

Faculty of Law

LLM – Banking Law



UNIVERSITY
OF
JOHANNESBURG

FACULTY OF LAW



The Future
Reimagined

The University of Johannesburg's LLM in Banking Law programme is designed to provide students with specialist knowledge on aspects of the law that are highly relevant to the banking sector. It is designed to be completed by full-time students within one year and by part-time students over two years.

This programme consists of a minor dissertation (60 credits) together with three compulsory taught modules (3x40 credits), namely:

- (i) Banking Law:** This module has a distinct private-law focus. The central concepts of money and payment are investigated by way of introduction. This is followed by a study of the bank-customer agreement. The module further deals with banks as payment intermediaries (in various methods of especially domestic payment). Finally, the module focuses on bank liability arising from contract, delict and enrichment. Prof Charl Hugo (the director of the Faculty's Centre for Banking Law) and Prof Sarel du Toit will be jointly responsible for leading most of the seminars, but some guest lecturers with particular expertise in certain fields are also likely to lead some seminars.
- (ii) Financial Services Regulation:** The importance of sound regulation of financial services has been well demonstrated by global financial crises during the past two decades or so. Certain key international bodies drive international cooperation in this regard. As part of this process, South Africa has decided to switch to a twin-peaks system in terms of which all financial services are regulated under the auspices of a prudential and market conduct regulator, overseen by a financial stability oversight committee jointly represented by these two regulators. In this module some fundamental theoretical concepts in the regulation of financial services are explored, including systemic risk and contagion. Both the prudential and market-conduct regulation are considered with a focus on the legislative components that form part of this regulatory system. The module leader is Prof Sarel du Toit, who will be assisted by guest lecturers.
- (iii) Credit Law:** This module focuses on the National Credit Act, arguably one of the most important pieces of legislation in South Africa, which has featured in many reported cases and has generated much academic commentary.

Classes or seminars in the taught modules have generally been presented in the evenings on weekdays from 18h00 to 20h00 (one class per module per week). Some classes may be arranged differently (blocked) in consultation with the class. In the context of the pandemic it is of course uncertain to what extent contact sessions will be possible or advisable. The Banking Law LLM adapted well to online-teaching in 2020, 2021 and 2022, and, should this again be necessary in 2023, the Faculty is ready to do so. A mix of contact sessions and on-line sessions is another possibility. Clarity on this aspect cannot be provided at the time of finalisation of this brochure.

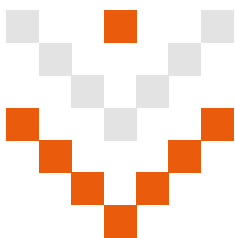
Two of the taught modules will be presented in one semester, and the remaining module in the other semester. Which modules will be presented in which semester, is uncertain at this stage.

The next student intake will be in February 2023. In general, as a minimum admission requirement, students must have attained an average of 65% for the law subjects in their LLB degree. The number of students who can be accommodated effectively in the programme and modules having regard to the high level of personal interaction required between LLM students and supervisors/module leaders will also be taken into account.

For further information and enquiries regarding entry requirements, closing dates and the application procedure, as well as more information on the content of the coursework, please do not hesitate to contact the faculty:

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