Universiteit van Pretoria Jaarboek 2018

LLM Kontraktereg (Gedoseer) (04252010)

Minimum duur van studie	2 jaar
Totale krediete	200
Kontak	Prof B Kuschke u02424193@tuks.co.za +27 (0)124202418

Programinligting

Hierdie inligting is slegs in Engels beskikbaar.

Closing date for applications: SA applicants – 30 November

A maximum number of 15 (fifteen) students are selected per two-year cycle of the LLM according to the general selection guidelines.

For admission to the LLM programme, students must have completed a South African LLB degree. Knowledge of the general South African Law of Contract is required as a prerequisite for the advanced LLM modules. For this reason, foreign students can only be accommodated in this coursework LLM in exceptional circumstances.

Subject to the general selection guidelines, the first 15 students who comply with the requirements will be admitted. Applications open in March of the year preceding the first module, and applications are evaluated during September of the aforementioned year.

As this LLM-cycle runs over a two-year period (consisting of 3 semester modules and one mini-dissertation), new applicants are only admitted every second year. A pass mark for the first module is a prerequisite for admission to the second module; and a pass mark for the second module is a prerequisite for admission to the third module. Modules are not all presented in each academic year. In view of this cycle, the LLM (Law of Contract) will commence in 2018 and 2020.

The curriculum will generally consist of:

- Three modules counting 30 credits each (at least one of these modules must be completed during the first year of registration).
- A module in research methodology (RHP 801 - 5 credits) (this module must be completed during the first year of registration).
- A research proposal (RHP 803 - 5 credits). The student must submit the research proposal to the supervisor no later than the end of the first semester of the second year of registration for the degree, prior to commencing with the writing of the mini-dissertation. This period may be extended with the approval of the head of department.
- A mini-dissertation.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/MPhil degree. Any request for an extension of the period for submission of the mini-dissertation may only be granted by the Postgraduate Committee on recommendation of the head of department.

Toelatingsvereistes

In addition to an LLB, BProc or equivalent qualification from a foreign university that allows the applicant entrance to the formal legal profession, the following requirements are set for admission of a prospective student to the LLM Coursework programme:

A minimum average mark of 65% with respect to the prescribed final-year modules of the undergraduate programme is required for admission to an LLM coursework programme.

Where an average of below 65% is achieved, the student may be admitted on recommendation of the relevant head of department after consultation with the programme coordinator and consideration of other merits (eg relevant professional experience; the applicant's performance in undergraduate modules related to the particular LLM; the candidate's performance in independent research essays or similar components) and/or an admission examination.

Linguistic competence, primarily in English; foreign applicants who did not complete undergraduate studies through the medium of English must show proof of competence in English at a minimum average level of 6 out of 10 for IELTS or a minimum total score of 83 in TOEFL calculated as follows: reading 21, listening 17, speaking 23 and writing 22. In any other instance where there is doubt as to the English linguistic competence of an applicant, the Dean may require the same proof as prescribed for foreign applicants.

Foreign qualifications are subject to SAQA evaluation. (Some LLM coursework programmes or modules as indicated in the yearbook may only be available to students who hold a relevant South African legal qualification.)

Even though a student may comply with the above requirements, the Dean may, on the recommendation of the head of department presenting a specific degree or module, refuse to accept a prospective student for any LLM programme if such a student's performance in the chosen modules or field of study during undergraduate study was not satisfactory. Alternatively, the Dean could set additional requirements with a view to admission.

An admission examination may also be required in respect of a particular programme or module.

Ander programspesifieke inligting

Mini-dissertation

- The mini-dissertation must comprise 13 000 – 15 000 words – including footnotes but excluding the list of contents and the bibliography
- The examination copies of the mini-dissertation to send out to the external examiners must be submitted to Student Administration not later than the end of October for the Autumn Graduation Ceremony, end of April for the Spring Graduation Ceremony. A final electronic version must be submitted to Student Administration on or before 15 February for the Autumn Graduation Ceremony, 15 July for the Spring Graduation Ceremony after the evaluation of the examination copies of the mini-dissertation to comply with degree requirements.

Eksamens en slaagvereistes

In the event of having failed all modules during a particular year of study, a student will only be allowed to continue with his/her studies with the consent of the Postgraduate Committee.

Although no supplementary examination will be granted with regard to LLM and MPhil modules, the General Regulations and rules apply with regard to special and ancillary examinations.

Navorsing

The relevant head of department must recommend a supervisor and title for a mini-dissertation and these must be approved by the Postgraduate Committee. The mini-dissertation must be assessed and finalised as set out in the Faculty Board-approved LLM/MPhil Policy Document of the Faculty.

Mini-dissertations, where required, must be submitted in the format determined by the supervisor and approved by the Postgraduate Committee. The supervisor may likewise, subject to the approval of the Postgraduate Committee, also determine the research topic and the scope of the proposed research. (Refer to the Faculty of Law regulations regarding mini-dissertations and also Postgraduate administrative processes brochure for the Faculty)

Slaag met lof

For the degree to be awarded with distinction a student must obtain an average of at least 75% for all the coursework modules, as well as a minimum of 75% for the mini-dissertation. The modules must have been written for the first time.

Algemene inligting

Period of registration

The duration of the programme will in general be four semesters (2 years) but may be completed within two semesters (1 year) where possible, subject to fulfilment of all the requirements for the degree and payment of the full amount prescribed for the LLM degree. Programmes may also be structured to allow for one year of study only. The one- or two-year period may only be extended by the Postgraduate Committee on recommendation of the Head of Department based on good reason shown and if it is clear that the student will be able to complete the programme in a further year of study.

Kurrikulum: Jaar 1

Minimum krediete: 100

Kernmodules

Capita selecta uit die algemene beginsels van die kontraktereg 801 (GPC 801)

Modulekrediete	30.00
Voorvereistes	Geen voorvereistes.
Kontaktyd	2 lesings per week
Onderrigtaal	Module word in Engels aangebied
Departement	Privaatreg
Aanbiedingstydperk	Semester 1

Module-inhoud

(a) Oorsig van kontraksluiting (b) Wilsooreenstemming en faktore wat wilsooreenstemming beïnvloed (c) Tyd en plek van kontraksluiting (d) Effek van die Grondwet op kontrakte (e) Oorsig van kontrakbreuk en remedies (f) Kansellasie as remedie vir kontrakbreuk (g) Skadevergoeding

Uitleg van kontrakte 802 (GPC 802)

Modulekrediete	30.00
Voorvereistes	GPC 801
Kontaktyd	2 lesings per week
Onderrigtaal	Module word in Engels aangebied
Departement	Privaatreg
Aanbiedingstydperk	Semester 2

Module-inhoud

Die onderwerpe sluit die volgende in:
(a) Die aard van regsuitleg
(b) Die verhouding tussen die uitleg van kontrakte en ander regsinstrumente
(c) Toelaatbare en ontoelaatbare getuienis by die uitleg van kontrakte
(d) Analise van die bedinge wat die kontraksinhoud daarstel
(e) Rektifikasie
(f) Vermoedens en reëls van uitleg

Navorsingsmetodologie 801 (RHP 801)

Modulekrediete	5.00
Voorvereistes	Geen voorvereistes.
Kontaktyd	8 seminare
Onderrigtaal	Module word in Engels aangebied

Departement	Regsleer
Aanbiedingstydperk	Semester 1 of Semester 2

Module-inhoud

(a) Beplanning en organisering van ‘n navorsingsprojek (b) Konsep navorsingsvoorstel: Hipotese en navorsingsvraag (c) Teorie in navorsing en metodologiese benaderings tot regsnavorsing (d) Taal (e) Verwysing en die etiek van verwysing (f) Konsephoofstukke en afronding

Kurrikulum: Finale jaar

Minimum krediete: 100

Kernmodules

Capita selecta uit die algemene beginsels van die kontraktereg 801 (GPC 801)

Modulekrediete	30.00
Voorvereistes	Geen voorvereistes.
Kontaktyd	2 lesings per week
Onderrigtaal	Module word in Engels aangebied
Departement	Privaatreg
Aanbiedingstydperk	Semester 1

Module-inhoud

(a) Oorsig van kontraksluiting (b) Wilsooreenstemming en faktore wat wilsooreenstemming beïnvloed (c) Tyd en plek van kontraksluiting (d) Effek van die Grondwet op kontrakte (e) Oorsig van kontrakbreuk en remedies (f) Kansellasie as remedie vir kontrakbreuk (g) Skadevergoeding

Miniverhandeling 800 (MND 800)

Modulekrediete	100.00
Voorvereistes	RHP 801 en RHP 803
Onderrigtaal	Afrikaans en Engels word in een klas gebruik
Departement	Regsgeleerdheid Dekaanskantoor
Aanbiedingstydperk	Jaar

Module-inhoud

(a) Die student moet ’n navorsingsvoorstel gedurende die eerste jaar van registrasie ten opsigte van die LLM-graad by sy/haar studieleier inhandig alvorens daar begin kan word met die skryf van die miniverhandeling. (b) ‘n Miniverhandeling (MND 800) moet bestaan uit 13 000 tot 15 000 woorde insluitend die voetnotas maar die inhoudsopgawe en die bibliografie uitgesluit. Die miniverhandeling moet by die promotor ingehandig word nie later nie as Augustus van die tweede jaar van registrasie vir die LLM-graad. Die miniverhandeling moet handel oor die vakinhoud van een of ‘n kombinasie van die LLM-modules waarvoor die student geregistreer is. ’n Versoek ten opsigte van die verlenging van die tydperk vir indiening van die miniverhandeling kan slegs deur die Dekaan verleen word, op aanbeveling van die LLM-komitee.

Navorsingsvoorstel 803 (RHP 803)

Modulekrediete	5.00
Voorvereistes	Geen voorvereistes.
Onderrigtaal	Afrikaans en Engels word in een klas gebruik
Departement	Regsgeleerdheid Dekaanskantoor
Aanbiedingstydperk	Jaar

Module-inhoud

Ontwikkeling en voordrag van ’n navorsingsvoorstel. (’n Navorsingsvoorstel moet in die eerste semester van die tweede studiejaar by die studieleier ingedien en aanvaar word alvorens die student toegelaat sal word om vir die miniverhandeling te registreer.)

Die inligting wat hier verskyn, is onderhewig aan verandering en kan na die publikasie van hierdie inligting gewysig word.. Die Algemene Regulasies (G Regulasies) is op alle fakulteite van die Universiteit van Pretoria van toepassing. Dit word vereis dat elke student volkome vertroud met hierdie regulasies sowel as met die inligting vervat in die Algemene Reëls sal wees. Onkunde betrefffende hierdie regulasies en reels sal nie as ‘n verskoning by oortreding daarvan aangebied kan word nie.