



UNIVERSITEIT VAN PRETORIA
UNIVERSITY OF PRETORIA
YUNIBESITHI YA PRETORIA

Faculty of Law

Fakuliteit Regsgeleerdheid
Lefapha la Molao

2017/2018

Undergraduate faculty brochure

www.up.ac.za



Make today matter

Message from the Dean



Prof André Boraine
Dean: Faculty of Law

The purpose of this message is to introduce you to the Faculty of Law at the University of Pretoria, of which we are very proud and which ranks as one of the best in the country and in Africa.

Our vision is to strive to be an internationally-recognised leader in socially relevant legal research and education in South Africa and in Africa. In pursuing its vision, the Faculty of Law has as its mission the creation and sustenance of a research and education environment that is grounded in values of social justice and excellence.

The Faculty currently employs 70 dedicated full-time academics, of which approximately two thirds have doctoral degrees in various fields of law. They are supported by highly motivated administrative and support staff, and together they serve and prepare our student community for the various law-related career opportunities.

At the undergraduate level, the Faculty offers a four-year LLB degree. However, the majority of our students first enroll for a BCom (Law) or BA (Law) degree. We aim to produce LLB graduates with the required knowledge, critical thinking abilities, awareness of social and ethical responsibilities and the legal skills to follow any of the established career paths in law. With this aim in mind, the Faculty is progressively placing greater emphasis on an inquiry-led approach in teaching with a view to improving the research and problem-solving skills of our students.

At the postgraduate level, we offer extensive master's (LLM/MPhil) programmes (coursework or research) and a doctoral (LLD/PhD) programme.

Please refer to the infographic in the centre of this brochure for highlights and more information on the Faculty of Law, which should convince you that TuksLaw is the place to study law in South Africa. You will also find a checklist in the centre of this brochure that will help you to gauge whether you have what it takes to become a successful law student and legal professional.

We look forward to our 2018 intake of students and their contributions one day as TuksLaw graduates in the national and international legal arena.

Tel +27 (0)12 420 4126
Website www.up.ac.za/law

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 Comments and queries can be directed to ssc@up.ac.za or tel: +27 (0)12 420 3111.

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Undergraduate programmes

Important information on undergraduate programmes for 2018

- In order to register for degree programmes, NSC/IEB/Cambridge candidates must comply with the minimum requirements for degree studies as well as the minimum requirements for the relevant programme.
- Life Orientation is excluded when calculating the Admission Point Score (APS).
- The following persons may also be considered for admission: a candidate who is in possession of a certificate that is deemed by the University to be equivalent to the required Grade 12 certificate with university endorsement; a candidate who is a graduate from another tertiary institution or has been granted the status of a graduate of such an institution; and a candidate who is a graduate of another faculty at the University of Pretoria.
- Candidates who obtained a BA (Law) or BCom (Law) degree at UP will not be subjected to a selection process and will automatically be admitted to register for the LLB degree.
- **International applicants with foreign qualifications**
 - Applicants have to apply to the Matriculation Board of Universities South Africa (www.universitiessa.ac.za/matriculation-board) for a certificate of complete exemption, which must be submitted together with their application forms.
 - A conditional exemption certificate does not grant admission to LLB studies.
 - A minimum achievement level of 5 for English Grammar and a minimum APS of 32, calculated according to the UP conversion table.
 - Applicants have to submit the results of a SAT1 and/or TOEFL test, if required by the Dean.
 - A conditional exemption certificate is not accepted for admission to LLB studies.
- LLB is a full-time four-year programme. Students are not permitted to obtain full-time employment while registered for LLB.
- Only applicants who comply with all the above-mentioned admission requirements will be considered for admission.

University of Pretoria website

www.up.ac.za/law

Programmes	Minimum requirements for 2018				
	Achievement level				APS
	English				
	NSC/IEB	HIGCSE	AS Level	A Level	
LLB [4 years] Closing dates: SA – 30 September Non-SA – 31 August	5	3	C	C	32*
Faculty selection: A limited number of students are admitted. *Candidates with an APS of 32 or higher will, on receipt of their applications, be accepted on a continuous basis until 30 September or until all available places have been taken. Candidates with an APS of 38 or higher will be accepted on a continuous basis until registration in January of the next academic year, irrespective of the number of candidates already accepted. Careers: Refer to the enclosed infograph.	Queries relating to LLB applications: Ms Helen van Tonder, Student Administration, Faculty of Law Tel +27 (0)12 420 4265 Fax +27 (0)12 420 2090 Email helen.vantonder@up.ac.za				
BA (Law) [3 years] Closing dates: SA – 30 September Non-SA – 31 August	Refer to the Faculty of Humanities for requirements and careers.				
BCom (Law) [3 years] Closing dates: SA – 30 September Non-SA – 31 August	Refer to the Faculty of Economic and Management Sciences for requirements and careers.				



‘Harper Lee begins *To Kill a Mockingbird* with a quote from Charles Lamb, “Lawyers, I suppose, were children once.”

Having spent two and a half years at the University of Pretoria, my advice to any current or prospective students reading the LLB, or law in any capacity, would be that one must always remain curious about the law and always ask the fundamental question of study: why? With a Faculty of Law that is filled with some of the top legal minds in their fields, I believe that you will have no problem remaining curious about the law and you will always have access to expert guidance.’

Stephen Jarred van der Westhuizen

Jarred has excelled academically throughout his studies at the University of Pretoria, obtaining his LLB degree with distinction. His academic achievements resulted in recognition by the Dean’s Merit List and Golden Key International Honour Society. He also co-chaired the Model United Nations South African Universities debate on the Sustainable Development Goals. – Ed.



‘I feel privileged to say that I will be completing my LLB at Tuks. I did my first year of LLB through UNISA, but I yearned for the interaction between lecturer and student and with my fellow students, so in my second year I came to the University of Pretoria.

As law students we are privileged, not only to be educated by pre-eminent lecturers in the different sub-disciplines of law, but we also have access to a state-of-the-art library, which provides for any and all resources a student could possibly need – ranging from centuries-old common law texts to online libraries of journals and databases.

I have been on the Dean’s merit list in my second- and third-year. I also received awards for being the top student in PBL 310 (Administrative Law) and ODR 320 (Entrepreneurial Law).

The message I would like to relay is: do not be satisfied with mediocrity, especially when you have access to this level of academic expertise. The field of law is evolving and I feel it is an LLB graduate’s duty to stay up to date, in order to enhance your career as an attorney or advocate; a legal advisor, an academic, or as part of the judiciary one day.

Our country needs us, especially in Parliament. Parliament is the highest law-making body in the country, and we, as future lawyers, are best-placed to be custodians of the statute, and to ensure that any law passed, complies with the constitutional vision for this country.

There is ample time for a social life, community interaction and personal fulfilment, whether it is on the sports field or in the University of Pretoria Law Clinic, the Student Representative Council, the Constitutional Tribunal, or the many other avenues by which we may participate as students at this exemplary university.’

Dr Shimon Barit

Based on his academic achievements Shimon has been recognised as a member of the Dean’s Merit List since he joined TuksLaw. Among other awards, he was also the best LLB student in the third year modules Public Law and Entrepreneurial Law in 2015. – Ed.

Undergraduate programmes

LLB, BA (Law) and BCom (Law)

In 1998, the five-year LLB degree was shortened to a four-year degree. However, it is evident that not all students are able to cope with the demands of the legal profession after four years of study. It is, therefore, generally recommended that students first complete either the three-year BA (Law) or the three-year BCom (Law) degree and then convert to the LLB degree, which will take another two years to complete. These students obtain two degrees in two different fields of study.

Law programmes in other faculties

Faculty of Humanities: BA (Law)

This programme meets specific training needs that emerge from the demand for employees who possess knowledge of the law, but are also schooled in aspects of the social or human sciences. The aim is to educate students as law practitioners with a broad academic background to provide an alternative route to the eventual attainment of an LLB degree. Please refer to the website www.up.ac.za/yearbooks for the Yearbook of the Faculty of Humanities for more information on the BA (Law) programme. The admission requirements for BA (Law) are on the same web page.

Closing date for applications:

SA – 30 September
Non-SA – 31 August

Faculty of Economic and Management Sciences: BCom (Law)

The purpose of this programme is to provide a broad formative education that can lead to various career options, specifically in the corporate world. This programme is a combination of BCom and LLB subjects. The aim of this programme is to educate students as law practitioners with a broad academic background to provide an alternative route to the eventual attainment of an LLB degree. Please refer to the website www.up.ac.za/yearbooks for the Yearbook of the Faculty of Economic and Management Sciences for more information on the BCom (Law) programme. The admission requirements for BCom (Law) are on the same web page.

Closing date for applications:

SA – 30 September
Non-SA – 31 August

Admission requirements for the LLB to gain access to the Faculty of Law

To gain access to the Faculty of Law, prospective students require the appropriate combinations of recognised National Senior Certificate (NSC) subjects, as well as certain levels of achievement in these subjects. A summary of the faculty-specific requirements and the APS required for admission to the LLB is provided on page 1.

Exemption/credits for modules passed at other institutions

Students must apply on the prescribed form (available at the Faculty's Student Administration) for exemption for modules passed at other institutions. An academic record and the complete syllabus of the module concerned must accompany the application. Students who transfer from other universities must complete at least half (50%) of the modules needed for the LLB at this University and must be registered students of this University for at least two years before the LLB of the University of Pretoria may be conferred on them.

Examination

The examinations for first-semester modules take place in May and June, while examinations in second-semester modules take place in October and November. Every student has the responsibility to consult the official examination timetable to determine when the examinations for his or her modules will be written.

Composition of the LLB degree

The curriculum of the LLB degree is compiled from the following list of modules:

First year

First semester	Second semester
Fundamental modules	
<ul style="list-style-type: none"> Academic Information Management (AIM 101) Jurisprudence 110 (JUR 110) 	<ul style="list-style-type: none"> Jurisprudence 120 (JUR 120)
Core modules	
<ul style="list-style-type: none"> Law of Persons 110 (PSR 110) 	<ul style="list-style-type: none"> Family Law 121 (FMR 121) Roman Law 120 (ROM 120)

Composition of the LLB degree

Plus

A minimum of 24 credits from the following language modules:

(BA (Law) and BCom (Law) graduates need a minimum of 12 credits from these language modules):

- Afrikaans vir Sprekers van Ander Tale (1) (AFR 114)
- Inleiding tot Teksstudie (AFR 120)
- Taal- en Teksvaardigheid (AFR 110)
- English for Specific Purposes (ENG 118)
- Introduction to Literature in English 1 (ENG 110)
- Introduction to Literature in English 2 (ENG 120)

Elective modules:

Two semester modules from the following list – BA (Law) and BCom (Law) graduates are exempted from this requirement:

- Any language module offered by the Faculty of Humanities other than those listed above
- Criminology 110, 120 (KRM 110, 120)
- Financial Accounting 111, 122 (FRK 111, 122) (Prerequisite: 5 or higher in the NSC for Mathematics)
- History 110, 120 (GES 110, 120)
- Philosophy 110, 120 (FIL 110, 120)
- Politics 111, 120 (PTO 111, 120)
- Sociology 110, 120 (SOC 110, 120)

The following aspects should be kept in mind:

- Students have to familiarise themselves with the prerequisites for modules from other faculties.
- The modules may not clash.
- Some modules have limits on the number of students who may register.

Family Law 121 (FMR 121) (15 credits)

For LLB and BA specialising in law

- (a) Introduction to family law
- (b) General principles regarding the coming into existence of a marriage
- (c) Void, voidable and putative marriages
- (d) The invariable consequences of the marriage
- (e) Basic principles regarding the legal relationship between child and parent
- (f) The variable consequences of a marriage
- (g) Principles regarding the dissolution of a marriage
- (h) Consequences of the dissolution of a marriage
- (i) Customary marriages
- (j) Domestic partnerships and religious marriages

Jurisprudence 110 (JUR 110) (15 credits)

For LLB, BA and BCom specialising in law

The module has both a theoretical and skills component. All elements described below will encompass conceptual knowledge combined with practical application.

Underlying jurisprudential aspects of law/the law in general:

- (a) A first-year definition of law/the law
- (b) The relationships between law and society, law and history, law and politics, law and language
- (c) Being a law student or lawyer in South Africa
- (d) Introduction to different perspectives on the law

The South African legal system and its historical development; Sources of South African law and their historical development:

- (a) Introduction to characteristics and components of the South African legal system
- (b) Mixed legal systems
- (c) The South African Constitution and its historical development
- (d) Customary law and its historical development
- (e) Common law and its historical development
- (f) Primary and other sources of modern South African law
- (g) Applying the sources of law to a set of facts and relying on the sources of law to answer a jurisprudential question

The above content forms the basis of the skills component (incorporating academic literacy skills), which consists of the following:

- (a) Conducting research in the library
- (b) Finding, reading and applying the sources of law
- (c) Reading, understanding and summarising texts on topics of law
- (d) Analysing, criticising and improving (editing) a piece of writing on the law in a theoretical sense
- (e) Writing a well-constructed essay or paragraph on legal problems and topics of law or legal history

Jurisprudence 120 (JUR 120) (15 credits)

For LLB, BCom and BA specialising in law

Basic principles of the following:

- (a) Law of obligations (contract and delict)
- (b) Criminal law
- (c) Law of civil procedure
- (d) Law of criminal procedure
- (e) Law of evidence

Access to justice:

- (a) Courts and alternative dispute resolution
- (b) Legal profession
- (c) Access to justice and its promotion in South Africa (the idea, problems, representation in criminal matters, role of different organisations, etc)

The above content forms the basis of the skills component (incorporating academic literacy skills), which consists of the following:

- (a) Drafting a simple contract based upon a set of facts (law of contract)
- (b) Reading, understanding, summarising a case on the law of delict and applying the principles of legal argument and logic to it
- (c) Summarising, analysing, criticising and improving (editing) a piece of writing on the law of evidence
- (d) Understanding and applying the principles of examination in chief, cross-examination and re-examination to a concrete set of facts with a view to participation in a moot court or debate

Law of Persons 110 (PSR 110) (10 credits)

For LLB, BA and BCom specialising in law

The legal rules in respect of the coming into existence, private law status and termination of a natural person or legal subject.

Composition of the LLB degree

Roman Law 120 (ROM 120) (10 credits)

For LLB, BA and BCom specialising in law

Introduction to the Roman law of things:

- Things, real rights, possession
- Ownership, limitations, acquisition, protection
- Limited real rights, servitudes, real security

Introduction to the Roman law of contract:

- General principles of the law of contract
- Specific contracts
- Quasi-contracts

Introduction to the Roman law of delict:

- General principles of the law of delict
- Specific delicts
- Quasi-delicts

Second year

First semester	Second semester
Core modules	
<ul style="list-style-type: none"> ▪ Law of Contract 211 (KTR 211) ▪ Legal Interpretation 210 (RVW 210) ▪ Legal Pluralism 210 (RPR 210) ▪ Legal Practice 210 (RPK 210) ▪ Public Law 200 (PBL 200) 	<ul style="list-style-type: none"> ▪ Consumer Protection 220 (VBB 220) ▪ Law of Succession 222 (ERF 222) ▪ Legal Practice 220 (RPK 220) ▪ Public Law 200 (PBL 200) ▪ Specific Contracts 220 (KTH 220)

Consumer Protection 220 (VBB 220) (15 credits)

For LLB and BCom specialising in law

- Basic principles of the National Credit Act 34 of 2005
- Aspects regarding the law applicable to credit agreements
- Basic principles of the Consumer Protection Act 68 of 2008

Law of Contract 211 (KTR 211) (15 credits)

For LLB, BA and BCom specialising in law

- General principles of the law of obligations
- Formation of the contract
- Content of the contract
- Interpretation of contracts
- Breach of contract
- Remedies for contracts
- Termination of contractual obligations
- Drafting of contracts

Law of Succession 222 (ERF 222) (15 credits)

For LLB, BA and BCom specialising in law

- Intestate succession
- Testate succession
- Administration of estates:
 - Function of the Master
 - Appointment and function of the executor
 - The executor's account
 - Aspects of estate duty

Legal Interpretation 210 (RVW 210) (10 credits)

For LLB, BAdmin, BA specialising in law

Statute law:

- General introduction: relationship between text and context
- What is legislation?: categories and types of legislation
- The structure and format of legislation (enacted law texts)
- Commencement, amendment and demise of legislation

Principles of interpretation:

- How to interpret legislation: various theories and methods of interpretation and the influence of the supreme Constitution on statutory interpretation
- Internal and external aids to determine the legislative purpose
- So-called peremptory and directory provisions
- Statutory interpretation and judicial law-making
- Basic principles of constitutional interpretation

Legal Pluralism 210 (RPR 210) (10 credits)

For LLB and BA specialising in law

- Indigenous culture groups, their culture, and the definition of "legal pluralism"
- Law of persons and family law of indigenous culture groups
- Indigenous law of delict
- Indigenous law of succession
- Indigenous law of contract
- Legal conflict and court structure
- Legal systems based on religion in South Africa

Legal Practice 210 (RPK 210) (10 credits)

For LLB

- An overview of the origin and development of the various legal professions
- Statutory provisions applicable to the legal profession
- Professional conduct and ethics
- Professional costs and fees
- Professional liability of legal practitioners
- Research skills
- Writing skills (letter of advice to client, office memorandum and heads of argument)

Legal Practice 220 (RPK 220) (10 credits)

For LLB

- Practice management
- Taking of instructions
- Bookkeeping for legal practices
- Aspects of trial advocacy
- Practical application
- Research skills
- Writing skills (letter of advice to client, office memorandum and heads of argument)

Public Law 200 (PBL 200) (20 credits)

For LLB, BAdmin and BA specialising in law

- Introduction to constitutional law theory
- Basic principles: the law, the state and the individual
- The historical development of the South African constitutional law
- Different elements of a state
- Sources of the South African constitutional law
- The founding provisions, the legal order and symbols of the South African state

Composition of the LLB degree

- (g) Cooperative government
- (h) The national legislative authority
- (i) The president and the national executive authority
- (j) Provincial government
- (k) Judicial authority
- (l) The Bill of Rights: history of human rights in South Africa, jurisprudential and political perspectives on human rights, application, justiciability and interpretation of the bill of rights, jurisdiction, procedures and remedies, limitation of human rights, an analysis of selected human rights
- (m) State institutions supporting constitutional democracy
- (n) The public administration
- (o) The South African security services
- (p) General provisions

Specific Contracts 220 (KTH 220) (15 credits)

For LLB, BA and BCom specialising in law

- (a) Law of purchase and sale
- (b) Law of letting and hiring of things
- (c) Law of agency
- (d) Law of suretyship
- (e) Law of letting and hiring of work

Third year

First semester	Second semester
Core modules	
<ul style="list-style-type: none"> ▪ Insolvency Law 310 (ISR 310) ▪ Jurisprudence 310 (JUR 310) ▪ Law of Evidence 300 (BWR 300) ▪ Law of Things 310 (SAR 310) ▪ Public Law 310 (PBL 310) ▪ Tax Law 310 (BLR 310) 	<ul style="list-style-type: none"> ▪ Entrepreneurial Law 320 (ODR 320) ▪ Intellectual Property Law 320 (IGZ 320) ▪ Law of Delict 320 (DLR 320) ▪ Law of Evidence 300 (BWR 300) ▪ Payment Methods 320 (VHD 320) ▪ Public Law 320 (PBL 320) ▪ Research Methodology 320 (RHP 320)

Entrepreneurial Law 320 (ODR 320) (12 credits)

For LLB and BCom specialising in law

- (a) Company law
- (b) Law relating to close corporations
- (c) Partnership law

Insolvency Law 310 (ISR 310) (10 credits)

For LLB and BCom specialising in law

- (a) General introduction and historical background
- (b) The process of sequestration
- (c) Effects of sequestration
- (d) Voidable and void dispositions
- (e) Overview of administration of insolvent estates
- (f) Composition, rehabilitation and offences
- (g) Liquidation of insolvent companies and close corporations

Intellectual Property Law 320 (IGZ 320) (10 credits)

For LLB

- (a) General principles of intellectual property law
- (b) Copyright
- (c) Law relating to inventions and designs
- (d) Trademark law
- (e) Law relating to plant breeders' rights
- (f) Law of competition

Jurisprudence 310 (JUR 310) (10 credits)

For LLB and BA specialising in law

An overview of the most important jurisprudential approaches, including natural law, positivism, realism, critical legal theory, and modern and postmodern approaches. The theoretical and practical value of these approaches is investigated within a post-apartheid context.

Law of Delict 320 (DLR 320) (15 credits)

For LLB, BA and BCom specialising in law

- (a) General principles of the law of delict
- (b) Capita selecta from the principles applicable to specific delicts

Law of Evidence 300 (BWR 300) (10 credits)

For LLB

- (a) Basic principles of the law of evidence and rules relating to the admissibility of specific categories of evidence
- (b) Evidential aspects relating to the giving of evidence and the constitutional implications for the law of evidence

Law of Things 310 (SAR 310) (15 credits)

For LLB and BCom specialising in law

- (a) General principles of the law of things
- (b) Constitutional aspects
- (c) Control (possession and holdership)
- (d) Ownership (including joint ownership and sectional-title property)
- (e) Limited real rights (including servitudes, limiting provisions, public servitudes, mineral rights and real security rights)

Payment Methods 320 (VHD 320) (10 credits)

For LLB and BCom specialising in law

- (a) Elements of negotiability, the bill of exchange, cheques and promissory notes; parties to bills, cheques and notes
- (b) Requirements for validity, negotiation, holdership and acceptance
- (c) The banker-client relationship, crossings and additions to crossings, the legal position of the drawee and collecting
- (d) Electronic payment methods

Public Law 310 (PBL 310) (10 credits)

For LLB and BAdmin

An overview of judicial review of administrative action in light of the Constitution and the Promotion of Administrative Justice Act 3 of 2000, with a focus on the legitimate scope of such judicial review and the grounds for judicial review.

Composition of the LLB degree/Core modules

Public Law 320 (PBL 320) (10 credits)

For LLB

- The historical development and theory of international law
- Sources of international law
- Territory
- International legal personality
- Jurisdiction, immunity from jurisdiction and extradition
- Self-contained legal regimes and state responsibility
- Judicial settlement of international disputes
- International law in municipal law

Research Methodology 320 (RHP 320) (10 credits)

For LLB

The module has two main components: generic research skills and methods and perspectives concerning legal research.

Generic skills:

- How to plan a research project
- How to write a research proposal
- Drafting of chapters
- Language
- Citation, ethics of citation, presentation

Methods and perspectives concerning legal research:

- The nature and purpose of comparative law, the advantages, disadvantages, and pitfalls of comparative research, dogmatic and functional approaches to legal comparison, types of comparative studies and the comparative method
- Legal historical research
- Legal pluralism
- Socio-legal approaches
- Broad theoretical perspectives

Tax Law 310 (BLR 310) (10 credits)

For LLB

- Foundations of income tax
- Calculation of income tax payable
- Capital gains tax

Fourth year

First semester	Second semester
Core modules	
<ul style="list-style-type: none"> ▪ Civil Procedure 400 (SIP 400) ▪ Criminal Procedure 400 (SPR 400) ▪ Essay and Seminar 410 (SKY 410) ▪ Labour Law 410 (ABR 410) ▪ Public Law 410 (PBL 410) 	<ul style="list-style-type: none"> ▪ Civil Procedure 400 (SIP 400) ▪ Criminal Procedure 400 (SPR 400) ▪ Private Law 420 (PVR 420) ▪ Public Law 420 (PBL 420)

Plus four elective modules.

Core modules

Civil Procedure 400 (SIP 400) (15 credits)

For LLB

- Aspects of litigation techniques
- General principles of civil procedure
- Practical application
- Compiling pleadings

Criminal procedure 400 (SPR 400) (15 credits)

For LLB

- The general principles of criminal procedure law in the lower courts, high courts and the Supreme Court of Appeal of South Africa
- Drafting of pleadings
- Practical application

Essay and Seminar 410 (SKY 410) (15 credits)

For LLB

- The essay deals with a subject from the field of law.
- The supervisor informs final-year students of the date on which the subject of the essay must be submitted to him or her for approval.
- The head of department responsible for the subject, or a lecturer designated by him or her, acts as study leader and as examiner, provided that the head of department may appoint an external examiner, should he or she deem it necessary.
- Two typed, duplicated or printed copies of the essay of between 8 000 and 14 000 words (with an indication of the amount of words on the last page of the essay) must be submitted. The essay must be submitted by the end of the first semester.

Each lecturer supervises a maximum of 15 students annually. The topics chosen by these students must preferably be thematically linked. At the beginning of the year, all registered students attend one compulsory lecture as a group on the approach to and writing of an essay. Following this, each lecturer organises one seminar of two hours with his or her group of students during which students submit the topics and basic structure of their essays.

After completion of the essays, one copy must be handed in at the library and the other to the study leader. The lecturer then organises a further series of seminars, where each student presents his or her conclusions for the group to criticise. At these seminars, the lecturer also involves another faculty member or expert.

The evaluation is as follows:

- Written document: 70%
- Participation in seminar: 20%
- Draft essay: 10%



‘My time as a law student at the University of Pretoria has equipped me with a variety of skills that will enrich my life for many years to come! The Faculty of Law has created various platforms where I could apply my legal knowledge on a practical level, such as serving on the Constitutional Tribunal, being a tutor and attending a summer school in Europe.

Through my studies and involvement in various university structures, I have learned that professional skill is partly knowledge, but adaptability and managing interpersonal relationships can be better predictors of a successful legal career. I have been inspired by some brilliant minds to strive for the highest standards in law; and I will use this as a blue print for my career. I am looking forward to serve my articles of clerkship at Cliffe Dekker Hofmeyr in 2017.’

Mia Labuschagne

Throughout her studies Mia excelled academically and received recognition as a member of the Dean’s Merit List and the Golden Key International Honour Society. She is a tutor in the Department of Private Law for the subjects Law of Persons, Family Law, Law of Contracts, Law of Succession and Intellectual Property Law. Mia served as the Chief Justice of the 2015/16 Constitutional Tribunal, was a member of STUKU (UP’s Student Culture Committee) and was TuksLaw’s ‘star’ coordinator in the UP STARS project. Mia also excelled in moot court competitions. – Ed.



‘On my first day in the Faculty of Law at the University of Pretoria in 2013, a Law House executive committee member pointed at the OR Tambo Law Library and said to me, “This will be your best friend for the next four years.” As a fourth-year LLB student, I can safely say that those words were a fair warning.

The Faculty of Law is well equipped with distinguished lecturers, who produce competent legal scholars. They also aim to endow students with the ability to conduct legal research in order to be able to function in the legal world. With that in mind, the library does become your best friend.

The University of Pretoria affords law students the luxury of a library that is furnished with resources, which enhance the quality of education offered by the Faculty of Law. I can in all conscience state that, given the opportunity to start over, I would still study law at the University of Pretoria.’

Nomlayo Nannette Mabhena

Nomlayo has received a number of academic awards. Her name appears on the Dean’s Merit List and she is also a member of the Golden Key International Honour Society. She is a holder of a Cliffe Dekker Hofmeyr bursary and her LLB dissertation on the ‘Role of the Office of the Public Protector in South Africa’s Constitutional Democracy,’ was sponsored by the National Research Foundation. – Ed.

Core modules/Elective modules

Labour Law 410 (ABR 410) (10 credits)

For LLB

- (a) Individual labour law
- (b) Collective labour law
- (c) Resolution of labour disputes

Private Law 420 (PVR 420) (10 credits)

For LLB

Capita selecta from any of the following:

- (a) Enrichment
- (b) Estoppel
- (c) Personality rights

Public Law 410 (PBL 410) (10 credits)

For LLB

Introduction to criminal law:

- (a) Criminal law and the legal system
- (b) Criminal law and law of delict
- (c) The concepts "criminal law" and "crime"
- (d) The history and sources of our criminal law
- (e) Determinism and indeterminism
- (f) The purpose and function of the criminal law and crime
- (g) The classification of criminal law and crimes

General principles of criminal law: elements of criminal liability:

- (a) Legality
- (b) The deed
- (c) Unlawfulness
- (d) Capacity
- (e) Fault
- (f) Multiple defences

Public Law 420 (PBL 420) (10 credits)

For LLB

Specific crimes:

- (a) Attempt, incitement and conspiracy
- (b) Participation and accessories after the fact
- (c) Crimes against life
- (d) Crimes against bodily integrity and parental authority
- (e) Crimes against reputation and dignity
- (f) Crimes against property and freedom of will
- (g) Crimes against sexual morality and family life
- (h) Crimes against public morality and religious feelings
- (i) Crimes against the administration of justice and public administration
- (j) Crimes against the state

Punishment:

- (a) Theories of punishment
- (b) Forms of punishment

Elective modules

Plus four modules selected from the following list (10 credits each, unless otherwise indicated):

Law and Transformation 410 (AMR 410)

Introductory debate on the universality and cultural specificity of human rights, historical overview of human rights in Africa, the African Union and human rights, an overview and analysis of the African Charter on Human and Peoples' Rights, and a comparative analysis of human rights situations in African countries.

Alternative Dispute Resolution 420 (AGF 420)

Theory pertaining to negotiation, mediation and arbitration, as well as the theoretical and practical implementation thereof in various legal fields, such as criminal law, matrimonial law, international law, labour law and sectional title law.

Child Law 410 (KID 410)

- (a) The status of children in South African law
- (b) The constitutional protection of children
- (c) General principles of the Children's Act 38 of 2005
- (d) Parental responsibilities and rights
- (e) Children's courts
- (f) Adoption and alternative care
- (g) International instruments pertaining to children's rights
- (h) Intercountry adoption and international abduction
- (i) Children and the criminal justice system

Deeds and Notarial Practice 410 (ANO 410)

Prerequisite: Law of Things 310 (SAR 310)

- (a) An overview of the origin and development of the professions of conveyancer and notary
- (b) Statutory provisions applicable to conveyancers and notaries
- (c) Professional responsibility and ethics
- (d) Aspects surrounding the transfer of immovable property, registration of mortgage bonds, servitudes and real rights
- (e) Practical drafting of deeds and notarial documents

Education Law 420 (ONR 420)

- (a) Introduction to the nature and role of the law of education
- (b) Fundamental right to education and constitutional principles relevant to education
- (c) Certain specific rights of students, learners, parents and educators
- (d) Basic legal principles of education management in public schools
- (e) Basic legal principles regarding tertiary education
- (f) Other relevant aspects of the law of education

Environmental Law 410 (OMR 410)

- (a) The nature and scope of environmental law
- (b) The Constitution and the environment
- (c) Environmental framework regulation
- (d) Planning law
- (e) Environmental assessment
- (f) Water law
- (g) Pollution control and waste management
- (h) Mining and energy sources
- (i) Biodiversity and conservation of forests, plant resources and wild animals
- (j) Heritage resources
- (k) Living marine resources

Core modules/Elective modules

Information and Communications Technology

Law 420 (KUB 420)

- (a) Introduction to the study of information and communications technology law:
- The place of information and communications technology law in the legal system
 - The nature and scope of information and communications technology law
 - Sources of information and communications technology law
 - Inception and influence of the Internet
- (b) Regulation of the Internet:
- National/international
 - Jurisdiction
- (c) Aspects of intellectual property law and the Internet
- (d) E-commerce activities and the Internet:
- Aspects of jurisdiction and signing of contracts
 - Data protection and encryption
 - Liability of Internet service providers
- (e) Advertising and the Internet
- (f) Criminal liability in information and communications technology law
- (g) Constitutional aspects in information and communications technology law:
- The right to privacy/freedom of expression and information

International elective module 411, 412, 413 and 414 (IET 411, 412, 413 and 414)

Please consult the Yearbook for further details.

International Humanitarian Law 420 (PUR 420)

- (a) What is international humanitarian law (the law of war)? The distinction between *ius ad bellum* and *ius in bello*
- (b) The historical development and sources of international humanitarian law (IHL)
- (c) Different types of armed conflict: the distinction between international and non-international armed conflicts
- (d) Distinction between combatants and civilians
- (e) The prisoner of war (POW) status: soldiers, spies, mercenaries and guerrillas
- (f) Conduct of hostilities: legal restraints on how war is to be waged (including the prohibition of certain weapons and the targets that may be engaged during hostilities)
- (g) The distinction between genocide, crimes against humanity and war crimes
- (h) Winners or losers: war, international politics and the implementation of IHL
- (i) The protection of women and children during armed conflict
- (j) Accountability or impunity: the prosecution of war crimes by national courts, ad hoc tribunals (the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR)) and the International Criminal Court (ICC)
- (k) The devil made me do it: superior orders and command responsibility during war
- (l) The role of the International Committee of the Red Cross (ICRC)

Jurisprudence 420 (JUR 420)

The module focuses on various jurisprudential approaches, including philosophical perspectives, critical theory and other inter- and transdisciplinary perspectives on law and their response and relation to contemporary issues.

Land and Land Reform Law 420 (GHR 420)

- (a) Introduction to the land and land reform law
- (b) *Capita selecta* of policy documentation, constitutional and other statutory measures in respect of the use of land and land reform law
- (c) Relevant aspects of conveyancing law

Law and the Community 420 (CLW 420)

The module has both a theoretical and a community engagement component.

Theoretical:

- (a) Law and the community
- (b) Street law
- (c) Popular justice
- (d) Access to justice

Community engagement:

- (a) Involvement in local community projects
- (b) Presentation of lectures with legal themes at schools, factories, prisons and other local communities
- (c) Drafting of information booklets and conducting research on topics of law for local community bodies

Law of Banking and Financial Institutions 410 (LBF 410)

- (a) Law pertaining to selected financial institutions
- (b) Banking law
- (c) Insurance law

Law of Damages 410 (SGR 410)

- (a) General principles and doctrines of the law of damages
- (b) Specific principles regarding delictual damages
- (c) Specific principles regarding contractual damages
- (d) Procedural principles in the law of damages

Law of Securities 410 (LOC 410)

- (a) Legal principles in respect of the regulation of the primary security markets
- (b) Legal principles in respect of secondary security markets

Legal Problems of HIV and Aids 410 (RHV 410)

An introduction to the medical and social aspects of the disease, and aspects of the legal position of people with HIV/Aids, seminar assignments (mini-dissertations) about problems of a moral and legal nature, such as the criminalisation of HIV infection as a separate statutory offence, implications of the right to health care, notification of HIV/Aids and the limits of privacy, as well as aspects arising from medical experimentation and the development of a vaccine.

Media Law 420 (MDR 420)

Capita selecta from media and communications law in the light of the Constitution, including the following:

- (a) The philosophical foundations and history of freedom of speech, and the role of the media in a democracy
- (b) Section 16 of the Constitution, and various limitations on freedom of expression
- (c) A legal comparative study of freedom of expression in the USA, Canada and Germany
- (d) Defamation (including online defamation)
- (e) Privacy
- (f) Journalistic privilege in South African law
- (g) Regulation of advertising
- (h) The Films and Publication Act
- (i) Child pornography

Elective modules/Career opportunities

Medical Law 410 (GRG 410)

- (a) General foundations of forensic medicine
- (b) Legal basis of the relationship between doctor/hospital and patient
- (c) Grounds of justification for medical interventions
- (d) Medical negligence and vicarious liability
- (e) The patient's privacy and medical confidentiality
- (f) Artificial human procreation
- (g) Liability for wrongful conception/birth/life
- (h) Transsexualism and sex-change operations
- (i) The moment of death and euthanasia
- (j) Aspects of medical disciplinary hearings

Moot Court 420 (SKH 420)

Students who officially represent the Faculty at the annual African Human Rights Moot Court Competition or the Phillip C Jessup International Law Moot Court Competition, or any other moot court competition approved by the Dean obtain credit for Moot Court 420 during the year of official participation.

Municipal Law 410 (MRG 410)

- (a) Introduction to local government law in general
- (b) Process of local government transformation
- (c) Status, objects and challenges of local government
- (d) Legal nature and duties of municipalities
- (e) Cooperative government
- (f) New institutional models in local government
- (g) Demarcation of local government jurisdictions
- (h) Composition and election of local government structures
- (i) Role of traditional leaders in local government
- (j) Powers and functions
- (k) Political structures
- (l) Municipal services and other functional activities
- (m) Human resources and labour issues
- (n) Municipal finances and fiscal management
- (o) Development, planning and unique local government law matters

Practical Law 400 (PRR 400) (20 credits, two electives)

- (a) Practical legal work according to a duty roster at the University's Law Clinic during the academic year, including consultations with clients, drafting of pleadings and attendance at trials
- (b) Discussion classes regarding cases that are being dealt with at the Law Clinic
- (c) Assignments

Private International Law 410 (IPR 410)

- (a) Theoretical and historical background
- (b) Conceptual problems
- (c) Determination of foreign law
- (d) Conflict rules for the determination of an appropriate norm of the following:
 - Family law
 - Law of contract
 - Law of delict
 - Law of things
 - Law of succession
- (e) Recognition and enforcement of foreign judgements

Social Security Law 420 (SOR 420)

- (a) Scope and functions of social security
- (b) Old-age grants and insurance
- (c) Employment injuries and unemployment insurance
- (d) Sickness, invalidity and health care
- (e) Child and family maintenance

Sports Law 420 (SRR 420)

- (a) Delictual liability
- (b) Contractual liability
- (c) Criminal liability
- (d) Diverse aspects arising from sports

Statutory Crimes 410 (SMI 410)

Crimes:

Capita selecta from:

- (a) Computer crimes
- (b) Liquor and drug offences
- (c) Economic offences
- (d) Sexual offences
- (e) Offences within the family and against children
- (f) Offences against animals
- (g) Offences relating to dangerous weapons, firearms and explosives
- (h) Police and prisons offences
- (i) Offences against the public safety and order
- (j) Offences against the safety of the state
- (k) Offences against the environment
- (l) Traffic offences
- (m) Minimum sentencing

Forensic criminalistics:

- (a) Components and objectives of criminal investigation
- (b) Identification, comparison and individualisation
- (c) Information-gathering through communication
- (d) Serological examinations
- (e) Odontological examinations
- (f) Dactyloscopic examinations
- (g) Trichological examinations

Tax Practice 420 (BLP 420)

- (a) Transfer duty
- (b) Value-added tax
- (c) Diverse tax matters

Transnational Business Law 420 (TBR 420)

- (a) International contracts of sale
- (b) International contracts of carriage
- (c) Insurance contracts in international transactions

Trusts and Estates 410 (TBS 410)

- (a) Aspects of trust law
- (b) Aspects of administration of deceased estates

Career opportunities

A law degree does not limit graduates to pursuing careers as attorneys or advocates. There are many and varied career options available to law graduates. Examples are as follows:

Attorneys in private practice

An attorney is a general legal practitioner. In order to qualify as an attorney, a candidate must complete a two-year internship as an article clerk in a private law firm, at an accredited law clinic, or at the Legal Aid Board after obtaining a law degree. The candidate must pass the Attorney's Admission Examination to be admitted as an attorney by the High Court of South Africa. Alternatively, a candidate attorney can reduce his or her period of internship as an article clerk to one year after successfully attending and completing a full-time or part-time law school course, accredited by the Law Society, for a period of six months.

Career opportunities/General information

A newly admitted attorney may become a professional assistant with a firm of attorneys. Possibilities for promotion include becoming a junior or salaried partner and later on a senior or equity-sharing partner in the firm. Alternatively, an admitted attorney could decide to start his or her own firm and practice for his or her own account.

Attorneys may specialise in a particular field of law and focus on particular types of cases, for example, civil or criminal litigation, commercial law or property law. Some attorneys qualify further as conveyancers who oversee the transfer and registration processing of immovable property, or as notaries who see to the notarial execution of certain documents.

An LLB graduate is able to qualify further as an attorney by way of serving articles at the State Attorney's Office, which forms part of the Department of Justice and Constitutional Development.

Advocates in private practice

Members of the Bar are traditionally called "junior or senior advocates". A senior advocate is an advocate of proven experience and skill who, after at least ten years of practice, is appointed on recommendation of the various Bar councils by the President of South Africa as a Senior Consultus (SC).

Public prosecutors/state advocates

Public prosecutors are representatives of the National Directorate of Public Prosecutions. They conduct prosecutions in criminal proceedings in the magistrate's courts. A public prosecutor decides whether a person should be prosecuted and presents evidence in court to prove the state's case against an accused. It is a prerequisite for all prosecutors to complete the LLB degree. A public prosecutor may be promoted to senior public prosecutor or state advocate. There are also opportunities to move into different positions in the various structures of the National Prosecuting Authority.

State advocates appear in the High Court on behalf of the state in criminal cases. The work that they perform is similar to that of public prosecutors. State advocates prepare criminal cases and furnish legal opinions. A state advocate must have an LLB degree, be admitted as an advocate, and have undergone training with the Department of Justice and Constitutional Development. A state advocate may be promoted to the position of senior state advocate. State advocates are not obliged to become members of the Bar.

Legal advisors

Legal advisors are often qualified attorneys or advocates or persons who have completed law degrees. They work in an advisory capacity at corporations, companies and other organisations. A legal practitioner cannot be employed as a legal advisor while he or she is registered on the roll of practising attorneys or advocates.

Academics

Law graduates can also elect to pursue careers as lecturers in the legal field. Law lecturers at the various universities or colleges are teachers and researchers of the law. Their duties include the facilitation of lectures, the assessment of students, doing research for, and the publication of articles, and contributing to the publication of papers and textbooks in their fields of specialisation. Many lecturers have experience as practising attorneys or advocates. A lecturer can be promoted to senior lecturer, associate professor or full professor, or may be appointed as head of a department or law school, or dean of the faculty. Legal practitioners, who are practising attorneys serving at law clinics, are also employed as lecturers in legal subjects in addition to providing legal aid to the public.

Judicial officers (magistrates or judges)

Judicial officers include magistrates and judges. Magistrates preside in the magistrate's courts and judges preside in the high courts. A magistrate also performs various administrative functions, such as acting as a marriage officer. A magistrate may be promoted to senior magistrate, chief magistrate and regional court magistrate.

Judges are normally appointed in the various local and provincial divisions of the High Court, the Supreme Court of Appeal and the Constitutional Court. Traditionally, judges were appointed from the ranks of advocates only. After 1994, judges have increasingly been appointed from the ranks of senior attorneys and academics. Judges are appointed by the Judicial Services Commission.

Please refer to the *Legal Practice Act 24 of 2014 and Implementation of Parts 1 and 2 of Chapter 10* on 1 February 2015 for the possible impact this new legislation might have on the structured profession and vocational training at <http://www.lssa.org.za/legal-practitioners/advisories/misc/legal-practice-act-28-of-2014/misc/legal-practice-act>.

General information

Visit www.up.ac.za/admissioninfo for information on the following:

- Study information
- Calculate your Admission Point Score (APS)
- Closing dates
- Fees and Funding
- Special offer for top academic achievers
- Apply at UP
- Change or add a programme
- National Benchmark Test (NBT)
- Application status
- Prepare to study at UP
- Registration and start of the academic year.



‘It is with trepidation that I entered the imposing Law Building with its large windows, white walls and a flying bicycle hanging from the third floor. I soon realised, however, that this building is a symbol that represents hard work and dedication.

I am proud to be graduating from a Faculty of Law, which strives for academic freedom, innovative thoughts and values of integrity, accountability and social justice.

Benjamin Franklin once said that, “if you teach a student he will remember, but if you involve the student he will learn.” This could easily be attributed to TuksLaw. It is here that I, over the course of four years, was transformed. I developed focused skills to ensure I can achieve practical and solutions-based outcomes for my clients and the communities I hope to serve one day. I want to participate in building a society based on democratic values, social justice and fundamental rights.

I would recommend the Faculty of Law at the University of Pretoria without hesitation to any prospective law student.’

Megan Labuschagne

Megan’s achievements inter alia include membership of the Golden Key International Honour Society and the Dean’s Merit List, and obtaining the highest weighted average in LLB II and III. – Ed.



‘I became an LLB student in 2015, after I completed my BCom Honours degree in Taxation in 2014. The Faculty of Law is definitely an amazing academic environment for its students and staff – one that I would not trade for another university. We have well-learned lecturers and tutors who facilitate our learning experiences in incomparable ways. Not to forget the friendly librarians, the printing station, the administrators and maintenance staff.

I participated as a student mentor for two years through the UP’s STARS Mentorship Programme and served on the executive committees of Tax@Tuks and the Golden Key International Honour Society. I was appointed as a taxation tutor in the Faculty of Economic and Management Sciences in 2015. I also participated in an outreach programme at Pretoria Central Prison and worked as a volunteer at the University of Pretoria Disability Unit.

There are many opportunities available to students: from tutoring, mentoring, mooted, and researching, to participating in community outreach programmes. My advice to all prospective students is to use the UP platforms created for students to excel and grow and create long-lasting friendships in the process.’

Josue Mudimbi

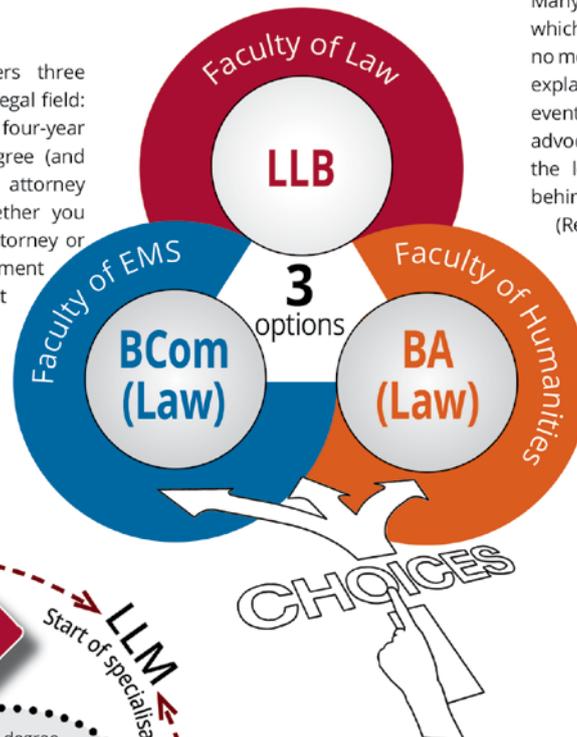
Josue obtained a BCom (Law) degree with distinction and is recognised on the Faculty of Law Dean’s Merit List for academic performance in 2015. He has inter alia received awards for Taxation 300, Negotiable Instruments 320, Law of Things 310 and Law of Evidence 311. – Ed.

Infographs

What's the difference? 3 options

The University of Pretoria offers three possible qualifications to join the legal field: BA (Law), BCom (Law) and the four-year LLB degree. A four-year LLB degree (and preferably also admission as an attorney or advocate, irrespective of whether you wish to practice one day as an attorney or advocate) is the minimum requirement to secure professional employment and advance in the workplace. If you choose the BA (Law) LLB or BCom (Law) LLB route, you can obtain two degrees in five years.

NB. No specialisation during any of the three options.



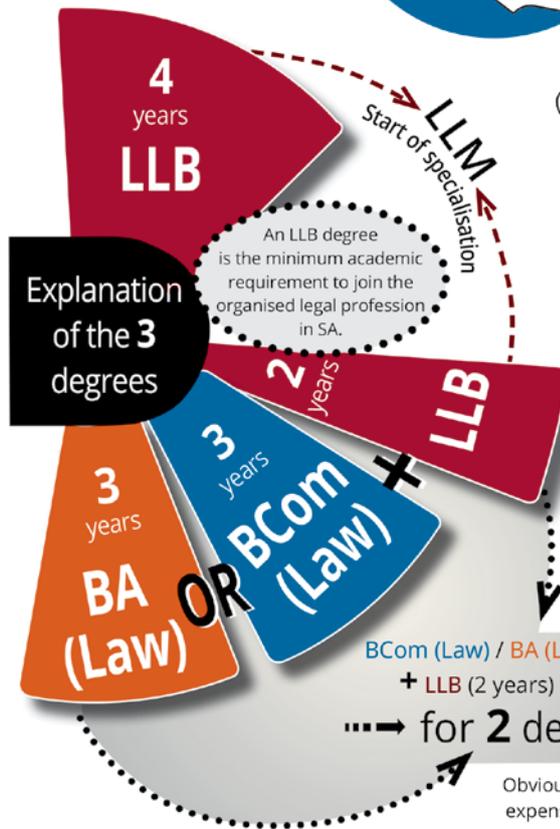
How to choose between a BA (Law), BCom (Law) and straightforward four-year LLB degree?

Many prospective law students are unsure which degree option to pursue. Well, wonder no more! Here you will find a comprehensive explanation of the three degree routes, eventual admission as an attorney or advocate and the career opportunities in the legal profession with an LLB degree behind your name.

(Remember that your career options will be limited if you do not proceed with an LLB after completing your BA (Law) or BCom (Law) degree.)

Have a look and see which one suits you best!

Choices, choices, choices! So which law degree do you choose? It all depends on your aptitude and personal circumstances.



Choose the degree that suits your needs!

If you have a strong interest in languages and social sciences or commercial and economic disciplines and you would like to eventually practice law in one of these fields, it is a good idea to enrol for the BA (Law) or BCom (Law).



Obviously, combined programmes are more expensive and take longer to complete than the LLB four-year degree programme.

If you would like more information – such as minimum requirements and career opportunities – do visit the various faculties' websites:

Faculty of Law:
www.up.ac.za/law

Faculty of EMS:
www.up.ac.za/ems

Faculty of Humanities:
www.up.ac.za/hum

Admission requirements

Faculty of Law

LLB

APS = 32
English 5 (60–69%)

Faculty of EMS

BCom (Law)

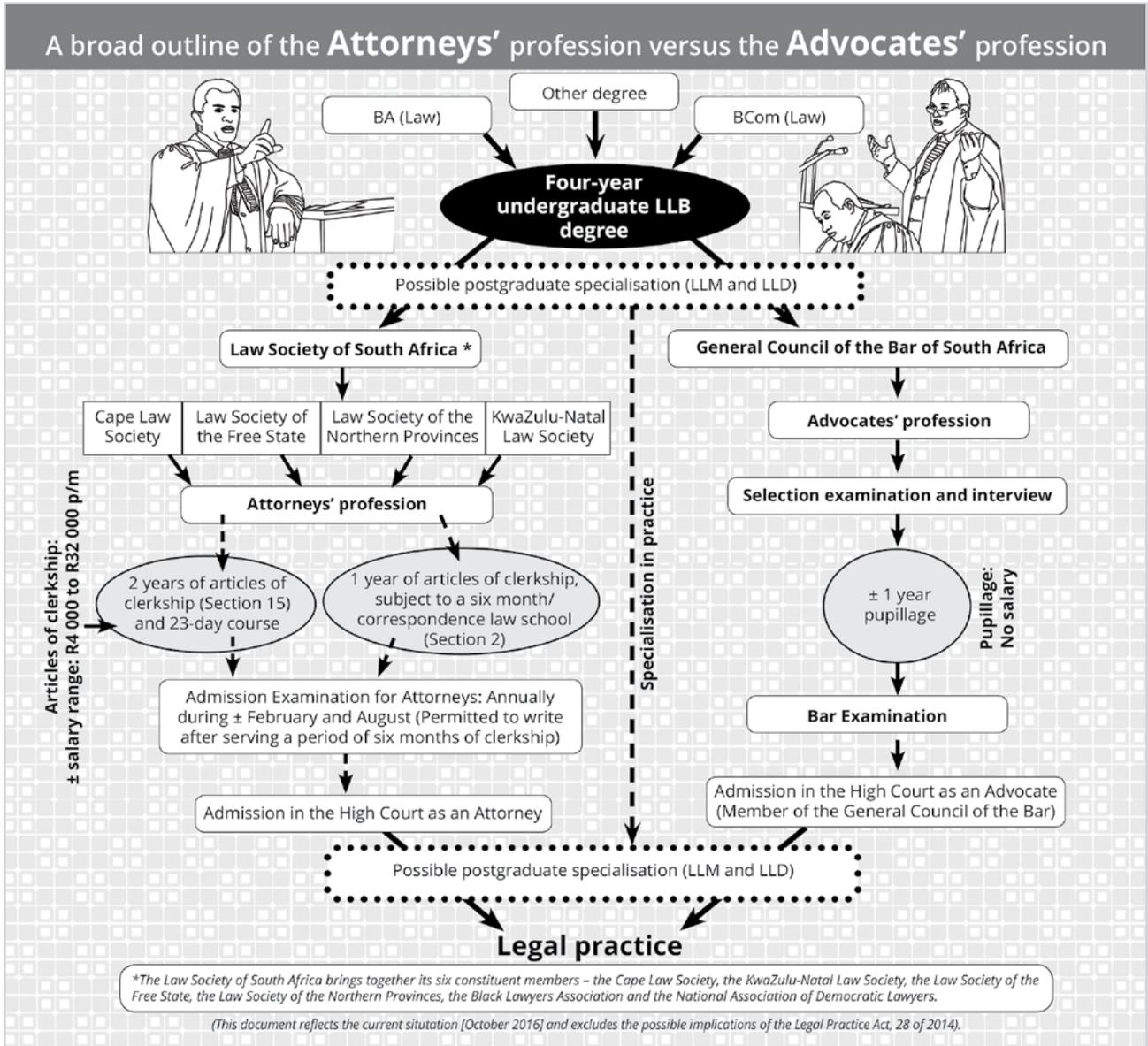
APS = 32
English 5 (60–69%)
Pure Mathematics 5 (60–69%)

Faculty of Humanities

BA (Law)

APS = 30
English 5 (60–69%)

Infographs



Career opportunities in the LEGAL profession

(with at least an LLB degree)

