding of the relevant branches of the law
6. understand the general principles of the law of contract; demonstrate a clear understanding of consensus as a requirement for a valid contract; demonstrate a clear understanding of contractual capacity as a requirement for a valid contract; demonstrate a clear understanding of legality and physical possibility as requirements for a valid contract; demonstrate a clear understanding of formalities as a requirement for a valid contract and demonstrate basic insight regarding the impact of contracts in everyday life	6.1 identify the basic principles relating to the law of contract 6.2 describe situations that may affect the validity of a contract 6.3 identify breach of contract and the consequences of breach

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
7. provide basic legal advice regarding the choice of business form, discuss the legal structure of a partnership, company, close corporation and business trust and explain the rights and duties of the different role players in the partnership, the company, the close corporation and the business trust	7.1 differentiate between the legal forms 7.2 discuss the advantages and disadvantages of each business form 7.3 describe and compare the key elements of the legal structure of each business form 7.4 identify basic legal problems relating to the formation, operation and functioning of each business form 7.5 provide a general exposition of key legal principles regarding the rights and duties of the different role players in each business form 7.6 identify basic legal problems regarding the contractual relationships between the business forms , its role players and third parties
8. comprehend the importance of the Constitution of the Republic of South Africa, 1996 and human rights in the South African context	8. briefly discuss the main provisions of the Constitution and the Bill of Rights
9. demonstrate a basic understanding of legal argument and logic and know what legal language entails	9.1 understand the importance of correct language use in a profession 9.2 formulate clear and logical arguments
10. understand the relevance of legal comparison	10. to understand and explain what legal comparison entails
11. comprehend basic philosophy	11.1 explain the scope and theory of basic philosophy 11.2 identify various philosophical approaches and can express his/her own opinion in relation to various philosophical points of view

### 9.3.11 Introductory Labour Law (IAB0012, ILL41A0)

Purpose of the module	Module NQF level	Module NQF credits
<ul style="list-style-type: none"> <li>▪ Upon completion of this module, students will have the basic competence and the basic practical skills that will enable them to apply the substantive law formally in practical situations.</li> <li>▪ A student who has successfully completed this module will have sufficient knowledge to be able to identify and classify basic labour law disputes. The student will gain a general insight into substantive law as contained in common law, individual service contracts and collective labour law as contained in legislation.</li> </ul>	6	16



Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
1. identify and solve basic labour law disputes	1.1 analyse a basic case study so as to determine the relevant sources of labour law that are relevant 1.2 recognise the substantive law that would be applicable in any given scenario 1.3 suggest broad solutions to a case study by recognising applicable contractual and statutory principles
2. recognise the application of equity legislation in the employment relationship	2.1 describe the equality provision in the Bill of Rights for the purpose of labour law 2.2 describe the provisions of the Employment Equity Act 55 of 1998
3. explain the notion of freedom of association in South African labour law	3.1 describe the current protection of freedom of association in South Africa by referring to both the Constitution and the Labour Relations Act 3.2 list the checks and balances in statutory regulation of the right to freedom of association
4. recognise and describe the regulation of collective labour relations in South Africa	4.1 recall the statutory provisions relevant to the collective relationship between workers and/or their representatives and employers or employers' organisations 4.2 formulate the requirements needed to qualify for organisational rights in workplaces 4.3 demonstrate an understanding of the function of industrial actions in labour relations 4.4 evaluate a basic case study to determine whether or not there are protected or unprotected industrial actions and to determine what the consequences of such actions are 4.5 define a collective agreement
5. recall the main rights and obligations of the individual employment relationship	5. describe the common-law duties and obligations of the respective parties to the employment relationship
6. list and distinguish the relevant dispute routes and procedures for labour law disputes	6.1 choose the appropriate forum where a dispute should be dealt with 6.2 give basic advice to a client on issues relating to legal representation, time frames, the right to appeal or review and the possible remedies in a given case study

### 9.3.12 Labour Law 1A (BAH11A1)

Purpose of the module	Module NQF level	Module NQF credits
A student who has successfully completed this module will have sufficient knowledge to be able to identify and solve basic labour law disputes which may arise within an organisation. The student will gain an insight into substantive law as contained in common law, individual service contracts and selected social legislation. The student will also be conversant with the necessary dispute routes and procedures in terms of said legislation.	5	16

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
1. identify and solve basic labour law disputes which may arise within an organisation	1.1 analyse a case study so as to determine the sources of labour law that may be relevant 1.2 describe the substantive law that would be applicable in any given scenario 1.3 solve a case study by applying all relevant contractual and statutory principles
2. appraise the role of the common law and the individual service contract	2.1 determine whether a person is an employee 2.2 describe the nature of the individual service contract 2.3 list the common law duties and remedies of employees and employers 2.4 describe how the individual service contract may be terminated
3. demonstrate the conditions of employment applicable to the employment relationship	3.1 give an exposition of which employees are covered by the Basic Conditions of Employment Act 3.2 describe the minimum conditions of employment imposed by the Basic Conditions of Employment Act 3.3 explain how the minimum conditions of employment imposed by the Basic Conditions of Employment Act may be varied 3.4 describe the procedures to be followed in the event of non-compliance with the Basic Conditions of Employment Act
4. illustrate the impact of the Employment Equity Act upon organisations	4.1 describe the objectives of the Act in the light of the equality clause (section 9) of the Constitution 4.2 explain what organisations are bound by chapter III of the Act and the duties imposed on these organisations 4.3 discuss the prohibition of unfair discrimination in terms of the Act, 4.4 describe the relevant prescribed dispute resolution procedures
5. illustrate a working knowledge of the following social security legislation: Unemployment Insurance Act, Unemployment Insurance Contributions Act, Compensation for Occupational Injuries and Diseases Act, Occupational Health and Safety Act and Skills Development Act	5.1 describe the objectives of these legislation 5.2 describe the rights and duties imposed on both employers and employees with these legislation 5.3 describe the relevant prescribed dispute resolution procedures

**9.3.13 Labour Law 1B (BAH11B1)**

Purpose of the module	Module NQF level	Module NQF credits
A student who has successfully completed this module will have sufficient knowledge to be able to identify and solve basic labour law disputes which may arise within an organisation. The student will gain an insight into substantive law as contained in the Labour Relations Act. The student will also be conversant with the necessary dispute routes and procedures in terms of said legislation.	5	16

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
1. identify and solve basic labour law disputes which may arise within an organisation  2. evaluate the role of the Labour Relations Act  3. recognise and assess the regulation of collective labour relations in South Africa	1.1 analyse a case study so as to determine the sources of labour law that may be relevant 1.2 describe the substantive law that would be applicable in any given scenario 1.3 solve a case study by applying all relevant contractual and statutory principles  2.1 describe the development of labour law in South Africa including the changes brought about by the Labour Relations Act 2.2 describe the objectives and functions of the National Economic, Development and Labour Council 2.3 explain the application of the Labour Relations Act 2.4 discuss the significance of the right to freedom of association 2.5 list the purpose of the Act 2.6 list the institutions created by the Act and describe the establishment, functions, duties and powers thereof  3.1 recall the statutory provisions relevant to the collective relationship between workers and/or their representatives and employers or employers' organisations 3.2 recognise the importance of organisational rights to unions and can formulate the requirements to qualify for such rights 3.3 demonstrate an understanding of the importance of industrial actions in labour relations 3.4 determine whether or not there is protected or unprotected industrial actions and to determine what the consequences of such actions are 3.5 define a collective agreement and illustrate when such an agreement will be considered to be a valid and enforceable agreement

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
4. advise an organisation how to fairly dismiss an employee and avoid perpetrating unfair labour practices	4.1 define a dismissal 4.2 define an automatically unfair dismissal 4.3 show awareness of the requirements for a fair dismissal 4.4 define and discuss unfair labour practices 4.5 resolve disputes about unfair dismissals and unfair labour practices
5. indicate and evaluate the relevant dispute routes and procedures for labour disputes	5.1 choose the appropriate forum where a dispute should be dealt with 5.2 describe the relevant dispute resolution procedure

### 9.3.14 Labour Relations and Law 3A (LRL31A1)

Purpose of the module	Module NQF level	Module NQF credits
A student who has successfully completed this module will have sufficient knowledge to be able to identify and solve labour law disputes from a business perspective. The student will gain an insight into substantive law as contained in common law, individual service contracts, collective labour law and labour legislation. The student will also be conversant with relevant dispute resolution.	7	16

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
1. identify and solve basic labour law disputes	1.1 analyse a case study so as to determine the sources of labour law that are applicable 1.2 describe the substantive law that would be applicable in any given scenario 1.3 solve a case study by applying all relevant contractual and statutory principles
2. appraise the nature of the employment relationship	2.1 describe the effect and importance of the Bill of Rights for labour law 2.2 identify the parties to the employment relationship 2.3 report on the common-law duties and obligations of the respective parties to the employment relationship 2.4 list basic conditions of employment
3. recognise and appraise the importance and functioning of equity legislation in the employment relationship	3.1 describe the effect and importance of the equality provision in the Bill of Rights for the workplace 3.2 analyse and apply the provisions of the Employment Equity Act to case studies 3.3 draft an employment equity plan

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
4. fairly dismiss an employee and avoid perpetrating unfair labour practices	4.1 define a dismissal 4.2 define an automatically unfair dismissal 4.3 show awareness of the requirements for a fair dismissal 4.4 define and discuss unfair labour practices 4.5 resolve disputes about unfair dismissals and unfair labour practices
5. recognise and assess the regulation of collective labour relations in South Africa	5.1 discuss the importance and content of the right to freedom of association 5.2 recall the statutory provisions relevant to the collective relationship between workers and/or their representatives and employers or employers' organisations 5.3 recognise the importance of organisational rights to unions and can formulate the requirements needed to qualify for such rights 5.4 demonstrate an understanding of the importance of industrial actions in labour relations 5.5 evaluate a case study to determine whether or not there is protected or unprotected industrial actions and to determine what the consequences of such actions are 5.6 define a collective agreement and illustrate when such an agreement will be considered to be a valid and enforceable agreement
6. indicate and evaluate the relevant dispute routes and procedures for and labour dispute	6.1 choose the appropriate forum where a dispute should be dealt with 6.2 compare different dispute routes and procedures 6.3 apply issues relating to representation, time frames, right to appeal or review and the possible remedies in a given case study

### 9.3.15 Labour Relations and Law 4A (LRL44A4)

Purpose of the module	Module NQF level	Module NQF credits
A student who has successfully completed this module will have sufficient knowledge to be able to identify and solve labour law disputes which may arise within an organisation. The student will gain insight into substantive law as contained in the common law contract of employment and statutory law, including the resolution of disputes.	8	16

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:

Module learning outcomes	Module assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
1. identify and solve basic labour law disputes which may arise within an organisation	1.1 analyse a case study so as to determine the sources of labour law that may be relevant 1.2 describe the substantive law that would be applicable in any given scenario 1.3 solve a case study by applying all relevant contractual and statutory principles
2. appraise the role of the common law contract of employment	2.1 identify the parties to the employment relationship 2.2 explain how the contract of employment comes into being 2.3 describe the nature of the contract of employment 2.4 describe the duties of employees and employers 2.5 list the basic conditions of employment applicable to employees
3. illustrate the impact of the Employment Equity Act upon organisations	3.1 identify acts of discrimination 3.2 identify and discuss defences to discrimination claims 3.3 identify designated employees 3.4 identify the duties of designated employers 3.5 draft an employment equity plan
4. deal sufficiently with disciplinary issues which may arise within organisations and fairly dismiss an employee	4.1 source disciplinary rules and standards 4.2 identify sanctions that may be utilised against employees that contravene workplace rules and standards 4.3 discuss the substantive and procedural requirements for a fair dismissal 4.4 identify automatically unfair dismissals 4.5 identify the remedies in the event of an unfair dismissal 4.6 deal with closures, mergers and sales of businesses from a labour perspective
4. recognise and assess the regulation of collective labour relations in South Africa	4.1 recall the statutory provisions relevant to the collective relationship between workers and/or their representatives and employers or employers' organisations 4.2 recognise the importance of organisational rights to unions and the requirements needed to qualify for such rights 4.3 demonstrate an understanding of the importance of industrial actions in labour relations 4.4 identify protected or unprotected industrial actions and determine what the consequences of such actions are 4.5 define a collective agreement and illustrate when such an agreement will be considered to be a valid and enforceable agreement

## 9.4 Postgraduate Coursework Programmes

### 9.4.1 Banking Law (BLW9X0C) or (BLW9X1C)

Purpose of the module	Module NQF level	Module NQF credits
The purpose of the taught module is to develop the learner's intellectual and theoretical competencies to an advanced level, and to strengthen his/her ability to analyse, compare and reflect critically on banking law.	9	40

Learning outcomes	Assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
1. evaluate the principles relating to the bank and customer relationship critically	1.1 analyse the legal nature of the bank and customer relationship in South Africa and in other jurisdictions 1.2 apply the principles relating to the bank and customer relationship to areas of law such as banking confidentiality, status opinions and the attachment of current accounts
2. evaluate and apply the principles relating to negotiable instruments	2.1 propose a theoretical basis for the classification of negotiable instruments 2.2 apply the principles of the law of negotiable instruments in conformity with the general principles of South African private law, in particular the law of property, law of contract and law of delict
3. integrate the principles of the law of enrichment and the law of estoppel into banking law	3.1 apply the general principles of the law of enrichment in banking law 3.2 apply the principles of estoppel in the bank and customer relationship
4. analyse other payment mechanisms such as credit cards and credit transfers	4.1 apply the general principles regarding payment and the law of contract to credit card transactions 4.2 analyse the structure and legal nature of credit transfers
5. evaluate the supervision of banks against the background of the Banks Act 94 of 1990, the South African Reserve Bank Act 90 of 1989 and international supervisory standards	5.1 formulate and apply the principles in the Banks Act, including concepts such as "deposit" and "the business of a bank" 5.2 describe and analyse the principles upon which the potential liability of supervisors are based with reference to international precedent

### 9.4.2 Collective Labour Law and Dispute Resolution (CLD9X0C) or (CLD9X1C)

Purpose of the module	Module NQF level	Module NQF credits
The purpose of the taught module is to develop the learner's intellectual and theoretical competencies to an advanced level, and to strengthen his/her ability to analyse, compare and reflect critically on principles of collective labour law and dispute resolution.	9	40

Learning outcomes	Assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
1. assess the system of adjudication and arbitration in South African labour law	1.1 reflect critically on the role of the court system, including the role of the Labour Court in labour dispute resolution 1.2 differentiate between the role of the labour court and arbitration in resolving labour disputes
2. evaluate the regulation of alternative dispute resolution forms in South African labour law	2.1 analyse and compare the role of private and statutory arbitration in labour law dispute resolution 2.2 formulate a framework for appropriately accommodating conciliation in labour dispute resolution in South African labour law
3. critically analyse the comparative principles relevant to the regulation of collective redundancies	3.1 appraise the substantive and procedural principles applicable to collective redundancies in public international law and EU law 3.2 identify the applicable substantive and procedural norms regulating collective redundancies in South Africa and compare them with the relevant public international and EU law norms
4. comprehend and critically reflect on the principles underlying collective labour law and the interplay between the various categories of collective labour rights	4.1 assess the norms and principles applicable to collective labour law from a comparative and South African labour law perspective 4.2 reflect critically on the interplay between freedom of association, the right to organise, the right to collective bargaining and the right to strike in comparative and South African labour law
5. assess the regulation of organisational rights in South African labour law	5. judge the sufficiency of the regulation of organisational rights in South African labour law and of the interpretation given to these rights by courts and arbitrators in South Africa
6. critically analyse and comment on the legal framework pertaining to collective bargaining and collective agreements	6.1 appraise the norms and principles informing the regulation of collective bargaining and collective agreements in South Africa 6.2 assess whether the regulation of collective bargaining and collective agreements in South Africa is sufficiently flexible in the light of comparative experiences



### 9.4.3 Company Law (CML9X0C) or (CML9X1C)

Purpose of the module	Module NQF level	Module NQF credits
The purpose of the taught module is to develop the learner's intellectual and theoretical competencies to an advanced level, and to strengthen his/her ability to analyse, compare and reflect critically on company law.	9	40

Learning outcomes	Assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
<ol style="list-style-type: none"> <li>analyse the history and development of the South African company</li> <li>evaluate the rules regarding corporate legal personality</li> <li>appraise the principles of corporate criminal liability</li> <li>analyse critically the legal principles of corporate governance with emphasis on the directors of a company, their duties and their potential personal liability</li> <li>interpret and analyse the legal principles relating to the protection of creditors and shareholders of companies</li> <li>interpret and evaluate the principles of corporate social responsibility</li> </ol>	<ol style="list-style-type: none"> <li>identify and link key developments in the history of company law for South Africa</li> <li>appraise the principles and rules regarding the recognition and disregard of the legal personality of a company</li> <li>formulate critically the key principles regarding the imposition of criminal liability in the corporate context</li> <li> <ol style="list-style-type: none"> <li>critically describe the key principles of good corporate governance</li> <li>formulate and apply critically the principles regarding the duties of good faith and care and skill of directors</li> <li>formulate and apply critically the principles relating to the personal liability of directors for debts of the company</li> </ol> </li> <li> <ol style="list-style-type: none"> <li>evaluate the case for and principles of creditor protection in company law</li> <li>describe and evaluate the rules affording protection to shareholders of companies</li> </ol> </li> <li>formulate and apply critically key approaches to the social responsibility of companies</li> </ol>

### 9.4.4 Corporate Finance Law (CFL9X0C) or (CFL9X1C)

Purpose of the module	Module NQF level	Module NQF credits
The purpose of the taught module is to develop the learner's intellectual and theoretical competencies to an advanced level, and to strengthen his/her ability to analyse, compare and reflect critically on corporate finance law.	9	40

Learning outcomes	Assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
<ol style="list-style-type: none"> <li>analyse the principles governing the debt and equity financing of companies</li> </ol>	<ol style="list-style-type: none"> <li> <ol style="list-style-type: none"> <li>critically describe the key principles of corporate financial structure</li> <li>appraise the non-financial implications of the capital structure of a company</li> </ol> </li> </ol>

Learning outcomes	Assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
2. evaluate the rules regarding shareholder contributions and distributions 3. examine the approach to regulation of public offers of shares and debt instruments 4. analyse critically the legal principles of debt financing of companies 5. examine the legal nature of derivative instruments used to finance companies	2.1 formulate critically the principles and rules regarding shareholder contributions 2.2 formulate and assess the rules on distributions to shareholders 2.3 critically describe the rules on share repurchases 3. formulate critically the key principles regarding offers to the public 4. critically describe the key principles of debt financing and debt instruments issued by companies 5. describe the principles regarding derivative instruments and their implications for corporate governance

#### 9.4.5 Corporate Insolvency Law (CIL9X0C) or (CIL9X1C)

Purpose of the module	Module NQF level	Module NQF credits
The purpose of the taught module is to develop the learner's intellectual and theoretical competencies to an advanced level, and to strengthen his/her ability to analyse, compare and reflect critically on corporate insolvency law.	9	40

Learning outcomes	Assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
1. critically evaluate the general principles relating to the law of insolvency 2. formulate and recognise the main principles in regard to the initiation process of the winding-up of a company 3. evaluate and distinguish between the different forms of recognised security in South African insolvency law 4. formulate the rules regarding the application of the proceeds of the insolvent estate 5. formulate the legal principles relating to interrogations in terms of the Companies Act	1.1 formulate an overview of South African insolvency law 1.2 analyse and distinguish between the main principles and sources of insolvency law 2. differentiate between the different legal principles and statutory requirements in regard to the initiation of a liquidation application 3.1 analyse and distinguish between the different forms of security and recognise the legal principles involved 3.2 assess whether a creditor is in possession of a secured claim 4. apply the principles and statutory rules with regard to the application of the proceeds of assets in the insolvent estate 5.1 discuss critically the legal nature of interrogations 5.2 differentiate between the different legal principles and statutory rules in regard to interrogations

Learning outcomes	Assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
6 analyse the statutory and common law rules regarding impeachable transactions and uncompleted contracts	6.1 evaluate a transaction and apply the legal principles to decide whether the transaction qualifies as an impeachable transaction 6.2 apply the common law and statutory principles of insolvency law to uncompleted contracts
7. evaluate and assess critically the international principles of business rescue	7.1 compare the international principles of business rescue to the South African procedure of judicial management 7.2 formulate a workable business rescue framework for South Africa
8. analyse and discuss the legal principles regarding cross-border insolvency law	8. formulate the different legal principles and statutory rules in regard to cross- border insolvency law
9. write a critical essay on the appointment and powers and duties of liquidators	9.1 describe and criticise the legal principles regarding the appointment of liquidators 9.2 formulate the powers and duties of liquidators and discuss them critically
10. integrate the general principles of law of insolvency and other branches of the law to formulate rules that can be applied to the winding-up of corporate entities in a national and international environment	10. formulate and discuss the legal principles relating to the winding up process of corporate entities in a national and international environment
11. demonstrate knowledge and understanding of the principles relating to business rescue	11.1 explain and discuss the basic principles that a business rescue model should entail 11.2 evaluate a proper business rescue model
12. have a sufficient knowledge and understanding of the law of cross-border insolvency	12.1 formulate and discuss the common-law principles of cross-border insolvency law Insolvency Act in order to analyse cross-border insolvency cases and disputes independently 12.2 explain and apply the Cross-Border
13. examine and analyse certain aspects of the insolvency system of the United Kingdom	13.1 appraise and assess the legal principles regarding the regulation of the insolvency industry of the United Kingdom 13.2 formulate and criticise the recent insolvency law reform measures in the United Kingdom

### 9.4.6 Credit Law (CTL9X0C) or (CTL9X1C)

Purpose of the module	Module NQF level	Module NQF credits
The purpose of the taught module is to develop the learner's intellectual and theoretical competencies to an advanced level, and to strengthen his/her ability to analyse, compare and reflect critically on credit law.	9	40

Learning outcomes	Assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
<ol style="list-style-type: none"> <li>1. put current consumer credit legislation in historical context</li> <li>2. determine the scope of application of the National Credit Act (NCA)</li> <li>3. appraise the role of administrative and quasi-judicial bodies in the enforcement of the NCA</li> <li>4. apply the principles in connection with the conclusion and variation of credit agreements</li> <li>5. appraise the rights and duties of the parties to credit agreements</li> <li>6. analyse and apply the principles relating to the cost of credit</li> <li>7. evaluate and integrate the provisions of the NCA to debt enforcement</li> </ol>	<ol style="list-style-type: none"> <li>1. evaluate the social, historical and economical influences on credit legislation</li> <li>2.1 apply the principles of the NCA and determine whether they regulate a particular agreement</li> <li>2.2 distinguish between different categories of credit agreements</li> <li>3.1 distinguish the different roles of the courts, the National Credit Regulator and the National Consumer Tribunal</li> <li>3.2 appreciate the role of debt counsellors, consumer courts, credit bureaux and ombuds</li> <li>4.1 apply the principles of the NCA to the conclusion and alteration of credit agreements</li> <li>4.2 appreciate the consequences of unlawful agreements</li> <li>5.1 evaluate the rights and duties of credit providers in terms of the NCA</li> <li>5.2 apply the provisions of the NCA to the concept of consumer protection and consumer rights</li> <li>6.1 determine, evaluate and apply the principles of the NCA to interest, fees and other costs applicable to any particular credit agreement</li> <li>6.2 apply the principles of the NCA to determine the calculation of interest rates and other fees</li> <li>7.1 integrate and reconcile the different provisions of the NCA relating to debt enforcement</li> <li>7.2 determine and evaluate the interrelationship between the enforcement provisions in the NCA with other provisions of the Act</li> </ol>

### 9.4.7 Drafting of Contracts (DRC9X0C) or (DRC9X1C)

Purpose of the module	Module NQF level	Module NQF credits
The purpose of the taught module is to develop the learner's intellectual and theoretical competencies to an advanced level, and to strengthen his/her ability to analyse, compare and reflect critically on the principles relating to drafting of contracts.	9	40

Learning outcomes	Assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
1. demonstrate detailed conceptual skills in respect of the drafting of contracts 2. understand the legal framework within which contracts are drafted 3. comprehend the purpose, legal implications and limitations of the various clauses that constitute a contract 4. explain legislative imperatives and limitations that apply to the drafting of contracts	1. explain the process relating to the drafting of complex contractual terms 2. explain the legal requirements for the drafting of contracts 3. analyse the purpose, legal implications and limitations of the various clauses that constitute a contract 4. recognise legislative imperatives and limitations that apply to the drafting of contracts

### 9.4.8 E-Commerce (ECM9X0C) or (ECM9X1C)

Purpose of the module	Module NQF level	Module NQF credits
The purpose of the taught module is to develop the learner's intellectual and theoretical competencies to an advanced level, and to strengthen his/her ability to analyse, compare and reflect critically on e-commerce.	9	40

Learning outcomes	Assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
1. examine the role of commerce online (e-commerce) 2. distinguish between a physical medium and an electronic medium in doing business	1.1 distinguish between commerce in a physical medium and an electronic medium 1.2 appraise the relevance of e-commerce

Learning outcomes	Assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
3. categorise the different aspects relevant to e-commerce, such as online contracts, consumer protection regarding online shopping, online advertising, e-government, online banking	3.1 formulate the different aspects that play a role in e-commerce
4. distinguish the relevance of each aspect of commerce in an online environment	4.1 appraise the relevance of applying each aspect of commerce in an electronic medium
5. formulate the legal regulation of each e-commerce aspect	5.1 categorise the different laws applicable to the different e-commerce aspects
6. evaluate the effectiveness of legal regulation of each e-commerce aspect	6.1 appraise the effectiveness of the laws governing the different e-commerce aspects
7. propose amendments to present legal regulation of the different e-commerce aspects	7.1 compose amendments to the different e-commerce aspects
8. examine the role of global legal regulation in respect to the e-commerce aspects	8.1 evaluate the role of global regulation of e-commerce
9. propose how countries and international organisations should be involved in e-commerce	9.1 analyse the effectiveness of global legal regulation of e-commerce
10. criticise the problems experienced with the different aspects of e-commerce	10.1 propose solutions to the problems experienced with the various e-commerce aspects
11. examine the role of lawmakers in addressing problems experienced online	11.1 assess the role of lawmakers in addressing e-commerce problems
12. examine the role of e-commerce in future	12.1 assess the role of e-commerce in future as the physical and electronic medium merge
13. predict the relevance of commerce online	13.1 estimate the relevance of e-commerce in future

**9.4.9 Economic Crime (ECR9X0C) or (ECR9X1C)**

Purpose of the module	Module NQF level	Module NQF credits
The purpose of the taught module is to develop the learner's intellectual and theoretical competencies to an advanced level, and to strengthen his/her ability to analyse, compare and reflect critically on the law and practices relating to the combating of economic crime.	9	40

Learning outcomes	Assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
1. differentiate between the main economic crimes and distinguish them from other crimes	1. analyse critically the elements of key economic crimes and distinguish these crimes from other crimes
2. evaluate international action against economic crime	2. discuss critically the contribution of various international and regional instruments to the combating of economic crime
3. critically analyse and evaluate new legal measures to combat economic crime	3. provide a comprehensive analysis of key legal measures that are employed against modern economic crimes
4. evaluate corporate legal responses to economic crime laws	4. discuss measures that modern corporations employ to ensure compliance with legal obligations

**9.4.10 General Principles and Individual Labour Law (GPI9X0C) or (GPI9X1C)**

Purpose of the module	Module NQF level	Module NQF credits
The purpose of the taught module is to develop the learner's intellectual and theoretical competencies to an advanced level, and to strengthen his/her ability to analyse, compare and reflect critically on general principles and individual labour law.	9	40

Learning outcomes	Assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
1. evaluate the role and relevance of the contract of employment for the employment relationship	1.1 appraise the impact of the various sources of law on the employment relationship 1.2 assess whether and, if so, to what extent the contract of employment can be regarded as the cornerstone of the employment relationship
2. appraise the development of the contract of employment from a socio-legal perspective	2.1 assess the contextual framework of the historical development of the contract of employment 2.2 integrate knowledge of the social factors impacting on the employment relationship into the legal framework of this relationship

Learning outcomes	Assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
3. determine the equity and fairness basis of the employment relationship	3.1 differentiate between the lawfulness and fairness context of the employment relationship and to reflect on an approach that integrates lawfulness and fairness in this framework 3.2 appraise the need for and relevance of the unfair labour practice concept for the employment relationship
4. predict the lawfulness and fairness of termination of employment	4.1 evaluate the case for and principles underlying employment protection 4.2 examine critically the substantive and procedural fairness requirements applicable to dismissals
5. determine relevant for a for labour dispute resolution	5.1 apply the principles of conflict of laws to determine the applicable law and relevant forum for the legal resolution of a labour dispute 5.2 assess whether a dispute of right needs to be or could be referred to a court or arbitration for resolution
6. examine the evolutionary nature of the employment relationship and contrast this with the traditional employment mode	6.1 review the historical development of the employment relationship and how this has impacted on the changing nature of this relationship 6.2 determine the present-day core elements of the employment relationship

#### 9.4.11 Insurance Law (ISL9X0C) or (ISL9X1C)

Purpose of the module	Module NQF level	Module NQF credits
The purpose of the taught module is to develop the learner's intellectual and theoretical competencies to an advanced level, and to strengthen his/her ability to critically analyse, compare and reflect on insurance law.	9	40

Learning outcomes	Assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
1. evaluate the conceptual and legal framework of private insurance in South Africa	1.1 discuss the statutory framework for the control of insurance business in South Africa as well as constitutional values that have a bearing on insurance business 1.2 illustrate the purpose of the Long-term Insurance Act and the Short-term Insurance Act 1.3 describe the types of insurance regulated by the above statutes
2. analyse the current legal position pertaining to misrepresentation and insurance warranties	2.1 describe and discuss the <i>status quo</i> pertaining to misrepresentation and insurance warranties 2.2 suggest ways in which practical issues pertaining to misrepresentation and insurance warranties can be overcome in practice



Learning outcomes	Assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
3. evaluate the relationship between private insurance and social insurance	3.1 describe the similarities and differences between private insurance and social insurance 3.2 debate the necessity and/or desirability of integrating the two fields, including the linking of benefits in social insurance to similar products in private insurance
4. categorise and evaluate insurance products, such as credit life insurance, funeral policies and medical insurance, in the light of related legislation	4.1 analyse credit life insurance critically in the light of the current consumer protection rules that exist in South Africa 4.2 analyse funeral policies critically, indicating the role of friendly societies and cell captives in the funeral business 4.3 analyse critically legislation relating to medical insurance and comment on the role of medical insurance in the wider insurance framework and the current market in South Africa
5. analyse available literature on micro insurance in South Africa and other developing countries	5.1 comment on the nature of micro insurance business and compare South African policies on micro insurance with those of other developing countries 5.2 an argument regarding ways in which new micro insurance legislation could be incorporated into the current insurance framework
6. discuss the purpose and objective of the FAIS, also with reference to intermediaries and the broader regulatory framework	6.1 evaluate whether the FAIS is successful as a consumer protection tool in regulating the position of intermediaries 6.2 comment on the role of the Financial Services Board as a regulator in the insurance industry
7. identify and evaluate the relevant institutions and procedures in the adjudication of insurance matters	7.1 evaluate the role of the Ombud in the settling of disputes arising from long-term insurance business 7.2 evaluate the role of the Ombud in the settling of disputes arising from short-term insurance business

#### 9.4.12 Intellectual Property Law (IPL9X0C) or (IPL9X1C)

Purpose of the module	Module NQF level	Module NQF credits
The purpose of the taught module is to develop the learner's intellectual and theoretical competencies to an advanced level, and to strengthen his/her ability to analyse, compare and reflect critically on aspects of intellectual property law.	9	40

Learning outcomes	Assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
<ol style="list-style-type: none"> <li>1. recognise the relationship between the common law protection of intellectual property rights and the statutory regime relating thereto</li> <li>2. engage with the field of unlawful competition and its common law underpinnings</li> <li>3. demonstrate an understanding of the criteria for the registrability of trade marks and the discretion of the Registrar of Trade Marks</li> <li>4. demonstrate an appropriate knowledge of the requirements for trade mark infringement and the exceptions thereto</li> <li>5. demonstrate an understanding of the key requirements for the existence of copyright</li> <li>6. demonstrate an understanding of the key elements of copyright infringement and the extent of exclusions thereto, having regard to American, British and Australian precedents</li> <li>7. demonstrate an understanding of the functioning of the Advertising Standards Authority and the sui generis norms applied by it, including a differentiation with normal civil law principles</li> <li>8. examine specific case law of international and national bodies relating to disputes involving the internet</li> </ol>	<ol style="list-style-type: none"> <li>1.1 examine critically the interaction between the two systems which run in tandem and how fundamental differences may nevertheless exist</li> <li>2.1 provide a justified response to the practical significance of the common law in protecting the rights of businesses</li> <li>3.1 provide a response concerning the appropriate guidelines developed regarding the norm of distinctiveness</li> <li>4.1 examine critically the influence of the origin theory in infringement cases in instances of ordinary infringement as well as alleged instances of dilution, where confusion is not necessarily required</li> <li>5.1 provide a justified response recognising the key elements of copyright subsistence, and the idea/expression dichotomy</li> <li>6.1 recognise and critically discuss the qualitative versus quantitative approach towards determining infringement, and the scope of fair use/fair dealing exemptions</li> <li>7.1 recognise and critically discuss the way in which unique advertising industry norms are interpreted and how the concept, per se, of intellectual endeavour can be protected</li> <li>8.1 demonstrate a clear knowledge of case law and the justifiability of specific mechanisms of protecting intellectual property, outside the normal rules of civil infringement</li> </ol>

**9.4.13 International Commercial Law A (IC39XAC) or (IC49XAC)**

Purpose of the module	Module NQF level	Module NQF credits
The purpose of this module is to develop the student's intellectual and theoretical competencies to an advanced level and to strengthen his/her ability to critically analyze, compare and reflect on the rules and principles of identified aspects of international commercial law and related subjects.	9	40

Learning outcomes	Assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
1.1 understand the role and nature of international commercial law  2. predict which national law or non-state rules of law will be applied by the courts in selected jurisdictions in respect of the various aspects of an international commercial  3. evaluate the possibility that (i) a foreign judgement will be enforced in South Africa and (ii) a non-domestic judgement will be enforced in selected foreign jurisdictions	1.1 critically discuss the role of the law in international commerce 1.2 analyze the different views of the nature of international commercial law  2.1 analyze and apply in case scenario's the rules and principles of private international law of contract in selected jurisdictions 2.2 analyze and apply in case scenario's the rules and principles of private international law in respect of liberative prescription or limitation in selected jurisdictions 2.3 analyze and apply in case scenario's the rules and principles of private international law of property in selected jurisdictions 2.4 assess the impact of regional, supranational and international instruments in this regard  3.1 analyse and apply the rules and principles of South African law in respect of the recognition and enforcement of foreign judgements 3.2 analyse and apply the rules and principles in respect of the recognition and enforcement of foreign judgements in selected foreign jurisdictions

**9.4.14 International Commercial Law B (IC39XBC) or (IC49XBC)**

Purpose of the module	Module NQF level	Module NQF credits
The purpose of this module is to develop the student's intellectual and theoretical competencies to an advanced level and to strengthen his/her ability to critically analyse, compare and reflect on the rules and principles of identified aspects of international commercial law and related subjects.	9	40

Learning outcomes	Assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
predict which national law or non-state rules of law will be applied by the courts in South Africa and in selected foreign jurisdictions in respect of the various aspects of an international commercial dispute	<ol style="list-style-type: none"> <li>1. analyse and apply the rules and principles of private international law of contract in South Africa and selected foreign jurisdictions</li> <li>2. analyse and apply the rules and principles of private international law in respect of liberative prescription or limitation in South Africa and selected foreign jurisdictions</li> <li>3. analyse and apply the rules and principles of private international law in respect of property in South Africa and selected foreign jurisdictions</li> <li>4. assess the impact of regional, supranational and international instruments in this regard</li> </ol>

#### 9.4.15 International Commercial Law C (IC39XCC) or (IC49XCC)

Purpose of the module	Module NQF level	Module NQF credits
The purpose of this module is to develop the student's intellectual and theoretical competencies to an advanced level and to strengthen his/her ability to critically analyze, compare and reflect on the rules and principles of identified aspects of international commercial law and related subjects	9	40

Learning outcomes	Assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
<ol style="list-style-type: none"> <li>1. analyse the role of comparative law in the international-commercial sphere</li> <li>2. predict the decisions of the courts in South Africa and in selected foreign jurisdictions in respect of substantive international commercial law</li> <li>3. predict the decisions of the South African courts in matters of international financing</li> <li>4. predict the decisions of the South African courts in matters of international transport and international transport insurance law</li> </ol>	<ol style="list-style-type: none"> <li>1.1 discuss the role of comparative law in the international-commercial context</li> <li>1.2 compare the nature and characteristics of selected (groups of) legal systems</li> <li>2.1 analyse and apply the rules and principles of various domestic laws of contract and property in this regard</li> <li>2.2 assess the impact of regional, supranational and international instruments in this regard</li> <li>3.1 analyse and apply the rules and principles of South African international financing law</li> <li>3.2 assess the impact of international instruments in this regard</li> <li>4.1 analyse and apply the rules and principles of domestic South African law in this regard</li> <li>4.2 assess the impact of international instruments in this regard</li> </ol>

Learning outcomes	Assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
5. demonstrate knowledge of the law in respect of international commercial arbitration	5.1 analyse and apply the rules and principles of domestic South African law in this regard 5.2 assess the impact of international instruments in this regard 5.3 analyse and apply the rules and principles in respect of the recognition and enforcement of foreign and international arbitral awards

#### 9.4.16 International Criminal Law (ICR9X0C)

Purpose of the module	Module NQF level	Module NQF credits
The purpose of the taught module is to develop the learner's intellectual and theoretical competencies to an advanced level, and to strengthen his/her ability to analyse, compare and reflect critically on international criminal law.	9	40

Learning outcomes	Assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
1. analyze the role of comparative law in the international-commercial  2. predict the decisions of the courts in selected jurisdictions in respect of substantive international commercial law  3. predict the decisions of the South African courts in matters of international financing  4. predict the decisions of the South African courts in matters of international transport and international transport insurance law  5. demonstrate knowledge of the law in respect of international commercial arbitration	1.1 critically discuss the role of comparative law in the international- 1.2 compare the nature and characteristics of selected (groups of) legal systems  2.1 analyze and apply in case scenario's the rules and principles of various domestic laws of contract and property in this regard 2.2 assess the impact of regional, supranational and international instruments in this regard  3.1 analyze and apply in case scenario's the rules and principles of South African international financing law 3.2 assess the impact of international instruments in this regard  4.1 analyze and apply in factual scenario's the rules and principles of domestic South African law in this regard 4.2 assess the impact of international instruments in this regard  5.1 analyze and apply in factual scenario's the rules and principles of domestic South African law in this regard 5.2 assess the impact of international instruments and various sets of arbitration rules in this regard 5.3 analyze and apply in factual scenario's the rules and principles in respect of the recognition and enforcement of foreign and international arbitral awards

### 9.4.17 International Environmental Law (IEL9X0C)

Purpose of the module	Module NQF level	Module NQF credits
The purpose of the taught module is to develop the learner's intellectual and theoretical competencies to an advanced level, and to strengthen his/her ability to analyse, compare and reflect critically on international environmental law.	9	40

Learning outcomes	Assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
<ol style="list-style-type: none"> <li>comprehend and critically reflect on the creation of environmental norms and standards in international law</li> <li>evaluate the applicability of international law principles on state responsibility in matters involving environmental harm</li> <li>distinguish between different forms of liability for environmental harm</li> <li>explain the unique characteristics of the climate change regime</li> </ol>	<ol style="list-style-type: none"> <li>provide an overview of the main developments in the creation of environmental norms and standards.</li> <li>explain the principles of state responsibility in international law and their shortcomings in determining state responsibility for certain forms of environmental harm</li> <li>interpret provisions on liability in multilateral environmental treaties</li> <li>distinguish between the climate change regime and the general environmental norms and standards</li> </ol>

### 9.4.18 International Human Rights (IHR9X0C)

Purpose of the module	Module NQF level	Module NQF credits
The purpose of the taught module is to develop the learner's intellectual and theoretical competencies to an advanced level, and to strengthen his/her ability to analyse, compare and reflect critically on international human rights law.	9	40

Learning outcomes	Assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
<ol style="list-style-type: none"> <li>distinguish between UN Charter-based and treaty-based mechanisms for the protection of human rights</li> <li>understand the role and function of regional mechanisms for the protection of human rights</li> <li>evaluate the different treaty monitoring mechanisms</li> </ol>	<ol style="list-style-type: none"> <li>identify and explain the difference in protective measures provided by the Charter- and treaty-based mechanisms</li> <li>provide a comparative analysis of the different regional systems</li> <li>evaluate and explain the ways in which treaty monitoring mechanisms ensure the implementation of international human rights treaties</li> </ol>

Learning outcomes	Assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
4. identify the various treaty obligations that member states assume in terms of human rights treaties	4. explain the different steps states must take to comply with their treaty obligations and in providing effective remedies for human rights violations

#### 9.4.19 Interpretation of Contracts (INC9X0C) or (INC9X1C)

Purpose of the module	Module NQF level	Module NQF credits
The purpose of the taught module is to develop the learner's intellectual and theoretical competencies to an advanced level, and to strengthen his/her ability to analyse, compare and reflect critically on the principles relating to interpretation of contracts.	9	40

Learning outcomes	Assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
1. demonstrate conceptual skills in respect of the interpretation of contracts	1. show an understanding of the interpretation of contracts at an advanced level
2. analyse the nature of legal interpretation	2. explain the nature of legal interpretation
3. understand the relationship between the interpretation of contracts and other legal instruments	3. describe the relationship between the interpretation of contracts and other legal instruments
4. determine the evidence that may be considered when a contract is being interpreted	4. differentiate between evidence that is admissible and evidence that is inadmissible in the interpretation of contracts
5. compare the terms that constitute a contract	5. analyse the various terms that constitute a contract
6. analyse the presumptions and rules of interpretation	6. apply the presumptions and rules of interpretation to real-life examples of contracts

#### 9.4.20 Law and Language (LAL9X0C) or (LAL9X1C)

Purpose of the module	Module NQF level	Module NQF credits
The purpose of the taught module is to develop the learner's intellectual and theoretical competencies to an advanced level, and to strengthen his/her ability to analyse, compare and reflect critically on law and language.	9	40

Learning outcomes	Assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
1. debate the interaction between law and language 2. analyse the contract as literary phenomenon 3. examine the unique genre and style of legal texts and contracts in particular	1. analyse the relationship between law and language 2. describe the literary nature of the contract 3.1 identify the genre of legal texts and contracts in particular 3.2 evaluate the style of legal texts and contracts in particular

#### 9.4.21 Law of International Tax (LIT9X0C) or (LIT9X1C)

Purpose of the module	Module NQF level	Module NQF credits
The purpose of the taught module is to develop the learner's intellectual and theoretical competencies to an advanced level, and to strengthen his/her ability to analyse, compare and reflect critically on specific taxes.	9	40

Learning outcomes	Assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
1. define and reflect on the building blocks of Capital Gains Tax and apply complicated tax rules to practical situations	1.1 assess whether an asset was disposed of for proceeds that exceed the asset's base cost 1.2 assess the capital gains tax consequences for deceased and insolvent estates, partnerships, trusts and companies 1.3 integrate knowledge of the Capital Gains Tax treatment of specific assets, for example, usufructs, loans, livestock and restraint of trade payments 1.4 differentiate between taxable and exempt disposals 1.5 evaluate the rules applicable to the conversion of foreign amounts subject to capital gains tax 1.6 examine critically the substantive and procedural fairness requirements of the Capital Gains Tax Anti-Avoidance Rules

#### 9.4.22 Philosophical and Structural Dimensions of Fundamental Rights (DFR9X0C)

Purpose of the module	Module NQF level	Module NQF credits
The purpose of this module is to provide students with a deeper understanding of the philosophical background to fundamental rights as well as examining some of the key debates that have legal implications. The module will also explore some of the deeper debates concerning the role of rights in transforming a society as well as the appropriate institutional enforcer of fundamental rights.	9	40



Learning outcomes	Assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
<ol style="list-style-type: none"> <li>1. understand the philosophical background and justification for fundamental rights</li> <li>2. understand the differences between different types of rights</li> <li>3. understand the relationship between law and social change</li> <li>4. comprehend the difficulties with courts enforcing fundamental rights</li> <li>5. conceptualise what it means to limit fundamental rights and on what grounds this can be done</li> </ol>	<ol style="list-style-type: none"> <li>1. respond critically to a question concerning the justification of fundamental rights</li> <li>2. explain the differences between types of rights and explore this in practice</li> <li>3. provide a competent response to a question concerning the relationship between law and transformation of a society with reference to applied examples</li> <li>4. recognise the complexity of different institutional responses to the protection of fundamental rights</li> <li>5. theoretically engage with a question concerning the limitation of fundamental rights as well as understanding what this means in practice</li> </ol>

#### 9.4.23 Fundamental Rights in South Africa (FRS9X0C)

Purpose of the module	Module NQF level	Module NQF credits
The purpose of this module is to examine in depth a number of key elements of the approach adopted thus far to the adjudication of Fundamental Rights in South Africa. Students will be expected to be familiar with some of the key academic debates and provide a critical examination of existing approaches.	9	40

Learning outcomes	Assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
<ol style="list-style-type: none"> <li>1. understand the South African Courts approach to standing and the key debates in this regard</li> <li>2. understand the theoretical debates concerning application of the bill of rights and their implications</li> <li>3. grasp of the questions relating to interpretation of the Bill of Rights</li> <li>4. provide an analysis of the approach of the SA Courts to Limitations analysis</li> </ol>	<ol style="list-style-type: none"> <li>1. critically respond to a question on standing and apply his/her knowledge</li> <li>2. engage with different actors who may violate the Bill of Rights and can apply his/her knowledge in this regard</li> <li>3. examine critically theoretical approaches to interpretation in the Bill of Rights and interpret particular provisions of the Bill of Rights using this knowledge</li> <li>4. examine critically the approach of the Constitutional Court to Limitations and apply this knowledge to concrete questions</li> </ol>

<b>Learning outcomes</b>	<b>Assessment criteria</b>
The learner will be able to:	The learner will be competent if he/she is able to:
5. engage critically with the jurisprudence of the South African courts relating to specific rights which may include the Right to Vote, Equality, Socio-Economic Rights, Children's Rights, Privacy and Freedom of Religion	5. examine critically the jurisprudence of the courts in relation to specific rights and apply this knowledge to particular examples

#### **9.4.24 The Enforcement of Fundamental Rights in South Africa and Internationally (EFR9X0C)**

<b>Purpose of the module</b>	<b>Module NQF level</b>	<b>Module NQF credits</b>
The purpose of this module is to examine in more depth the problems relating to the institutional enforcement of fundamental rights. The module also adopts a global perspective and considers the role of international law, regional law and comparative law in advancing the cause of fundamental rights in the world.	9	40

<b>Learning outcomes</b>	<b>Assessment criteria</b>
The learner will be able to:	The learner will be competent if he/she is able to:
1. recognise the relationship between the structural features of the Bill of Rights and the implementation of Fundamental Rights	1. examine critically the relationship between structural features of the Bill of Rights and the rights themselves
2. engage with the appropriate role of Courts in the advancement of rights	2. provide a justified response to the role of Courts in advancing fundamental rights
3. demonstrate an understanding of the remedial powers of the courts and the appropriate remedies in particular cases	3. provide a response concerning the appropriate remedial powers of courts and apply this in specific cases
4. demonstrate an appropriate knowledge of the role of comparative law and international law in human rights jurisprudence	4. examine critically the role of comparative law and international law in human rights jurisprudence and demonstrate this in particular cases
5. demonstrate an understanding of the key international human rights instruments and their deficiencies	5. provide a justified response recognising the key international human rights instruments and their problems

Learning outcomes	Assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
6. demonstrate an understanding of the key regional and sub-regional human rights instruments and their contribution to the enforcement of fundamental rights  7. demonstrate an understanding of the key efficacy problems of international instruments and what would be needed to remedy these problems  – examine specific case law of international, regional and national bodies or courts in specific areas to demonstrate the role these may play in the advancement of fundamental rights	6. recognise and critically discuss the role of regional and sub-regional human rights instruments in advancing fundamental rights  7. recognise and critically discuss the way in which human rights instruments can become more effective  8. demonstrate a clear knowledge of case law of various international, regional and national bodies that are discussed and show how they contribute to enriching the discussion of fundamental rights

**9.4.25 Public Law, International Law and Comparative Law Relevance (PIC9X0C) or (PIC9X1C)**

Purpose of the module	Module NQF level	Module NQF credits
The purpose of the taught module is to develop the learner's intellectual and theoretical competencies to an advanced level, and to strengthen his/her ability to analyse, compare and reflect critically on public law, international and comparative law relevance for labour law.	9	40

Learning outcomes	Assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
1. critically evaluate the impact of the Constitution on labour law and labour relations  2. appraise the relevance of supra-national and regional law for labour law	1.1 assess the relevance of the Constitutionalisation of labour law in South Africa and from a comparative perspective 1.2 appraise the role and impact of fundamental rights in giving shape to and regulating the individual and collective employment relationship  2.1 assess the impact of supra-national legal norms, in particular in the EU, on labour law 2.2 reflect critically on the provisions of SADC instruments and on developments in SADC labour laws and assess the impact of these provisions and developments on the development of labour law in South and southern Africa

Learning outcomes	Assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
3. assess the role of public international law in labour law standard setting	3.1 appraise the articulation and implementation of international labour standards, in particular in the context of the International Labour Organisation, also from a South African Constitutional and legal perspective 3.2 rate the effectiveness of international norms and standards in defining the regulatory contours of the employment relationship
4. analyse critically the relevance of comparative law for labour law and the interplay between public international and comparative law norms in defined areas of labour law application	4.1 assess the relevance of comparative law for labour law in general and also from a South African Constitutional and legal perspective 4.2 reflect critically on and integrate relevant public international law and comparative labour law norms for freedom of association, the right to strike and equality
5. assess the impact of public law on the public employment relationship	5.1 analyse critically the various labour law norms that play a role in defining the contours of the public employment relationship 5.2 compare the private sector and public employment relationship and to judge whether a unified or differential approach should be followed to regulate the public employment relationship

#### 9.4.26 Research Component (LLM Coursework)

- Banking Law Master's Minor Dissertation (BL19XDC) or (BL29XDC)
- Commercial Law Master's Minor Dissertation (CL19XDC) or (CL29XDC)
- Corporate Law Master's Minor Dissertation (CPL9XDC) or (CP19XDC)
- Drafting and Interpretation of Contracts Master's Minor Dissertation (DIC9XDC) or (DI19XDC)
- Human Rights Master's Minor Dissertation (HRT9XDC)
- International Commercial Law Master's Minor Dissertation (IC19XDC) or (IC29XDC)
- International Law Master's Minor Dissertation (IT19XDC) or (IT29XDC)
- Labour Law Master's Minor Dissertation (LL19XDC) or (LL29XDC)
- Tax Law Master's Minor Dissertation (TX19XDC) or (TX29XDC)

Purpose of the module	Module NQF level	Module NQF credits
The purpose of the dissertation or seminar programme is to develop the student's capability to give a scientific account of and apply the knowledge in the area of the different fields of study and related law that he/she has gained through literature study.	9	60

Learning outcomes	Assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:

Learning outcomes	Assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
<p>1. formulate a research proposal</p> <p>2. conduct advanced-level research</p> <p>3. evaluate and integrate different sources</p> <p>4. select relevant and applicable material</p> <p>5. write and present the research in a comprehensible and logical manner</p> <p>6. write in accordance with proper methodology</p>	<p>1. submit brief research proposals on the research topic</p> <p>2.1 write and present more than one seminar of approximately 20 pages typed in one and a half spacing on an A4 page OR write a minor dissertation of approximately 50 pages typed in one and a half spacing on an A4 page</p> <p>2.2 illustrate awareness and advanced knowledge of the key sources on the subject of the seminar or minor dissertation</p> <p>2.3 compare and evaluate critically the viewpoints found in and the principles contained in different sources</p> <p>2.4 write a seminar or minor dissertation as described above and submit a publishable article, note or case study based on his/her seminar/dissertation that may, at the discretion of the supervisor, be submitted for publication in a law journal under the authorship of the student or both the student and the supervisor</p> <p>3.1 illustrate an appreciation for the worth and desirability of the inclusion of different materials in his/her discussion</p> <p>3.2 submit a seminar/minor dissertation that complies with the prescribed length</p> <p>3.3 evaluate draft seminars of other students on the programme and provide them with constructive feedback</p> <p>4. arrange material in a systematic and comprehensive manner</p> <p>5.1 analyse and argue relevant viewpoints, concepts and principles</p> <p>5.2 present his/her draft seminar/minor dissertation and research in writing and/or orally to members of his/her work group and reflect on their constructive feedback</p> <p>5.3 present, if nominated, his/her draft seminar/minor dissertation and research orally to all the students on the programme as well as to the lecturers, and react to their observations and reply to their questions</p> <p>6. submit a seminar/minor dissertation in writing with footnotes and a bibliography</p>

### 9.4.27 Securities and Financial Markets Law (CFM9X0C) or (CFM9X1C)

Purpose of the module	Module NQF level	Module NQF credits
The purpose of the taught module is to develop the learner's intellectual and theoretical competencies to an advanced level, and to strengthen his/her ability to analyse, compare and reflect critically on securities and financial markets law.	9	40

Learning outcomes	Assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
<ol style="list-style-type: none"> <li>1. evaluate the conceptual, legal and institutional framework for the regulation of financial markets</li> <li>2. identify the participants or players in financial markets and critically appraise their legal roles</li> <li>3. interpret and analyse the legal principles and strategies relating to the protection of investors</li> <li>4. critically examine the legal principles aimed at preventing market abuse</li> <li>5. analyse and evaluate the legal principles pertaining to takeovers and mergers</li> </ol>	<ol style="list-style-type: none"> <li>1.1 identify and appraise theoretical justifications for the regulation of financial markets</li> <li>1.2 critically describe the legal framework for securities regulation in South Africa</li> <li>1.3 analyse and evaluate the institutional framework of financial market regulation in South Africa</li> <li>2.1 critically describe the role of exchanges, and intermediaries</li> <li>2.2 evaluate the principles aimed at resolving likely conflicts of interest between market participants</li> <li>3.1 formulate critically the key principles of investor protection</li> <li>3.2 classify South African investor protection rules according to the strategies underlying them</li> <li>4. critically describe the key principles of the regulation of insider trading and other forms of market abuse</li> <li>5.1 evaluate the case for the regulation of changes in corporate control</li> <li>5.2 describe and evaluate the rules applicable to takeovers and mergers</li> </ol>

### 9.4.28 Small Business Forms (SBF9X0C) or (SBF9X1C)

Purpose of the module	Module NQF level	Module NQF credits
The purpose of the taught module is to develop the learner's intellectual and theoretical competencies to an advanced level, and to strengthen his/her ability to analyse, compare and reflect critically on the law relating to small business forms.	9	40

Learning outcomes	Assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:

Learning outcomes	Assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
<ol style="list-style-type: none"> <li>1. appraise the context within which small business forms should be regulated</li> <li>2. describe the different legal forms used by small businesses and evaluate the regulatory challenges associated with them</li> <li>3. analyse the legal principles governing the interaction between small business forms and external parties</li> <li>4. analyse critically the legal principles applicable to the internal relationships between participants in small businesses</li> <li>5. examine the legal mechanisms available for rescuing small businesses</li> </ol>	<ol style="list-style-type: none"> <li>1. critically discuss the role of small business forms in the South African context</li> <li>2. formulate critically the principles and rules applicable to small business forms including partnerships, close corporations, business trusts and closely held profit companies</li> <li>3.1 formulate and assess the principles relating to contracting by or on behalf of small business forms</li> <li>3.2 analyse the principles of creditor protection in relation to small business forms</li> <li>4.1 critically describe the key principles governing the relationship between partners, members of corporations, trust parties and shareholders in small businesses</li> <li>4.2 evaluate the protection afforded to oppressed minority participants in small businesses</li> <li>5. describe and evaluate the rescue or turnaround procedures available to different small business forms</li> </ol>

#### 9.4.29 Tax Law: Basic Principles (TBP9X0C) or (TBP9X1C)

Purpose of the module	Module new NQF level	Module NQF credits
The purpose of the taught module is to develop the learner's intellectual and theoretical competencies to an advanced level, and to strengthen his/her ability to analyse, compare and reflect critically on basic principles of tax law.	9	40

Learning outcomes	Assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
<ol style="list-style-type: none"> <li>1. define and reflect on the basic concepts involved in taxation with specific reference to <i>inter alia</i> gross income source, residence and capital versus income with the purpose of applying case law principles to practical situations</li> </ol>	<ol style="list-style-type: none"> <li>1.1 assess whether a receipt or accrual can be regarded as an "amount" due to its having a monetary value</li> <li>1.2 assess whether a taxpayer is beneficially entitled to outstanding amounts and whether a taxpayer is beneficially entitled to amounts actually received</li> <li>1.3 integrate knowledge of the nature of receipts and accruals</li> <li>1.4 differentiate between South African residents and non-residents</li> <li>1.5 evaluate the rules applicable to deductibility of expenditure and losses for income tax purposes</li> </ol>

### 9.4.30 Tax treaties (TTR9X0C) or (TTR9X1C)

Purpose of the module	Module NQF level	Module NQF credits
The purpose of the taught module is to develop the learner's intellectual and theoretical competencies to an advanced level, and to strengthen his/her ability to analyse, compare and reflect critically on international tax law.	9	40

Learning outcomes	Assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
1. define and reflect on the interaction between provisions in tax treaties and South African domestic law provisions.	1.1 evaluate the relevance of the OECD and UN model tax conventions 1.2 identify the interrelationship between domestic law and treaty law 1.3 identify the relevant distributive rule in a tax treaty and apply it to the different types of income 1.4 understand the rules applicable to the interpretation of tax treaties 1.5 identify the scope of a tax treaty and entitlement to treaty benefit 1.6 evaluate when a taxpayer will be entitled to relief from double taxation either under domestic law or under a treaty 1.7 identify and apply the rules in a treaty regulating the sharing of information between Contracting States and the recovery of outstanding taxes in the Other Contracting State 1.8 evaluate critically whether a national of the other Contracting State has been discriminated against

### 9.4.31 Unjustified Enrichment (UJE9X0C) or (UJE9X1C)

Purpose of the module	Module NQF level	Module NQF credits
The purpose of the taught module is to develop the learner's intellectual and theoretical competencies to an advanced level, and to strengthen his/her ability to analyse, compare and reflect critically on unjustified enrichment as a ground of obligations with specific reference to payments made through the banking system.	9	40

Learning outcomes	Assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
1. evaluate the principles governing the different practical ways in which transfers are made through the banking system that may give rise to obligations arising from unjustified enrichment	1.1 explain transfer as a legal concept that may trigger liability for enrichment by transfer 1.2 apply the legal concept of transfer to identify the parties to an enrichment claim in multiparty situations



Learning outcomes	Assessment criteria
The learner will be able to:	The learner will be competent if he/she is able to:
<p>2. determine when the principles governing the different practical ways in which transfers are made through the banking system may decree that a transfer will have the effect of extinguishing an obligation (i.e. of functioning as a performance)</p> <p>3. identify instances of enrichment that may arise from the use of the methods of transfer employed in the banking system</p> <p>4. appraise the rights and duties of parties arising from imposed enrichment where the enrichment comes about as a result of unauthorised expenditure by a bank on behalf of a client</p> <p>5. identify and give content to the separate actions in respect of unjustified enrichment that developed in our common law within the context of the banking system and consider them in relation to a general enrichment action</p>	<p>2. demonstrate in the context of the banking system that only a transfer that does not extinguish an obligation brings into play the possible application of the law of unjustified enrichment</p> <p>3.1 analyse the various relationships that typically exist where payment methods mediated by banks are utilised to establish who actually is either enriched or impoverished</p> <p>3.2 describe and analyse the instances of enrichment that arise from the use of the methods of transfer employed in the banking system as a special class of multiparty-enrichment claims</p> <p>3.3 propose a theoretical basis for enrichment by transfer within the context of the methods of transfer employed in the banking system</p> <p>4.1 describe and analyse the instances of imposed enrichment that arise from the unauthorised expenditure by a bank on behalf of its client</p> <p>4.2 propose a theoretical basis for imposed enrichment that comes about as a result of unauthorised expenditure by a bank on behalf of a client</p> <p>5.1 list and critically discuss the various separate enrichment actions by distinguishing various circumstances in which particular actions would be applicable in the context of the banking system in South African</p> <p>5.2 compare the possible requirements for a general enrichment action to those of the separate common-law actions and apply them within the context of the banking system</p> <p>5.3 construct a critical opinion on the development, nature and content of the generic requirements for obligations arising from unjustified enrichment and a general enrichment action having regard to the historical foundations of our law, modern developments in the South African law and the experience gained in comparable legal systems</p>

## 10 ACADEMIC AWARDS, PRIZES AND SCHOLARSHIPS

*Note: The awards, prizes, scholarships and certificates may differ from year to year.*

### 10.1 Awards

10.1.1 **Chancellor's Medal** awarded to the best master's degree student in the Faculty of Law.

10.1.2 **Cliff Dekker Hofmeyr Award** (R2 500) awarded to the best LLB student in the Faculty of Law.

10.1.3 **Cum Laude Gold Medals** awarded annually by the Phatshoane Henney Group of Law Firms to all LLB, BCom(Law) and BA(Law) students who completed their degree with distinction.

10.1.4 **Member of the UJenius Club (Top Achievers Club) of the University of Johannesburg** awarded to undergraduate students who maintained an average of 75% with no mark below 70%.

### 10.2 Prizes

10.2.1 **Adams and Adams Prize** (R5000) awarded to the best first-year LLB student.

10.2.2 **Adv TJ Machaba Prize and Floating Trophy** (R500) awarded to the best student in Business Law 1.

10.2.3 **Juta Book Prize** This book prize is awarded to the law student who obtained the best academic results irrespective of his/her year of study and degree.

10.2.4 **Anton Mostert Book Prize** (R3 000) awarded to the student with the best results in Law of Contract.

10.2.5 **Bowman Gilfillan Prize** (R7 000) awarded to the student with the best results in Business Enterprises Law.

10.2.6 **Cherith-Ann Bracher Prize** (R5 000) awarded to the student with the best results in Law of Criminal Procedure.

10.2.7 **The Constitution Floating Trophy for Constitutional Law** donated by The Honourable Judge JC Kriegler and awarded to the best student in Constitutional Law.

10.2.8 **D&T Trust Prize** (R3 000) awarded to the student with the best results in the LLM module: Corporate Insolvency Law.

10.2.9 **Danie en Chrissie Dörfling Floating Trophy** awarded to students who represented the University of Johannesburg at the Child Law Moot Court Competition held at the University of Pretoria in September 2017.

10.2.10 **Director's Prize** (R1 000) awarded by the Director of the UJ Law Clinic to the student who has made a valuable contribution to the service that the Law Clinic renders to the community.

10.2.11 **Kisch IP Prize** (R4 000) awarded to the student with the best results in Commercial Law 2C.

10.2.12 **Elsabé Steenhuisen Prize for Applied Legal Studies (Clinical Component)** (R900 each) awarded to the students with the best results in the clinical component of Applied Legal Studies.

10.2.13 **Emile Schlebusch Prize** (R1 000) awarded this year to the student with the best results in Interpretation Theory.

10.2.14 **Etienne Labuschagne Prize** (R1 000) awarded to the best first year student in memory of Mr Etienne Labuschagne.

- 10.2.15 **Ex-Chief Justice Rumpff Prize and Trophy** (R1 000) awarded each year to the student with the best results in Criminal Law.
- 10.2.16 **Fasken Martinaeu Prize** (R2 500) awarded to the second- year student with a minimum average of 70%, who is actively involved in Community Engagement projects and portrays special leadership skills.
- 10.2.17 **Faculty of Law Floating Trophy** donated by Prof Steve Cornelius and awarded to the most dedicated and meritorious final-year LLB student.
- 10.2.18 **Faculty of Law Floating Trophy and Prize** (R1000) awarded to the student with the best results in Social Security Law.
- 10.2.19 **Faculty of Law Prize (Private International Law)** (R2 000) This prize is awarded to the student with the best results in Private International Law.
- 10.2.20 **Faculty of Law Prize for the Certificate in Board Governance** (R2 000) This prize is awarded to the student with the best results in the Certificate in Board Governance.
- 10.2.21 **Faculty of Law Prize (Certificate in Compliance Management)** (R2 000) awarded to the student with the best results in the Certificate in Compliance Management.
- 10.2.22 **Faculty of Law Prize for the Postgraduate Diploma in Compliance** (R2 000) This prize is awarded to the student with the best results in the Postgraduate Diploma in Compliance.
- 10.2.23 **Faculty of Law Prize for the Short Learning Programme in Company Law: Fundamental Principles** (R2 000) This prize is awarded to the student with the best results in the short learning programme in Company Law: Fundamental Principles.
- 10.2.24 **Faculty of Law Prize for the Short Learning Programme in Business Rescue** (R2 000) This prize is awarded to the student with the best results in the short learning programme in Business Rescue.
- 10.2.25 **Faculty of Law Prize for the Short Learning Programme in Corporate Finance and Securities Law** (R2 000) This prize is awarded to the student with the best results in the short learning programme in Corporate Finance and Securities Law.
- 10.2.26 **Faculty of Law Prize Higher Certificate in Criminal Justice and Forensic Investigations (Contact)** (R2 000) awarded to the student with the best results in the Higher Certificate in Criminal Justice and Forensic Investigations (Contact).
- 10.2.27 **Faculty of Law Prize Higher Certificate in Criminal Justice and Forensic Investigations (Modular)** (R2 000) awarded to the student with the best results in the Higher Certificate in Criminal Justice and Forensic Investigations (Modular).
- 10.2.28 **Faculty of Law Prize (Diploma in Drafting and Interpretation of Contracts)** (R2 000) awarded to the student with the best results in the Diploma in Drafting and Interpretation of Contracts.
- 10.2.29 **Faculty of Law Prize for the Higher Diploma in International Taxation** (R2 000) This prize is awarded to the student with the best results in the Higher Diploma in International Taxation.
- 10.2.30 **Faculty of Law Prize for the Postgraduate Diploma in Labour Law** (R1 500) awarded to the student with the best results in the Postgraduate Diploma in Labour Law.
- 10.2.31 **Faculty of Law Prize for the Certificate in Legislative Drafting** (R2 000) awarded to the student with the best results in the Certificate in Legislative Drafting.

- 10.2.32 **Faculty of Law Prize for the National Diploma in Law (Paralegal Studies)** (R2 000) awarded to the student with the best results in the National Diploma in Law (Paralegal Studies).
- 10.2.33 **Faculty of Law Prize and Floating Trophy (Certificate in Money Laundering Control)** (R2 000) awarded to the student with the best results in the Certificate in Money Laundering Control.
- 10.2.34 **Goldsmith & Papenfus Academic Prize** (R10 000) awarded by O'Hagan Attorneys to the best first-year LLB student.
- 10.2.35 **Goldsmith & Papenfus Academic Prize** (R10 000) awarded by O'Hagan Attorneys to the best second-year LLB student.
- 10.2.36 **Goldsmith & Papenfus Academic Prize** (R10 000) awarded by O'Hagan Attorneys to the best third-year LLB student.
- 10.2.37 **Goldsmith & Papenfus Academic Prize** (R10 000) awarded by O'Hagan Attorneys to the best fourth-year LLB student.
- 10.2.38 **Herman Bosman Prize** (R5 000) awarded to the BCom(Law) student with the best results in his/her final year.
- 10.2.39 **The Hogan Lovells (SA) Prize** (R3 000) awarded to the student with the best results in Law of Evidence and Litigation Techniques.
- 10.2.40 **Imaam Achmad-Allie Fredericks Prize and Floating Trophy** (R1 500) initiated by Dr Eesa Fredericks in memory of his late father and awarded to the student with the best results in International Trade Law.
- 10.2.41 **Introduction to Legal Studies Prize (R500)** donated by Cliffe Dekker Hofmeyer and awarded to the student with the best results in Introduction to Legal Studies.
- 10.2.42 **Jacques Tredoux Prize** (R10 000) awarded by Mr Tredoux of Credo Group in London for the best LLB student in the second year.
- 10.2.43 **JC Smit Prize and Floating Trophy** (R500) awarded to the best student in Business Law 3.
- 10.2.44 **Johannesburg Society of Advocates Prize** (R15 000) awarded by the Johannesburg Society of Advocates of South Africa to the best final-year LLB student.
- 10.2.45 **Judge Snyman Book Prize** (R1 000) awarded to the student with the best results in Law of Succession.
- 10.2.46 **Judge Frans Malan Prize R1000** Prize awarded to student with the best results in Law of Negotiable Instruments.
- 10.2.47 **Knowles Husain Lindsay Prize** (R5 000) awarded to the student with the best results in the LLM module Company Law.
- 10.2.48 **Law of Persons and the Family Prize** (R500 each) awarded by the Faculty of Law to the students with the best results in Law of Persons and the Family.
- 10.2.49 **The Law Society of the Northern Provinces Certificate** awarded to the nominee as a candidate for the Certificate of the Law Society of the Northern Provinces to the best student in Law of Evidence and Litigation Techniques.
- 10.2.50 **LexisNexis Book Prize** awarded by LexisNexis Publishers for the best Introductory Labour Law student.
- 10.2.51 **LexisNexis Book Prize** awarded by LexisNexis Publishers for the student with the best performance in Law of Civil Procedure.
- 10.2.52 **LexisNexis Book Prize** awarded by LexisNexis Publishers for the best Commercial Law 1A student.
- 10.2.53 **LexisNexis Book Prize** (awarded by LexisNexis Publishers for the best Labour Relations and Law 4 student.
- 10.2.54 **LexisNexis Book Prize and the Matthew Floating Trophy** awarded by LexisNexis Publishers for the best Business Law 2 student.



- 10.2.55 **Oxford University Press Book Prize** awarded to the student with the best results in Commercial Law 1B.
- 10.2.56 **Pearson Book Prize** awarded to the best student in Labour Law.
- 10.2.57 **Pearson Book Prize** awarded to the best student in Labour Relations and Law 3.
- 10.2.58 **René Bekker Attorneys Prize** (R3 000) awarded to the student with the best results in Insolvency Law.
- 10.2.59 **South African Society for Labour Law Prize & 1 Year's Complimentary Membership** (R2 000) awarded to the student with the best results in Labour Law.
- 10.2.60 **Spoor and Fisher Prize** (R2 000) awarded to the candidate with the best results in a dissertation in the Faculty of Law.
- 10.2.61 **Jansen van Vuuren Floating Trophy** awarded to the most dedicated Moot Court Couch.
- 10.2.62 **Werksmans Attorneys Prize** (R5 000) awarded to the student with the best results in Law of Civil Procedure.
- 10.2.63 **Werksmans Attorneys Prize** (R5 000) awarded to the student with the best results in Tax Law.
- 10.3 Scholarships**
- 10.3.1 **Cliffe Dekker Hofmeyr Scholarships** (R15 000 in total) awarded by the law firm Cliffe Dekker Hofmeyr to an outstanding LLB student as nominated by the firm.
- 10.3.2 **Du Plessis van Loggenberg Scholarship** (R2 500 each) awarded to the most deserving student in the Faculty of Law as nominated by the firm.
- 10.3.3 **SW van der Merwe Scholarships and Internships** (R15 000 each) awarded by Cliffe Dekker Hofmeyr to outstanding and deserving LLB students.
- 10.3.4 **Du Plessis van Loggenberg Scholarship** (R2500 each) awarded to the most deserving student in the Faculty of Law as nominated by the firm.
- 10.3.5 **GOLDSMITH & PAPENFUS SCHOLARSHIPS** (R32000 each) These scholarships are awarded by O'Hagan Attorneys to the most deserving students in the Faculty of Law as nominated by the firm.
- 10.3.6 **Werksmans Attorneys Scholarship** (R30 000 each) awarded to the most deserving student in the Faculty of Law as nominated by the donor.
- 10.4 Certificates**
- 10.4.1 **Moot Court Competitions**  
Certificates are presented to candidates for their participation in moot court competitions, locally and/or abroad.
- 10.4.2 **Constitutional Students Care Committee**  
Certificates presented to candidates for their participation in the community engagement activities of the Constitutional Students Care Committee.
- 10.4.3 **Phillip C Jessup International Law Moot Court Competition**  
Certificates presented to candidates for their participation in the Phillip C Jessup International Law Moot Court Competition.

