



UNIVERSITEIT VAN PRETORIA
UNIVERSITY OF PRETORIA
YUNIBESITHI YA PRETORIA

Faculty of Law

Fakulteit Regsgeleerdheid
Lefapha la Molao



Postgraduate Prospectus 2018

<http://www.up.ac.za/postgraduate-students>

LLM/MPhil Applications

What are the minimum entry requirements for the LLM degree?

- A LLB/BProc degree or an equivalent degree from a foreign university that allows entrance to the formal legal profession with a minimum average mark of 65% with respect to the prescribed final-year modules of the LLB/BProc degree.

I do not meet the above requirements, should I bother to apply?

- Yes, you are encouraged to apply however, please bear in mind that it will be the HOD's/Dean's discretion to admit you or not.

How do I apply for the LLM degree and how much is the application fee?

1. Prospective student who is **NOT currently registered** at the University of Pretoria:

There are at least **two ways** to lodge an application:

- Online at www.up.ac.za (Study at UP >> Apply at UP>> Apply at UP)
- By contacting the Client Service Centre at csc@up.ac.za or 012 420 3111

The application fee is R300 and is payable directly into the University's bank account.

2. Prospective student who is **currently registered** at the University of Pretoria:

- Lodge an internal application on your student portal (Student Centre >> Admissions >> Internal applications)

No application fee is payable.

Where and how do I pay the application fee?

- You may pay in person, at the cashiers in the Student Service Centre at the University of Pretoria, or
- You can deposit the application fee into the university's bank account (Account Name: University of Pretoria)

ABSA - Account number: 214 000 0054, Hatfield, 632005, Reference: Student number

Standard Bank - Account number: 012 602 604, Hatfield, 011545, Reference: Student number

I have paid the application fee but I am told that my applications was unsuccessful, can I be reimbursed?

- The application fee is a non-refundable handling fee and has no bearing on whether an applicant gets admitted or not.

I am lodging my application online but I am experiencing technical difficulties when I try to submit the application and/or supporting documents?

- If you experience any technical difficulties, please contact the Student Service Centre at 012 420 3111 or csc@up.ac.za or contact Ms Erna Esterhuizen at 012 420 5143 or erna.esterhuizen@up.ac.za

For more information go to <http://www.up.ac.za/faculty-of-law> or e-mail llmapplications@up.ac.za with LLM/MPhil enquiries and lldapplications@up.ac.za with LLD/PhD enquiries.

What documents must I submit along with my application form?

DOCUMENTS
The complete University of Pretoria application form (www.up.ac.za)
Proof of payment: Application fee
Previous academic records/transcripts
Previous studies' degree certificates
CV
Copy of ID/Passport
Letter of motivation by prospective student for each programme applied for (why do you wish to register for this particular programme?)
SAQA certificate in case of foreign qualifications (i.e. any qualification which was completed at an institution outside of South Africa) . For more information, go to www.saqa.org.za

Only complete applications are considered. Incomplete applications will be set aside and revisited when all required documents have been received.

How will I know whether I have been admitted or not?

- A system generated acknowledgement of application will be sent to you which contains your student number. The student number can be used to access the Student portal. It is important that you visit the online UP Portal (MyTUKS login) regularly to track your admission status as well as to see all relevant letters under the "Communications" tab.

NB: You will not receive a letter in your post box, or an e-mail or SMS informing you of the outcome of your application.

To visit the Student Centre, go to www.up.ac.za and click on **MyTUKS login** where you will be prompted for a username and password.

New applicants should click on the "**New User**" link under the username and password fields. The link will prompt the user for a username and either a South African national ID number or a passport number (in the case of non-South Africans). This should be entered under the student number (starting with a "u"). The portal will then lead the user through the process of creating a new password for future use. Please wait 48 hours after the receipt of this letter before accessing the MyTuks login as your student number needs to be activated during this period. Once this period has lapsed you may use your **student number (e.g. u12345678)** and new password to access the system.

Users of the website who were UP students before and who have previously accessed the portal can sign in with their existing username and password.

When is the closing date?

Generally, the closing dates are as follows unless if stated otherwise next to the programme:

- South African applicants: 30 November

How much does it cost to study towards the LLM degree?

- LLM Coursework costs ±R36 000 per programme for South Africans and students from the SADC region. Students from other countries pay double the amount.
- LLM Research costs ±R15 000 per year for South Africans and students from the SADC region. Students from other countries pay double the amount.

What LLM coursework programmes will be offered in 2018?

The following LLM programmes will be offered in 2018, more information on each programme is provided below:

Centre for Human Rights	Jurisprudence	Mercantile Law	Private Law	Procedural Law	Public Law
*Human Rights & Democratisation in Africa	Law & Political Justice	Banking Law	Child Law	Procedural Law	Extractive Industry Law in Africa
*International Trade & Investment Law in Africa		Consumer Protection Law	Family Law		International Law
Multidisciplinary Human Rights		Corporate Law	Private Law		International Air, Space & Telecommunications Law
*Sexual & Reproductive Rights in Africa		Insolvency Law	Intellectual Property Law		Socio-economic Rights
		Labour Law	Estate Law		
		Mercantile Law	Law of Contract		
		Tax Law			

*To apply for this programme, please go to www.chr.up.ac.za or send an e-mail to chr@up.ac.za .

What MPhil coursework programmes will be offered in 2018?

Centre for Human Rights	Jurisprudence
*Human Rights & Democratisation in Africa	Law & Political Justice
Multidisciplinary Human Rights	
*Sexual & Reproductive Rights in Africa	

For more information go to <http://www.up.ac.za/faculty-of-law> or e-mail llmapplications@up.ac.za with LLM/MPhil enquiries and lldapplications@up.ac.za with LLD/PhD enquiries.

*To apply for this programme, please go to www.chr.up.ac.za or send an e-mail to chr@up.ac.za .

LLM/MPhil through research: Entails a research programme on an approved topic in law

LLD/PhD: Entails a research programme on an approved topic in law

What is the difference between a LLM Coursework and a LLM Research?

- The LLM coursework is a combination of coursework/modular work and a mini-dissertation (15 000 – 20 000 words). The LLM research is an approved research project with a full dissertation (40 000 – 50 000 words).

When does the academic year commence?

- The academic year commences at the beginning of February and ends at the end of November?

Does the University of Pretoria offer any bursaries or scholarships?

- Yes, for more information please go to <http://www.up.ac.za/fees-and-funding> .

Does the University of Pretoria offer accommodation?

- Yes, for more information please go to <http://www.up.ac.za/student-accommodation> .

LLM: Coursework programmes offered in the various departments

CENTRE FOR HUMAN RIGHTS

LLM

Option: Human Rights and Democratisation in Africa (04252020)

Please visit www.chr.up.ac.za or e-mail chr@up.ac.za to apply for this programme

	Module code	Credits
Research methodology for human rights	NRM 801	5
Research proposal	RHP 803	5
Mini-dissertation (18 000-20 00 words – including footnotes but excluding the list of contents and the bibliography) [prerequisites: NRM 801 and RHP 803]	MND 802	125
And		
Accredited course in human rights	ACH 802	20
Applied human rights	AHR 801	15
Democratisation in Africa	DIA 801	20
Human rights in Africa	HRA 801	20
International and comparative human rights	ICH 801	20
Introduction to the SA legal system and Bill of Rights	RVM 801	20
This is a selection programme and only selected applicants will be admitted to the programme. Duration: A minimum of 1 year full-time.		

LLM

Option: International Trade and Investment Law in Africa (04252021)

Please visit www.chr.up.ac.za or e-mail chr@up.ac.za to apply for this programme

	Module code	Credits
Research Methodology	RHP 801	5
Research Proposal	RHP 803	5
Mini-dissertation [prerequisite RHP 801 and RHP 803] (MND 800: 15 000 – 20 000 words)	MND 800	100
And		
Accredited module from another university Or An LLM module as approved by the Dean	ADC 802	30
Advanced International Investment and Business Law	GTB 802	30
Advanced International Trade Law	GIH 802	30
(ADC 802 can be completed at an overseas institution funding permitting or if self-funded)		

LLM

Option: International Trade and Investment Law in Africa (04252022)

Please visit www.chr.up.ac.za or e-mail chr@up.ac.za to apply for this programme

	Module code	Credits
Research Methodology	RHP 801	5
Research Proposal	RHP 803	5
Mini-dissertation [prerequisite RHP 801 and RHP 803] (MND 803: 23 000 to 25 000 words)	MND 803	130
And		
Advanced International Investment and Business Law	GTB 802	30
Advanced International Trade Law	GIH 802	30

LLM Option: Multidisciplinary Human Rights (04252016)		
Closing date for applications: 30 November (Programme may be taken by international students)		
	Module code	Credits
Research methodology	RHP 801	5
Research proposal	RHP 803	5
Mini-dissertation (15 000 – 20 000 words – including footnotes but excluding the list of contents and the bibliography) The methodology and content of the mini-dissertation should reflect legal perspectives of human rights) [prerequisites: RHP 801 and 803]	MND 800	100
And		
Multidisciplinary human rights	MHR 801	30
and any TWO of the following modules of which at-least one should be a module marked with a # and one with a module marked with ##		
## Global perspectives on law, justice and development	LRD 802	30
## History and philosophy of human rights	HPH 801	30
## Post-apartheid jurisprudence	PAJ 801	30
# Socio-economic rights under comparative and international law	SRI 801	30
#An analysis of the SA Constitution and human rights	CMR 801	30
#Socio-economic rights in the SA Constitution	SRC 802	30
# One of these modules may be substituted with any other LLM coursework module as recommended by the programme coordinator and approved by the head of department.		

LLM Option: Sexual and Reproductive Rights in Africa (04252019)		
Please visit www.chr.up.ac.za or e-mail chr@up.ac.za to apply for this programme		
	Module code	Credits
Research methodology for human rights	NRM 801	5
Research proposal	RHP 803	5
Mini-dissertation (18 000-20 000 words – including footnotes but excluding the list of contents and the bibliography) [prerequisites: NRM 801 and RHP 803]	MND 802	125
International human rights law relevant to sexual and reproductive rights in Africa	HRA 802	20
Applying human rights principles to realise sexual and reproductive health rights claims	HRA 803	20
Applying human rights principles to selected reproductive health issues in Africa	HRA 804	20
Applying human rights principles to selected sexual rights and sexuality issues in Africa	HRA 805	20
Applying human rights principles to selected rights of sexual minorities in Africa	HRA 806	20
Research and advocacy to realise sexual, reproductive health and sexual minority rights claims in Africa	HRA 807	15
Duration: A minimum of two years part-time. The programme will be offered as a part-time, distance education programme, with a block session of one week (30 contact hours) per module.		

For more information go to <http://www.up.ac.za/faculty-of-law> or e-mail llmapplications@up.ac.za with LLM/MPhil enquiries and lldapplications@up.ac.za with LLD/PhD enquiries.

DEPARTMENT OF JURISPRUDENCE

LLM

Law and Political Justice (04250089)

Closing date for applications: 30 November

(Programme may be taken by international students)

	Module code	Credits
Research methodology	RHP 801	5
Research proposal	RHP 803	5
Mini-dissertation (15 000 – 20 000 words – including footnotes but excluding the list of contents and the bibliography) [prerequisites: NRM 801 and RHP 803]	MND 800	100
and		
Post-apartheid jurisprudence	PAJ 801	30
Global perspectives on law, rights and development	LRD 802	30
Socio-economic rights in the South African Constitution	SRC 802	30

DEPARTMENT OF MERCANTILE LAW

LLM

Option: Banking Law (04250103)

Closing date for applications: 30 November

(Programme may be taken by international students)

	Module code	Credits
Research methodology	RHP 801	5
Research proposal	RHP 803	5
Mini-dissertation (15 000 – 20 000 words – including footnotes but excluding the list of contents and the bibliography) [prerequisites: RHP 801 and 803]	MND 800	100
Banking law	BNK 802	30
Banking law – Capita Selecta	BNK 803	30
# Advanced consumer credit law	AML 802	30
# This module may be substituted with any other LLM coursework module as recommended by the programme coordinator and approved by the head of department.		

LLM

Option: Consumer Protection Law (04252011)

Closing date for applications: SA applicants (only) – 30 November

	Module code	Credits
Research methodology	RHP 801	5
Research proposal	RHP 803	5
Mini-dissertation (15 000 – 20 000 words – including footnotes but excluding the list of contents and the bibliography) [prerequisites: RHP 801 and 803]	MND 800	100
And		
# ♦ Advanced consumer credit law	AML 802	30
# ♦ Advanced consumer protection	AML 803	30
# ♦ International consumer protection	AML 804	30
♦ Not offered to students without a South African LLB or BProc degree		
# One of these modules may be substituted with any other LLM coursework module as recommended by the programme coordinator and approved by the head of department.		

LLM Option: Corporate Law (04252012)		
Closing date for applications: SA applicants (only) – 30 November		
	Module code	Credits
Research methodology	RHP 801	5
Research proposal	RHP 803	5
Mini-dissertation (15 000 – 20 000 words – including footnotes but excluding the list of contents and the bibliography) [prerequisites: RHP 801 and 803]	MND 800	100
And		
♦ Company law [prerequisite: must pass entrance test]	MKR 801	30
#♦ International take-overs and reorganisations [prerequisite: must pass entrance test]	TOR 802	30
♦ Law of securities [prerequisite: must pass entrance test]	LRR 801	30
# This module may be substituted with any other LLM coursework module as recommended by the programme coordinator and approved by the head of department. ♦ Not offered to students without a South African LLB or BProc degree This is a selection programme and only selected applicants will be admitted to the programme.		

LLM Option: Insolvency Law (04252007)		
Closing date for applications: 30 November (Programme may be taken by international students)		
	Module code	Credits
Research methodology	RHP 801	5
Research proposal	RHP 803	5
Mini-dissertation (15 000 – 20 000 words – including footnotes but excluding the list of contents and the bibliography) [prerequisites: RHP 801 and 803]	MND 800	100
And		
Insolvency law	ISR 801	30
#International insolvency law	IIL 801	30
Liquidation and business rescue	LBR 802	30
# This module may be substituted with any other LLM coursework module as recommended by the programme coordinator and approved by the head of department.		

LLM Option: Labour Law (04252005)		
Closing date for applications: SA applicants (only) – 30 November		
	Module code	Credits
Research methodology	RHP 801	5
Research proposal	RHP 803	5
Mini-dissertation (15 000 – 20 000 words – including footnotes but excluding the list of contents and the bibliography) [prerequisites: RHP 801 and 803]	MND 800	100
And		
♦Collective labour law	CLL 802	30
♦Individual labour law	IVL 801	30
and ONE of the following modules:		
#International labour law	ITA 802	30
#♦Advanced social security law	GSR 802	30
# One of these modules may be substituted with any other LLM coursework module as recommended by the programme coordinator and approved by the head of department. ♦ Not offered to students without a South African LLB or BProc degree		

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LLM Option: Mercantile Law (042502006)		
Closing date for applications: 30 November (Programme may be taken by international students)		
	Module code	Credits
Research methodology	RHP 801	5
Research proposal	RHP 803	5
Mini-dissertation (15 000 – 20 000 words – including footnotes but excluding the list of contents and the bibliography) [prerequisites: RHP 801 and 803]	MND 800	100
and any THREE of the following modules:		
#♦Advanced social security law	GSR 802	30
#♦Advanced income tax law	ITL 801	30
# Advanced transnational business law [prerequisite: TBR 420]	TBL 802	30
#Banking law	BNK 802	30
#Information and communications technology	KUB 802	30
#♦Indirect tax	IDT 802	30
#International insolvency law	IIL 801	30
#♦Law of specific contracts	SKC 802	30
#Statutory competition law	SCL 801	30
# One of these modules may be substituted with any other LLM coursework module as recommended by the programme coordinator and approved by the head of department.		
♦ Not offered to students without a South African LLB or BProc degree		

LLM Option: Tax Law (04252015)		
Closing date for applications: SA applicants (only) – 30 November		
	Module code	Credits
Research methodology	RHP 801	5
Research proposal	RHP 803	5
Mini-dissertation (minimum of 15 000 words including footnotes but excluding the list of contents and the bibliography) [prerequisites: RHP 801 and 803]	MND 804	70
Technical research reports	TAX 804	25
And		
General principles of tax	TAX 801	40
Current issues in taxation [prerequisite: TAX 801]	TAX 802	15
Income and consumption taxes [prerequisite: TAX 801]	TAX 803	40
This is a selection programme and only selected applicants will be admitted to the programme. <i>Consult the Faculty of Economic and Management Sciences yearbook for an MCom in this regard.</i>		

DEPARTMENT OF PRIVATE LAW

LLM Option: Child Law (04252009)		
Closing date for applications: SA applicants (only) – 30 November		
	Module code	Credits
Research methodology	RHP 801	5
Research proposal	RHP 803	5
Mini-dissertation (15 000 – 20 000 words – including footnotes but excluding the list of contents and the bibliography) [prerequisites: RHP 801 and 803]	MND 800	100
And		
♦Aspects of criminal and criminal procedural law pertaining to children	SSK 802	30
♦Aspects of private law pertaining to children	PLC 801	30
♦Constitutional and international law pertaining to Children	GIK 801	30
♦Not offered to students without a South African LLB or BProc degree		

For more information go to <http://www.up.ac.za/faculty-of-law> or e-mail llmapplications@up.ac.za with LLM/MPhil enquiries and lldapplications@up.ac.za with LLD/PhD enquiries.

LLM Option: Law of Contract (04252010)		
Closing date for applications: SA applicants (only) – 30 November		
	Module code	Credits
Research methodology	RHP 801	5
Research proposal	RHP 803	5
Mini-dissertation (15 000 – 20 000 words – including footnotes but excluding the list of contents and the bibliography) [prerequisites: RHP 801 and 803]	MND 800	100
And		
♦Capita Selecta of the general principles of contract Law	GPC 801	30
♦Interpretation of contracts [prerequisite: GPC801]	GPC 802	30
♦Advanced drafting theory [prerequisite: GPC 802]	GPC 803	30
♦Not offered to students without a South African LLB or BProc degree This is a selection programme and only selected applicants will be admitted to the programme.		

LLM Option: Estate Law (04252001)		
Closing date for applications: SA applicants (only) – 30 November		
	Module code	Credits
Research methodology	RHP 801	5
Research proposal	RHP 803	5
Mini-dissertation (15 000 – 20 000 words – including footnotes but excluding the list of contents and the bibliography) [prerequisites: RHP 801 and 803]	MND 800	100
And		
♦Administration of estates	AOE 801	30
♦Aspects of the law of succession	ASC 801	30
♦Aspects of the law of trusts	AVT 802	30
♦ Not offered to students without a South African LLB or BProc degree		

LLM Option: Family Law (04252002)		
Closing date for applications: SA applicants (only) – 30 November		
	Module code	Credits
Research methodology	RHP 801	5
Research proposal	RHP 803	5
Mini-dissertation (15 000 – 20 000 words – including footnotes but excluding the list of contents and the bibliography) [prerequisites: RHP 801 and 803]	MND 800	100
And		
♦Recognised and alternative life-partnerships	EAL 802	30
♦Aspects of divorce law	DLA 801	30
♦Matrimonial property law	MPL 802	30
♦ Not offered to students without a South African LLB or BProc degree		

LLM Option: Intellectual Property Law (04252003)		
Closing date for applications: 30 November (Programme may be taken by international students)		
	Module code	Credits
Research methodology	RHP 801	5
Research proposal	RHP 803	5
Mini-dissertation (15 000 – 20 000 words – including footnotes but excluding the list of contents and the bibliography) [prerequisites: RHP 801 and RHP 803]	MND 800	100
and all THREE of the following modules:		
Intellectual property, creative industries and expression of ideas	IGZ 804	30
Intellectual property, branding and advertising	IGZ 803	30
Intellectual property, new technologies and innovation	IGZ 802	30
Note: This programme is number limited.		

For more information go to <http://www.up.ac.za/faculty-of-law> or e-mail llmapplications@up.ac.za with LLM/MPhil enquiries and lldapplications@up.ac.za with LLD/PhD enquiries.

LLM Option: Private Law (04252000)		
Closing date for applications: SA applicants (only) – 30 November		
	Module code	Credits
Research methodology	RHP 801	5
Research proposal	RHP 803	5
Mini-dissertation (15 000 – 20 000 words – including footnotes but excluding the list of contents and the bibliography) [prerequisites: RHP 801 and 803]	MND 800	100
and any THREE of the following modules		
#♦Aspects of divorce law	DLA 801	30
#♦Aspects of the law of succession	ASC 801	30
#♦Aspects of the law of trusts	AVT 802	30
#♦Aspects of private law pertaining to children	PLC 801	30
#Education law and policy	DLP 802	30
#♦Matrimonial property law	MPL 802	30
#♦Recognised and alternative life-partnerships	EAL 802	30
#Sports law	SRP 801	30
#♦Capita Selecta of the general principles of contract law	GPC 801	30
#♦Law of specific contracts	SKC 802	30
# One of these modules may be substituted with any other LLM coursework module as recommended by the programme coordinator and approved by the head of department.		
♦ Not offered to students without a South African LLB or BProc degree		

DEPARTMENT OF PROCEDURAL LAW

LLM Option: Procedural Law (04252013)		
Closing date for applications: SA applicants (only) – 30 November		
	Module code	Credits
Research methodology	RHP 801	5
Research proposal	RHP 803	5
Mini-dissertation (15 000 – 20 000 words – including footnotes but excluding the list of contents and the bibliography) [prerequisites: RHP 801 and 803]	MND 800	100
And		
Advanced law of evidence	LOE 802	30
#♦Civil litigation	CLG 801	30
#♦Criminal procedure litigation	CCP 801	30
# One of these modules may be substituted with any other LLM coursework module as recommended by the programme coordinator and approved by the head of department.		
♦ Not offered to students without a South African LLB or BProc degree		

DEPARTMENT OF PUBLIC LAW

LLM Option: Extractive Industry Law in Africa (04252018)		
Closing date for applications: 30 November (Programme may be taken by international students)		
	Module code	Credits
Research methodology	RHP 801	5
Research proposal	RHP 803	5
Mini-dissertation (15 000 – 20 000 words – including footnotes but excluding the list of contents and the bibliography) [prerequisites: RHP 801 and RHP 803]	MND 800	100
Rights to and regulation of natural resources	EIL 801	30
Sustainability aspects of extractive industries	EIL 802	30
and ONE of the following modules:		
The South African Mineral and Petroleum Resources Development Act, 2002 (MPRDA)	EIL 803	30
International law aspects of extractive industries	EIL 804	30
Civil liability aspects of extractive industries	EIL 805	30
This is a selection programme and only selected applicants will be admitted to the programme.		

For more information go to <http://www.up.ac.za/faculty-of-law> or e-mail llmapplications@up.ac.za with LLM/MPhil enquiries and lldapplications@up.ac.za with LLD/PhD enquiries.

LLM
Option: International Law (04252008)

Closing date for applications: 30 November
(Programme may be taken by international students)

	Module code	Credits
Research methodology	RHP 801	5
Research proposal	RHP 803	5
Mini-dissertation (15 000 – 20 000 words – including footnotes but excluding the list of contents and the bibliography) [prerequisites: RHP 801 and 803]	MND 800	100
and		
Advanced international law	AIL 802	30
Applied international law	MCL 801	30
and ONE of the following modules:		
#Advanced transnational business law [prerequisite: TBR 420]	TBL 802	30
#International criminal law	ICL 802	30
#International environmental law	IEL 801	30
#International insolvency law	IIL 801	30
#Socio-economic rights under comparative and international law	SRI 801	30

#One of these modules may be substituted with any other LLM coursework module as recommended by the programme coordinator and approved by the head of department.

The Faculty of Law offers a short course in public international law prior to the commencement of the first semester of each year. Prospective LLM International law students are strongly encouraged to enrol in this course, so as to ensure that all students will have the required knowledge to pursue studies in international law at postgraduate level. This is a selection programme and only selected applicants will be admitted to the Programme

LLM
Option: International Air, Space and Telecommunications Law (04250077)

Closing date for applications: 30 November
(Programme may be taken by international students)

	Module code	Credits
Research methodology	RHP 801	5
Research proposal	RHP 803	5
Mini-dissertation (15 000 – 20 000 words – including footnotes but excluding the list of contents and the bibliography) [prerequisites: RHP 801 and RHP 803]	MND 800	100
and		
Advanced international law	AIL 802	30
Applied international law	MCL 801	30
International air, space and telecommunications law	SAL 801	30

The mini-dissertation for this programme must deal with international air, space and telecommunications law.

The Faculty of Law offers a short course in public international law prior to the commencement of the first semester of each year. Prospective LLM international law students are strongly encouraged to enrol in this course, so as to ensure that all students will have the required knowledge to pursue studies in international law at postgraduate level.

This is a selection programme and only selected applicants will be admitted to the programme.

LLM Option: Socio-economic Rights (04252004)		
Closing date for applications: 30 November (Programme may be taken by international students)		
	Module code	Credits
Research methodology	RHP 801	5
Research proposal	RHP 803	5
Mini-dissertation (15 000 – 20 000 words – including footnotes but excluding the list of contents and the bibliography) [prerequisites: RHP 801 and 803]	MND 800	100
And		
Socio-economic rights in the SA Constitution	SRC 802	30
Socio-economic rights under comparative and International law	SRI 801	30
Compulsory for students who completed an LLB/BProc degree at a South African university:		30
Post-apartheid jurisprudence	PAJ 801	
Compulsory for students who did not complete an LLB/BProc at a South African university:		30
An analysis of the SA Constitution and human rights	CMR 801	

These LLMs are generally offered by the Faculty of Law and may be offered again in 2019.

LLM Option: Constitutional and Administrative Law (04252014)		
(Programme may be taken by international students)		
	Module code	Credits
Research methodology	RHP 801	5
Research proposal	RHP 803	5
Mini-dissertation (15 000 – 20 000 words – including footnotes but excluding the list of contents and the bibliography) [prerequisites: RHP 801 and 803]	MND 800	100
and		
Administrative law	ASL 802	30
Constitutional law	CSL 801	30
and ONE of the following modules:		
#Environmental law	ENL 802	30
#Land and land reform law	GGH 802	30
#An analysis of the SA Constitution and human rights	CMR 801	30
#Socio-economic rights in the SA Constitution	SRC 802	30
#One of these modules may be substituted with any other LLM coursework module as recommended by the programme coordinator and approved by the head of Department.		

LLM Option: Environmental Law (04252017)		
(Programme may be taken by international students)		
	Module code	Credits
Research methodology	RHP 801	5
Research proposal	RHP 803	5
Mini-dissertation (15 000 – 20 000 words – including footnotes but excluding the list of contents and the bibliography) [prerequisites: RHP 801 and 803]	MND 800	100
And		
Environmental law	ENL 802	30
International environmental law	IEL 801	30
and ONE of the following modules:		
#Administrative law	ASL 802	30
#Socio-economic rights in the SA Constitution	SRC 802	30
#One of these modules may be substituted with any other LLM coursework module as recommended by the programme coordinator and approved by the head of department.		

For more information go to <http://www.up.ac.za/faculty-of-law> or e-mail llmapplications@up.ac.za with LLM/MPhil enquiries and lldapplications@up.ac.za with LLD/PhD enquiries.

LLM
Option: International Humanitarian Law and Human Rights in Military Operations
(04250079)

(Programme may be taken by international students)

	Module code	Credits
Research methodology	RHP 801	5
Research proposal	RHP 803	5
Mini-dissertation (15 000 – 20 000 words – including footnotes but excluding the list of contents and the bibliography) [prerequisites: RHP 801 and RHP 803]	MND 800	100
and		
Advanced international law	AIL 802	30
Applied international law	MCL 801	30
International humanitarian law and human rights in military operations	IHM 801	30

The mini-dissertation for this programme must deal with international humanitarian law and human rights in military operations.

The Faculty of Law offers a short course in public international law prior to the Prospective LLM International law students are strongly encouraged to enrol in this course, so as to ensure that all students will have the required knowledge to pursue studies in international law at postgraduate level.

This is a selection programme and only selected applicants will be admitted to the programme.

LLD/PhD Applications

LLD/PhD: Entails a research programme on an approved topic in law, students registered for the Doctoral programme are required to (under the auspices of a supervisor):

1. Attend the compulsory 4-day long block session in Research Methodology (In either February or June of the first year of registration);
2. Write, discuss with an examination panel and submit a final research proposal (before the end of the first year of registration);
3. Write a thesis based on the final research proposal; which makes an original contribution to legal science and
4. Write and submit at least one article to an accredited journal (the supervisor should be a co-author of this article). The Faculty publishes a guide on where to publish articles on the law, available on www.pulp.up.ac.za

What are the minimum entry requirements for the doctoral degree?

A candidate for the doctoral programme must be in possession of at least a Master's degree, or an equivalent degree

A candidate will only be admitted to the programme if he/she complies with a standard of competence in applicable subjects as determined by the head of department, also taking into account the candidate's academic record and any applicable experience, such candidates will only be admitted to the programme if the Faculty can provide a suitable supervisor in light of the applicant's preliminary research proposal.

- LLD
 - A Master's degree in Law
- PhD
 - An appropriate Master's degree is a pre-requisite

How do I apply for the Doctoral degree and how much is the application fee?

3. Prospective student who is **NOT currently registered** at the University of Pretoria:
 - Online at www.up.ac.za (Study at UP >> Apply at UP>> Apply at UP)
The application fee is R300 and is payable directly into the University's bank account.
4. Prospective student who is **currently registered** at the University of Pretoria:
 - Lodge an internal application on your student portal (Student Centre >> Admissions >> Internal applications)

No application fee is payable.

Where and how do I pay the application fee?

- You may pay in person, at the cashiers in the Student Service Centre at the University of Pretoria, or

- You can deposit the application fee into the university's bank account (Account Name: University of Pretoria)
ABSA - Account number: 214 000 0054, Hatfield, 632005, Reference: Student number
Standard Bank - Account number: 012 602 604, Hatfield, 011545, Reference: Student number

I have paid the application fee but I am told that my applications was unsuccessful, can I be reimbursed?

- The application fee is a non-refundable handling fee and has no bearing on whether an applicant gets admitted or not.

I am lodging my application online but I am experiencing technical difficulties when I try to submit the application and/or supporting documents?

- If you experience any technical difficulties, please contact the Student Service Centre at 012 420 3111 or ssc@up.ac.za or contact Ms Erna Esterhuizen at 012 420 5143 or erna.esterhuizen@up.ac.za

What documents must I submit along with my application form?

Proof of payment: Application fee
Previous studies degree certificates Bachelors/Honours/Masters
Previous academic records/transcripts Bachelors/Honours/Masters
Curriculum Vitae (CV)
Copy of ID/Passport
Letter of motivation by prospective student (why do you wish to register for this particular program?)
Copy of your Masters (mini) dissertation and/or additional proof of your own written work.
Preliminary research statement At least a five hundred (500) word description of your proposed research field indicating a research topic and the broad scope of your proposed study.
International students/foreign qualifications:
SAQA certificate of both undergraduate and postgraduate qualifications http://www.saqa.org.za
TOEFL test results (not a requirement if studied through the medium of English) http://www.toefl.org

Only complete applications are considered. Incomplete applications will be set aside and revisited when all required documents have been received.

How will I know whether I have been admitted or not?

- A candidate will only be admitted to the doctoral programme if the Faculty can provide a suitable supervisor in light of the applicant's preliminary research proposal.
- A system generated acknowledgement of application will be sent to you which contains your student number **(Receiving a student number (EMPLID) does NOT imply that you have been accepted by**

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the University of Pretoria yet). The student number can be used to access the Student portal. It is important that you visit the online UP Portal (MyTUKS login) regularly to track your admission status as well as to see all relevant letters under the "Communications" tab.

NB: You will not receive a letter in your post box, or an e-mail or SMS informing you of the outcome of your application.

To visit the Student Centre, go to www.up.ac.za and click on **MyTUKS login** where you will be prompted for a username and password.

New applicants should click on the "**New User**" link under the username and password fields. The link will prompt the user for a username and either a South African national ID number or a passport number (in the case of non-South Africans). This should be entered under the student number (starting with a "u"). The portal will then lead the user through the process of creating a new password for future use. Please wait 48 hours after the receipt of this letter before accessing the MyTuks login as your student number needs to be activated during this period. Once this period has lapsed you may use your **student number (e.g. u12345678)** and new password to access the system.

Users of the website who were UP students before and who have previously accessed the portal can sign in with their existing username and password.

When is the closing date?

- Applications are open throughout the year with registrations starting January – February for admitted students.

How much does it cost to study towards the doctoral degree?

- All research doctorates are currently R 16 200.00 (2017).

When does the academic year commence?

- The academic year commences at the beginning of February and ends at the end of November?

Does the University of Pretoria offer any bursaries or scholarships?

- Yes, for more information please go to <http://www.up.ac.za/fees-and-funding> .

Does the University of Pretoria offer accommodation?

- Yes, for more information please go to <http://www.up.ac.za/student-accommodation> .

Registration and renewal of registration

If admitted, the following two modules must be registered for and completed within the first year of registration:

1. Research methodology (RHP 902) offered by the Faculty of Law.

(If the student can show sufficient evidence of competence in research skills required at postgraduate level the Postgraduate Committee of the Faculty of Law, on recommendation of the supervisor, may exempt the student from this module.)

2. Research proposal and oral defence of the research proposal (RHP 904).
An oral defence of the research proposal including an assessment of the feasibility of the thesis statement, research question or questions and argument to be developed in the thesis is required. *(No exemption can be granted from this requirement).*

- 3 Thesis and article
The degree is conferred by virtue of a thesis, and an oral defence of the thesis. The final copy of the thesis must be accompanied by a proof of submission of an article to an accredited journal. The article should be based on the research that the student has conducted for the thesis and be approved by the supervisor

LLM and MPhil modules alphabetical list

ACH 802 Accredited course in human rights 802

Academic organisation: Centre for Human Rights

Contact time: 2 lpw

Period of presentation: Semester 2

Language of tuition: English

Credits: 20

Module content:

During the second semester of the programme, students follow prescribed academic modules at the universities to which they are allocated and undertake internships with human rights organisations if so required.

ADC 802 Accredited module 802

Academic organisation: Centre for Human Rights

Contact time: 2 lpw

Period of presentation: Semester 2

Language of tuition: English

Credits: 30

Module content:

During the second semester of the programme, a student may complete an applicable module at an international institution.

AHR 801 Applied human rights 801

Academic organisation: Centre for Human Rights

Contact time: 2 lpw

Period of presentation: Semester 1

Language of tuition: English

Credits: 15

Module content:

In this module, the principles and practice of international criminal law are discussed; students also undertake a visit to and report on the situation in a selected African state where they are exposed to the practical application of human rights, democratisation or international criminal law.

AIL 802 Advanced international law 802

Academic organisation: Public Law

Contact time: 2 lpw

Period of presentation: Semester 2

Language of tuition: Double medium

Credits: 30

Module content:

The topics covered include:

- (a) International humanitarian law
- (b) Use of force
- (c) Terrorism
- (d) Humanitarian intervention
- (e) Extradition
- (f) Diplomatic law

AML 802 Advanced consumer credit law 802

Academic organisation: Department of Mercantile Law

Contact time: 2 lpw

Period of presentation: Semester 1

Language of tuition: English

Credits: 30

Module content:

An advanced study in consumer credit law.

AML 803 Advanced consumer protection 803

Academic organisation: Department of Mercantile Law

Contact time: 2 lpw

Period of presentation: Semester 1

Language of tuition: English

Credits: 30

Module content:

An advanced study in consumer protection law.

AML 804 International consumer protection 804

Academic organisation: Department of Mercantile Law

Contact time: 2 lpw

Period of presentation: Semester 2

Language of tuition: English

Credits: 30

Module content:

An advanced study in international consumer protection.

AOE 801 Administration of estates 801

Academic organisation: Private Law

Contact time: 2 lpw

Period of presentation: Semester 1

Language of tuition: Double medium

Credits: 30

Module content:

- (a) The administration process and legislation
- (b) Executor appointment and duties
- (c) Methods of liquidation
- (d) The liquidation and distribution account
- (e) Estate duty
- (f) Drafting of the executor's account

ASC 801 Aspects of the law of succession 801**Academic organisation:** Private Law**Contact time:** 2 lpw**Period of presentation:** Semester 1**Language of tuition:** Double medium**Credits:** 30**Module content:**

- (a) General principles of intestate and testate succession
- (b) Formalities and incorporation by reference
- (c) Power of condonation
- (d) Influence of the Constitution on succession
- (e) Pactum successorium and massing
- (f) Aspects of revocation and revival of wills
- (g) Testamentary capacity and capacity to benefit

ASL 802 Administrative law 802**Academic organisation:** Public Law**Contact time:** 2 lpw**Period of presentation:** Semester 2**Language of tuition:** Double medium**Credits:** 30**Module content:**

An advanced study of a selection of topics in the administrative law

AVT 802 Aspects of the law of trusts 802**Academic organisation:** Private Law**Contact time:** 2 lpw**Period of presentation:** Semester 2**Language of tuition:** Double medium**Credits:** 30**Module content:**

- (a) The basic trust idea and the importance thereof in the formation and administration of trusts
- (b) The trust and other legal institutions; anomalies in the law of trusts
- (c) Essentialia of the trust with the emphasis on problems identified in case law;
- (d) the juridical construction of the inter vivos trust – a critical evaluation
- (e) The protection of trust beneficiaries with specific reference to the so-called “core elements” of the trust
- (f) Parties to the trust
- (g) The trust and taxation
- (h) The trust as instrument in estate planning

BNK 802 Banking law 802**Academic organisation:** Mercantile Law**Contact time:** 2 lpw**Period of presentation:** Semester 2**Language of tuition:** English**Credits:** 30**Module content:**

An advanced study in banking law and the regulation of banks.

CCP 801 Criminal procedure litigation 801**Academic organisation:** Procedural Law**Contact time:** 2 lpw**Period of presentation:** Semester 1**Language of tuition:** Double medium**Credits:** 30**Module content:**

The module comprises a study of selected capita of temporary issues relating to the law of criminal procedure. Aspects dealt with include the following:

- (a) Problematic aspects with regard to the application and interpretation of the Bill of Rights especially with regard to pre-trial procedures
- (b) A critical analysis of certain aspects regarding bail
- (c) Issues regarding plea bargaining
- (d) Diversion as an effective alternative to prosecution

CLG 801 Civil litigation 801**Academic organisation:** Procedural Law**Contact time:** 2 lpw**Period of presentation:** Semester 2**Language of tuition:** Double medium**Credits:** 30**Module content:**

The module comprises a capita selecta from contemporary issues relating to civil litigation. Aspects dealt with include the following:

- (a) Theoretical foundations of the law of civil procedure
- (b) Class actions
- (c) Application procedure
- (d) Security for costs
- (e) Provisional sentence and summary judgment
- (f) Impact of the Constitution of 1996 on civil procedural law
- (g) Aspects of preparation for trial
- (h) Special interdicts

CLL 802 Collective labour law 802**Academic organisation:** Mercantile Law**Contact time:** 2 lpw**Period of presentation:** Semester 2**Language of tuition:** Double medium**Credits:** 30**Module content:**

This module covers the following aspects:

- (a) International perspectives and the South African Constitution
- (b) Freedom of association and the duty to collective bargaining
- (c) Strikes and lockouts
- (d) Private and compulsory dispute resolution
- (e) Unfair discrimination and affirmative action

CMR 801 An analysis of the South African Constitution and human rights 801**Academic organisation:** Public Law**Contact time:** 2 lpw**Period of presentation:** Semester 2**Language of tuition:** English**Credits:** 30**Module content:**

This module deals with an analysis of the basic issues of the South African human rights dispensation. It places the greatest emphasis on the procedure and the structure of Bill of Rights analysis. The module also covers development regarding certain core rights of the South African Constitution such as equality, dignity and expression.

CRM 801 Capita selecta from general principles of South African criminal law 801**Academic organisation:** Public Law**Contact time:** 2 lpw**Period of presentation:** Semester 1**Language of tuition:** Double medium**Credits:** 30**Module content:**

- (a) A critical analysis of justifiable homicide as ground of justification in the common law and legislation
- (b) A critical analysis of the legality principle in context of the Constitution
- (c) A critical analysis of the concept of consent in South African criminal law
- (d) Pathological incapacity in context of sections 77, 78 and 79 of the Criminal Procedure Act
- (e) Non-pathological incapacity (inclusive of youthfulness, intoxication and provocation)
- (f) A critical analysis of criminal negligence and the crime of culpable homicide
- (g) A comparative study between the psychological and normative concepts of fault
- (h) Vicarious liability in criminal context with reference to section 332 of the Criminal Procedure Act
- (i) The influence of the South African Constitution on the definitional elements in criminal law

CRM 802 Capita selecta from the specific crimes 802**Academic organisation:** Public Law**Contact time:** 2 lpw**Period of presentation:** Semester 2**Language of tuition:** Double medium**Credits:** 30**Module content:**

Capita selecta from the following:

- (a) A critical analysis of the incomplete crimes
- (b) A critical analysis of the doctrine of participation in context of the Constitution
- (c) Serious economic offences (eg fraud, corruption, money laundering)
- (d) Internet crimes/computer crimes
- (e) The influence of morality on criminal offences with reference to prostitution; child pornography; decriminalisation of abortion; homosexuality; sodomy
- (f) A critical analysis of the Act on Sexual Offences
- (g) The impact of the South African Constitution on the classification/existence of crimes in South African criminal law
- (h) The euthanasia debate
- (i) Organised crime

CRM 803 Capita selecta from punishment, theories and forms in theory and practice 803**Academic organisation:** Public Law**Contact time:** 2 lpw**Period of presentation:** Semester 2**Language of tuition:** Double medium**Credits:** 30**Module content:**

Capita selecta from the following:

An advanced study of the principles of punishment, theories of punishment and forms of punishment in theory and practice with reference to constitutional implications and relevant legislation

CSL 801 Constitutional law 801**Academic organisation:** Public Law**Contact time:** 2 lpw**Period of presentation:** Semester 1**Language of tuition:** Double medium**Credits:** 30**Module content:**

- (a) Revisiting the concept of constitutional supremacy and its interaction with popular

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- Sovereignty
- (b) Constitutional dynamics – (tacit) constitutional change in ways not constitutionally Authorised
- (c) A critical reassessment of separation of powers, judicial independence and impartiality and the impact of judicial review in the contemporary state
- (d) Consideration of legality and constitutionality in view of relevant South African case law
- (e) The foundation of the state, effectiveness and legitimacy particularly in the face of rampant violent crime
- (f) Co-operative government in South African constitutional practice
- (g) Constitutional values with specific reference to democracy in the South African constitution
- (h) The legal claims of communities in contemporary constitutional law
- (i) New trends in South African constitutional Jurisprudence and the local and international scholarly discourse

DIA 801 Democratisation in Africa 801

Academic organisation: Centre for Human Rights

Contact time: 2 lpw

Period of presentation: Semester 1

Language of tuition: English

Credits: 20

Module content:

This module examines the nature of the state and problems associated with state-building and constitutional change in Africa; provides an introduction to constitutional concepts such as the separation of powers, federalism and decentralisation, and their application to Africa; and examines the causes of and remedies for conflict in Africa.

DLA 801 Aspects of divorce law 801

Academic organisation: Private Law

Contact time: 2 lpw

Period of presentation: Semester 1

Language of tuition: Double medium

Credits: 30

Module content:

This module deals with legal aspects relevant at the time of divorce, including:

- (a) Grounds for divorce – the focus will especially fall on the creation of a single ground for divorce.
- (b) Redistribution orders
- (c) Forfeiture of benefits orders
- (d) Maintenance agreements
- (e) Rule 43-applications
- (f) Children and divorce – especially after the enactment of the Children's Act 38 of 2005

DLP 802 Education law and policy 802

Academic organisation: Private Law

Contact time: 2 lpw

Period of presentation: Semester 2

Language of tuition: Double medium

Credits: 30

Module content:

Capita selecta of any of the following:

- (a) Constitutional education law applicable to schools
- (b) Principles of school law pertaining to learners and/or their parents
- (c) Delictual liability in the school context
- (d) Any other part of school law

EAL 802 Recognised and alternative life-partnerships 802

Academic organisation: Private Law

Contact time: 2 lpw

Period of presentation: Semester 2

Language of tuition: Double medium

Credits: 30

Module content:

- (a) Civil unions
- (b) Customary marriages
- (c) Religious marriages
- (d) Other/alternative life partnerships

EIL 801 Rights to and regulation of natural resources 801

Academic organisation: Public Law

Contact time: 30 hours per semester

Period of presentation: Semester 1 of year 1

Language of tuition: English

Credits: 30

Module content:

The objective of this module is to equip students with a thorough understanding of the legal and policy aspects of natural resources and the regulation of natural resources and industries to extract natural resources. Topics include:

- (a) Industry background such as the extractive industry value chain and the role of extractive industries in national, regional and global economies, basic extractive industry business and project feasibility metrics, typical national public policy priorities, the differences between the mining and oil and gas industries, gas industry specifics, the various downstream industries (smelters, refineries and petrochemical and energy industries and policy issues pertaining to renewable energy and unconventional extraction methods such as hydraulic fracturing ("fracking");
- (b) Natural resource and extractive industry policy concepts and regulatory options;

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- (c) Ownership of mineral rights dispensations (state versus private ownership of mineral rights), the legal position of the owner of the land and the owner of the products of extraction;
- (d) The advantages and disadvantages of the main granting methodologies applied by host governments including concessions, production sharing agreements, participation agreements, services agreements and hybrid methods;
- (e) Typical conditions to obtain, renew or transfer exploration or extraction rights and the veracity of the public policy basis of such requirements;
- (f) Agreements and transactions to transfer rights to prospect and/or to extract;
- (g) Constitutional and administrative law aspects of relevance in dealing with extractive industry legislation and regulation including the legality of administrative processes governed by an Act such as the MPRD Act and related regulation, the right of third parties to be heard in applications by resource companies under the MPRD Act and the constitutionality of the conversion of "old order mineral rights" to "new order mineral rights".

EIL 802 Sustainability aspects of extractive industries 802

Academic organisation: Public Law

Contact time: 30 hours per semester

Period of presentation: Semester 2 of year 1

Language of tuition: English

Credits: 30

Module content:

The objective of this module is to equip students with a thorough understanding of the sustainability aspects of extractive industries. Topics include:

- (a) A general introduction to sustainability, sustainable development, corporate social responsibility, good governance as it pertains to *governments* and good *corporate* governance;
- (b) International, regional and national instruments related to sustainability aspects of extractive industries such as the protection of human rights, forced labour, inappropriate security practices, "conflict minerals" and "blood diamonds" (including the Kimberley Process Certification Scheme and the US Dodd-Frank Act and SEC disclosure requirements); the Extractive Industry Transparency Initiative (EITI) and the UN Global Compact; [US Dodd-Frank Act];
- (c) Safety, health and environmental (SHE) aspects of extractive industries including emerging issues such as climate change and personal criminal liability of directors and officers for SHE contraventions;
- (d) Corporate governance and company law developments of relevance to sustainability including the King 3 Code and similar Codes internationally, Responsible Investment Codes, the role of Social and Ethics Committees as required by the Companies Act 2008, sustainability indexes of the stock exchanges such as the JSE SRI Index and the Dow Jones Sustainability Index, public reporting on sustainability and international reporting guidelines such as the Global Reporting Initiative.

EIL 803 The South African Mineral and Petroleum Resources Development Act 803

Academic organisation: Public Law

Contact time: 30 hours per semester

Period of presentation: Semester 1 of year 2

Language of tuition: English

Credits: 30

Module content:

The objective of this module is to equip students with a thorough understanding of conceptual and practical aspects of the South African Mineral and Resources Development Act and related jurisprudence.

EIL 804 International law aspects of extractive industries 804

Academic organisation: Public Law

Contact time: 30 hours per semester

Period of presentation: Semester 1 of year 2

Language of tuition: English

Credits: 30

Module content:

The objective of this module is to equip students with a thorough understanding of the international law aspects of extractive industries. Topics include:

- (a) Sovereignty in respect of legal regimes and laws governing extractive industries including the act of state doctrine, the doctrine of sovereign immunity and waivers of immunity and compensation for expropriation.
- (b) An overview of the most relevant treaties and conventions of relevance to extractive industries including the Convention on the Continental Shelf, the OILPOL convention, the UN Convention on Contracts for the International Sale of Goods, the UN Conventions of the Law of the Sea, the New York Convention, the Convention on the Settlement of Investment Disputes between States and Nationals of Other States, the Energy Charter Treaty to protect international energy investment and trade; international environmental law treaties and conventions and the Guiding Principles on Business and Human Rights.
- (c) Relevant aspects pertaining to the World Trade Organisation including extractive industry subsidies, environmental labelling and confiscatory taxation.
- (d) Direct and indirect forms of resource nationalisation and investment treaties to protect natural resource investors.
- (e) The legal status of offshore petroleum and mining installations and vessels including production platforms, floating production, storage and offloading (FPSOs) vessels and subsea pipelines as well as state jurisdiction in respect of such installations.
- (f) International dispute resolution mechanisms including enforcement of arbitration awards.

EIL 805 Civil law liability for extractive industry activities 805

Academic organisation: Public Law

Contact time: 30 hours per semester

Period of presentation: Semester 1 of year 2

Language of tuition: English

Credits: 30

The objective of this module is to equip students with a thorough understanding of the legal and policy concepts shaping civil liability for activities pertaining to extractive industries.

Topics include:

- (a) The general principles of the law of delict and specific areas of civil liability risk for extractive industries including general international civil liability trends, class actions, "piercing the corporate veil", civil liability for SHE incidents and for competition law contraventions;
- (b) Principles of product liability;
- (c) Evolving climate change civil liability concepts;
- (d) Civil liability dimensions of unconventional extraction methods such as hydraulic fracturing and coal bed methane extraction.

ENL 802 Environmental law 802**Academic organisation:** Public Law**Contact time:** 28 hours (during the course of the semester)**Period of presentation:** Semester 2**Language of tuition:** English**Credits:** 30**Module content:**

This module involves advanced study of the following:

- a) (a) Key concepts and principles of environmental law in the context of a South African constitutional dispensation
- b) (b) South African legislation and policy concerned with environmental governance, compliance and enforcement, including in relation to integrated environmental management and environmental impact assessments, the protection of marine and terrestrial biodiversity, waste management, pollution control, mining and energy, water management, land use and planning and climate change.

GGH 802 Land and land reform law 802**Academic organisation:** Public Law**Contact time:** 2 lpw**Period of presentation:** Semester 2**Language of tuition:** Double medium**Credits:** 30**Module content:**

This module deals with a selection of legal issues flowing from land reform, with a specific focus on extension of security of tenure.

GIH 802 Advanced international trade law 802**Academic organisation:** Centre for Human Rights**Contact time:** 2 lpw**Period of presentation:** Semester 2**Language of tuition:** Double medium**Credits:** 30**Module content:**

- (a) Regulation of international trade – the WTO
- (b) Intellectual property law and transfer of technology
- (c) Trade, environment, human rights and labour
- (d) Agriculture
- (e) Services
- (f) Trade facilitation
- (g) Regionalism
- (h) Industrial products (NAMA)
- (i) Dispute resolution
- (j) Trade remedies
- (k) Trade negotiations

GIK 801 Constitutional and international law pertaining to children 801**Academic organisation:** Private Law**Contact time:** 2 lpw**Period of presentation:** Semester 1**Language of tuition:** Double medium**Credits:** 30**Module content:**

Capita selecta from the following:

- (a) Constitutional protection of children's rights
- (b) International law pertaining to children
- (c) African instruments on the protection of children

GPC 801 Capita selecta of the general principles of the law of contract 801**Academic organisation:** Private Law**Contact time:** 2 lpw**Period of presentation:** Semester 1**Language of tuition:** Double medium**Credits:** 30**Module content:**

- (a) Overview of the conclusion of contracts.
- (b) Consensus and factors that influence consensus
- (c) Time and place of conclusion of contracts
- (d) Effect of the constitution on contracts
- (e) Overview of breach of contract and remedies
- (f) Cancellation as remedy for breach of contract
- (g) Damages

GPC 802 Interpretation of contracts**Academic organisation:** Private Law**Prerequisite:** GPC 801**Contact time:** 2 lpw**Period of presentation:** Semester 2**Language of tuition:** English**Credits:** 30**Module content:**

The topics covered include:

- (a) The nature of legal interpretation
- (b) The relationship between the interpretation of contracts and other legal instruments
- (c) Evidence that is admissible and evidence that is inadmissible in the interpretation of contracts.
- (d) Analysing the various terms that constitute a contract.

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- (e) Rectification
- (f) Presumptions and rules of interpretation

GPC 803 Advanced drafting theory 803

Academic organisation: Private Law

Prerequisite: GPC 802

Contact time: 2 lpw

Period of presentation: Semester 1

Language of tuition: English

Credits: 30

Module content:

The topics in this module include the following:

- (a) Advanced drafting theory
- (b) Systemic context: substantive dimension; interpretational dimension; constitutional dimension
- (c) Contractual instruments
- (d) Functional context: structural dimension; semantic dimension
- (e) Legislative plain language imperatives

GSR 802 Advanced social security law 802

Academic organisation: Mercantile Law

Contact time: 2 lpw

Period of presentation: Semester 2

Language of tuition: Double medium

Credits: 30

Module content:

- (a) General background, history, important concepts
- (b) The effects of the Constitution on the provision of social security
- (c) The provision of social security through social insurance
- (d) The provision of social security through social assistance
- (e) Socio-economic rights and the creation of a welfare state in South Africa

GTB 802 Advanced international investment and business law 802

Academic organisation: Centre for Human Rights

Contact time: 2 lpw

Period of presentation: Semester 2

Language of tuition: English

Credits: 30

Module content:

- (a) Introduction to international law and regional law: theory and source
- (b) Economics literacy and basic business management skills
- (c) International financial institutions and loan transactions
- (d) Investment and trade in Africa: bilateral and multilateral perspectives
- (e) European Union law
- (f) Financial services and securities regulation
- (g) International business transactions
- (h) Investment and procurement

HPH 801 History and philosophy of human rights 801

Academic organisation: Jurisprudence

Contact time: 2 lpw

Period of presentation: Semester 1

Language of tuition: Double medium

Credits: 30

Module content:

- (a) Historical and philosophical perspectives on rights
- (b) Critical perspectives on rights
- (c) Legal philosophical and political notions of justice
- (d) Applications within the South African context

HRA 801 Human rights in Africa 801

Academic organisation: Centre for Human Rights

Contact time: 2 lpw

Period of presentation: Semester 1

Language of tuition: English

Credits: 20

Module content:

This module provides an overview of the human rights norms, institutions and processes of the African Union, with a focus on the African Charter on Human and Peoples' Rights.

HRA 802 International human rights law relevant to sexual and reproductive rights in Africa 802

Academic organisation: Centre for Human Rights

Contact time: 30 hours per semester

Period of presentation: Semester 1 of year 1

Language of tuition: English

Credits: 20

Module content:

The focus of this module is on the principles and processes of international human rights law at the global and regional level, and their relevance to issues of reproductive and sexual health and to the situation of sexual minorities, with specific reference to Africa.

Topics include:

- (a) History, philosophy and ideology of human rights, with particular reference to Africa
- (b) Basic concepts of international and national human rights law
- (c) The global (UN) system of human rights protection: norms, institutions, procedures, and their relevance to reproductive and sexual rights

- (d) The African (African Union) system of human rights protection: norms, institutions, procedures, and their relevance to reproductive and sexual rights (placed in comparative perspective, with reference to European and inter-American systems)
- (e) The actual and potential role of regional economic communities (at sub-regional level) in Africa in the protection of human rights in Africa, with specific reference to reproductive and sexual rights
- (f) An overview of human rights protection at the domestic level, with specific reference to selected African states
- (g) Understanding the role of international human rights mechanisms in the protection of sexual minorities.

HRA 803 Applying human rights principles to realise sexual and reproductive health rights claims 803

Academic organisation: Centre for Human Rights

Contact time: 30 hours per semester

Period of presentation: Semester 1 of year 1

Language of tuition: English

Credits: 20

Module content:

The focus of this module is on the application of human rights principles to reproductive and sexual health with a view to realising claims on these rights at domestic, regional and global levels.

Topics include:

- (a) Applying human rights to sexual and reproductive health, including the rights to equality, life, human dignity, freedom from inhuman and degrading treatment, health, information, education, reproductive self-determination, maternity protection in employment, liberty and security of the person, and privacy.
- (b) Developing a sexual and reproductive rights claim through identifying the reproductive health wrong, its causes and the wrongdoer; documenting the alleged wrong; determining which laws are implicated, identifying human rights standards for determining breach of a reproductive right.
- (c) Advancing a sexual and reproductive rights claim at the domestic level with reference to realising reproductive rights through regulatory and disciplinary procedures, courts of law, alternative dispute resolution, domestic human rights institutions, and ombudspersons.
- (d) Advancing a sexual and reproductive rights claim at the regional and sub-regional levels with reference to realising reproductive rights through African regional and sub-regional institutions.
- (e) Advancing a sexual and reproductive rights claim at the global level with particular reference to realising reproductive rights through United Nations treaty monitoring bodies.
- (f) Drawing lessons from comparable regional human rights systems with particular reference to the European and Inter-American regional human rights systems.

HRA 804 Applying human rights principles to selected reproductive health issues in Africa 804

Academic organisation: Centre for Human Rights

Contact time: 30 hours per semester

Period of presentation: Semester 2 of year 1

Language of tuition: English

Credits: 20

Module content:

The focus of this module is on the application of human rights principles to discrete reproductive health issues with a view to developing human rights responses to contemporary reproductive health challenges in the African region.

Topics include:

- (a) Contraception
- (b) Domestic violence
- (c) Female genital cutting
- (d) Infertility and medical-assisted reproduction
- (e) Maternal death
- (f) Sexual violence in times of conflict
- (g) Sexuality and reproductive health education
- (h) Trafficking in women and children
- (i) Unsafe abortion

HRA 805 Applying human rights principles to selected sexual rights and sexuality issues in Africa 805

Academic organisation: Centre for Human Rights

Contact time: 30 hours per semester

Period of presentation: Semester 2 of year 1

Language of tuition: English

Credits: 20

Module content:

The focus of this module is on the application of human rights principles to selected issues related to sexual and sexuality issues in Africa, with a view to developing human rights responses to related contemporary challenges in the African region.

Topics include:

- (a) Overview of relevant concepts
- (b) The foundation of sexual rights in international human rights instruments
- (c) Sexual norms and gender stereotypes
- (d) Sex work and human rights
- (e) Sexual coercion and abuse
- (f) Sexually transmitted infections including HIV and rights relating to information and prevention
- (g) The right to comprehensive sexual education
- (h) Harmful traditional practices that violate sexual rights
- (i) Link between sexual rights and reproductive health rights
- (j) Advocacy strategies for sexual rights

HRA 806 Applying human rights principles to selected rights of sexual minorities in Africa 806

Academic organisation: Centre for Human Rights

Contact time: 30 hours per semester

Period of presentation: Semester 1 of year 2

Language of tuition: English

Credits: 20

Module content:

For more information go to <http://www.up.ac.za/faculty-of-law> or e-mail llmapplications@up.ac.za with LLM/MPhil enquiries and lldapplications@up.ac.za with LLD/PhD enquiries.

The focus of this module is on the application of human rights principles to selected issues affecting sexual minorities in Africa, with a view to developing human rights responses to related contemporary challenges in the African region.

Topics include:

- (a) Providing a critical understanding of the concepts 'sexual orientation' and 'gender identity', 'homosexual', 'bisexual', 'gay', 'lesbian', 'transgender', 'intersex', 'sexual minority', 'heterosexism', and 'queer'
- (b) Understanding theories on the psychology, biology and sociobiology of homosexuality
- (c) Investigating the global history of homosexuality, particularly in the 'West' (USA and Britain) and its influence on Africa
- (d) Investigating the evolution of homosexuality and society in Africa, including an anthropological review of homosexuality in traditional African societies, and under colonialism and in post-colonial Africa
- (e) Understanding the nature of the violation of rights of 'sexual minorities' (including violations to the rights to health; discrimination based on actual or presumed sexual orientation, gender identity and HIV status; sexual and other forms of violence; violations of the right to privacy; stigmatisation and its consequences) particularly by states and non-state actors in Africa
- (f) Understanding the reasons for rights violations and homophobia in Africa by investigating the role of culture/tradition, religion and majoritarianism
- (g) Considering the role of public policy, by focusing on the need and possibilities for legal reform, and strategies to sensitise communities for the rights of sexual minorities and change homophobic attitudes

HRA 807 Research and advocacy to realise sexual, reproductive health and sexual minority rights claims in Africa 807

Academic organisation: Centre for Human Rights

Contact time: 30 hours per semester

Period of presentation: Semester 1 of year 2

Language of tuition: English

Credits: 15

Module content:

This module aims to equip students with the skills for advocacy of and to conduct research on sexual and reproductive health issues, with a view to the realisation of these rights and the rights of sexual minorities in Africa.

Topics include:

- (a) Defining human rights violations
- (b) Analysing root causes of human rights violations
- (c) Social sciences research methods
- (d) Investigating facts and gathering evidence
- (e) Conducting interviews
- (f) Strategic thinking including developing strategic partnerships
- (g) Advanced legal reasoning and legal writing
- (h) Strategic impact litigation
- (i) Negotiation and mediation
- (j) Media advocacy
- (k) Engaging government and other stakeholders
- (l) Conducting a practical exercise as simulation of an actual intervention to decrease stigma and increase sensitisation and acceptance of the rights of LGBTI communities in the context of the country in which the students find themselves.

ICH 801 International and comparative human rights 801

Academic organisation: Centre for Human Rights

Contact time: 2 lpw

Period of presentation: Semester 1

Language of tuition: English

Credits: 20

Module content:

In this module, introductory human rights concepts are examined; the human rights systems under the United Nations, Council of Europe and the Organisation of American States and some selected national law systems are also analysed.

ICL 802 International criminal law 802

Academic organisation: Public Law

Contact time: 2 lpw

Period of presentation: Semester 2

Language of tuition: Double medium

Credits: 30

Module content:

- (a) A general introduction to international criminal law; key concepts and basic definitions of international criminal law and international criminal jurisdiction
- (b) The origin of the International Criminal Court and the implementation of the Statute of the International Criminal Court in South African law
- (c) Participation in international crimes and defences against international criminal liability
- (d) The move from state liability to individual liability in international criminal law
- (e) The crimes of genocide, war crimes and crimes against humanity in international criminal law

IDT 802 Indirect tax 802

Academic organisation: Mercantile Law

Contact time: 2 lpw

Period of presentation: Semester 2

Language of tuition: Double medium

Credits: 30

Module content:

- (a) The basic working of VAT
- (b) Output tax
- (c) Input tax
- (d) Exempt supplies
- (e) Zero-rated supplies
- (f) Adjustments in respect of change of use

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(g) Objection and appeal procedure under the VAT Act

IEL 801 International environmental law 801

Academic organisation: Public Law

Contact time: 28 hours (during the course of the semester)

Period of presentation: Semester 2

Language of tuition: English

Credits: 30

Module content:

- c) This module involves advanced study of the following:
- (a) Key concepts and principles of international environmental law
 - (b) Climate change
 - (c) Biodiversity
 - (d) Hazardous substances and activities
 - (e) Responsibility and liability for environmental harm
 - (f) Oceans and the law of the sea

IET 811 International elective module 811

Academic organisation: Law Dean's Office

Period of presentation: Semester 2

Language of tuition: English

Credits: 30

IET 812 International elective module 812

Academic organisation: Law Dean's Office

Period of presentation: Semester 2

Language of tuition: English

Credits: 30

IGZ 802 Patent, design and plant protection law 802

Academic organisation: Private Law

Contact time: 2 lpw

Period of presentation: Semester 1

Language of tuition: Double medium

Credits: 30

Module content:

The following aspects will be dealt with:

- (a) Patents Act no. 57 of 1978
- (b) Designs Act 195 of 1993.
- (c) Plant Breeders' Rights Act 15 of 1976
- (d) History of Patent and Design law
- (e) Patent-related international instruments
- (f) Compliance with international instruments
- (g) Registrability of patents and designs
- (h) Capita selecta including: validity; interpretation of specifications; infringement; amendment or correction; compulsory licences; convention applications and exhaustion of rights.

IGZ 803 Trademark law and protection of intellectual property rights 803

Academic organisation: Private Law

Contact time: 2 lpw

Period of presentation: Semester 2

Language of tuition: Double medium

Credits: 30

Module content:

The following aspects will be dealt with:

- (a) Trade Marks Act 194 of 1993
- (b) Merchandise Marks Act 17 of 1941
- (c) Counterfeit Goods Act 37 of 1997
- (d) History of trade mark law
- (e) Relationship between registered trade marks and unregistered trade marks
- (f) Trademark-related international instruments
- (g) Compliance with international instruments.
- (h) Capita selecta including: registrability and validity; infringement; amendment or correction
- (i) Civil remedies for the infringement of intellectual property rights.
- (j) Criminal remedies for the infringement of intellectual property rights.

IGZ 804 Fundamental principles of intellectual property law and copyright law 804

Academic organisation: Private Law

Contact time: 2 lpw

Period of presentation: Semester 2

Language of tuition: Double medium

Credits: 30

Module content:

The following aspects will be dealt with:

- (a) The Nature of IPL
- (b) The justification for IP protection
- (c) Copyright Act 98 of 1978
- (d) Performers' Protection Act 11 of 1967
- (e) Registration of Copyright in Cinematograph Films Act 62 of 1977
- (f) History of copyright law.

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- (g) Copyright-related international instruments
- (h) Compliance of South African law with international instruments
- (i) Capita selecta including: subsistence and conferral of copyright; scope of and exceptions to copyright; infringement of copyright

IHM 801 International humanitarian law and human rights in military operations 801

Academic organisation: Institute for International and Comparative Law in Africa in collaboration with the Department of Public Law

Contact time: 26 hours spread over two per week during 13 weeks

Period of presentation: Semester 1

Language of tuition: English

Credits: 30

Module content:

- (a) The applicability of international human rights law (IHRL) and international humanitarian law (IHL)
- (b) Basic principles of IHRL and IHL
- (c) Interplay, convergence and conflict between IHRL and IHL
- (d) Implementation and enforcement of IHRL and IHL
- (e) The relation of IHRL and IHL to other fields of international law
- (f) The deprivation of liberty in IHRL and IHL
- (g) The use of force in IHRL and IHL.

IIL 801 International insolvency law 801

Academic organisation: Procedural Law

Contact time: 2 lpw

Period of presentation: Semester 2

Language of tuition: Double medium

Credits: 30

Module content:

The module comprises a capita selecta from contemporary issues relating to the law of international insolvency. Aspects dealt with include the following:

- (a) Modern trends and developments in insolvency law
- (b) Current issues in international insolvency law
- (c) Cross-border insolvency law systems in South Africa as well as in selected other jurisdictions

ISR 801 Insolvency law 801

Academic organisation: Mercantile Law

Contact time: 2 lpw

Period of presentation: Semester 1

Language of tuition: Double medium

Credits: 30

Module content:

This module deals with aspects of the following topics:

- (a) The nature and purpose of insolvency law with reference to the collection process
- (b) The application of the proceeds and liability for contribution
- (c) Sequestration and rehabilitation applications
- (d) The assets of the insolvent estate
- (e) The assets of the solvent spouse
- (f) Unexecuted transactions
- (g) Impeachable transactions
- (h) Composition

ITA 802 International labour law 802

Academic organisation: Mercantile Law

Contact time: 2 lpw

Period of presentation: Semester 1

Language of tuition: Double medium

Credits: 30

Module content:

This module covers aspects of international labour law and includes:

- (a) International instruments (ILO and EU)
- (b) Employment equity
- (c) Termination of contracts of employment
- (d) Collective bargaining and strikes

ITL 801 Advanced income tax law 801

Academic organisation: Mercantile Law

Contact time: 2 lpw

Period of presentation: Semester 1

Language of tuition: Double medium

Credits: 30

Module content:

- (a) The basic principles pertaining to gross income
- (b) Specific inclusions in gross income – interest, royalties, etc
- (c) General principles pertaining to deductible expenses
- (d) Examples of allowable and non-allowable deductions – rent, improvements, royalties, etc
- (e) Tax evasion and tax avoidance under the Income Tax Act
- (f) Objection and appeal procedures

IVL 801 Individual labour law 801

Academic organisation: Mercantile Law

Contact time: 2 lpw

Period of presentation: Semester 1

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Language of tuition: Double medium **Credits:** 30

Module content:

Advanced study of:

- (a) Employment contract: essentialia and duties of parties
- (b) Application and scope of Labour Relations Act of 1995
- (c) Unfair labour practices
- (d) Unfair dismissal
- (e) Retrenchment and transfer of employment contracts

KUB 802 Information and communications technology law 802

Academic organisation: Mercantile Law

Contact time: 2 lpw

Period of presentation: Semester 2

Language of tuition: Double medium

Credits: 30

Module content:

This module will provide students with detailed knowledge and understanding of the underlying theory and diverse provisions of applicable international and domestic legislation as well as practical guidance on the application thereof. The following aspects will be addressed within the context of information and communications technology law:

- (a) General introduction to international and domestic information technology law
- (b) General principles of international and domestic electronic contracting
- (c) Capita selecta from electronic transacting: online gaming, auctions and the sales of restricted goods, electronic payment methods and digital banking/financial services
- (d) Consumer protection
- (e) Privacy and data protection
- (f) Free speech on the Internet
- (g) Cyber crime
- (h) Electronic challenges facing copyright law
- (i) Domain name regulation, governance and dispute resolution
- (j) Internet Service Provider (ISP) rights, duties and liabilities

LBR 802 Liquidation and business rescue 802

Academic organisation: Mercantile Law

Contact time: 2 lpw

Period of presentation: Semester 2

Language of tuition: Double medium

Credits: 30

Module content:

- (a) Compromises and arrangements in terms of section 311 of the Companies Act 61 of 1973
- (b) Initiation and consequences of the winding-up of companies and close corporations (c) Administration of insolvent estates and the drafting of liquidation and distribution Accounts
- (d) Judicial management and other business rescue mechanisms

LLM 890 Dissertation: Law 890

Academic organisation: Office of the Dean

Period of presentation: Year

Language of tuition: Both Afr and Eng

Credits: 200

LOE 802 Advanced law of evidence 802

Academic organisation: Procedural Law

Contact time: 2 lpw

Period of presentation: Semester 1

Language of tuition: Double medium

Credits: 30

Module content:

The module comprises a study of selected capita of contemporary issues relating to the law of evidence. Aspects dealt with include the following:

- (a) Relevance and the fact-finding process: problematic aspects
- (b) Evidentiary aspects of the sentencing process with specific reference to the role of behavioural sciences
- (c) Expert witnesses and the "hired gun" phenomenon
- (d) A constitutional perspective on the privilege against self-incrimination
- (e) Specific aspects of the Electronic Communications and Transactions Act
- (f) Evidentiary aspects of the Sexual Offences Act

LRD 802 Global perspectives on law, justice and development 802

Academic organisation: Jurisprudence

Contact time: 2 lpw

Period of presentation: Semester 2

Language of tuition: Double medium

Credits: 30

Module content:

This module deals with the following aspects:

- (a) Post-structural/postmodern legal theory
- (b) Post-colonial legal theory
- (c) Feminist legal theory
- (d) Application within a developmental context

LRR 801 Law of securities 801

Academic organisation: Mercantile Law

Prerequisite: Must pass an entrance test

Contact time: 2 lpw

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Period of presentation: Semester 2

Language of tuition: Double medium

Credits: 30

Module content:

This module deals with aspects of the following topics:

- (a) Shares and debentures
- (b) Capital rules
- (c) Acquisition of capital and quasi shares
- (d) Secondary markets

MCL 801 Applied international law 801

Academic organisation: Public Law

Contact time: 2 lpw

Period of presentation: Semester 1

Language of tuition: Double medium

Credits: 30

Module content:

The module deals with the principles of international law at an advanced level. It focuses on theoretical questions pertaining to sources of the law and the relationship between international and national law. It analyses new developments in international law such as the changing content of sovereignty and the phenomenon of regional integration.

MHR 801 Multidisciplinary human rights 801

Academic organisation: Centre for Human Rights

Contact time: 2 lpw

Period of presentation: Semester 1

Language of tuition: Double medium

Credits: 30

Module content:

A combination of at least seven of the following topics:

- (a) The state, democracy and human rights
- (b) International relations and human rights
- (c) History of human rights, including "grassroots narratives"
- (d) Human rights in visual media (art and film)
- (e) Human rights in literature
- (f) Human rights fact-finding and reporting; human rights journalism
- (g) Human rights and HIV/Aids
- (h) Medicine, medical ethics and human rights
- (i) Civil society, "grassroots movements" and human rights
- (j) Poverty and human rights
- (k) Globalisation and human rights
- (l) Human rights and social change
- (m) Social science research and human rights
- (n) Tradition, religion and human rights
- (o) Gender and human rights
- (p) Transitional justice, reconciliation and justice

MKR 801 Company law 801

Academic organisation: Mercantile Law

Prerequisite: Must pass an entrance test

Contact time: 2 lpw

Period of presentation: Semester 1

Language of tuition: Double medium

Credits: 30

Module content:

This module deals with aspects of the following topics:

- (a) The company concept
- (b) Capacity and representation of the company
- (c) Duties of the company director
- (d) Minority protection

MND 800 Mini-dissertation 800

Academic organisation: Law Dean's Office

Prerequisite: RHP 801 and RHP 803

Period of presentation: Year

Language of tuition: Double medium

Credits: 100

Module content:

The student must submit a research proposal during his/her first year of registration for the LLM degree to the supervisor prior to commencing with the writing of the mini-dissertation.

A mini-dissertation (MND 800) of 13 000 to 15 000 words inclusive of footnotes but excluding the list of contents and the bibliography, is required. The mini-dissertation must be submitted to the supervisor not later than August of the second year of registration for the LLM programme. The mini-dissertation must deal with the subject content of one of the modules or a combination of the modules registered for by the student for his/her LLM degree. Any request for an extension of the period for submission of the mini-dissertation may only be granted by the Dean on recommendation of the Postgraduate Committee

MND 802 Mini-dissertation 802

Academic organisation: Centre for Human Rights

Prerequisite: NRM 801 and RHP 803

Period of presentation: Year

Language of tuition: Double medium

Credits: 125

Module content:

- (a) The student must submit a research proposal during his/her first year of registration for the LLM degree to the supervisor prior to commencing with the writing of the mini-dissertation.
- (b) A mini-dissertation (MND 802) of 18 000 to 20 000 words inclusive of footnotes but excluding the list of contents and the bibliography, is

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required. The mini-dissertation must be submitted to the study leader not later than August of the second year of registration for the LLM programme. The mini-dissertation must deal with the subject content of one of the modules or a combination of the modules registered for by the student for his/her LLM degree. Any request for an extension of the period for submission of the mini-dissertation may only be granted by the Dean on recommendation of the Postgraduate Committee.

MND 803 Mini-dissertation 803

Academic organisation: Law Dean's Office

Prerequisite: RHP 801 and RHP 803

Period of presentation: Year

Language of tuition: Double medium

Credits: 130

Module content:

- (a) The student must submit a research proposal during his/her first year of registration for the LLM degree to the supervisor prior to commencing with the writing of the mini-dissertation.
- (b) A mini-dissertation (MND 803) of 23 000 to 25 000 words inclusive of footnotes but excluding the list of contents and the bibliography, is required. The mini-dissertation must be submitted to the study leader not later than August of the second year of registration for the LLM programme. The mini-dissertation must deal with the subject content of one of the modules or a combination of the modules registered for by the student for his/her LLM degree. Any request for an extension of the period for submission of the mini-dissertation may only be granted by the Dean on recommendation of the Postgraduate Committee.

MND 804 Mini-dissertation 804

Academic organisation: Law Dean's Office

Prerequisite: RHP 801 and RHP 803

Period of presentation: Year

Language of tuition: Double medium

Credits: 70

Module content:

- (a) The student must submit a research proposal during his/her second year of registration for the LLM degree to the supervisor prior to commencing with the writing of the mini-dissertation.
- (b) A mini-dissertation (MND 804) of minimum of 15 000 words including footnotes but excluding the list of contents and the bibliography – is required. The mini-dissertation must be submitted to the supervisor not later than August of the second year of registration for the LLM programme. The mini-dissertation must deal with the subject content of one of the modules or a combination of the modules registered for by the student for his/her LLM degree. Any request for an extension of the period for submission of the mini-dissertation may only be granted by the Dean on recommendation of the Postgraduate Committee

MPI 890 Dissertation: Law 890

Academic organisation: Office of the Dean

Period of presentation: Year

Language of tuition: Both Afr and Eng

Credits: 200

MPL 802 Matrimonial property law 802

Academic organisation: Private Law

Contact time: 2 lpw

Period of presentation: Semester 2

Language of tuition: Double medium

Credits: 30

Module content:

- (a) Aspects of the Bill of Rights and the family law
- (b) Mediation in divorce law
- (c) Aspects of legal consequences of divorce between spouses
- (d) New development in the law of husband and wife

NRM 801 Research methodology for human rights 801

Academic organisation: Centre for Human Rights

Contact time: 2 lpw

Period of presentation: Semester 1

Language of tuition: English

Credits: 5

Module content:

In this module, the focus is on aspects of human rights research, fact finding, advocacy and education.

PAJ 801 Post-apartheid Jurisprudence 801

Academic organisation: Jurisprudence

Contact time: 2 lpw

Period of presentation: Semester 1

Language of tuition: Double medium

Credits: 30

Module content:

This module deals with the following aspects:

- (a) Transformative constitutionalism
- (b) Post-apartheid jurisprudence
- (c) Law, memory, reconciliation and reparation

PBL 811 Theory and practice of medical law

Academic organisation: Public Law

Contact time: 2 lpw (50 minutes each)

Period of presentation: Semester 1

Language of instruction: English

Credits: 30

Module content:

The topics covered include:

- (a) Historical, philosophical and foundational aspects of medical law and ethics, in general, and with specific reference to the doctor-patient-hospital relationship

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- (b) Basic concepts in medical law and ethics, in general, and with specific reference to informed consent, medical confidentiality, capacity, medical paternalism and patient autonomy.
- (c) The specific interface between medical law and medical ethics

PBL 812 Access to healthcare and medical malpractice litigation 812

Academic organisation: Public Law

Contact time: 2 lpw (50 minutes each)

Period of presentation: Semester 1

Language of instruction: English

Credits: 30

Module content:

In this module a multidisciplinary approach is adopted and the topics include the following:

- (a) Justice in the allocation of health resources, access to healthcare and healthcare insurance
- (b) The nature, scope and incidences of medical malpractice litigation in South Africa
- (c) The nature and scope of damages and compensation for medical negligence
- (d) Grounds of justification for medical interventions and other general defences in medical law
- (e) The various causes of action in medical malpractice litigation
- (f) Vulnerable patients (inclusive of children, the mentally ill/disabled and the elderly) and medical malpractice litigation
- (g) Allied healthcare practitioners (inclusive of nurses, psychologists, traditional healers etc) and medical malpractice
- (h) The role of telemedicine and e-health in medical malpractice
- (i) Reform of medical malpractice law
- (j) The drafting/assessment of pleadings in context of medical malpractice litigation

PBL 813 Medico-legal issues

Academic organisation: Public Law

Contact time: 2 lpw (50 minutes each)

Period of presentation: Semester 2

Language of instruction: English

Credits: 30

Module content:

In this module, specific aspects of medico-legal issues are discussed. Specifics topics include:

- (a) A legal analysis of clinical medical research and practice
- (b) Analysing the application of mental healthcare law and practice in South Africa
- (c) The status and application of end-of-life-decisions and living wills
- (d) A legal analysis of organ procurement and transplantation
- (e) The nature, scope and application of forensic pathology services, also in context of sexual offences, “unnatural deaths” and inquest legislation
- (f) A legal analysis of human procreation (inclusive of artificial insemination, stem cell research, surrogacy and genetics)
- (g) Environmental issues and medical law
- (h) Intellectual property rights and medical law: access to patented and generic medicine

PLC 801 Aspects of private law pertaining to children 801

Academic organisation: Private Law

Contact time: 2 lpw

Period of presentation: Semester 1

Language of tuition: Double medium

Credits: 30

Module content:

Capita selecta from any of the following:

- (a) Private legal status of children in South Africa
- (b) Parent-child relationship
- (c) Children's rights and parental responsibilities
- (d) Adoption and alternative care
- (e) Reproductive and healthcare rights
- (f) The theory of children's rights

RHP 801 Research methodology 801

Academic organisation: Jurisprudence

Contact time: Period of intensive lectures during a Summer School or Winter School **Period of presentation:** February or May

Language of tuition: English

Credits: 5

Module content:

- (a) Planning and organising a research project
- (b) Drafting a research proposal: Hypotheses and research question
- (c) Theory in research and methodological approaches to legal research
- (d) Language
- (e) Citation and ethics of citation
- (f) Drafting of chapters and presentation

RHP 802 Research methodology 802

Academic organisation: Jurisprudence

Contact time: Period of intensive lectures during a Summer School and Winter School

Period of presentation: February or May

Language of tuition: English

Credits: 5

Module content:

- (a) Planning and organising a research project
- (b) Drafting a research proposal: Hypotheses and Research question
- (c) Theory in research and Methodological approaches to legal research
- (d) Language
- (e) Citation and ethics of citation
- (f) Drafting of chapters and presentation
- (g) Substantive themes in legal research

RHP 803 Research proposal 803**Academic organisation:** Law Dean's Office**Period of presentation:** Year**Language of tuition:** Double medium**Credits:** 5**Module content:**

Development and presentation of a research proposal. (A research proposal must be submitted to the supervisor and accepted in the first semester of the second year of study before the student will be allowed to register for the mini-dissertation.)

RHP 804 Research proposal and oral defence 804**Academic organisation:** Law Dean's Office**Period of presentation:** Semester 1 or Semester 2**Language of tuition:** Double medium**Module content:**

Research proposal and oral defence of the research proposal. A draft proposal must be approved by the supervisor. The student must convince the panel of the feasibility of the research before the student may embark on the writing of the dissertation. This module must be completed within one year after registration.

RHP 806 Structured research proposal preparation 806**Academic organisation:** Law Dean's office**Period of presentation:** Semester 1 or Semester 2**Language of tuition:** Double medium**Module content:**

Structured preparation for the writing of the research proposal and the defence thereof.

RVM 801 Introduction to the South African legal system and Bill of Rights 801**Academic organisation:** Centre for Human Rights**Contact time:** 2 lpw**Period of presentation:** Semester 1**Language of tuition:** English**Credits:** 20**Module content:**

This module provides an introductory overview of the South African Bill of Rights and constitutional litigation and analyses some selected rights in more depth within a comparative African constitutional context.

SAL 801 International air, space and telecommunication law 801**Academic organisation:** Institute for International and Comparative Law in Africa in collaboration with the Department of Public Law**Contact time:** 26 hours distributed over block periods**Period of presentation:** Semester 1**Language of tuition:** English**Credits:** 30**Module content:**

- (a) The public and private law aspects of air law
- (b) The regulatory system of the International Telecommunication Union
- (c) The history and major principles of space law
- (d) The use of space for military purposes
- (e) Liability for the wrongful use of space

SCL 801 Statutory competition law 801**Academic organisation:** Mercantile Law**Contact time:** 2 lpw**Period of presentation:** Semester 2**Language of tuition:** Double medium**Credits:** 30**Module content:**

This module will provide students with detailed knowledge and understanding of the underlying policy and diverse provisions of the Competition Act 89 of 1998 (as amended) as well as practical guidance on the application thereof. The following aspects will be dealt with within the context of international comparative competition law:

- (a) Introduction to competition policy, jurisdiction and the structure of competition authorities
- (b) Economics of competition law
- (c) Relevant aspects of markets and market power
- (d) Horizontal agreements and restrictive horizontal practices
- (e) Vertical agreements and restrictive vertical practices
- (f) Abuse of dominance
- (g) The Competition Act and price setting
- (h) Exemption applications
- (i) Merger assessment
- (j) Merger regulation: legal and procedural aspects

SKC 802 Law of specific contracts 802**Academic organisation:** Mercantile Law**Contact time:** 2 lpw**Period of presentation:** Semester 2**Language of tuition:** Double medium**Credits:** 30**Module content:**A. *Sale*

1. General principles

2. Capita selecta from:

- (a) Historical background of the deed of sale
- (b) Methods of determining the subject matter: purchase price and thing sold

For more information go to <http://www.up.ac.za/faculty-of-law> or e-mail llmapplications@up.ac.za with LLM/MPhil enquiries and lldapplications@up.ac.za with LLD/PhD enquiries.

- (c) Formalities regulations for sale of land
 - (d) The Actio Empti, Actio Redhibitoria and Actio Quanti Minoris
 - (e) Transfer of ownership and warranty against eviction
 - (f) Payment of price: suspensive condition
 - (g) Benefit and risk
- B. Lease**
1. General principles
 2. Capita selecta from:
 - (a) Nature of the contract of lease
 - (b) Essentialia
 - (c) Rental Housing Act 50 of 1999: nature and powers of rental housing tribunals
 - (d) Obligations of the lessor and lessee
 - (e) Remedies of the lessor and lessee
 - (f) "Huur gaat voor koop"
 - (g) Improvements to the leased property: rights, obligations and remedies
- C. Aspects of surety ship and agency**

SRC 802 Socio-economic rights in the South African Constitution 802

Academic organisation: Public Law

Contact time: 2 lpw

Period of presentation: Semester 2

Language of tuition: Double medium

Credits: 30

Module content:

An analysis of the theory and practice of constitutional socio-economic rights in South Africa, with a specific focus on litigation and legal activism in this respect.

SRI 801 Socio-economic rights under comparative and international law 801

Academic organisation: Centre for Human Rights

Contact time: 2 lpw

Period of presentation: Semester 1

Language of tuition: Double medium

Credits: 30

Module content:

- (a) Protection of socio-economic rights in other domestic jurisdictions, in particular in Africa
- (b) Introduction to international human rights law
- (c) Socio-economic rights in the UN human rights system
- (d) Socio-economic rights in the African human rights system
- (e) Socio-economic rights in the European human rights system
- (f) Socio-economic rights in the inter-American human rights system
- (g) Socio-economic rights in other emerging regional human rights systems

SRP 801 Sports law 801

Academic organisation: Procedural Law

Contact time: 2 lpw

Period of presentation: Semester 1

Language of tuition: Double medium

Credits: 30

Module content:

- (a) Aspects of sport contracts
- (b) Employment law issues in sport
- (c) Liability for sport injuries
- (d) Commercial rights
- (e) Doping in sport
- (f) Aspects of constitutional law

SSK 802 Aspects of criminal and criminal procedural law pertaining to children 802

Academic organisation: Private Law

Contact time: 2 lpw

Period of presentation: Semester 2

Language of tuition: Double medium

Credits: 30

Module content:

Capita selecta from any of the following:

- (a) Crimes against children
- (b) The child as witness
- (c) The child as perpetrator
- (d) Child pornography
- (e) Trafficking in children
- (f) Aspects of psychology and/or criminology regarding crimes against children

TAX 801 General principles of tax 801

Academic organisation: Department of Mercantile Law

Contact time: 2 lectures per week

Period of presentation: Semester 1

Language of tuition: Double medium

Credits: 40

Module content:

- (a) Interpretation of tax legislation
- (b) Tax administration
- (c) Rules of the tax court
- (d) Other relevant principles of taxes

TAX 802 Current issues in taxation 802**Academic organisation:** Department of Mercantile Law**Prerequisite:** TAX 801**Contact time:** 2 weeks intensive lectures, 40 hours per week**Period of presentation:** Mid-year June-July**Language of tuition:** Double medium**Credits:** 15**Module content:**

- (a) Wealth transfer taxes
- (b) Taxes and international business activities
- (c) Customs and excises
- (d) Other current issues in taxation

TAX 803 Income and consumption taxes 803**Academic organisation:** Department of Mercantile Law**Prerequisite:** TAX 801**Contact time:** 2 lectures per week**Period of presentation:** Semester 2**Language of tuition:** Double medium**Credits:** 40**Module content:**

- (a) South African Income Tax Act (No 58 of 1962)
- (b) Value-Added Tax Act (No 89 of 1991)
- (c) Other related income and consumption taxes

TAX 804 Technical research reports 804**Academic organisation:** Department of Mercantile Law**Period of presentation:** Semester 1 and Semester 2 (June and November)**Language of tuition:** Double medium**Credits:** 25**Module content:**

The technical research reports module will comprise a minimum of three (3) technical reports of 3 000 words (approximately 10 pages) each, related to the following:

- (a) The general principles of taxes
- (b) The current issues in taxation
- (c) The income and consumption taxes

All the required technical research reports in the module need to be submitted by the student and all the reports will count towards the final mark of the module. However, a subminimum of 40% for each technical research report and an average of 50% will be required for the student to successfully complete the module.

TBL 802 Advanced transnational business law 802**Academic organisation:** Mercantile Law**Prerequisite:** TBR 420**Contact time:** 2 lpw**Period of presentation:** Semester 2**Language of tuition:** Double medium**Credits:** 30**Module content:**

- (a) International contracts including transport contracts and insurance contracts for goods in international transactions
- (b) Methods of payment in international contracts
- (c) Settling of disputes regarding international transactions: judicial and extra-judicial (international commercial arbitration)
- (d) International trade organisations
- (e) Foreign investments and financing

TOR 802 International take-overs and reorganisations 802**Academic organisation:** Mercantile Law**Prerequisite:** Have to pass entrance test**Contact time:** 2 lpw**Period of presentation:** Semester 2**Language of tuition:** Double medium**Credits:** 30**Module content:**

This module deals with aspects of the following topics:

- (a) South African take-overs and reorganisations
- (b) International (USA and EU) take-overs and reorganisations
- (c) Competition law