

Faculty of Law

2008



UNIVERSITY OF
KWAZULU-NATAL

FACULTY OF LAW

in the College of Law and Management Studies

**HOWARD COLLEGE CAMPUS
PIETERMARITZBURG CAMPUS**

HANDBOOK FOR 2008

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Centre for Socio-Legal Studies
Community Law Centre

School for Legal Practice, Law Society of South Africa
Independent Medico-Legal Unit

CENTRE AFFILIATED WITH PIETERMARITZBURG:

Centre for Criminal Justice

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INFORMATION FOR CANDIDATES

The Faculty of Law in the University of KwaZulu-Natal was established in 2005 as a result of the merger of the two Law Faculties in the former University of Durban Westville and University of Natal. The Faculty offers undergraduate (LLB) and postgraduate (LLM) programmes on the Howard College and Pietermaritzburg campuses and service courses in Commercial Law in the Faculty of Management Studies at the Westville campus.

Both former Faculties enjoyed a proud record of achievements and a fine reputation in legal circles. In the merged Faculty various undergraduate and postgraduate courses are run by dedicated staff who are specialists in their own particular fields and rich in practical experience. In addition to providing candidates with a critical knowledge and understanding of the law, the Faculty sets out to prepare candidates for the rigours of legal practice.

In particular, the Faculty has a long established and highly respected Moot Court programme for which all students must prepare and argue a point of law/case. The entire process including the research, preparation and presentation is conducted as if the candidates were arguing an appeal before the High Court. Members of staff judge the preliminary rounds. The best students then proceed to the semi-final and then the final, which is judged by three judges of the High Court, or the Constitutional Court. The final is the premier event in the calendar of the Law Faculty and is attended by members of the legal profession, University management, staff, students, donors and visitors from other universities and institutions. The Moot Court programme, together with visits to local law courts, exposes candidates to some of the realities of law in practice.

Student activities are co-ordinated by a Law Students' Council elected annually by all students registered in the Law Faculty. The Council serves as a channel for the expression of the views of law students and the organising of various extra-curricular activities both academic and social.

In order to give the students exposure to aspects of legal practice the Faculty operates two Campus Law Clinics that also provide legal assistance to University staff, students and members of the public. The provision of this legal advice and assistance is free to indigent persons and provides an invaluable service to the community.

The Faculty has also facilitated the Street Law programme which aims to make law accessible to school pupils and members of the public. The National Street Law Office is housed at the Centre for Socio-Legal Studies at the Howard College campus and students may work in this office in implementing the programme.

DEGREES

The Faculty of Law offers the following degrees/diplomas:

UNDERGRADUATE DEGREE

A Bachelor of Laws (LLB) is a requirement for admission as an advocate or as an attorney. The degree extends over four years of full-time study and is also offered on a part-time basis whereby lectures are held after hours and the period of study is extended to a minimum of 5 years.

POSTGRADUATE DEGREES

Specialist masters degrees are offered in the following fields: Business Law, Child Care and Protection, Constitutional and International Law, Environmental Law, Labour Studies, Maritime Law, Public Health Law, Taxation and Criminal Justice.

Master of Laws by research

Doctor of Philosophy (PhD)

Doctor of Laws (LLD)

Doctoral Degrees are attainable only by research.

POSTGRADUATE DIPLOMAS

Postgraduate Diplomas are offered in the following fields: Forensic Investigation and Criminal Justice and Maritime Law.

BURSARIES, SCHOLARSHIPS AND PRIZES

Bursaries and Scholarships

Information concerning scholarships and bursaries may be obtained from the Financial Aid Office. The following bursaries and scholarships are available to law students on the Howard College Campus:

Anthony and Karen Beare Bursary

Anthony Scott Somerville Bursary

Attorneys' Fidelity Fund Bursaries

Brian Viviers Bursary Fund

Caltex Corporate Bursary
Carl and Emily Fuchs Overseas Scholarship
Centre for Science Development Scholarship
City of Cape Town Bursary Loans
Deneys Reitz Bursaries and Scholarships
Dr E G and Mrs Jane Malherbe Convocation Scholarship
Durban Legal Circle Bursary
Graham Mackeurtan Bursary
H C Bodenstein (Boedel Wyle) Trust
Kessie Naidu SC Scholarship Fund
Leon Renaud Bursary
Shepstone and Wylie Bursary
Transnet Bursary
Weber Wentzel Bursaries

The following bursaries and scholarships are available to law students who are registered at the Pietermaritzburg campus:

Anthony Scott Somerville Bursary
Attorneys' Fidelity Fund Bursaries
Butterworths Bursary
Exton Burchell Memorial Bursary
Juta Bursary
Oliver Schreiner Memorial Bursary/Scholarship

These bursaries and scholarships are available in addition to the general bursaries, scholarships and awards made by the University of KwaZulu-Natal.

Prizes

The following prizes are awarded at the Howard College campus:

- Abel Torf Prize** (best final year law student)
- Adams and Adams Labour Law Prize** (best Labour Law student)
- Barend van Niekerk Prize** (best Jurisprudence student)
- Butterworths Prize** (Moot Court performance)
- Connor Prize** (best final year law student)
- Frances Tobias Prize** (best Negotiable Instruments student)
- Garlicke and Bousfield 125th Year**
- Environmental Law Prize** (best Environmental Law student)
- Harry Pitman Prize** (best Constitutional Law student)
- Financial Planning Institute Prize** (best Income Tax Law student)
- Juta Prize** (best intermediate year law student)
- Kessie Naidu SC Prize** (best financially deserving first year law student)
- Kevin Ferguson-Brown** (best International Law student)
- Leon Trophy** (Moot Court performance)
- Penny Andrews** (Human Rights Award)
- Ray Leon Prize** (best Law of Evidence student)
- Sanlam Prize** (best intermediate year student)
- Shanara Gilbert Clinical Law Prize** (best LLB Clinical Law student)
- Shepstone and Wylie Award** (best Maritime Law (LLB course) student)
- Trust Bank Prize** (Moot Court Performance)
- Wartski Prize** (best Diploma in Maritime Law student)

The following prizes are awarded at the Pietermaritzburg Campus:

Butterworths Prize (best Property Law student)

Connor Prize (best final year student)

F B Burchell Prize (Moot Court performance)

Harry Pitman Prize (best Constitutional Law student)

Ivan Jon Goldberg Prize (best final year student)

Juta Prize (best intermediate year student)

Juta Prize (best Criminal Law student)

Pietermaritzburg Legal Circle Prize (Moot Court performance)

Professional Provident Society Prize (best Legal Advice Centre student)

Ray Leon Prize (best Administrative Law student)

SH Cassimjee (book prize: best Accounting for Lawyers student)

The Jimmy Gorman Memorial Prize (best LLB student)

Webber Wentzel Prize (student showing distinctive aptitude for practice as an attorney)

CAREER OPTIONS

The LLB graduate may go on to qualify as an advocate or an attorney. There are various routes into these professions and details of the additional training and examination requirements can be found elsewhere in this Handbook and in the Law Career Brochure available from the University Student Counselling Centre. The legal profession is divided into two branches, its membership consisting of those lawyers who have been admitted as attorneys or advocates.

However, law graduates have a wide range of career options to choose from, besides joining the legal profession as attorneys or advocates. Graduates may also join the Department of Justice as prosecutors or join more specialised branches of the National Prosecuting Authority such as the 'Scorpions.' The government also employs its own 'State Attorneys' who represent the State in legal disputes, whilst advocates who are employed by the Department of Justice prosecute serious offences in the High Courts as 'State Advocates.' The military also employs lawyers as law officers who render advice and appear at military

tribunals. In fact all government departments employ legal advisors who render advice and draft legislation, whilst some law graduates may choose to join the diplomatic corps. Large commercial organisations also employ law graduates as legal advisors. Some of our graduates have moved into the insurance industry, accountancy firms, banks and human resources. Lawyers are needed in organisations supporting democracy including the 'Chapter Nine' institutions such as the Human Rights Commission. Other bodies, both government and privately funded, employ lawyers to assist or represent indigent people. These include the state legal aid and public defender programme as well as the privately funded Legal Resources Centre, which takes on special public interest cases. Finally, graduates may choose to become legal academics.

Thus, given that the study of law offers an excellent all-round education, many graduates who choose not to practice law are well equipped to become politicians, administrators or take up positions in business.

PRACTICAL TRAINING

All candidates are required to complete two courses in Professional Training covering the profession; ethics; taking instructions; correspondence, demand, drafting contracts, manner of address in different courts; dealing with and preparing briefs; interviewing; pleading; conducting pro deo defence and unopposed matrimonial actions; preparing and arguing appeals; opinion work; advice on evidence; cross-examination and reading balance sheets. Furthermore, each student argues a Moot Court appeal. Candidates wishing to gain practical experience by helping disadvantaged members of society may take an elective course in Clinical Law.

ADMISSION TO THE LEGAL PROFESSION

Note: After completion of studies, students may obtain from the Dean a certificate stating that, in his/her opinion, the person is fit and proper to be admitted as an attorney or advocate. This certificate shall be refused or endorsed where a student is found guilty of misconduct whilst registered at this University.

As an attorney:

To become an attorney, the usual route involves an academic qualification followed by articles of clerkship. Articles of clerkship is a kind of 'apprenticeship' or internship that a candidate attorney or 'articled clerk' serves with an experienced attorney. There are several academic qualifications that may permit someone to become an attorney, although the nature of the academic qualification held by a candidate attorney will effect the length of articles to be served. These days, however, most candidate attorneys hold an LLB degree. To be admitted as an attorney whilst holding the LLB degree, a candidate must serve the prescribed period of articles of clerkship, which in this particular case is as follows:

- i. two years and attendance at a 5-week vocational training course; or
- ii. one year and attendance at a 5-month vocational training school.

A candidate attorney must also successfully complete the Attorneys' Admission Examination set by the Association of Law Societies of South Africa, in order to qualify as a practitioner. The prescribed period of articles is also currently under review by Parliament, and may be reduced. All attorneys are members of the Law Society, a body which governs the profession in respect of all attorneys.

As an advocate:

To be admitted as an advocate an applicant must hold the LLB degree. No further qualification is necessary. To become a member of the Bar, however, an advocate needs to undergo a 12-month period of pupillage under the supervision of an experienced practising advocate and to pass the Bar examination conducted by the General Council of the Bar. The Bar is a voluntary association of advocates which governs the profession for the majority of practicing advocates.

SESSIONAL DATES – 2008

HOWARD COLLEGE, PIETERMARITZBURG AND WESTVILLE CAMPUSES
UNIVERSITY OF KWAZULU-NATAL

FIRST SEMESTER: Monday, 11 February – Saturday, 14 June

WINTER VACATION: Monday, 16 June – Sunday, 27 July

SECOND SEMESTER: Monday, 28 July – Saturday, 22 November

PRE-SEMESTER:

	Tues, 01 – Fri, 04 Jan	Wed, 02 Jan	University Offices open
	Mon, 07 – Fri, 11 Jan	Tues, 08 Jan Thurs, 10 – Thurs, 17 Jan	Deadline for submission of Exclusion Appeals to Faculty Offices (for November 2007 examinations) Supplementary Exams
	Mon, 14 – Fri, 18 Jan	Mon, 14 Jan – Fri, 18 Jan	FEAComm meetings
	Mon, 21 – Fri, 25 Jan	Thurs, 24 Jan	Supp Exam marks to be captured
	Mon, 28 Jan – Fri, 01 Feb	Mon, 28 Jan – Sat, 02 Feb Wed, 30 Jan Thurs, 31 Jan Thurs, 31 Jan – Fri, 01 Feb	Orientation (HC, PMB, WV) Arrival: International students Release of Supp results Orientation: International students
	Mon, 04 – Fri, 08 Feb	Mon, 04 Feb – Sat, 09 Feb	Registration (HC, PMB, WV)

SEMESTER 1:

1	Mon, 11 – Fri, 15 Feb	Mon, 11 Feb	Lectures commence
		Thurs, 14 Feb	Applications for re-marks to Faculty Offices Final date for registration (1 st semester & Year registrations)
2	Mon, 18 – Fri, 22 Feb	Fri, 22 Feb	Final date for curriculum changes Final date – Applications for extended DP's
3	Mon, 25 – Fri, 29 Feb		
4	Mon, 03 – Fri, 07 Mar		
5	Mon, 10 – Fri, 14 Mar	Fri, 14 Mar	Final day for capturing of graduation decisions onto the computer system (Undergraduate Studies)

6	Mon, 17 – Fri, 21 Mar	Tues, 18 Mar Wed, 19 Mar Thurs, 20 – Fri, 28 Mar <i>Fri, 21 Mar</i>	Follow Friday timetable Lectures cease STUDENT EASTER VACATION <i>Good Friday (Holiday)</i> <i>Human Rights Day (Public Holiday)</i>
	Mon 24 – Fri, 28 Mar	<i>Mon, 24 Mar</i> <i>Fri, 28 Mar</i>	<i>Family Day</i> Final day for capturing of graduation decisions onto the computer system (Postgraduate Studies)
7	Mon, 31 – Fri, 04 Apr	Mon, 31 Mar	Lectures resume Final day for submission of graduation programmes to Central Graduation Office
8	Mon 07 – Fri, 11 Apr	Fri, 11 Apr	Final day for withdrawal from a module (1 st semester & Year registrations) Final day for withdrawal from the University (1 st semester & Year registrations)
9	Mon, 14 – Fri, 18 Apr	Mon, 14 – Tues, 15 Apr Wed, 16 Sat, 19 Apr	Graduation Ceremonies (PMB) Graduation Ceremonies (WV)
10	Mon, 21 – Fri, 25 Apr	Mon, 21 Apr – Thurs, 24 Apr	Graduation Ceremonies (WV)
11	Mon, 28 Apr – Fri, 02 May	<i>Mon, 28 Apr</i> Wed, 30 Apr <i>Thurs, 1 May</i>	<i>in lieu of Sunday (Freedom Day)</i> Follow Thursday timetable <i>Workers Day (Public Holiday)</i>
12	Mon, 05 – Fri, 09 May		
13	Mon, 12 – Fri, 16 May		
14	Mon, 19 – Fri, 23 May Fri, 23 May – Fri, 30 May	Wed, 21 May Thurs, 22 May Mon, 26 May Fri, 23 – Thurs, 29 May	DP Refusals published and sent to Faculty Offices Lectures cease Deadline for submission of DP Appeals to Faculty Offices Study period
15	Mon, 26 – Fri, 30 May	Fri, 30 May	Exams commence (incl. Sat.)

16	Mon, 02 – Sat, 07 Jun		Exam week
17	Mon, 09 – Sat, 14 Jun	Sat, 14 Jun	Exams and semester end.
18	Mon, 16 – Fri, 20 Jun	Mon, 16 Jun	Youth Day (Public Holiday)

SEMESTER 1Teaching days: Monday 13, Tuesday 13, Wednesday 13, Thursday 13, Friday 13: **65 days**

Study leave: 7days; Examinations: 14 days

MID-YEAR BREAK:

	Mon, 16 Jun – Sun, 27 Jul		STUDENT WINTER VACATION
	Mon, 23 – Fri, 27 Jun	Tues, 24 Jun	June Exam results to be captured (HC, PMB, WV)
	Mon, 30 Jun – Fri, 04 Jul	Fri, 04 Jul	Release of Exam results
	Mon, 7 – Fri, 11 Jul		
	Mon, 14 – Fri, 18 Jul	Tues, 15 – Tues, 22 Jul Fri, 18 Jul	1 st -semester Supplementary Exams Deadline for submission of Exclusion Appeals
	Mon, 21 – Fri, 25 Jul	Thurs, 24 Jul – Fri, 25 Jul	Registration (2 nd semester)

SEMESTER 2:

1	Mon, 28 Jul – Fri, 01 Aug	Mon, 28 Jul Tues 29 Jul Wed, 30 Jul	Lectures commence Supplementary Exam results to be captured Final date for registration (2 nd -semester)
2	Mon, 04 – Fri, 08 Aug	Tues, 05 Aug Fri, 08 Aug	Release of Supp results Final date for curriculum changes Final date - Applications for extended DP's
3	Fri, 08 – Sat, 09 Aug	Sat, 09 Aug	National Women's Day (Public Holiday)
4	Mon, 11 – Fri, 15 Aug		
5	Mon, 18 – Fri, 22 Aug	Tues 19 Aug	Applications for re-marks to Faculty Offices
6	Mon, 25 – Fri, 29 Aug		
7	Mon, 01 – Fri, 05 Sept	Fri, 05 Sept	Final date for withdrawal from a module (2 nd -semester registrations) Final date for withdrawal from the University (2 nd -semester registrations)
8	Mon, 08 – Fri, 12 Sept		

9	Mon, 15 – Fri, 19 Sept Fri, 19 – Fri, 26 Sept	Fri, 19 Sept Sat, 20 Sept – Sun, 28 Sept Wed, 24 Sept	Lectures cease STUDENT MID-TERM BREAK <i>Heritage Day (Public Holiday)</i>
10	Mon, 29 Sept – Fri, 03 Oct	Mon, 29 Sept <i>Tues, 30 Sept</i> <i>Thurs, 02 Oct</i>	Lectures resume <i>Rosh Hashanah (day of condoned absence)</i> <i>Eid-ul-Fitr (day of condoned absence)</i>
12	Mon, 06 – Fri, 10 Oct	<i>Thurs, 09 Oct</i>	<i>Yom Kippur (day of condoned absence)</i>
13	Mon, 13 – Fri, 17 Oct		
14	Mon, 20 – Fri, 24 Oct		Institutional Audit
15	Mon, 27 Oct – Fri, 31 Oct	<i>Tues, 28 Oct</i> <i>Thurs, 30 Oct</i> <i>Fri, 31 Oct</i>	<i>Diwali/Deepavali (day of condoned absence)</i> DP Refusals published and sent to Faculty Office Lectures cease
16	Sat, 01 – Fri, 07 Nov	<i>Tues, 04 Nov</i> <i>Sat, 01 Nov –</i> <i>Thurs, 06 Nov</i> <i>Fri, 07 Nov</i>	Deadline for submission of DP Appeals to Faculty Office Study period Exams commence (incl. Saturdays)
17	Mon, 10 – Fri, 14 Nov		Exam week
18	Mon, 17 – Sat, 22 Nov	Sat, 22 Nov	Exams and academic year end.

YEAR-END BREAK:

	Mon, 24 – Fri, 28 Nov		
	Mon, 01 – Fri, 05 Dec	Tues, 02 Dec	Exam marks to be captured
	Mon, 08 – Fri, 12 Dec	<i>Tues, 09 Dec</i> <i>Fri, 12 Dec</i>	<i>Eid-ul-Adha</i> Release of results
	Mon, 15 – Fri, 19 Dec	Mon, 15 Dec <i>Tues, 16 Dec</i>	Last day for submission of theses/dissertations to the Faculty Offices for Graduation in April 2009 <i>Day of Reconciliation (Public Holiday)</i>
	Mon, 22 – Fri, 26 Dec	Wed, 24 Dec	University Offices closed

SEMESTER 2:Teaching days: Monday 13 Tuesday 13, Wednesday 13, Thursday 13, Friday 13: **65 days**

Study leave: 6 days; Examinations: 14 days

(Supplementary Exams	Thursday, 10 January – Thursday, 17 January)
Registration	Monday, 04 February – Saturday, 09 February
Term 1	Monday, 11 February – Wednesday, 19 March
Easter Vacation	Thursday, 20 March – Sunday, 30 March
Term 2	Monday, 31 Mar – Thursday, 22 May
Study period	Friday, 23 May – Thursday, 29, May
1 st -Semester Exams	Friday, 30 May - Saturday, 14 June
July Vacation	Monday, 16 June – Sunday, 27 July
(Supplementary Exams	Tuesday, 15 July – Tuesday, 22 July
Term 3	Monday, 28 July – Friday, 19 September
Mid term Break	Saturday, 20 September – Saturday, 28 September
Term 4	Monday, 29 September – Friday, 31 October
Study period	Saturday, 01 November – Thursday, 06 November
2 nd -Semester Exams	Thursday, 06 November - Saturday, 22 November

PUBLIC HOLIDAYS

DATE	DAY	HOLIDAY
01-Jan	Tuesday	New Year's Day
21-Mar	Friday	Good Friday AND Human Rights Day
24-Mar	Monday	Family Day
28-Apr	Monday	<i>in lieu</i> of Sunday
01-May	Thursday	Worker Day
16-Jun	Monday	Youth Day
09-Aug	Saturday	National Women's Day
24-Sep	Wednesday	Heritage Day
16-Dec	Tuesday	Day of Reconciliation
25-Dec	Thursday	Christmas Day
26-Dec	Friday	Day of Goodwill

RELIGIOUS HOLIDAYS and DAYS OF CONDONED ABSENCE

DATE	DAY	HOLY DAY
30-Sep	Wednesday	Rosh Hashanah (<i>commences at nightfall the previous day</i>)
02-Oct	Thursday	Eid-ul-Fitr (<i>fasting commences on 02 September</i>)
09-Oct	Thursday	Yom Kippur (<i>commences at nightfall the previous day</i>)
28-Oct	Tuesday	Diwali/Deepavali
09-Dec	Tuesday	Eid-ul-Adha

GENERAL ACADEMIC RULES FOR DEGREES, DIPLOMAS AND CERTIFICATES

(These Rules have been made by the Senate and approved by the Council in terms of the Higher Education Act (Act No. 101 of 1997), as amended.)

PREAMBLE:

(a) The Council and/or the Senate may from time to time amend, alter or delete any rule, whether a General Rule or a rule relating to a specific module or qualification.

(b) Where applicable, the interpretation of these Rules is informed by the Definitions of Terms preceding them.

(c) The provisions of these Rules, as applied in particular faculties, may be restricted in circumstances provided for in the rules of those faculties as approved under Rule GR4.

(d) Except as otherwise stated or prescribed by the Senate and the Council, Rules GR1 to GR33 shall be applicable to every student of the University of KwaZulu-Natal (hereinafter referred to as "the University").

DEFINITIONS OF TERMS

"academic exclusion" means termination of a student's registration on academic grounds, resulting in exclusion from the university.

"admission" means the act by which the university admits person to study, after acceptance by an applicant of an offer of a place at the University.

"ancillary module" means a module required as a corequisite or prerequisite to a proposed module. All such modules must have been passed before the relevant qualification may be awarded. **Note:** if module A is an ancillary for module B and B is an ancillary for C, then A is necessarily an ancillary for C.

"assessment" means the evaluation and grading of work, supervised or unsupervised, carried out by a student in satisfying the requirements of a module.

"corequisite module" means a module for which a student must register in the same semester as the proposed module, unless the ancillary module has already been passed or attempted with satisfaction of the DP requirements.

"Council" means the Council of the University of KwaZulu-Natal.

"curriculum" means the combination of modules which together comprise the programme of study leading to a qualification. An individual student's curriculum refers to the specific selection of modules within the broad framework of the curriculum prescribed for a qualification, which enables the student to meet the requirements for the qualification.

"dissertation" means a work involving personal research, that is (a) capable of being recorded in any form or medium, and (b) capable of being evaluated, that is submitted for a degree and satisfies degree specific requirements (for doctoral degrees, see "thesis").

"duly performed (DP) requirements" means those faculty-determined requirements for a module which must be met to permit a student to be eligible for final assessment in that module.

"examination" means a formal assessment, conducted within an officially designated examination session, usually invigilated, and bound by time constraints.

"exit-level module" means a module at the highest level required by the National Qualifications Framework (NQF) for a qualification.

"external examination" means examination by a person, external to the university, who has not been involved with teaching at the University during the previous three (3) years.

"independent moderation" means examination by a person, internal or external to the university, who has not been involved with the teaching of the relevant module in that semester.

"internal examination" means examination by a person or persons involved with the teaching of the relevant module in that semester or, in the case of postgraduate qualifications, is a member of the University staff other than the supervisor(s).

"module" means any separate course of study for which credits may be obtained.

"qualification" means a degree, diploma or certificate.

"prerequisite module" means a module which must have been passed, with at least the minimum mark required by the relevant faculty, before registration for the proposed module is permitted.

"prerequisite requirement" means that requirement, whether a prerequisite module, a specified mark in a module or any other condition, which must have been met before registration for the proposed module is permitted.

“project” means a substantial assignment, whether comprising a single module or part of a module, and which requires research or equivalent independent work by a student.

“registered student” means a student who is registered to study in one or more modules offered by the University. Such registration will lapse on the date of the following registration session or earlier should the student cease to be an admitted student.

“registration” means completion by a student, and acceptance by the University, of a registration form, and compliance with such other conditions as are required for entitlement to a current student card.

“Senate” means the Senate of the University of KwaZulu-Natal.

“special examination” means an examination awarded by the Senate to a student who has not been able to attempt or complete the original examination by reason of illness or any other reason deemed sufficient by the Senate.

“student” means a person who has been admitted to the University for the purpose of studying or who has registered for a qualification. A student remains a student until such time as that person graduates or otherwise completes studies, or withdraws from the University, or fails to attend or register in any semester, or is excluded and all appeal processes for readmission have been exhausted.”

“supplementary examination” means an examination awarded by the Senate to a student, based on the student's performance in the original module assessment.

“suspended registration” means an agreement by which the University holds a student's registration in abeyance for a specified period of time.

“tertiary institution” means any institution that provides post-school education on a full-time, part-time or distance basis.

“thesis” means a work involving personal research, that is (a) capable of being recorded in any form or medium, and (b) capable of being evaluated, that is submitted for a doctoral degree and satisfies the requirements specified in the relevant rules.

“the University” means the University of KwaZulu-Natal.

GENERAL RULES

GR1 Changes in rules

The University may revise or add to its rules from time to time, and any such alteration or addition shall become binding upon the date of publication or upon such date as may be specified by the Council and the Senate, provided that no change in rules shall be interpreted so as to operate retrospectively to the prejudice of any currently registered student.

GR2 Degrees, diplomas and certificates

The University may confer or award such degrees, diplomas and certificates as approved by the Senate and the Council.

Note:

- (a) *The list of degrees, diplomas and certificates is available from the Registrar's Office on request.*
- (b) *Rules for specific qualifications will be found in the relevant Faculty handbooks.*

GR3 Approval of curricula

The Council, upon the approval of the Senate after consultation with the relevant Boards of the Faculties, shall approve the curricula for all qualifications of the University.

GR4 Faculty rules

Subject to the provisions of the Higher Education Act, the Statute of the University, and the following Rules, the Council may, upon the approval of the Senate, make or amend rules for each faculty relating to:

- a) the eligibility of a student as a candidate for any qualification and/or module, which may include recognition of prior learning (RPL);
- b) the selection process;
- c) the period of attendance;
- d) the curriculum, work and other requirements for each qualification;
- e) progression and academic exclusion; and
- f) any other matter relating to the academic functions of the University.

GR5 Application to study

- a) Applications to study must be made in such manner as prescribed, and must include presentation of the Matriculation Certificate where this is required.
- b) An applicant who has studied at any other tertiary education institution must, in addition, present an academic record and a certificate of conduct from that institution.

GR6 Selection requirements

All applicants shall produce evidence satisfactory to the Senate of their competence to work for the qualification sought. The Senate may decline to admit as a candidate for the qualification any person whose previous academic attainments are, in its opinion, not sufficiently high to warrant such admission.

GR7 Selection for postgraduate studies

- a) Graduates of any other recognised university (whether in the Republic of South Africa or elsewhere) may, for the purpose of proceeding to a postgraduate qualification in any faculty of the University, be admitted by the Senate to a status in the University equivalent to that which they possess in their own university by virtue of any degree held by them.
- b) An applicant who has graduated from another tertiary institution or who has in any other manner attained a level of competence which, in the opinion of the Senate, is adequate for the purpose of postgraduate studies or research, may be admitted as a student in any faculty of the University.

GR8 Exemption from a module

Exemption from a module may be granted and credit may be awarded for a relevant module where an applicant has already obtained credit for an equivalent module or can demonstrate an equivalent level of competence through prior learning.

GR9 Registration

- a) In order to pursue their studies in any semester, all students of the University shall complete the applicable registration procedure, thereby affirming their acceptance of the rules of the University.
- b) The Council, on the recommendation of the Senate, may impose conditions for the registration of any student.
- c) On application to the relevant Faculty Office, and with the approval of the Senate, a student's registration may be suspended for a specified period of time. Such student remains subject to the rules of the University, and may return to register before or at expiry of the period of suspension. The period during which registration is suspended shall not be included in any calculation towards the minimum and maximum periods prescribed for any qualification in terms of Rule GR12, nor for the evaluation of eligibility for the award of degrees *cum laude* or *summa cum laude* in terms of Rules BR6, HR8, CR17 and MR13.

GR10 Payment of fees

- a) Save by special permission of the Senate and the Council:
 - (i) An applicant shall not be registered until all relevant prescribed fees are paid;
 - (ii) A student shall not be entitled to admission to an examination, nor to receipt of examination results, until all relevant prescribed fees are paid.
- b) A student shall not be entitled to the conferral or award of a qualification until all monies due to the University have been paid.

GR11 Concurrent registration

Save by special permission of the Senate:

- a) no student shall be registered for more than one qualification at the same time; nor
- b) shall any student, while registered at any other tertiary institution, be registered concurrently at the University.

GR12 Period of attendance

Every candidate for a qualification shall meet the relevant attendance and performance requirements for each module and qualification as prescribed by the relevant Faculty and approved by the Senate, in order to obtain the requisite credit.

GR13 Module registration

- a) Subject to Rule GR14, no student shall be registered for any module unless his or her curriculum has been approved by the Senate. An approved curriculum may be modified only with the consent of the Senate.
- b) Save by special permission of the Senate, no student may attend a module for which he or she is not registered.

GR14 Ancillary, prerequisite and corequisite requirements

- a) A faculty may prescribe ancillary modules in any curriculum.
- b) A faculty may specify the attainment of a minimum mark of more than 50% in a prerequisite module, a specified mark in a module or any other requirement before registration for the proposed module is permitted.
- c) Registration for a module will be conditional on meeting all corequisite and prerequisite requirements for that module.

GR15 Obsolete modules

In readmitting a student, the Senate may withhold recognition, for the purposes of a qualification, of credits previously obtained in modules which have subsequently become obsolete.

GR16 Duly performed (DP) certification

- a) Students shall not present themselves for examination in any module unless the Head of the School in which they have studied that module has certified that they have met the DP requirements for the specified module.
- b) Such DP certification shall be valid only for the examinations, including supplementary examinations, of the semester in which it is issued.
- c) With the consent of the Board of the Faculty concerned, in exceptional circumstances, the DP certification may be extended to the relevant subsequent semester, in which case the Board may allow the student to retain the relevant class mark.
- d) The DP requirements for each module shall be published in the Faculty Handbook and in any other manner deemed appropriate by the Faculty.
- e) Save as may otherwise be provided by the Faculty, for each module a list of those students refused DP certification shall be published, in a manner deemed appropriate by the Faculty, on or before the last day of teaching in each semester.

GR17 DP certification - right of appeal

- a) Students have the right to appeal against the refusal of a DP certification in terms of Rule GR16.
- b) An appeal must be lodged in the relevant Faculty Office, in the prescribed manner, within three (3) University working days of the last day of notification of DP refusals.

- c) Such appeal shall be considered by an appropriate committee, the composition of which shall be approved by the Senate.
- d) The decision of the committee shall be final.

GR18 Examinations

- a) An examination may be written and/or oral, and may include practical work.
- b) On application and/or on the recommendation of the Head of School, with the approval of the Senate, a written examination may, for a particular student, be replaced or supplemented by an oral examination.

GR19 External examination and moderation

- a) Except with the permission of the Senate, all modules, other than exit-level modules, shall be subject to internal examination and independent moderation.
- b) Except with the permission of the Senate, all exit-level modules shall be subject to internal and external examination.
- c) The portion of the total assessment subject to independent moderation or external examination, in terms of (a) or (b) above, shall be at least 50%.

GR20 Examination scripts

- a) To aid academic development, students may view their examination scripts under supervision.
- b)
 - (i) A student may, on formal application and after payment of the applicable fee, have all his/her examination scripts for a module re-marked, normally by the original examiners, in accordance with the policies approved by the Senate and the Council.
 - (ii) Such application shall be lodged in the relevant Faculty Office, in the prescribed manner, within ten (10) University working days of the release of supplementary results.
 - (iii) The student's final mark for the module shall be that determined by the re-mark.
 - (iv) The fee shall be refunded only if the re-mark causes an improvement in the class of result as reflected in Rule GR29(a).
- c) Re-marking as contemplated in (b) above shall not be permitted for Honours and equivalent projects, Masters dissertations and Doctoral theses.
- d) Examination scripts shall be stored by the University for a maximum period of one (1) year or such longer period required by contractual or professional obligations.

GR21 Examination sessions

All examinations shall be held in the prescribed sessions approved by the Senate.

GR22 Supplementary examinations

Supplementary examinations may be awarded in terms of these Rules and the relevant Faculty Rules, as approved by the Senate.

GR23 Special examinations

- a) A student who has not been able to attempt or complete the original final examination by reason of illness or any other reason deemed sufficient by the Senate, may, on application, be granted permission to sit a special examination, normally during the next applicable supplementary examination session.

- b) An application for a special examination shall be made on the prescribed form, accompanied by all relevant documentation, and lodged in the relevant Faculty Office within five (5) working days of the date of the examination concerned.
- c) If an application for a special examination is approved, the examination result, if any, from the original examination shall be regarded as null and void. If such an application is not approved the original examination result shall stand.

GR24 Standard of supplementary and special examinations

To pass supplementary and special examinations, students must demonstrate a level of academic competence equivalent to that required in the original examination.

GR25 Limitation on awarding supplementary and special examinations

- a) A supplementary or special examination shall not be granted in respect of any supplementary examination awarded in terms of Rule GR22.
- b) A supplementary or special examination shall not be granted in respect of any special examination awarded in terms of Rule GR23.

GR26 Completion of modules

Every module shall be completed by passing the Senate-approved assessment in that module.

GR27 Pass mark

The pass mark for all modules in the University shall be 50%, provided that any sub-minima required in certain components of the Senate-approved assessment have been met.

GR28 Completion requirements

Save by special permission of the Council, upon the approval of the Senate, a qualification shall not be conferred or awarded until:

- a) credit has been obtained for all prescribed modules, including prerequisite and corequisite modules;
- b) all other faculty requirements have been met; and
- c) all monies due to the University have been paid.

GR29 Classification of results

- a) The result of any assessment shall be classified as follows:
75% upward = 1st Class; 70 – 74% = 2nd Class, Upper Division;
60 – 69% = Second Class, Lower Division; 50 – 59% = 3rd Class;
less than 50% = Fail.
- b) A module may be passed with such distinctions as may be prescribed by the Senate on the recommendation of the Board of the Faculty concerned.
- c) A qualification may be conferred or awarded with such distinctions as may be prescribed by the Senate on the recommendation of the Board of the Faculty concerned.

GR30 Academic exclusion

- a) The Council may, with the approval of the Senate, after each examination session exclude or refuse to renew or continue the registration of a student who has failed to meet the academic requirements for continued registration.

- b) The Senate may cancel the registration of a student in all or one or more of the modules for which the student is registered in a semester if, in the opinion of the Senate, the academic achievement of the student is such that the student may not at the end of the semester obtain credit in such module or modules.
- c) The Council may, with the approval of the Senate, refuse readmission to a student who fails to satisfy the minimum requirements for readmission.
- d) Subject to Rule GR31, students excluded or refused re-registration may not be readmitted to the University until they are able to demonstrate that they have achieved a level of competence satisfactory to the relevant Faculty and the Senate.

GR31 Academic exclusion – right of appeal

- a) Students have the right to a single appeal against academic exclusion in terms of Rule GR30..
- b) Such appeal shall be lodged in the Faculty of registration, in the prescribed manner, within ten (10) University working days of the release of final results.
- c) The process for consideration of such an appeal shall be approved by the Senate.

GR32 Ethics

All academic activities and research in particular, shall comply with the relevant University policies on ethics and any related requirements as determined by the Senate and the Council.

GR33 Reproduction of work

Subject to the provisions of the University's policy on intellectual property rights and any limitations imposed by official contractual obligations:

- a) In presenting an assignment, prescribed project, dissertation, thesis or any such work for assessment, a student shall be deemed by so doing to have granted the University the right to reproduce it in whole or in part for any person or institution who states that it is for study and research but not for commercial gain; provided that the University may waive this right if the work in question has been or is being published in a manner satisfactory to the University.
- b) The work of students shall not be included in publications by academic staff without their express permission and acknowledgement; provided that such work may be included and acknowledged if all reasonable attempts to trace such students have been unsuccessful.

RULES FOR BACHELORS DEGREES

Note: The following Rules are additional to the preceding General Rules GR1 – GR33.

BR1 Applicability

The following Rules, BR2 to BR6 inclusive, shall be applicable to every candidate for a Bachelors Degree.

BR2 Criteria for admission to study

- a) Applicants for a first or primary degree for which the Matriculation Certificate is a prerequisite, shall produce evidence to the satisfaction of the Senate that they have obtained the Matriculation Certificate of the Matriculation Board, or satisfied the conditions prescribed by the Board for exemption from the Matriculation Examination and obtained the Board's certificate to that effect, or obtained a certificate of conditional exemption issued by the Board to applicants from countries outside the Republic of South Africa, or satisfied the conditions of any alternative admission process approved by the Senate.
- b) In addition to the requirements of a) above, the minimum requirements for admission to study in any faculty may include the requirement to have attained such minimum standard in a specified subject or subjects or such aggregate of points scored according to subjects passed in the Matriculation Examination, or in an examination recognised for the purpose by the Matriculation Board, or such other qualifications as may be prescribed. The selection process will be based on these requirements and may include academic ranking and other criteria as approved by the Senate and the Council.

BR3 Periods of attendance

Every candidate for a first or primary degree, shall be registered as a matriculated student, except as provided in Rule BR2, and have completed subsequent to the date of validity of the Matriculation Certificate or of the certificate of full exemption from the matriculation examination issued by the Matriculation Board, the minimum period of attendance prescribed by the rules of the relevant Faculty.

BR4 Recognition of attendance

For the purpose of Rules GR12 and BR3, the Senate may accept as part of the attendance of a student for a degree of Bachelor, periods of attendance as a registered matriculated student at any other university or tertiary institution or in any other faculty in the University: provided that students shall not have the degree of Bachelor conferred unless:

- a) their periods of attendance are together not less than the complete period prescribed for such degree; and
- b) they attended at the University:
 - (i) for a degree of Bachelor, the term of which is six or eight semesters; at least four semesters which shall include the completion of at least half of the total number of credits prescribed for the degree and which, except with the approval of the Senate, shall include all those at the exit level; or
 - (ii) for a degree of Bachelor, the term of which is ten or twelve semesters, at least six semesters which, except with the approval of the Senate, shall include the completion of all modules prescribed for the final six semesters of the curriculum.

BR5 Supplementary examinations

Provided that the rules of any faculty, as approved by the Senate, do not prohibit this for a particular module:

- a) a student who fails a module with a mark of at least 40%, or who obtains a passing mark less than that prescribed for registration for another module, shall be awarded a supplementary examination;
- b) under exceptional circumstances, and with the permission of the Senate, a student who has failed a module with a mark of less than 40% may be awarded a supplementary examination.

BR6 Award of degree cum laude and summa cum laude

- a) A degree of Bachelor may be conferred *cum laude* in accordance with the rules of the relevant Faculty, as approved by the Senate, provided that, subject to exceptions as approved by the Council, the student has:
 - (i) obtained a credit-weighted average of at least 75% in those modules specified by the Faculty; and
 - (ii) successfully completed all modules in the curriculum at the first attempt and without recourse to supplementary examinations; and
 - (iii) completed the degree in the prescribed minimum time.
- b) A degree of Bachelor may be conferred *summa cum laude* in accordance with the rules of the relevant Faculty, as approved by the Senate, provided that, subject to exceptions as approved by the Council, the student has:
 - (i) obtained a credit-weighted average of at least 80% in those modules specified by the Faculty; and
 - (ii) successfully completed all modules in the curriculum at the first attempt and without recourse to supplementary examinations; and
 - (iii) completed the degree in the prescribed minimum time.
 - (iv)

RULES FOR HONOURS DEGREES

Note: The following Rules are additional to the preceding General Rules GR1 – GR33.

HR1 Applicability

The following Rules, HR2 to HR8 inclusive, shall be applicable to every candidate for a degree of Honours.

HR2 Criteria for admission to study

- a) Applicants may be registered for the degree of Honours in any faculty provided that they have:
 - (i) satisfied the requirements for a relevant prerequisite degree as specified in the Faculty concerned; or
 - (ii) been admitted to the status of that degree in terms of Rule GR7(a); or
 - (iii) attained a level of competence as defined in Rule GR7(b).

- b) A faculty may prescribe further minimum criteria for admission to study.

HR3 Attendance

- a) Every student for a degree of Honours shall attend an approved course of study as a registered student of the University for a period of at least two semesters after admission in terms of Rule HR2.
- b) Save by permission of the Senate, all modules shall be completed at the University.

HR4 Curriculum

Save by permission of the Senate, the curriculum for a degree of Honours shall include a prescribed project as one of the modules.

HR5 Supplementary examinations

Provided that the rules of a faculty, as approved by the Senate, do not prohibit this for a particular module:

- a) a student who fails a module other than the prescribed project with a mark of at least 40% shall be awarded a supplementary examination; and
- b) under exceptional circumstances, and with the permission of the Senate, a student who has failed a module other than the prescribed project with a mark of less than 40% may be awarded a supplementary examination.

HR6 Re-examination of prescribed project

Provided that the rules of a faculty, as approved by the Senate, permit this, a prescribed project that is failed may be referred back once for revision and resubmission before the close of the applicable supplementary examination session.

HR7 Failed modules

Failed modules may not be repeated, except with the permission of the Senate.

HR8 Award of degree *cum laude* and *summa cum laude*

- a) A degree of Honours may be conferred *cum laude* in accordance with the rules of the relevant Faculty, as approved by the Senate, provided that, subject to exceptions as approved by the Council, the student has:
 - (i) obtained a credit-weighted average of at least 75% in those modules required for the qualification; and
 - (ii) a mark of at least 75% for the prescribed project; and
 - (iii) successfully completed all modules in the curriculum without recourse to supplementary examinations; and
 - (iv) completed the degree in the prescribed minimum time.
- b) A degree of Honours may be conferred *summa cum laude* in accordance with the rules of the relevant Faculty, as approved by the Senate, provided that, subject to exceptions as approved by the Council, the student has:
 - (i) obtained a credit-weighted average of at least 80% in those modules required for the qualification; and
 - (ii) a mark of at least 80% for the prescribed project; and

- (iii) successfully completed all modules in the curriculum without recourse to supplementary examinations; and
- (iv) completed the degree in the prescribed minimum time.

RULES FOR MASTERS DEGREES BY COURSEWORK

Note: The following Rules are additional to the preceding General Rules GR1 – GR33.

CR1 Applicability

The following Rules, CR2 to CR17 inclusive, shall be applicable to every candidate for a degree of Master by coursework.

CR2 Criteria for admission to study

- a) An applicant shall not be registered for the degree of Master by coursework in any faculty unless the applicant has:
 - (i) satisfied the requirements for a relevant prerequisite degree as specified in the Faculty concerned; or
 - (ii) been admitted to the status of that degree in terms of Rule GR7(a); or
 - (iii) attained a level of competence as defined in Rule GR7(b).
- b) A faculty may prescribe further minimum criteria for admission to study.

CR3 Recognition of examinations

The Senate may accept examinations passed or certificates of proficiency completed in any module by a student in any faculty of the University or of any other university or institution recognised by the Senate for this purpose, or accept demonstration of an equivalent level of competence through prior learning, in terms of Rule GR7(b), as exempting the student from examination in module(s) prescribed for a degree of Master by coursework, provided that:

- a) no more than 50% of the required credits for the degree may be so exempted, provided that such credits shall be awarded for coursework modules only; and
- b) at least 75% of the total number of credits required for the degree are at Masters level and the remainder at Honours level or above; and
- c) students shall not have the degree of Master conferred unless the conditions laid down in Rules CR4 and CR5 are satisfied.

CR4 Periods of registration

A student registered for the degree of Master by coursework in any faculty shall be so registered for a minimum period of two semesters for full-time students or four semesters for part-time students before the degree may be conferred.

CR5 Recognition of attendance

The Senate may accept as part of the attendance of a student for a degree of Master by coursework, periods of attendance as a registered or graduated student at any other university or institution or in any other faculty, provided that students shall not have the degree of Master conferred unless:

- a) their periods of attendance are together not less than the complete period prescribed for conferral of the degree; and
- b) the research component is completed at the University.

CR6 Curriculum

- a) A student shall complete all prescribed modules, at least one of which shall be a dissertation module comprising research on a particular topic approved by the Senate, and comply with such other conditions as may be prescribed by the Senate and the rules of the Faculty concerned.
- b) The dissertation module shall comprise 25% to 50% of the total credits for the degree.

CR7 Proposed research topic

- a) The Senate may, at its discretion, decline to approve a research topic if in its opinion:
 - (i) it is unsuitable in itself; or
 - (ii) it cannot effectively be undertaken under the supervision of the University; or
 - (iii) the conditions under which the student proposes to work are un-satisfactory.
- b) Ethical approval in terms of Rule GR32 is required where applicable.

CR8 Supervision

The Board of the Faculty shall, in terms of the policies of the Senate, appoint one or more appropriate supervisors, at least one of whom shall be a member of the University staff, to advise a student whose research topic is approved, and the student shall be required to work in such association with the supervisor or supervisors as the Senate may direct.

CR9 Supplementary examinations

Provided that the rules of a faculty, as approved by the Senate, do not prohibit this for a particular module:

- a) a student who fails a module other than the dissertation with a mark of at least 40% shall be awarded a supplementary examination;
- b) under exceptional circumstances, and with the permission of the Senate, a student who has failed a module other than the dissertation with a mark of less than 40% may be awarded a supplementary examination.

CR10 Failed coursework modules

Failed coursework modules may not be repeated, except with the permission of the Senate.

CR11 Progression

A student who, after six semesters as a full-time student or ten semesters as a part-time student, has not completed the requirements for the degree shall be required to apply for re-registration, which will only be permitted on receipt of a satisfactory motivation.

CR12 Submission of dissertation

At least three months before the dissertation is to be submitted for examination, a student shall give notice, in writing, to the Dean of the faculty concerned of the intention to submit such dissertation and the title thereof, provided that, in the event of a student failing to submit the dissertation for examination within six months thereafter, the notice will lapse and a further notice of intention shall be submitted.

CR13 Format of dissertation

- a) Every dissertation submitted shall include a declaration to the satisfaction of the Senate stating that it has not previously been submitted for a degree in this or any other university, and that it is the student's own original work.
- b) Every dissertation submitted shall be in such format as prescribed by the Senate and the rules of the relevant Faculty; provided that each dissertation shall include an abstract in English not exceeding 350 words.
- c) A dissertation may comprise one or more papers of which the student is the prime author, published or in press in peer-reviewed journals approved by the Board of the relevant Faculty, accompanied by introductory and concluding material.

CR14 Supervisor's report

Upon submission of the dissertation, the supervisor or supervisors shall furnish a report on the conduct of the student's work; the report shall not include an evaluation of the quality of the dissertation.

CR15 Examination of dissertation

- a) The Senate shall appoint for each dissertation two examiners, at least one of whom shall be responsible for external examination.
- b) Except with the permission of the Senate, a supervisor or co-supervisor shall not be appointed as an examiner.

CR16 Re-examination of dissertation

- a) A failed dissertation may not be re-examined.
- b) On the advice of the Board of the Faculty, the Senate may invite a student to re-submit a dissertation in a revised or extended form.

CR17 Award of degree cum laude and summa cum laude

On the recommendation of the examiners of the dissertation, and in accordance with rules of the relevant faculty, the degree of Master by coursework may be awarded *cum laude* or *summa cum laude*.

- a) For *cum laude* the student should obtain a weighted average of 75% or more in the coursework component of the degree at the first attempt and without recourse to supplementary examinations.
- b) For *summa cum laude* the student should obtain a weighted average of 80% or more in the coursework component of the degree at the first attempt and without recourse to supplementary examinations.

RULES FOR MASTERS DEGREES BY RESEARCH

Note: The following Rules are additional to the preceding General Rules GR1 – GR33.

MR1 Applicability

The following Rules, MR2 to MR13 inclusive, shall be applicable to every candidate for a degree of Master by research.

MR2 Criteria for admission to study

- a) An applicant shall not be registered for the degree of Master by research in any faculty unless the applicant has:
 - (i) satisfied the requirements for a relevant prerequisite degree as specified in the Faculty concerned; or
 - (ii) been admitted to the status of that degree in terms of Rule GR7(a); or
 - (iii) attained a level of competence as defined in Rule GR7(b).
- b) A faculty may prescribe further minimum criteria for admission to study.

MR3 Periods of registration

A student registered for the degree of Master by research in any faculty shall be so registered for a minimum period of two semesters for full-time students or four semesters for part-time students before the degree may be conferred.

MR4 Curriculum

- a) A student for the degree of Master by research shall be required to pursue an approved programme of research on some subject falling within the scope of the studies represented in the University.
- b) A student shall also comply with such other conditions as may be prescribed by the Senate and the rules of the Faculty concerned.

MR5 Proposed subject of study

- a) Before registration, an applicant for the degree of Master by research in any faculty shall submit for the approval of the Senate a statement of the proposed subject of study.
- b) The Senate may, at its discretion, decline to approve such subject if, in its opinion:
 - (i) it is unsuitable in itself, or
 - (ii) it cannot profitably be studied or pursued under the supervision of the University, or
 - (iii) the conditions under which the applicant proposes to work are unsatisfactory.
- c) Ethical approval in terms of Rule GR32 is required where applicable.

MR6 Supervision

The Board of the Faculty shall, in terms of the policies of the Senate, appoint one or more appropriate supervisors, at least one of whom shall be a member of the University staff, to advise a student whose research topic is approved, and the student shall be required to work in such association with the supervisor or supervisors as the Senate may direct.

MR7 Progression

A student who, after six semesters as a full-time student or ten semesters as a part-time student, has not completed the requirements for the degree shall be required to apply for re-registration, which will only be permitted on receipt of a satisfactory motivation.

MR8 Submission of dissertation

- a) Every student for the degree of Master by research shall be required to submit a dissertation embodying the results of their research.
- b) At least three months before the dissertation is to be submitted for examination, a student shall give notice, in writing, to the Dean of the faculty concerned of the intention to submit such dissertation and the title thereof, provided that, in the event of a student failing to submit the dissertation for examination within six months thereafter, the notice will lapse and a further notice of intention shall be submitted.

MR9 Format of dissertation

- a) Every dissertation submitted shall include a declaration to the satisfaction of the Senate stating that it has not previously been submitted for a degree in this or any other university, and that it is the student's own original work.
- b) Every dissertation submitted shall be in such format as prescribed by the Senate and the rules of the relevant Faculty; provided that each dissertation shall include an abstract in English not exceeding 350 words.
- c) A dissertation may comprise one or more papers of which the student is the prime author, published or in press in peer-reviewed journals approved by the Board of the relevant Faculty, accompanied by introductory and concluding material.

MR10 Supervisor's report

Upon submission of the dissertation, the supervisor or supervisors shall furnish a report on the conduct of the student's work; the report shall not include an evaluation of the quality of the dissertation.

MR11 Examination

- a) The Senate shall appoint for each dissertation two examiners, at least one of whom shall be responsible for external examination.
- b) Except with the permission of the Senate, a supervisor or co-supervisor shall not be appointed as an examiner.

MR12 Re-examination of dissertation

- a) A failed dissertation may not be re-examined.
- b) On the advice of the Board of the Faculty, the Senate may invite a student to re-submit a dissertation in a revised or extended form.

MR13 Award of degree cum laude

On the recommendation of the examiners, and in accordance with rules of the relevant faculty, the degree of Master by research may be awarded *cum laude* or *summa cum laude*.

RULES FOR THE DEGREE OF DOCTOR OF PHILOSOPHY and SUPERVISED DOCTORAL DEGREES BY RESEARCH

Note: The following Rules are additional to the preceding General Rules GR1 – GR33.

DR1 Applicability

Except as may be prescribed by the Senate in the rules of any particular faculty, the following rules, DR2 to DR13 inclusive, shall be applicable to every candidate for the degree of Doctor of Philosophy / a supervised Doctoral degree by research.

DR2 Criteria for admission to study

- a) An applicant shall not be registered for the degree of Doctor of Philosophy / a supervised Doctoral degree by research in any faculty unless the applicant has:
 - (i) satisfied the requirements for a relevant prerequisite degree as specified in the Faculty concerned; or
 - (ii) been admitted to the status of that degree in terms of Rule GR7(a); or
 - (iii) attained a level of competence as defined in Rule GR7(b).
- b) A faculty may prescribe further minimum criteria for admission to study.

DR3 Periods of registration

A student registered for the degree of Doctor of Philosophy / a supervised Doctoral degree by research in any faculty shall be so registered for a minimum period of four semesters for full-time students or eight semesters for part-time students before the degree may be conferred.

DR4 Curriculum

- a) A student for the degree of Doctor of Philosophy / a supervised Doctoral degree by research shall be required to pursue an approved programme of research on some subject falling within the scope of the studies represented in the University.
- b) Such programme shall make a distinct contribution to the knowledge or understanding of the subject and afford evidence of originality shown either by the discovery of new facts and/or by the exercise of independent critical power.
- c) A student shall also comply with such other conditions as may be prescribed by the Senate and the rules of the Faculty concerned.

DR5 Proposed subject of study

- a) Before registration, an applicant for the degree of Doctor of Philosophy / a supervised Doctoral degree by research shall submit for the approval of the Senate a statement of the proposed subject of study.
- b) The Senate may, at its discretion, decline to approve such subject if, in its opinion:
 - (i) it is unsuitable in itself, or
 - (ii) it cannot profitably be studied or pursued under the supervision of the University, or
 - (iii) the conditions under which the applicant proposes to work are unsatisfactory.
- c) Ethical approval in terms of Rule GR32 is required where applicable.

DR6 Supervision

The Board of the Faculty shall appoint one or more appropriately qualified supervisors, at least one of whom shall be a member of the University staff, to advise a student whose research topic is approved, and the student shall be required to work in such association with the supervisor or supervisors as the Senate may direct.

DR7 Progression

A student who, after eight semesters as a full-time student or twelve semesters as a part-time student, has not completed the requirements for the degree shall be required to apply for re-registration, which will only be permitted on receipt of a satisfactory motivation.

DR8 Submission of thesis

- a) Every student for the degree of Doctor of Philosophy / a supervised Doctoral degree by research shall be required to submit a thesis embodying the results of their research.
- b) At least three months before the thesis is to be submitted for examination, a student shall give notice, in writing, to the Dean of the faculty concerned of the intention to submit such thesis and the title thereof, provided that, in the event of a student failing to submit the thesis for examination within six months thereafter, the notice will lapse and a further notice of intention shall be submitted.

DR9 Format of thesis

- a) Every thesis submitted shall include a declaration to the satisfaction of the Senate stating that it has not previously been submitted for a degree in this or any other university, and that it is the student's own original work.
- b) Every thesis submitted shall be in such format as prescribed by the Senate and the rules of the relevant Faculty; provided that each thesis shall include an abstract in English not exceeding 350 words.
- c) A thesis may comprise one or more original papers of which the student is the prime author, published or in press in peer-reviewed journals approved by the Board of the relevant Faculty, accompanied by introductory and concluding integrative material.

DR10 Supervisor's report

Upon submission of the thesis, the supervisor or supervisors shall furnish a report on the conduct of the student's work; the report shall not include an evaluation of the quality of the thesis.

DR11 Examination

- a) The Senate shall appoint for each thesis three examiners, at least two of whom shall be responsible for external examination.
- b) Except with the permission of the Senate, at least one of the external examiners shall be based external to the country.
- c) Except with the permission of the Senate, a supervisor or co-supervisor shall not be appointed as an examiner.

DR12 Re-examination of thesis

- a) A failed thesis may not be re-examined.
- b) On the advice of the Board of the Faculty, the Senate may invite a student to re-submit a thesis in a revised or extended form.

DR13 Defence of thesis

The Senate may require a student to defend a thesis.

RULES FOR SENIOR (UNSUPERVISED) DOCTORAL DEGREES

Note: The following Rule is additional to the preceding General Rules GR1 – GR33.

DS1 Applicability

- a) Except as may be prescribed by the Senate in the rules of any particular faculty, the preceding rules DR2 to DR13 shall also be applicable where relevant to every candidate for a senior (unsupervised) Doctoral degree.
- b) Additional rules governing the requirements for senior Doctoral degrees in particular faculties may be prescribed by the Senate and the Council.

RULES FOR CERTIFICATES AND DIPLOMAS

Note: The following Rule is additional to the preceding General Rules GR1 – GR33.

CD1 Applicability

The rules governing certificates and diplomas in any faculty shall be as prescribed by the Senate and the Council in the Handbook of the applicable faculty.

RULES FOR UNDERGRADUATE DEGREES AND DIPLOMAS

L1 RULES

- a) The Common Rules of the University shall, where applicable, also apply to the Degrees and Diplomas offered in this Faculty.
- b) Except with the permission of Senate, the following Rules for Degrees and Diplomas offered in the Faculty shall apply:

BACHELOR OF LAWS (4 YEAR UNDERGRADUATE DEGREE)

LU1 MINIMUM PERIOD FOR THE DEGREE

The curriculum shall be four years full time study and, except with the permission of the dean, five years part time study. Students may complete the degree in two years if they have already obtained 256 credit points towards the LLB. This rule should be read in conjunction with rule LU6.

LU2 MINIMUM CREDIT POINTS FOR THE DEGREE

To qualify for the award of the degree, students shall obtain a minimum of 520 credit points from the modules set out in (a), (b), (c) and (d) below:

- a) Compulsory modules
Students shall obtain credit for the following compulsory law modules totalling 368 credit points:

Module	Credit points
Administrative Law	16
Accounting for Legal Practice	8
Civil Procedure	16
Constitutional Law	16
Contract	16
Corporate Law	16
Criminal Law	16
Criminal Procedure	12
Delict	16
Evidence	12
Family Law	16
Foundations of South African Law	16
Human Rights	8
Insurance and Agency	8
Interpretation of Law	8
International Law	12
Introduction to Law	16
Jurisprudence	16
Labour Law	16
Law of Persons	8

Legal Diversity	8
Legal Research, Writing and Reasoning	8
Negotiable Instruments	8
Property Law	16
Professional Training 1	8
Professional Training 2	8
Sale, Lease and Credit Agreements	16
Security and Insolvency	8
Specific Offences	8
Succession	12

b) Community Service/Public Interest modules

(i) Students shall obtain a minimum of 16 credit points from one of the following community service/public interest law modules:

<i>Module</i>	<i>Credit points</i>
Clinical Law	16
Street Law	16
Teaching Legal Skills	16

c) Elective Modules

Students shall obtain a minimum of 24 credits points from the following:

Bio-ethics	8
Constitutional Litigation	8
Dispute Resolution	8
Environmental Law	8
Gender and the Law	8
Income Tax	8
Intellectual Property Law	8
Maritime Law	8
Medical Jurisprudence	8
Research Project	8
Sentencing	8

Note: These modules will be subject to student demand and staff availability and may be offered on one of the campuses only

d) Non-legal modules

- i) Students shall obtain 112 credit points in non-legal modules
- ii) Except with permission of the Dean, 32 credit points of these non-legal modules will be English Language modules. Students who have an undergraduate degree from a South African University will be exempt from 16 credit points of English Language modules. Students who have a post graduate degree from a South African University will be exempt from 32 credit points of English Language modules.

LU3 ORDER OF STUDY

Except with the permission of the Dean, full-time students shall attempt the modules of the degree in the 'Normal Order of LLB Modules', as set out below.

- a) Except with the permission of the Dean, a student may not register for any module until he has passed, or is registered for, all modules from the previous year/s. This rule must be read with Rule LU4(a).
- b) Part-time students shall attempt the modules of the degree in the order specified by the Dean.

Normal Order of LLB Modules

SEMESTERS 1 & 2

Non-legal	<i>Credit points</i>
Non-legal	16
Language	16
Non-legal	16
Non-legal	16
Language	16
Foundations of SA Law	16
Introduction to Law	16
TOTAL CREDITS	128

SEMESTERS 3 & 4

	<i>Credit points</i>
Non-legal	16
Constitutional Law	16
Delict	16
Family Law	16
Law of Persons	8
Legal Research, Writing and Reasoning	8
Criminal Law	16
Human Rights	8
Interpretation of Law	8
Property	16
TOTAL CREDITS	128

SEMESTERS 5 & 6

	<i>Credit points</i>
Accounting for Legal Practice	8
Contract	16
Criminal Procedure	12
Evidence	12
International Law	12
Jurisprudence	16
Labour Law	16
Legal Diversity	8
Professional Training 1	8
Specific Offences	8
Succession	12
TOTAL CREDITS	128

SEMESTERS 7 & 8

	<i>Credit points</i>
Administrative Law	16
Civil Procedure	16
Corporate Law	16
Insurance and Agency	8
Negotiable Instruments	8

Public Interest Law	16
Professional Training 2	8
Sale and Lease and Credit Agreements	16
Security and Insolvency	8
Elective x 3	24
TOTAL CREDITS	136

LU4 MAXIMUM CREDIT POINTS

- a) Except with the permission of the Dean, which permission will not ordinarily be given to a student who has obtained fewer than 64 credit points in the previous semester, a full-time student shall not register for more than 64 credit points per semester, except in the final year of study, where a student may register for 72 credit points in only one of the semesters.
- b) Except with the permission of the Dean a part-time student shall not register for more than 48 credit points per semester in the first four years of study.

LU5 EXCLUSION FROM THE FACULTY

- a) A full-time student who has not obtained 64 credit points at the end of the first two semesters of registration shall be excluded from the Faculty.
- b) A full-time student who has not obtained 64 credit points in any two consecutive semesters of study other than the first two semesters of registration, shall be excluded from the Faculty.

LU6 EXEMPTIONS

Exemptions may be granted from modules listed in Rule LU2 by reason of examinations passed whilst registered in another faculty, or at another University, provided a student, whilst registered in this faculty and at this University, obtains a minimum of 260 credit points from modules listed in Rule LU2 of which at least 204 credit points shall be from the modules listed in Rule LU2 (a), (b) and (c). Except with the permission of the Dean, exemptions shall be granted in accordance with the normal order of LLB modules set out in Rule LU3.

LU7 SUPPLEMENTARY EXAMINATIONS

- a) A student who fails a module with a mark of at least 40% in an ordinary examination may at the discretion of the Board be awarded a supplementary examination.
- b) A student at the discretion of the Board may be permitted to write supplementary examinations in all modules for which the student obtained a mark of at least 30% provided that passing all those supplementary examinations will result in the student fulfilling all the requirements for the degree.
- c) A student may at the discretion of the Board be permitted to write supplementary examinations in all modules for which the student obtained a mark of at least 30% provided that passing all those supplementary examinations will result in the student being able to fulfill all the requirements for the degree in the subsequent semester, assuming an acceptable credit point load in terms of rule LU4.

LU9 AWARDS OF CUM LAUDE AND SUMMA CUM LAUDE

a) CUM LAUDE

- 1) The degree of Bachelor of Laws shall be awarded *cum laude* if a student:
 - i) obtains an average mark of 70 percent in law modules; and
 - ii) completes the degree in the minimum period; and
 - iii) does not fail any law module; and
 - iv) obtains first-class passes in modules totalling at least two-thirds of the modules required to be taken by the student under rule LU2(a).
- 2) A student who does not satisfy all of the requirements for the award of the degree *cum laude* as prescribed above may be awarded the degree *cum laude* upon the recommendation of the Board of the Faculty of Law.

b) SUMMA CUM LAUDE

- 1) The degree of Bachelor of Laws shall be awarded *summa cum laude* if a student:
 - i) obtains an average mark of 75 percent in all law modules; and
 - ii) satisfies the further requirements for the award of the degree *cum laude* respectively specified in Rule LU9(a)(1)(ii), (iii) and (iv).
- 2) There is no discretion vested in the Board to award the degree *summa cum laude* to a student who has not satisfied all the prescribed requirements.

LU10 DULY PERFORMED CERTIFICATES

In accordance with Rule GR16 of the General Academic Rules, and subject to the approval of the Board, a module co-ordinator may determine conditions for the attainment of a duly performed certificate in a module for a particular semester.

1. Such conditions
 - i) may not require attendance at more than 80% of the lectures for the module;
 - ii) may require attendance at 100% of the tutorials for the module;
 - iii) may require a minimum mark of no more than 40% for the class mark; and
 - iv) must be indicated on the module outline.
2. The conditions must be communicated timeously to all students registered for the module and will be deemed to have been communicated if they appear in the module outline for that module.
3. Should the conditions be comprised of i) then the reason for the non attendance at the required number of lectures is immaterial.

LU11 PERSONS HOLDING BPROC DEGREES

A person who was awarded a BProc degree from the previous University of Natal or the previous University of Durban-Westville shall be entitled to the degree of LLB from the University if s/he passes 128 credit points while registered for an LLB for at least one year of full time study or two years of part time study. The modules will be determined by the Dean.

LU12 EXPIRATION OF CREDITS

- a) The Board of the Faculty may, from time to time, decide that credit for a module passed in any previous year will no longer count towards a degree due to the fact that the subject matter of that module has changed to such an extent that the module no longer sufficiently covers the current law: Provided that the Board shall not make such decision in respect of a module that was passed up to and including three years before the date of the proposed decision.
- b) If a student who was previously registered at the University has not registered at the University for six (6) semesters or longer, such student will not be credited with any module that he/she has previously passed, if that module has been identified in terms of Rule LU12(a).

LU13 INTERRUPTED STUDY

- a) A student is required to register for each consecutive semester until the degree is obtained, unless such student has been granted permission by the Dean to interrupt her/his studies.
- b) The Dean shall grant such permission on good cause shown and such permission will not be withheld unreasonably.
- c) Where such permission has not been sought or granted, a student who fails to register for a semester will forfeit her/his place in the Faculty and will be required to reapply for admission, in which case her/his academic record, reasons for non registration and availability of space in the programme will be taken into account.

POSTGRADUATE DEGREES AND DIPLOMAS

A. MASTER OF LAWS

LP1 LIGIBILITY

- a) Students shall be eligible to apply for selection to the degree, whether by dissertation only or by coursework and research in all programmes other than those specified in Rule LP9(b), if they have:
 - (i) been awarded the degree of Bachelor of Laws, or
 - (ii) been admitted to the status thereof
- b) A person who has graduated at another university, or who has in any other manner attained a level of competence, which in the opinion of the Senate is adequate for the purpose of admission to the Master of Laws may be admitted to that degree.
- c) Students shall be eligible for the degree, in Programme 6: LLM in Public Health Law, if they have been awarded the degree of Bachelor of Laws (or been admitted to the status thereof) or any other degree which is, in the discretion of the Board of the Faculty, relevant to the proposed programme of study.

LP2 MASTER OF LAWS BY DISSERTATION ONLY

- a) A candidate for the degree shall pursue an approved course of research in any branch of the law or the history and philosophy of law and shall submit a dissertation of at least 50 000 words embodying the results thereof. A dissertation must make a contribution to the knowledge or understanding of the subject concerned.
- b) The Senate shall appoint a supervisor to advise a candidate whose research topic has been approved, and the candidate shall be required to work in such association with the supervisor as the Senate may direct
- c) The Senate shall appoint two examiners for each dissertation, at least one of whom shall be an examiner external to the University.
- d) Application to re-submit a dissertation which has been rejected will not be entertained, but the Senate may, on the advice of the examiners, invite a candidate to re-submit a dissertation in a revised or extended form.
- e) In addition to the above, Common Rules MR1-14 apply.
- f) The degree may be awarded *cum laude* in terms of rule MR16 of the Common Rules of the University.

LP3 MASTER OF LAWS BY COURSEWORK AND RESEARCH

- a) A candidate may undertake a special course of study referred to in Rule LP4, and in such case shall attend, and by examination complete, four modules totaling 96 credit points; and
 - i) submit a dissertation of approximately 20 000 words totaling 96 credit points; or
 - ii) submit four research papers of approximately 5000 words totaling 96 credit points.
- b) Notwithstanding the provisions of Rule LP3(a), the Board of the Faculty may decide in any year that for certain coursework programmes as specified, the option of four research papers provided in Rule LP3(a)(ii) will not be available.

LP4 COURSEWORK MODULES

- a) A candidate undertaking a special course of study shall select from any one of the programmes set out below with the *proviso* :
 - (i) not all of the modules or programmes will necessarily be offered in any one year, and
 - (ii) the Board of the Faculty must approve the combination of modules for which a student may register in any programme.
- b) The Senate may, on application by a student, permit such student to take modules offered elsewhere in the University, or any other university; provided that no more than one such module shall be permitted.
- c) All coursework components or modules shall carry 24 credit points and shall include an examination which shall contribute 50% to the final mark for the module.
- d) No supplementary examination will be permitted in any module.
- e) No student may fail more than one module in a programme, nor fail one module more than once.
- f) A student who fails more than one module or the same module more than once in a coursework programme shall not be re-registered for the degree.

- g) Notwithstanding Rule LP4(d), the Board may, upon consideration of a written application, allow a candidate to rewrite the examination in a module at the next ordinary examination session for that module, to repeat a module, or to take another module in the programme.
- h) The following programmes may be offered:

PROGRAMME 1: LLM IN BUSINESS LAW

- Advanced Contract Law
- Advanced Corporate Law
- Advanced Insolvency Law
- Advanced Tax Law
- Advanced Labour Law
- International Trade Law
- Intellectual Property Law

PROGRAMME 2: LLM IN CONSTITUTIONAL & INTERNATIONAL LAW

- International Law & Organisation
- Constitutional and Human Rights Protection & Litigation
- International Trade Law
- Employment Discrimination Law
- International Environmental Law
- International Criminal Law
- Children's Rights (Local and International Perspectives)
- Trial Advocacy

PROGRAMME 3: LLM IN ENVIRONMENTAL LAW

- Land Use and Planning Law
- Natural Resources Law
- Pollution Control Law
- Wildlife Law
- Ocean and Coastal Law
- International Environmental Law
- Intellectual Property Law

PROGRAMME 4: LLM IN LABOUR STUDIES

- Advanced Labour Law
- Employment Discrimination law
- Labour Dispute Resolution

PROGRAMME 5: LLM IN MARITIME LAW

- Admiralty Law
- International Trade Law
- Ocean and Coastal Law
- Pollution Control Law

PROGRAMME 6: LLM IN PUBLIC HEALTH LAW

AIDS and HIV in Society
Forensic Medicine and Pathology
Bio-ethics and the Law
Law and Medical Practice
Intellectual Property Law
Emerging Medico-Legal and Social Aspects of Child Care and Protection

PROGRAMME 7: LLM IN TAXATION (two-year programme)

Income Tax
Donations Tax and Estate Duty
Income Tax and Estate Planning
Advanced Contract Law
Advanced Corporate Law
Advanced Insolvency Law

PROGRAMME 8: ADVANCED CRIMINAL JUSTICE

Advanced Criminal Law
Criminal Process
International Criminal Law
Criminology and Penology

LP5 DISSERTATION IN TERMS OF RULE 3(a)(i)

In the case of the degree referred to in Rule LP3(a)(i):

- a) The Senate shall appoint a supervisor to advise a candidate, whose research topic has been approved, and the candidate shall be required to work in such association with the supervisor as the Senate may direct.
- b) The Senate shall appoint two examiners for the dissertation, at least one of whom shall be an examiner external to the University.
- c) Every dissertation shall be submitted in triplicate and shall be accompanied by:
 - (i) a written report from the supervisor; and
 - (ii) a declaration by the candidate, satisfactory to Senate, that the dissertation has not been submitted for a degree in this or any other tertiary institution.
- d) A dissertation must make a contribution to the knowledge or understanding of the subject concerned.
- e) Application to re-submit a dissertation which has been rejected will not be entertained, but the Senate may, on advice of the examiners, invite a candidate to re-submit a dissertation in a revised or extended form.

LP6 RESEARCH PAPERS IN TERMS OF RULE LP3(a)(ii)

- a) A candidate pursuing a course of study envisaged by Rule LP3(a)(ii) shall submit four research papers of approximately 5000 words of 24 credits each.
- b) A candidate shall in the same semester in which that module is taken, submit a research paper dealing with a topic that corresponds with the learning outcomes of the module.

- c) Three copies of each research paper shall be submitted.
- d) The Senate shall appoint two examiners for each research paper, at least one of whom shall be an examiner external to the University.
- e) A research paper must make a contribution to the knowledge or understanding of the subject concerned.
- f) Application to re-submit a research paper which has been rejected will not be entertained, but the Senate may, on the advice of the examiners, invite a candidate to re-submit a research paper in a revised or extended form.

LP7 AWARD OF DEGREE CUM LAUDE

- a) In the case of a candidate pursuing a course of study in terms of Rule 3(a)(i), the degree shall be awarded *cum laude* if a candidate completes the degree in no more than two semesters of full-time study or four semesters of part-time study, and obtains a weighted average of 75% or more in the coursework modules; and, where a dissertation has been produced, also obtains the recommendation of the examiners that it be awarded *cum laude* by reason of it being particularly outstanding;
- b) In the case of a candidate pursuing a course of study in terms of Rule LP3(a)(ii), the degree shall be awarded *cum laude* if a candidate completes the degree in no more than two semesters of full-time study or four semesters of part-time study, and obtains a weighted average of 75% or more in the coursework modules and research papers.

LP8 EXCLUSIONS FROM THE DEGREE

In addition to Rule LP4(e) and (f)

- a) Except with the permission of the Board, students who have not completed the requirements of the degree after six semesters of full-time study or eight semesters of part-time study, shall not be permitted to renew their registration.
- b) Periods during which the candidate's registration is suspended shall not be included in the periods mentioned in paragraph (a).

B. INTERDISCIPLINARY MASTERS DEGREE IN CHILD CARE AND PROTECTION (LAW AND SOCIAL WORK)

LP9 ELIGIBILITY

- a) Admission to the programme shall be in accordance with Rule LP9 (b) below, and on the basis of selection by staff teaching in the programme. Student numbers may be limited in accordance with the capacity available in a particular semester.
- b) Prospective students must hold a four-year University Degree (or separate Degrees requiring a total of at least four years of University study). Such Degree/s shall include at least eight semester modules (or their equivalent as decided by the selectors) in Law and/or Social Work and/or Psychology and/or Criminology and/or Police Science and/or any other modules regarded by the selectors as sufficiently relevant.

LP10 REQUIREMENTS

A candidate will undertake the coursework referred to in Rule LP11 below, and shall attend, and by examination complete, four course modules of 24 credit points each. A candidate shall also submit a dissertation of at least 20 000 words counting 96 credit points.

LP11 COURSEWORK MODULES

- a) A candidate shall complete the three compulsory modules and one of the elective course modules listed in sub-rule LP11.1, below: Provided that not all of the elective modules will necessarily be offered in any year.
- b) The Senate, on the recommendation of the programme selectors, may, on application, permit a student to take a module offered elsewhere in the University, or any other university; provided that no more than one such module shall be permitted.
- c) All coursework modules shall carry 24 credit points and shall include an examination which shall contribute 60% to the final mark for the module.
- d) No supplementary examination will be permitted in any module.
- e) The Board may, in its discretion, consider applications for aegrotat examinations; provided that, where such an application is granted, the candidate will be required to rewrite the examination at the next ordinary examination session for that module.
- f) No candidate may repeat a particular module more than once.

LP11.1 THE COURSES

- Research Methodology
- Children's Rights (Local and International Perspectives)
- The Roles of Professionals in Proceedings Affecting Children
- Child Care Policy and Legislation
- Crime: Children as Victims and Perpetrators
- Emerging Medico-Legal and Social Aspects of Child Care and Protection

LP12 AWARD OF THE DEGREE CUM LAUDE

The degree shall be awarded *cum laude* if a candidate completes the degree in no more than two semesters of full-time study or four semesters of part-time study, and obtains a weighted average of 75% or more in the coursework modules; and, where a dissertation has been produced, also obtains the recommendation of the examiners that it be awarded *cum laude* by reason of it being particularly outstanding.

LP13 EXCLUSIONS FROM THE DEGREE

- a) Except with the permission of the Board, students who have not completed the requirements of the degree shall not be permitted to renew their registration after six semesters of full-time study or eight semesters of part-time study.
- b) Periods during which a candidate's registration is suspended shall not be included in the periods mentioned in paragraph (a).

- c) Students who pass the four required coursework modules, but obtain an overall average of less than 60% in them, must exit with the Postgraduate Diploma in Child Care and Protection referred to in rule LP 14.1. Such students will thus not be awarded the Degree. The Faculty may in its discretion in exceptional cases withhold the application of this rule. In considering whether to exercise its discretion the Faculty may choose to consider a submission that exceptional circumstances adversely affected the student's examination performance in a course or courses.

LPI4 PARTIAL COMPLETION

LPI4.1 Postgraduate Diploma in Child Care and Protection

Total Credit Points = 96

The Postgraduate Diploma Qualification shall only be awarded if a student exits the Interdisciplinary Masters In Child Care and Protection Programme after having successfully completed the four coursework modules required in terms of Rule LP11.1, but without completing the dissertation required in terms of Rule LP10 above. The coursework modules completed for the Postgraduate Diploma shall not be credited towards the Masters Programme.

LPI4.2 At the discretion of the selectors, students who wish to do so may register for one or more of the Programme modules, but not the Degree. Upon completion of such module/s, Certificates of Completion indicating the name/s of the module/s will be awarded.

LP15 SPECIAL RULES

- (a) The Programme will be offered to both part-time and full-time students. The minimum period for the full-time programme shall be one year and for the part-time programme the minimum period shall be 2 years. The minimum period of enrolment for the dissertation shall be one year.
- (b) Students may enrol for and begin the Programme at the beginning of either semester.

DOCTOR OF PHILOSOPHY

LP16 ELIGIBILITY

Students shall be eligible to register for the degree if they have previously:

- been awarded the degree of Master of Laws of the University or been admitted to the status thereof; or
- been awarded the degree of Bachelor of Laws of the University or been admitted to the status thereof and been exempted by the Senate from the Master's examination.

LP17 SPECIAL STUDY / RESEARCH

A candidate shall pursue an approved course of special study or research, or both, in any branch of the law or of the history or philosophy of law.

LP18 COMMON RULES

The Common Rules for the degree of Doctor of Philosophy in all faculties, D1 to D14, shall also be of effect for the degree in the Faculty of Law.

LP19 EXCLUSION

- a) Except with the permission of the Board, students who have not completed the requirements of the degree after eight semesters of full-time study or twelve semesters of part-time study shall not be permitted to renew their registration.
- b) Periods during which the candidate's registration is suspended shall not be included in the periods mentioned in paragraph (a).

DOCTOR OF LAWS

LP20 ELIGIBILITY

Students shall be eligible to register for the degree if they have previously been awarded:

- a) a Doctor of Philosophy degree in the Faculty of Law of the University or been admitted to the status thereof; or
- b) a Master of Laws degree of the University or been admitted to the status thereof; or
- c) a Bachelor of Laws degree of the University or been admitted to the status thereof, whom Senate has specially exempted from the Master's examination.

LP21 AWARDING OF DEGREES

No students may be awarded the degree unless:

- a) they have been registered as students for the degree for at least four semesters;
- b) the qualifications by virtue of which the students were registered have been held for a period of eight semesters in the case of students referred to in Rule L12(b), or ten semesters in the case of students referred to in Rule L12(c).

LP22 ADMISSION

A candidate shall be accepted upon production of evidence satisfactory to the Senate, that the candidate:

- a) has published work dealing with a branch of the law or of the history or philosophy of law; or
- b) has been engaged upon special study or research in these subjects; or
- c) is a person whose previous academic attainments are, in the opinion of the Senate, sufficiently high to warrant such admission.

LP23 SPECIAL STUDY / RESEARCH

Except where previously published work is presented, a candidate shall pursue an approved subject of special study or research, or both, and shall work in such association with the University as the Senate may direct.

LP24 NUMBER OF COPIES

A candidate shall present, in quintuplicate, published work or a thesis, or both. Such published work or thesis shall not be accepted unless it is work of distinction in its field by virtue of its being a substantial and original contribution to the advancement of learning.

LP25 BIBLIOGRAPHY

Every candidate shall submit, with the work presented, a full bibliography of the material, whether published or otherwise, used in the preparation thereof.

LP26 DECLARATION

A candidate shall submit, with the work presented, a declaration, satisfactory to the Senate, that the published work or thesis has not been submitted for a degree in any other university.

LP27 COMMON RULES

The Common Rules for the degree of Doctor of Philosophy in all faculties D8, D13 and D14 shall also be of effect for the degree of Doctor of Laws.

PRESENTATION OF THESES

The following instructions must be observed by all students for a Doctor's or Master's degree:

- 1) A candidate shall deposit with the Faculty officer three inexpensively bound copies of a Master's thesis, or four copies of a doctoral thesis, the front fly-leaves of which shall be marked "EXAMINERS COPY".
- 2) Should additional examiners be appointed for any reason, one further inexpensively bound copy shall be provided for each additional examiner.
- 3) On the degree being awarded, the candidate shall deposit with the Faculty Officer two library copies of the thesis (three if the candidate is the recipient of an HSRC bursary) bound in the approved manner and amended as required if amendments were specified by the University.
- 4) The candidate shall not graduate until the required number of copies of the approved thesis have been delivered to the Faculty Officer or the candidate has been furnished with a receipt for the cost of binding and an undertaking by an approved binder that the bound copies will be delivered to the University.
- 5) The format of each copy of a thesis shall conform to the following basic requirements (supplemented by those required by the examining department).
 - a) the full title of the thesis or dissertation and the year and place of imprint. The title page shall contain the full name of the author, including all forenames
 - b) in addition, the title page shall also, in the case of a Masters by research alone, contain the words "Submitted in fulfilment of the academic requirements for the degree of Master of Laws in the University of Natal", with the year of the submission of the thesis. In the case of a Masters by coursework and dissertation, the title page shall contain the words "Submitted as the dissertation component (which counts for 50 % of the degree) in partial fulfilment of the requirements for the degree of Master of Laws in the Faculty of Law, University of Natal", with the year of submission of the dissertation.
 - c) The thesis, if submitted in typescript, shall be typed on one side of the page only in at least 12 spacing on international A4 size (unless otherwise permitted), fully paginated and with generous marginal space.

- d) The thesis, including illustrations, maps, tables, appendices, etc, shall be securely bound in the approved manner. The name and initials of the author and the title shall appear on the cover and on the spine (shortened if necessary). Published work in the form of books, portions of books, articles, papers etc., shall be similarly bound and inscribed.
- e) Every thesis must be accompanied by a double spaced typewritten abstract in English of no more than 350 words. No illustrative materials such as tables, graphs or charts should be included. The abstract will ordinarily cover one and one half pages of A4 paper. The abstract must be approved by the supervisor of the thesis and must be bound together with the thesis and placed immediately after the title page. An additional copy of the extract of a doctoral thesis must be submitted for submission to University Microfilms International for publication and distribution if the candidate is successful.
- f) The candidate shall be required to state unambiguously in the preface that the whole thesis, unless specifically indicated to the contrary in the text, is the candidate's own work.

Note: *In presenting a thesis, the candidate shall be deemed by so doing to have granted the University the right to reproduce it in whole or in part, in any manner or format which the University deem fit, for any person or institution requiring it for study and research; provided that the University shall waive this right if the whole thesis has been or is being published in a manner satisfactory to the University. Binding in the approved manner shall be full-bound in leather cloth or similar material. Inexpensively bound shall be bound in covers of soft card.*

POSTGRADUATE DIPLOMA IN MARITIME LAW (Durban)

LP28 ELIGIBILITY

The following may be admitted as students:

- a) a Bachelor of Laws of the University;
- b) a Baccalaureus Procuratoris of the University
- c) a graduate of any other recognised university admitted to the status of Bachelor of Laws or of Baccalaureus Procuratoris of the University
- d) any graduate of the University, or of another recognised university who has been admitted to the status of Bachelor in the University, who has a professional qualification and practical experience which the Senate approves as grounds for admission in this case;
- e) any person who has received the special permission of the Senate to register for the Postgraduate Diploma.

LP29 WRITTEN APPLICATION

Application for admission as a candidate must be lodged in writing with the Registrar preferably not later than 31 October preceding the year in which the applicant proposes to register for the Postgraduate Diploma.

LP30 MINIMUM PERIOD FOR DIPLOMA

The Postgraduate Diploma in Maritime Law may be completed in one year of study.

LP31 PRESCRIBED MODULES

- a) For the Postgraduate Diploma in Maritime Law, a candidate shall attend and, by examination, complete three prescribed modules of study in the general principles of: Carriage of Goods by Sea; Marine Insurance; Law of the Sea; International Trade or Admiralty Law and Incidents of Navigation.*

**Note: The University does not guarantee that any of the subjects listed in this rule will be offered in any year. Staff availability and candidate demand will determine whether a subject is offered for study.*

- b) In order to qualify for the award of the Postgraduate Diploma in Maritime Law a candidate shall pass the examinations in each of the prescribed modules in one and the same academic year, provided that a candidate who fails in not more than one module in the examinations may be granted a supplementary examination in that module.
- c) A candidate who fails to qualify for the award of the Postgraduate Diploma in Maritime Law shall be permitted only one further opportunity to enrol for the Diploma.

LP32 ORAL EXAMINATIONS

The examiners may require students to present themselves for oral examination in any module.

LP33 DISTINCTIONS

The postgraduate diploma in Maritime Law may be awarded with distinction.

POSTGRADUATE DIPLOMA IN FORENSIC INVESTIGATION AND CRIMINAL JUSTICE

LP34 ELIGIBILITY

Students shall be eligible to register for the diploma if:

- a) they have previously:
- i) been awarded a Bachelor of Laws or Baccalaureus Procuracionis of the University or been admitted to the status thereof;
 - ii) been awarded the degree of Bachelor of the University or been admitted to the status thereof, and who have a another qualification acceptable to the Senate;
 - iii) been admitted as an Attorney of the High Court; or
- b) by reason of suitable practical experience in the field of Criminal Justice, they have received special permission from the Senate to register.

LP35 MINIMUM PERIOD FOR DIPLOMA

The diploma shall normally extend over two semesters.

LP36 EXAMINATIONS

Students for the diploma shall attend and by examination complete eight modules: Introduction to legal and accounting concepts; Common law and statutory crimes; Rules of evidence; Forensic investigation; Forensic auditing; Criminal trial process and civil remedies; Aspects of industrial relations; Ethics.

SYLLABUS

1ST YEAR LEVEL

Foundations of SA Law

LAWS1FL H2 P2

(19.5L-10T-0P-19.5S-111H-0R-0F-0G-0A-13W-16C)

Content: An overview of the origins and development of the South African law and legal system including indigenous law, Roman Dutch law and the influence of English law, focussing on ownership and possession and the law of contract; Access to justice; The equality clause focussing on HIV/AIDS; Legal writing (including FIRAC); Field research and interviewing skills; Numeracy skills.

Assessment: One 3 hour exam: 50%; tests and assignments (oral and written): 50%

DP Requirement: The DP requirements are listed on the module outline.

Introduction to Law

LAWS1LW H1 P1

(19.5L-10T-0P-19.5S-111H-0R-0F-0G-0A-13W-16C)

Content: Introduction to law will provide students with a basic background to law and the legal system in South Africa. Students will acquire an understanding of: -Some legal philosophies and be able to apply these philosophies to current legal situations. -The structure of the legal system and be able to identify the correct tribunal and procedure. -The sources and classifications of South African Law. -The basic principles of criminal law and be able to apply these principles to a factual scenario.

Assessment: Class mark: 50%, Examination: 50%

DP Requirement: The DP requirements are listed on the module outline.

2nd YEAR LEVEL

Criminal Law

LAWS2CR H1 H2 P2

(39L-4.5T-0P-0S-72.5H-40R-0F-0G-4A-13W-16C)

Content: Basic concepts of criminal liability; legality; conduct in criminal law; causation; unlawfulness, including justification grounds of defence, private defence, necessity, consent, negotiorum gestio, impossibility, official capacity, disciplinary chastisement, superior orders; other defences: entrapment, de minimis non curat lex; criminal capacity, including mental illness, age, provocation, emotional stress, intoxication; specific forms of mens rea: intention, negligence; exceptions to the mens rea requirement: versari in re illicita; strict liability; vicarious liability; inchoate offences: attempt, conspiracy, incitement; degrees of participation, including common purpose; perpetrators, co-perpetrators, accomplices and accessories after the fact.

Assessment: Class work; class tests (33,3%) and written examination (66,7%).

DP Requirement: The DP requirements are listed on the module outline.

Constitutional Law

LAWS2CS H1 H2 P2

(39L-4.5T-0P-0S-72.5H-40R-0F-0G-4A-13W-16C)

Content: Fundamental concepts and theories of constitutional law; South African constitutional history; basic structures of the South African Constitution; the structure of states; electoral systems; the composition, powers, responsibilities, and limits of the legislatures; the composition, powers, responsibilities and limits of the executive; the composition, powers, responsibilities and limits of the judiciary; the operational provisions of the Bill of Rights; the substantive provisions of the Bill of Rights (capita selecta).

Assessment: 1 essay type test 20%; assignments/projects 10%; 1x 3hr exam 70%.

DP Requirement: The DP requirements are listed on the module outline.

Delict

LAWS2DL H1 H2 P1

(39L-4.5T-0P-0S-72.5H-40R-0F-0G-4A-13W-16C)

Content: Definition of delict; theories of compensation; modern aquilian and actio injuriarum actions; defences; specific wrongs; assessment of damages; vicarious liability; joint wrongdoers; apportionment of damages; strict liability; liability for animals; product liability..

Assessment: 4 written tests or assignment- 25%; 1x3 hr exam- 75%

DP Requirement: The DP requirements are listed on the module outline.

Family Law

LAWS2FM H1 H2 P1

(39L-4.5T-0P-0S-72.5H-40R-0F-0G-4A-13W-16C)

Content: Part A: The Law relating to marriages, including customary and religious marriages; civil-unions and cohabitative relationships: specifically engagements; legal requirements for the conclusion of a marriage/civil union; legal consequences of a marriage/civil-union;dissolution of marriages/civil-unions as well as the consequences thereof; and, the legal duties between cohabitantes. Part B: Law of Parent and Child/ Care and Protection of Children: children's rights; parental rights and responsibilities; discipline and the child's right to choose; child abuse; temporary alternative care; adoption; trans-jurisdictional aspects; education.

Assessment: Tests and Assignments 30%; 1x3hr exam 70%

DP Requirement: The DP requirements are listed on the module outline.

Human Rights

LAWS2HR H1 H2 P2

(19.5L-2.5T-0P-0S-54H-0R-0F-0G-4A-13W-8C)

Content: Part one: Introduction: This section is an introduction to human rights, its covers the historical and philosophical roots of human rights and briefly shows how human rights have become part of national and international law. Part two: History of apartheid: This section deals with the history of human rights abuses and the transition to democracy in South Africa. It includes an understanding of the work of the Truth and Reconciliation Commission. Part Three: Protection of human rights: This section covers the legal protection and enforcement of human rights in South Africa. It looks at the Bill of Rights, other human rights legislation and institutions created to protect human rights. Part Four: Current Human Rights Issues: This covers a number of human rights issues facing South Africa today.

Assessment: Class work 25%; Exam: 1x3hr exam 75%

DP Requirement: The DP requirements are listed on the module outline.

Law of Persons

LAWS2LP H1 H2 P1

(19.5L-2.5T-0P-0S-54H-0R-0F-0G-4A-13W-8C)

Content: Legal personality (the beginning and end of legal personality); Status and capacity: Factors affecting status: domicile; gender; age (minority); extra-marital birth (legitimacy)-includes parental power and adoption of extra-marital children; artificial insemination; proof of paternity; mental illness; prodigality; and inability to manage one's own affairs.

Assessment: Tests/Assignments/Debates 30%. 1x2hr exam 70%

DP Requirement: The DP requirements are listed on the module outline.

Legal Research Writing & Reasoning

LAWS2LR H1 H2 P1

(19.5L-2.5T-0P-0S-54H-0R-0F-0G-4A-13W-8C)

Content: Process of legal research; sources of law and categories of sources; topic analysis; different types of logical reasoning; critical reasoning; approach to answering legal problems; plagiarism; footnoting and referencing; evaluation of sources; legal writing; electronic and print resources.

Assessment: Continuous Assessment

DP Requirement: The DP requirements are listed on the module outline.

Interpretation of Law

LAWS2LW H1 H2 P2

(19.5L-2.5T-0P-0S-54H-0R-0F-0G-4A-13W-8C)

Content: Introduction; basic concepts and an historical overview; nature and process of interpretation; Theories of interpretation: the textual approach; the literal approach; the contextual approach; the current approach of courts; general aids to interpretation; internal and external aids; restrictive and extensive interpretation; maxims; presumptions; a critical analysis of the Interpretation Act 33 of 1957; constitutional interpretation; basic principles of constitutional interpretation.

Assessment: Test / s 20%; assignment / research project 20%; 1x3hr exam 60%

DP Requirement: The DP requirements are listed on the module outline.

Property

LAWS2PR H1 H2 P2

(39L-4.5T-0P-0S-71H-40R-1.5F-0G-4A-13W-16C)

Content: Basic concepts, definitions and sources of property law; Definition and classification of things; Real and personal rights; The changing nature of ownership; acquisition and protection of, and limits on, ownership; Limited real rights (possession and servitudes); Constitutional protection of property and legislative limits on ownership, including land reform and environmental law.

Assessment: tests/assignments 40%; 1x3 hr exam 60%

DP Requirement: The DP requirements are listed on the module outline.

3rd YEAR LEVEL

Accounting for Legal Practice

LAWS3AP H1 P1

(19.5L-2.5T-0P-0S-54H-0R-0F-0G-4A-13W-8C)

Content: double entry bookkeeping; the accounting cycle; the transfer journal; final accounts; a theoretical knowledge of VAT; correspondent accounts; conveying accounting; the relevant sections of the Attorneys Act and Provincial Law Society rulings.

Assessment: 1x3hr exam 66.7%; 33.3% class mark

DP Requirement: The DP requirements are listed on the module outline.

Criminal Procedure

LAWS3CP H2 P2

(29.5L-3T-0P-0S-71H-12.5R-0F-0G-4A-13W-12C)

Content: Introduction; Criminal trial process and due process rights; search and seizure; arrest, summons and written notice; bail, release on warning and postponements; mental capacity; charge, indictment and request for further particulars; preparation for trial; jurisdiction; guilty and not guilty plea statements; plea proceedings; trial procedure: conduct of the trial, methods of disposal of cases and options at the close of the State case; trial-within-a-trial: confessions, admissions, pointings-out and unconstitutionally obtained evidence; diversions, competent verdicts and sentencing options; sentencing procedure; section 105A of the CPA: plea and sentence arguments; appeal and reviews and international criminal court, inquests, anti-organised crime legislation, anti-terrorism legislation and declaring a state of emergency.

Assessment: test 20%; 3 hour exam: 80%

DP Requirement: The DP requirements are listed on the module outline.

Contract

LAWS3CT H1

(39L-4.5T-0P-0S-72.5H-40R-0F-0G-4A-13W-16C)

Content: Introduction; requirements for a valid contract; voidable contracts; contents of a contract; interpretation of contract; performance; miscellaneous provisions; plurality of parties; stipulatio alteri; cession, delegation and assignment; variation, waiver and estoppel; consensual termination; breach of contract and remedies.

Assessment: Examination: 60%; assignments/tests: 40%

DP Requirement: The DP requirements are listed on the module outline.

Evidence

LAWS3EV H2 P2

(29.5L-3T-0P-0S-71H-12.5R-0F-0G-4A-13W-12C)

Content: History of the South African law of evidence; basic concepts of the law of evidence; kinds of evidence; the burden and onus of proof; the trial process; the evaluation of evidence; witnesses; special trial procedures; admissibility; constitutional impact; non-evidentiary proof.

Assessment: Examination: 80%; test: 20%

DP Requirement: The DP requirements are listed on the module outline.

International Law

LAWS3IN H1 P1

(29.5L-3T-0P-0S-71H-12.5R-0F-0G-4A-13W-12C)

Content: The history, nature, purpose and sources of international law; The relationship between international law and municipal law; The international legal personalities; The recognition of states and governments; Territory, including sea, air and space; Jurisdiction and immunity; State responsibility; The law of treaties; International environmental law; International human rights; International institutions; The use of force by states; International humanitarian law; The peaceful settlement of international disputes; and The general principles of private international law.

Assessment: classmark: 40%; examination: 60%

DP Requirement: The DP requirements are listed on the module outline.

Jurisprudence

LAWS3JP H2 P2

(39L-4.5T-0P-0S-72.5H-40R-0F-0G-4A-13W-16C)

Content: A selection of the following: Postmodernism and the law; Natural Law vs Positivism; Early Natural Law - The Greeks and Romans; Early Natural Law - Christian Natural Law; Social Contract Theory - Grotius, Locke and Rousseau; US Constitutionalism; Early Positivism - Bentham and Austin; Modern Natural Law - Lon Fuller; Modern Natural Law - John Finnis; Modern Natural Law - Patrick Devlin; Modern Natural Law - Ronald Dworkin; Modern Natural Law - South African Natural Lawyers; Modern Positivism - Hans Kelsen; Modern Positivism - Herbert Hart; Modern Positivism - South African Positivists; American Realism; Scandinavian Realism; Justice Theory - John Rawls; Justice Theory - Robert Nozick; African Jurisprudence; Critical Legal Theory - Feminist Jurisprudence; Critical Legal Theory - Karl Marx; Critical Legal Theory - Critical Legal Studies.

Assessment: Examination: 60%; assignment: 25%; interactive lecture: 15%

DP Requirement: The DP requirements are listed on the module outline.

Legal Diversity

LAWS3LD H2 P2

(19.5L-2.5T-0P-0S-54H-0R-0F-0G-4A-13W-8C)

Content: Legal Diversity in South Africa including introduction, separate court structure, internal conflicts of laws; African Customary Law including traditional leadership and democracy under the 1996 constitution, customary marriages, inheritance and succession, conflicts of laws, Islamic law, Hindu law; Muslim Law including general introduction, the Muslim marriage, dissolution of a Muslim marriage; Hindu Law including general introduction, the Hindu marriage, dissolution of a Hindu marriage.

Assessment: Examination: 60%; test: 20%; assignment: 20%

DP Requirement: The DP requirements are listed on the module outline.

Labour Law

LAWS3LL H2 P2

(39L-4.5T-0P-0S-72.5H-40R-0F-0G-4A-13W-16C)

Content: Applicable legislation; the nature of the employment relationship; duties of the employer and employee; discipline and dismissal; meaning of dismissal and unfair labour practices; automatically unfair dismissals; dismissal for misconduct; dismissal for incapacity; dismissal for operational requirements; remedies for unfair dismissal; dispute resolution; discrimination and affirmative action; collective labour law; industrial action; basic conditions of employment; social security legislation.

Assessment: Examination: 67%; classmark: 33%

DP Requirement: The DP requirements are listed on the module outline.

Professional Training 1

LAWS3PT H1 P1

(19.5L-2.5T-0P-0S-54H-0R-0F-0G-4A-13W-8C)

Content: The legal profession and legal professional ethics; taking instructions; demand, general principles of legal drafting; legal correspondence; specific topics relating to legal letters: drafting agreements; specific topics relating to drafting agreements; drafting memoranda to counsel; client counselling; client interviewing.

Assessment: test 50%; interviewing, counselling and negotiation: 25%; writing assignments: 25% or 50%.

DP Requirement: The DP requirements are listed on the module outline.

Succession

LAWS3SC H2 P2

(29.5L-3T-0P-0S-71H-12.5R-0F-0G-4A-13W-12C)

Content: General Principles including important terms and concepts, different kinds of succession, heirs and legatees distinguished, freedom of testation (including discussion of invalid conditions), the pactum successorium, basic requirements for succession, adiation and repudiation; collation; unworthiness to inherit (the indignus); capacity to benefit under a will; Intestate Succession; Capacity to make a will; delegation of testamentary power; the formalities for the execution of a valid will; formalities for the valid amendment of a will; sound practice for the execution and amendment of wills; the 'rescue' provisions of the Wills Act, 1953; revocation of wills and the 'coup de grâce' provision of the Wills Act, 1953; substitution and accrual; the content of wills including legacies, vesting, conditions, dies and modus, usufruct, fideicommissa, testamentary trusts; interpretation of wills; administration of deceased estates – an introduction (including discussion of the executor and the liquidation and distribution account).

Assessment: Examination: 70%; tests: 30%

DP Requirement: The DP requirements are listed on the module outline.

Specific Offences

LAWS3SO H1 P1

(19.5L-2.5T-0P-0S-54H-0R-0F-0G-4A-13W-8C)

Content: Offences against the person including homicide, assault, rape, indecent assault, crimen injuria, intimidation; offences against property including theft, special forms of theft, robbery, extortion, fraud, malicious injury to property, arson; offences against morality including sexual offences; offences against family life including abduction; offences against freedom of movement; including kidnapping; offences against the administration of justice including perjury, defeating/obstructing the course of justice; offences against the state including treason, sedition, public violence; offences against intrusion including housebreaking with intent; organized crime and money laundering; criminalization; impact of the Bill of Rights on specific offences.

Assessment: Examination: 75%; research paper: 25%

DP Requirement: The DP requirements are listed on the module outline.

4th YEAR LEVEL**Administrative Law**

LAWS4AL H1 P1

(39L-4.5T-0P-0S-72.5H-40R-0F-0G-4A-13W-16C)

Content: Introduction; definition; administrative law and democracy; administrative law and the public/private paradigm; the structure and empowerment of the executive; detailed analysis of the Promotion of Administrative Justice Act 3 of 2000 and the Promotion of Access to Information Act 2 of 2000; kinds of administrative power; policy and discretion; administrative justice and access to information as fundamental rights; administrative justice and open democracy legislation. Judicial Review: Definition and scope; what is a public authority for the purposes of judicial review; illegality and the ultra vires doctrine, (a) the common law, (b) the impact of the Constitution; requirements of legality/grounds of review; authority; regularity; fairness; reasonableness; standing; remedies.

Assessment: Test 25%, Examination 75%

DP Requirement: The DP requirements are listed on the module outline.

Bioethics (Elective)

LAWS4BE H1 P1

(19.5L-2.5T-0P-0S-54H-0R-0F-0G-4A-13W-8C)

Content: The teaching of foundational bio-ethical knowledge and skill that will enable learners to competently reflect upon, address and resolve ethical and socio-cultural issues that they will confront during their training and professional practice. This inter-professional ethics module involves the teachings of ethical theory and reasoning, professional ethics and inter-professional approach to health care decision-making on issues that span inter alia, informed consent, confidentiality, truth telling, genetic engineering, reproductive technologies and related issues, professional obligations, ethics committees, euthanasia, abortion, human and animal experimentation, experimental design and randomized drug trials, treatment of the impaired and the incompetent, national and international health laws, social justice and health care policy

Assessment: Major assignment 50% 1x 3 hr exam 25%; classwork 25%

DP Requirement: The DP requirements are listed on the module outline.

Clinical Law

LAWS4CC H2 P2

(52L-0T-25P-0S-83H-0R-0F-0G-0A-13W-16C)

Content: Interviewing & counselling skills; legal research; case analysis; alternative dispute resolution; negotiation, legal writing, trial advocacy.

Assessment: Practical assessment and file evaluation 40%; Evaluation of interviewing and negotiation skills 10%; Paper on community project 20%; Examination 30%

DP Requirement: The DP requirements are listed on the module outline.

Corporate Law

LAWS4CO H1 P1

(39L-4.5T-0P-0S-72.5H-40R-0F-0G-4A-13W-16C)

Content: Partnerships: Formation and nature; partnership property and shares in the partnership; the relationship of the partners inter se; the relationship between partners and third parties; the dissolution and liquidation of partnerships. Companies: The formation of a company and the commencement of business; the company as a legal person; types of companies; lifting the veil of incorporation; the memorandum and articles of association; capital; contracts entered into by a company; the capacity of a company; promoters; directors; membership of a company; rights and duties of members; the company's organs and officers; authority to act on behalf of a company; the nature and classification of company securities; the transfer of shares; the offering of shares to the public; majority rule and the protection of minorities; the enforcement of corporate duties; dividends; auditors; accounting and disclosure; insider trading; compromises and arrangements; take-overs; winding up; judicial management. Close Corporations: Juristic nature and formation; members and members' interests; internal relations; external relations; accounting and disclosure; members' liability for the corporation's debts; de-registration and winding up; penalties.

Assessment: Two assignments or four tests 40%; 1x2 hr exam 60%.

DP Requirement: The DP requirements are listed on the module outline.

Civil Procedure

LAWS4CV H1 P1

(39L-4.5T-0P-0S-72.5H-40R-0F-0G-4A-13W-16C)

Content: The civil court structure; jurisdiction of various courts; applications; actions from letter of demand to judgment including all pleadings, notices and trial; appeals and reviews; debt collection procedures and additional procedures.

Assessment: Two class test 25%; 1x3 hr exam 75%

DP Requirement: The DP requirements are listed on the module outline.

Dispute Resolution (Elective)

LAWS4DR H1

(13L-0T-13P-0S-30H-0R-0F-0G-24A-13W-8C)

Content: The nature of conflict; The path of conflict; Approaches to managing conflict; Positional & Interest-based dispute resolution; A negotiation exercise; Skills required in resolving disputes; Defining dispute resolution mechanisms; Understanding the range of dispute resolving mechanisms; Comparing adjudication & mediation; Defining the process of mediation; The stages of mediation; deciding whether to arbitrate rather than conciliate; Experiencing the process of mediation; Preparing for conciliation & arbitration; Conciliation at the CCMA; The arbitration hearing and Evidence at arbitration

Assessment: 20% Class participation, 30% Class Test & 50% Examination

DP Requirement: The DP requirements are listed on the module outline.

Environmental Law (Elective)

LAWS4EN H1 P1

(19.5L-2.5T-0P-0S-54H-0R-0F-0G-4A-13W-8C)

Content: Issues concerning the relationship between the law and the environment; the implementation and enforcement of the environmental Law, including the role of the 1996 Constitution; selected topics including water law and the environment; natural resources law; pollution law; and land use and planning law

Assessment: 1 research assignment 25%; 1x2hr exam 75%

DP Requirement: The DP requirements are listed on the module outline.

Gender and the Law (Elective)

LAWS4GL P1

(39L-10T-0P-0S-31H-0R-0F-0G-0A-13W-8C)

Content: Feminist jurisprudence; equality theory; gender and family law; gender and labour law; gender and criminal law

Assessment: 2 essays 33,3%; 1 open-book exam 66,7%

DP Requirement: The DP requirements are listed on the module outline.

Insurance & Agency

LAWS4IA H1 P1

(19.5L-2.5T-0P-0S-54H-0R-0F-0G-4A-13W-8C)

Content: Insurance: Definition, nature and formation; duty of disclosure; insurable interest; duration, renewal; risk; premium; subrogation; rights and duties of third persons under the contract (cession and stipulatio alteri); Agency: nature of representation; authority of representative; act performed without authority; non-disclosure of agency; definition and nature of mandate; duties of the mandatory; duties of the mandator; termination of relationship

Assessment: Class work 40%; 1x2 hr exam 60%

DP Requirement: The DP requirements are listed on the module outline.

Intellectual Property Law (Elective)

LAWS4IP H2 P1

(19.5L-2.5T-0P-0S-54H-0R-0F-0G-4A-13W-8C)

Content: This module will be aimed at providing students with a working knowledge of the most relevant issues, contemporary topics and case law resorting under the rubric of intellectual property law as applied in South Africa. The module will focus on three of the most important areas encountered in practice, namely copyright law, trade mark law and unlawful competition as it relates to the use and exploitation of intellectual property. More specialized areas of intellectual property (e.g. patents and designs) will not be addressed specifically but will be referred to where relevant.

Assessment: class mark: 50% and Examination: 50%

DP Requirement: The DP requirements are listed on the module outline.

Income Tax Law (Elective)

LAWS4IT H2

(19.5L-2.5T-0P-0S-54H-0R-0F-0G-4A-13W-8C)

Content: Sources of Income Tax Law and the interpretation of tax legislation; the legislative scheme; source; receipt and accruals; inclusions in gross income; exempt income; capital; deductions; individuals; partnerships; trusts; companies and close corporations; assessment, objection and appeal; fringe benefits; farming; tax avoidance and evasion.

Assessment: Test 30%; 1x2 hr exam 70%

DP Requirement: The DP requirements are listed on the module outline.

Maritime Law (Elective)

LAWS4ML H1

(19.5L-2.5T-0P-0S-54H-0R-0F-0G-4A-13W-8C)

Content: history of shipping law; incidents of navigation; carriage of goods by sea; marine insurance, law of the sea, enforcement of rights and remedies in the Admiralty Court

Assessment: 2 assignments 25%; 1x3 hr exam 75%

DP Requirement: The DP requirements are listed on the module outline.

Negotiable Instruments

LAWS4NG H2 P2

(19.5L-2.5T-0P-0S-54H-0R-0F-0G-4A-13W-8C)

Content: sources of law; definition and parties; essential elements; bank-customer contract; payment by cheque; crossings; negotiation; markings; the cambial obligation; enforcing payment on a bill/note; defending a claim on a bill/note; immunity from defences; unauthorised payment of cheques.

Assessment: Test: 25%; 1x2 hr exam 75%

DP Requirement: The DP requirements are listed on the module outline.

Professional Training 2

LAWS4PT H1 P1

(38L-0T-6P-0S-22H-0R-6F-0G-8A-13W-8C)

Content: Students acquire the knowledge, skills and values appropriate for professional practice. Consolidate the practical skills learnt during prior levels of study. Focus on specific skills such as appellate advocacy; and the drafting of more complex legal documents.

Assessment: Moot court; writing exercises; practical applications; written examination

DP Requirement: The DP requirements are listed on the module outline.

Research Project(Elective)

LAWS4RP P1 H1

(0L-0T-0P-0S-80H-0R-0F-0G-0A-13W-8C)

Content: Students are required to complete a research project.

Assessment: 100% marks awarded by internal and external examiners

Security & Insolvency

LAWS4SI H2 P2

(19.5L-2.5T-0P-0S-54H-0R-0F-0G-4A-13W-8C)

Content: real security: the law relating to different forms of real security in particular: mortgage, bonds, notarial bonds, and cession in securitatem debiti. Personal security: the law of suretyship; insolvency a consideration of various aspects of insolvency law, including voluntary surrender, compulsory sequestration, effects of sequestration and rehabilitation.

Assessment: 1 test 30%; 1x2 hr exam 70%

DP Requirement: The DP requirements are listed on the module outline.

Sale, Lease & Credit Agreements

LAWS4SL H1 P1

(39L-4.5T-0P-0S-72.5H-40R-0F-0G-4A-13W-16C)

Content: legal principles relating to contract of sale and contract of letting and hiring of immovable property; consumer credit law – relating to instalment sale transactions and money loans.

Assessment: tests 30%; 1x3 hr exam 70 %

DP Requirement: The DP requirements are listed on the module outline.

Street Law

LAWS4ST HY PY

(52L-0T-25P-0S-83H-0R-0F-0G-0A-13W-16C)

Content: to train students: in communication skills to enable them to explain legal concepts to lay persons; to teach legal issues and trial skills to pupils in secondary school; in basic teaching skills and methodology; to prepare mock trial packages; in basic trial advocacy skills; and to inculcate in students an awareness of human rights issues, and to encourage them to promote this awareness in the pupils they teach.

Assessment: Mock trial package 20%; School visits and evaluation 30%; 1x3 hr exam 50%

DP Requirement: The DP requirements are listed on the module outline.

Teaching Legal Skills

LAWS4TS HY PY

(0L-0T-26P-0S-134H-0R-0F-0G-0A-13W-16C)

Content: theory and practice on teaching in a multi-cultural class, teaching methodology and small group facilitation. Theory and practice on providing both written and oral feedback to students to develop and improve writing skills.

Assessment: A portfolio based assessment on: evaluation of teaching performance 35%; assessment of feedback on legal writing 35%; class presentation and preparation 20%; a reflective teaching journal 10%.

DP Requirement: The DP requirements are listed on the module outline.

Listing of Masters Coursework Modules

LAWS8AE H1 - Advanced Contract Law

(0L-0T-0P-13S-98H-125R-0F-0G-4A-13W-24C)

Content: Select topics including: Reality of consent, legality, contents and unfair terms, cession, breach and remedies.

LAWS8AG H2 - Advanced Corporate Law

(0L-0T-0P-13S-98H-125R-0F-0G-4A-13W-24C)

Content: A study of selected topics of corporate law at an advanced level.

LAWS8AK H1 - Advanced Labour Law

(0L-0T-0P-13S-98H-125R-0F-0G-4A-13W-24C)

Content: Freedom of association and the closed shop; collective bargaining; socialist democracy; workers' control and managerial prerogative; unfair labour practices; unfair dismissal; strike law; retrenchment; relocation; re-deployment and closure; alternative dispute resolution.

LAWS8AO H1 - Advanced Tax I

(0L-0T-0P-13S-98H-125R-0F-0G-4A-13W-24C)

Content: Introduction to Tax Law; basic principles and mechanics of the Income Tax Act 58 of 1962; the gross income definition; source and residence; capital and revenue and capital gains tax; special inclusions; exempt income; deductions.

LAWS8AQ H1 - Bio-ethics & the Law

(0L-0T-0P-13S-98H-125R-0F-0G-4A-13W-24C)

Content: The teaching of bio-ethical knowledge and skills that will enable learners to competently reflect upon, address and resolve ethical and socio-cultural issues that they will confront during their professional practice. This module involves the teaching of professional ethics and inter-professional approach to health care decision-making on issues that include, inter alia, informed consent, confidentiality, truth telling, genetic engineering reproductive technologies and related issues, professional obligations, ethics committees, human and animal experimentation, experimental design and randomised drug trials, treatment of the impaired and the incompetent, national and international health LAWS8, social justice and health care policy.

LAWS8BA H2 - Employment Discrimination

(0L-0T-0P-13S-98H-125R-0F-0G-4A-13W-24C)

Content: Historical and theoretical perspectives; international law; anti-discrimination law; equality and age; disability, gender, social orientation; multiple discrimination; discrimination in housing provision; discrimination in the workplace; discrimination and enforcing the law.

LAWS8BC H2 - Forensic Medicine

(0L-0T-0P-13S-98H-125R-0F-0G-4A-13W-24C)

Content: The teaching of forensic medicine: injury, death by asphyxiation, extremes of temperature and electricity, medico-legal aspects of injuries and deaths due to firearms and explosives, medico-legal aspects of human identification, head injury, Kangaroo court assault, drive-in shooting, sudden death during robbery. Clinical forensic medicine: Sexual offences, child abuse, spouse abuse and abuse of the elderly, alcohol intoxication, medico-legal aspects of poisoning, torture-treatment of detainees and deaths in custody. The crime scene: Importance of proper procedures at a scene, functions of the investigator at the scene, function of their doctor or pathologist at the scene, dangers and risks to the investigator at the scene, prevention of biological dangers and risks at the scene. The Autopsy: The meaning and importance of an autopsy, the LAWS8 governing the performance of the autopsy, natural and unnatural deaths, medico-legal aspects of the death certificate, the importance of providing the pathologist with an adequate history prior to an autopsy, changes that occur to the body after death, the interpretation of the autopsy report, understanding the limitations and pitfalls of the autopsy.

LAWS8BE H2 - HIV/AIDS, Human Rights & the Law

(0L-0T-0P-13S-98H-125R-0F-0G-4A-13W-24C)

Content: Medical aspects of HIV/AIDS; Human Rights and people living with HIV/AIDS; HIV/AIDS and the equality clause of the South African Constitution; HIV/AIDS and the right of access to health care and pregnant mothers; HIV/AIDS and the emergency medical treatment for rape survivors; confidentiality and HIV/AIDS; informed consent and testing for HIV/AIDS; HIV/AIDS and employment; HIV/AIDS and the rights of children; HIV/AIDS and insurance; HIV/AIDS and the rights of prisoners; International Patent Law and HIV/AIDS drugs.

LAWS8BG H2 - Incidents of Navigation

(0L-0T-0P-13S-98H-125R-0F-0G-4A-13W-24C)

Content: Pilotage; collision; marine pollution; salvage; wreck; general average; mortgage; ship registration.

LAWS8BK H2 - International Trade Law

(0L-0T-0P-13S-98H-125R-0F-0G-4A-13W-24C)

Content: History; international business transactions; bills of lading; fob contracts; cif contracts; payment in international sales; disputes settlement.

LAWS8BS H1 - Law & Medical Practice

(0L-0T-0P-20S-0H-300R-0F-0G-0A-13W-24C)

Content: The doctor/patient relationship, informed consent, medical malpractice, medical ethics and confidentiality, euthanasia and the right to die, sex-change operations, abortion, contraception and sterilisation problems of consent, artificial insemination donor and surrogacy, organ and tissue transplants, medical treatment of detainees, aids and the law, medical ethics

LAWS8BU H2 - Law of the Sea

(0L-0T-0P-13S-98H-125R-0F-0G-4A-13W-24C)

Content: History; 1958 Geneva Convention; 1982 United Nations Convention; territorial waters; exclusive economic zone; high seas; navigation, flags of convenience and piracy; exploitation of the resources of the sea

LAWS8CE H2 - Pollution Control Law

(0L-0T-0P-13S-98H-125R-0F-0G-4A-13W-24C)

Content: Global and trans-boundary pollution; soil and water pollution; waste management, environmental impact assessment in waste management, public participation, liability for pollution, institutional structure of waste management, pesticides, noise, radiation, mining, medical waste handling, legal implementation of new waste management technologies.

LAWS8CG H2 - Trial Advocacy

(0L-0T-0P-13S-98H-125R-0F-0G-4A-13W-24C)

Content: Basic trial skills, including examination-in-chief, cross-examination, argument; trial strategy and tactics; trial preparation and consulting for trial; Mock trial presentation and participation in actual civil and criminal trials under supervision. Selected topics: expert witnesses; hostile witness procedure; advices on evidence; electronic aids in trials; forensic psychology.

Assessment: Class work 25%; Exam 1x3 hr exam 75%

LAWS8CI H2 - Wildlife Law

(0L-0T-0P-13S-98H-125R-0F-0G-4A-13W-24C)

Content: The history of environmentalism, environmental ethics, animal rights, species protection, habitat protection, commercial and traditional hunting, law enforcement, trade in endangered species, ecotourism, problems of enforcement, comparative and international perspectives.

LAWS8CM HY - Donations Tax & Estate Duties

(0L-0T-0P-13S-67H-0R-0F-0G-0A-13W-8C)

Content: A study of who is liable for donations tax, the rate, the definitions, when a donation takes effect, deemed donations, exemptions, donations by spouses married in community of property, donation by corporate bodies, payment, assessment and valuation. It also includes a study of the dutiable amount of an estate, property, property deemed to be property, valuation, allowable deductions, marriage in community of property and estate accounts.

Assessment: Assignments (20%), one examination (80%)

LAWS8CN HY - Income Tax

(0L-0T-0P-13S-98H-125R-0F-0G-4A-13W-24C)

Content: A study of the meaning of received by or accrued to, deemed accruals, capital vs revenue, true source and deemed source, cash or otherwise, special inclusions, the general deduction formula and special deductions and allowances. It also includes a study of the principle of interpretation fiscal legislation, the so-called new approach of interpretation, special board, special court and high court, assessments, objection and appeal, estimated and agreed assessments, additional assessments, preservation of secrecy, discretionary powers, additional taxes, refunds and review.

Assessment: Assignments (20%), one examination (80%)

LAWS8CO HY - Income Tax & Estate Planning

(0L-0T-0P-13S-227H-0R-0F-0G-0A-13W-24C)

Content: A study of the anti-avoidance provisions, deferred compensation schemes, manufacturing buildings, manufacturing plant, ordinarily resident and carrying on a business, damages and compensation, restraint of trade awards, fringe benefits, taxation of property transactions, farming, insurance, trading stock, the tax implications of employment, international taxation and double tax agreements and royalties. It also includes a study of the legal and other considerations of estate planning, mechanisms to reduce estate duty and anti-avoidance provisions.

Assessment: Assignments (20%), one examination (80%)

LAWS8CS H1 - Consumer Law in South Africa

(0L-0T-0P-13S-98H-125R-0F-0G-4A-13W-24C)

Content: An overview of both South African and International consumer law; access to the courts and private consumer bodies; consumers and the law of contract; product liability; health and safety legislation; consumer credit; the micro lending industry; insurance problems; advertising controls; banking issues, SA competition policy, common consumer problems and popular scams.

LAWS8DB H2 - Children's rights (Local & International)

(0L-0T-0P-20S-140H-70R-0F-0G-10A-0W-24C)

Content: On completion, students will understand the latest developments in the children's rights movement nationally and internationally. They will have sufficient critical understanding of International Agreements to be able to support the application. They will be understand the significance of cultural differences and the effect of these on the upbringing of children. Students will understand State and inter-State child care obligations.

LAWS8DC H2 - Roles of Professional in proceedings affecting children

(0L-0T-0P-20S-140H-70R-0F-0G-10A-0W-24C)

Content: Students will, on completion, have the following skills: how to interview children; investigate their circumstances, prepare documents for court; give evidence; advocate for children; assist in non-adversarial and court resolutions. They will have an understanding of the procedures and jurisdiction of courts and alternatives to courts. They will understand the roles of professionals in child care proceedings

LAWS8DD H2 - Child Care Policy & Legislation

(0L-0T-0P-20S-140H-70R-0F-0G-10A-0W-24C)

Content: This module will enhance both the knowledge and skills of students with a view to enabling them to work effectively with children and their families in the following categories: street children, neglected and abandoned children, children with disabilities, extra-marital children, and children affected by divorce. They will understand the procedures and solutions offered by adoption, foster care and residential care in its various forms. They will acquire knowledge of the law and social work practice in relevant sub-fields incl. Education and health.

LAWS8DF H2 - Medico-Legal & Social Aspects of Child Care & Protection

(0L-0T-0P-20S-140H-70R-0F-0G-10A-0W-24C)

Content: Students will acquire the inter-disciplinary knowledge and practical skills to enable them to help develop policy and work with children affected or infected by terminal and chronic diseases (incl. AIDS). They will understand the latest significant medico-legal developments in procreation when these impact upon the rights of children, parents and donors. They will know the legal procedures and social work support services required in the relevant sub-fields such as: abortion, sterilisation, artificial insemination, paternity testing and surrogacy. Students will be sensitized to the strength and potential of differing family forms.

LAWS8DG HB - Dissertation

(0L-0T-0P-0S-960H-0R-0F-0G-0A-0W-96C)

Content: Each student, in consultation with his/her Supervisor, will choose a topic within the field of Child care and Protection. Appropriate research methodology and design will be selected. Students who successfully complete the mini-dissertation of at least 20,000 words must have demonstrated an ability to successfully undertake a major research project. They must also demonstrate an ability to present their findings in a systematic, logical and critically evaluative manner with proper citation of all sources used

LAWS8DH H1 - International Law & Organisation

(0L-0T-0P-20S-140H-70R-0F-0G-10A-0W-24C)

Content: This course aims to equip the students with basic principles of Public International Law and the international institutional framework. It will cover the history, the sources and the subjects International Law with special emphasis on States and international organizations, as well as the relationship between International Law and the Municipal legal system.

LAWS8DL H2 - International Criminal Law

(0L-0T-0P-20S-140H-70R-0F-0G-10A-0W-24C)

Content: Addresses this emerging field with its various dimensions including international crimes, extradition, mutual assistance in criminal matters and international criminal tribunals. It will consider the history and definition of international Criminal Law, war crimes, and crimes against peace, crimes against humanity, torture, hostage taking, apartheid and genocide. It will look at treaties for the enforcement of municipal crimes such as drug trafficking and hijacking of ships and aircraft. It will look at extradition with particular focus on African extradition treaties and the Commonwealth extradition scheme. The future International Criminal Court will be studied in relation to the Rwanda and Yugoslav Tribunals. The Model Treaty on Mutual Assistance on Criminal Matter will be discussed and the development in this respect in Europe will be analysed with a view to considering similar developments in Africa.

LAWS8DM H2 - International Business Law

(0L-0T-0P-20S-140H-70R-0F-0G-10A-0W-24C)

Content: This course covers the following: the creation, form and regulation of transnational corporations; regulation of foreign investment; international sales and trade in goods; services and labour; agency in international business; money and banking; financing and taxation; intellectual property; the human rights responsibility of transnational corporations; and dispute settlement.

LAWS8DN H1 - International Trade & Banking Law

(0L-0T-0P-20S-140H-70R-0F-0G-10A-0W-24C)

Content: This course covers the following: the nature and development of International Trade Law; transportation of goods for export; payments and finance of International Trade; the role of the International Monetary Fund, World Bank and Bank of International Settlements; regional integration for international trade (with particular emphasis on the Southern African Development Community); trade cooperation between the European Union and South Africa; the regulation of foreign investment; the World Trade Organisation and the global regulation of trade; trade and intellectual property; international trade and the Internet; and international commercial dispute resolution.

LAWS8DO HB - Dissertation/two publishable papers

(0L-0T-0P-0S-960H-0R-0F-0G-0A-0W-96C)

Content: Students are required to submit a dissertation on an approved topic, which constitutes the equivalent of 96 credit points, or submit two publishable papers of approximately 6 000 words each, which together constitute the equivalent of 96 credit points

LAWS8DP H1 - HIV/AIDS & Public Health Law

(0L-0T-0P-20S-140H-60R-10F-10G-0A-0W-24C)

Content: Students will acquire an empathy & understanding for the AIDS & HIV sufferer through dissemination of informed knowledge. Students will demonstrate an understanding of HIV & AIDS as a medical, social and community problem. Students will appreciate cultural and traditional norms, practices and treatments of HIV & AIDS in South African society. Students will demonstrate competence to interrogate HIV & AIDS as a human rights issue, identifying the rights of and the obligations to the AIDS & HIV patient. Students will demonstrate competence for critical analysis of current legal standards and practices pertaining to HIV & AIDS, and act as effective agents, promoting the amendment of unfair, impractical and/or ineffective laws, standards and practices relating to HIV & AIDS. Students will develop enhanced competence in assessing and applying international and comparative law to ameliorate the problems and difficulties confronting AIDS & HIV sufferers in South Africa.

LAWS8DQ H1 - Public Health, Human Rights & Ethics

(0L-0T-0P-20S-140H-70R-5F-5G-0A-0W-24C)

Content: Students will: (a) develop an in-depth understanding of the relationship between human rights and public health; (b) demonstrate enhanced competence on how human right scan be used to promote and protect public health and vice versa; (c) show evidence of the ability to apply their knowledge and skills gained to relevant case studies dealing with public health and human rights; (d) develop understanding of and appreciate the legal framework relating to ethics; (e) show competence of the various models of ethical decision-making, their nuances and application; and (f) show enhanced competence in developing appropriate models of ethics for South Africa.

LAWS8DR H2 - Health Policy Planning & Legal Framework of Public Law

(0L-0T-0P-20S-140H-70R-5F-5G-0A-0W-24C)

Content: Students will: (a) demonstrate an in depth knowledge and understanding of the overall institutional framework of the legal regulation of healthcare needs and begin to address Appropriate response mechanisms; (b) show enhanced competence in the understanding and application of domestic and international sources of health care; (c) develop capacity and competence in the internal mechanisms of professional bodies dealing with health care.

LAWS8DS HB- Mini Dissertation

(0L-0T-0P-0S-960H-0R-0F-0G-0A-0W-96C)

Content: Each candidate shall submit, in the final semester of study, a dissertation consisting of a minimum of 20 000 words and a maximum of 25 000 words on an approved aspect of Public Health Law.

LAWS8DV H2 - Disaster Management in Public Health

(0L-0T-0P-20S-140H-70R-5F-5G-0A-40W-24C)

Content: Students will (a) be able to demonstrate competence and understanding in the link between disaster management and public Health law; (b) demonstrate competence in the International Law and regulations relating to disaster management and the public health; and (c) develop enhanced competencies in the challenges in education training in disaster management, public health and the law.

LAWS8DZ H1 - Research Methodology

(0L-0T-0P-20S-140H-70R-0F-0G-10A-0W-24C)

Content: Students will be trained in Social Science and Legal Research Methodologies and also in relevant electronic techniques. All of the above training will be oriented towards the Child Care field. Upon completion of the Module, students must have the skills and knowledge required to prepare a Position Paper and Dissertation. They will understand the requirements commonly needed for writing an article for publication. Importantly, students will know how to look up the latest law and latest social work (and other relevant) findings in the Child-care field.

LAWS8PB PB - International Environmental Law

(12L-0T-0P-12S-192H-8R-0F-0G-16A-13W-24C)

Content: Introduction: Customary International Law; Treaties; Sovereignty and national resources. Pollution: Air; Marine; International Waterways; Atmosphere; other. Conservation of Endangered Species: Conservation; Trading of endangered species. Conservation of resources: Fisheries; Deep sea-bed mining. Environmental protection and economic development.

LAWS8PC P1 - Land Law

(12L-0T-0P-12S-192H-8R-0F-0G-16A-13W-24C)

Content: Systems and Problems of Land Tenure; Land Use Control; Purpose; Origins; Techniques. Town Planning Law.

LAWS8PD P1 - Natural Resources Law

(12L-0T-0P-12S-192H-8R-0F-0G-16A-13W-24C)

Content: Concept of Natural Resources: Soil; Water; Minerals; Flora and Fauna; Sea; Seashore and Wetlands; Wilderness; Cultural eg. historical sites. Conservation v Exploitation: Philosophies; Strategies; Techniques.

LAWS8PE P1 - Pollution Control

(12L-0T-0P-12S-192H-8R-0F-0G-16A-13W-24C)

Content: Common Law Remedies; Air Pollution; Fresh Water Pollution; Marine Pollution; Noise Pollution; Radiation; Solid Waste; Pesticides; Occupational Health and Safety; Integrated Pollution Control.

Listing of Postgraduate Diploma Modules

LAWD6CJ H1 - Criminal Justice A

(0L-0T-0P-39S-281H-0R-0F-0G-0A-13W-32C)

Content: Introduction to legal concepts: the new Constitution; common law & statutory law; interpretation of law; legal classifications; basic principles of law. (b) Introduction to accounting concepts: basic accounting concepts including how to read a balance sheet (c) Introduction to computers and computerised research: general introduction: windows 95/98/2000; basic word processing; the internet; Jutastat; books on screen; Lexis-nexis. (d) Common Law and Statutory Crimes: Selected common law and statutory crimes relevant to the module including theft, fraud, Companies Act offences, forgery and uttering and corruption.(e) Rules of Evidence: General rules of evidence, including admissibility, weight, exclusionary rules, admissions and confessions, rules of trial, constitutional issues.

LAWD6FA H2 - Forensic Auditing

(0L-0T-0P-39S-281H-0R-0F-0G-0A-13W-32C)

Content: (a) The forensic auditing process; the use of information technology as an investigative tool; computer-based auditing programmes; audit trials; case studies. (b) Forensic Investigation: Basic techniques; investigation of crime; interviews and interrogations and specific truth verifiers, such as polygraphs, voice stress-analysers and telephone-based detection.

LAWD6JU H2 - Criminal Justice B

(0L-0T-0P-39S-281H-0R-0F-0G-0A-13W-32C)

Content: (a) Criminal Trial Process and Civil Remedies: The Criminal Procedure Act; criminal trial processes; Section 35 of the Constitution; sentencing, reviews and appeals; Anton Piller orders; the Proceeds of Crime Act; the Prevention of Organised Crime Act; participants in the criminal process; arrest, search and seizure; police traps. (b) Industrial Relations: Outline of the new Labour Law; conditions of employment; internal disciplinary proceedings; dismissal; the CCMA and Labour Courts; mediation and arbitration.. (c) Ethics: Ethics of investigation; ethics and etiquette; trial ethics; ethical rules for specific sectors: government, corporate, police.

LAWS6RP H2 - Research Project

(0L-0T-0P-320S-0H-0R-0F-0G-0A-13W-32C)

Content: Students are required to complete a research project. Topic to be approved by the Course Director

LAWS6AA H1 - Admiralty Law

(0L-0T-0P-20S-0H-300R-0F-0G-0A-13W-24C)

Content: History; disputes as to venue; prejudgment security; action in personam; maritime liens; action in rem; ranking of claims; comparative jurisdictions.

LAWS6AS H1 - Carriage of Goods by Sea

(0L-0T-0P-20S-0H-300R-0F-0G-0A-13W-24C)

Content: History; bills of lading; charter parties; Hague-Visby Rules; Carriage of Goods by Sea Act, 1986; limitation of liability; Hamburg Rules.

LAWS6BG H2 - Incidents of Navigation

(0L-0T-0P-20S-0H-300R-0F-0G-0A-13W-24C)

Content: Pilotage; collision; marine pollution; salvage; wreck; general average; mortgage; ship registration.

LAWS6BK H2 - International Trade Law

(0L-0T-0P-20S-0H-300R-0F-0G-0A-13W-32C)

Content: History; international business transactions; bills of lading; fob contracts; cif contracts; payment in international sales; disputes settlement.

LAWS6BU H2 - Law of the Sea

(0L-0T-0P-20S-0H-300R-0F-0G-0A-13W-24C)

Content: History; 1958 Geneva Convention; 1982 United Nations Convention on the Law of the Sea; territorial waters; exclusive economic zone; high seas; navigation, flags of convenience and piracy; exploitation of the resources of the sea.

LAWS6MI HB - Marine Insurance

(0L-0T-0P-20S-0H-300R-0F-0G-0A-13W-32C)

Content: History; insurance practice; insurable interest; misrepresentation and non-disclosure; perils of the sea; partial and total loss; subrogation; mutual insurance



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