University of Pretoria Yearbook 2020

LLM Mercantile Law (Coursework) (04252006)

Minimum duration of study	2 years
Total credits	200
NQF level	09
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Programme information

Closing date for applications: SA applicants – 30 November; non-SA applicants – 31 August.

Also refer to the Postgraduate Brochure for the complete study programme as well as the Postgraduate administrative processes after registration.

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 relevant 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 relevant head of department.

Admission requirements

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

Other programme-specific information

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.

Examinations and pass requirements

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.

Research information

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)

Pass with distinction

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.

General information

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 relevant 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.

Language of tuition

The official language of tuition is English. However, should circumstances allow it, an LLM module may be presented in Afrikaans. The dean, in consultation with the relevant head of department, determines the language of tuition.

Limiting of modules on offer in a particular academic year and availability to foreign students

The dean determines which modules will be presented each year, taking into consideration the availability of lecturing personnel, space and financial implications and/or other circumstances. The dean may, on

recommendation of the relevant head of department, determine the maximum number of registrations for a specific elective module in terms of the prescribed guidelines. The dean may also, on recommendation of the relevant head of department, determine that a particular LLM module will not be offered where on the first day of lectures four or fewer students are registered for such module.

Re-registration for modules

A student may not register more than twice for the same module. In order to pass a module the student must obtain a final mark of 50%.

Curriculum: Year 1

Minimum credits: 95

Core modules

Banking law 802 (BNK 802)

Module credits	30.00
Prerequisites	No prerequisites.
Contact time	2 lectures per week
Language of tuition	Module is presented in English
Department	Mercantile Law
Period of presentation	Semester 1 or Semester 2

Module content

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

International insolvency law 801 (IIL 801)

Module credits	30.00
Prerequisites	No prerequisites.
Contact time	2 lectures per week
Language of tuition	Module is presented in English
Department	Mercantile Law
Period of presentation	Semester 1 or Semester 2

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

Information and communications and technology law 802 (KUB 802)

Module credits	30.00
Prerequisites	No prerequisites.
Contact time	2 lectures per week
Language of tuition	Module is presented in English
Department	Mercantile Law
Period of presentation	Semester 1 or Semester 2

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

Research methodology 801 (RHP 801)

Module credits	5.00
Prerequisites	No prerequisites.
Contact time	8 seminars or block sessions
Language of tuition	Module is presented in English
Department	Law Deans Office
Period of presentation	Semester 1 or Semester 2

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

Statutory competition law 801 (SCL 801)

Module credits	30.00
Prerequisites	No prerequisites.
Contact time	2 lectures per week
Language of tuition	Module is presented in English
Department	Mercantile Law
Period of presentation	Semester 2

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

Law of specific contracts 802 (SKC 802)

Module credits	30.00
Prerequisites	No prerequisites.
Contact time	2 lectures per week
Language of tuition	Module is presented in English
Department	Mercantile Law
Period of presentation	Semester 1 or Semester 2

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
(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 suretyship and agency

Advanced transnational business law 802 (TBL 802)

Module credits	30.00
Prerequisites	No prerequisites.
Contact time	2 lectures per week
Language of tuition	Module is presented in English
Department	Mercantile Law
Period of presentation	Semester 2

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

Curriculum: Final year

Minimum credits: 105

Core modules

Mini-dissertation 800 (MND 800)

Module credits	100.00
Prerequisites	RHP 801 and RHP 803
Language of tuition	Module is presented in English
Department	Law Deans Office
Period of presentation	Year

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 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 LLM Committee

Research proposal 803 (RHP 803)

Module credits	5.00
Prerequisites	No prerequisites.
Language of tuition	Module is presented in English
Department	Law Deans Office
Period of presentation	Year

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.)

The information published here is subject to change and may be amended after the publication of this information. The General Regulations (G Regulations) apply to all faculties of the University of Pretoria. It is expected of students to familiarise themselves well with these regulations as well as with the information contained in the General Rules section. Ignorance concerning these regulations and rules will not be accepted as an excuse for any transgression.