University of Pretoria Yearbook 2022

Faculty of Law

Welcome to the Faculty of Law

Seen from one perspective, the Faculty of Law consists of staff, students and the building. It is, however, also much more than that: It represents an idea, namely the idea of a society governed by the rule of law and not by individuals. Our Faculty pursues this idea by focusing on the law and on excellence in all divisions of jurisprudence. It is also pursued by focusing on jurists and by preparing our students to become leaders of their communities where they can promote the law and its principles effectively.

Faculty regulations and information

The regulations for the degrees published here are subject to change and may be amended after the publication of this information.

The General Academic Regulations and General Student Rules apply to all faculties and registered students of the University, as well as all prospective students who have accepted an offer of a place at the University of Pretoria. On registering for a programme, the student bears the responsibility of ensuring that they familiarise themselves with the General Academic Regulations applicable to their registration, as well as the relevant faculty-specific and programme-specific regulations and information as stipulated in the relevant yearbook. Ignorance concerning these regulations will not be accepted as an excuse for any transgression, or basis for an exception to any of the aforementioned regulations.

1. Exemption/credits for undergraduate modules passed at other institutions

Also refer to G1.5 and G9.

Students must apply on the prescribed form that is electronically available from the Student Administration office or on the following link: https://www.up.ac.za/students/article/2745831/forms-request-to-change-information.

The complete syllabus of the module concerned must accompany the application.

Students transferring from another university must complete at least half (50%) of the modules needed for the LLB degree at this University and must be a registered student of this University for at least two years before graduation.

2. Examination policy

2.1 General

The examinations in first-semester modules usually takes place in May/June, while examinations in second-semester modules usually takes place in October/November. Each student has the responsibility

to ascertain when modules will be written according to the official examination timetable.

The use of correction fluid in tests, examinations and assignments is prohibited.

Where venue-based sit-down tests or examinations take place, no cell phones or any other electronic means of communication are allowed in test or examination venues.

2.2 Examination admission and pass requirements

A semester mark of at least 40% is required in order to be admitted to the examination in any module, with the exception of first-semester modules at 100 level for which the minimum requirement is 30%.

A final mark of at least 50% is required in order to pass a module. The final mark is the average mark of the semester and the examination mark but a subminimum of 40% is required in the examination in each module. Should the student fail to achieve the required subminimum, the lecturer could grant a supplementary examination, provided that the final mark is at least 40%.

The pass mark for essays, seminars, etc. is at least 50%.

2.3 Ancillary/discretionary examinations

After completion of an examination and before the examination results are released, the examiners may summon a student for a special examination on particular aspects of the work of that module. This will rest within the discretion of the head of department and the lecturer concerned.

2.4 Feedback and re-marking of examination papers

After an examination, departments provide feedback to students about the framework that was used by the examiners during the examination. The way in which feedback is given, is determined by the head of the department in consultation with the subject head. Students may apply for re-marking of an examination paper after perusal of such paper within 14 calendar days after commencement of lectures in the next semester. The prescribed fee has to be paid**.** The paper will then be re-marked by an alternate examiner appointed by the head of the department concerned. If the supplementary examination in the relevant module has already been written by the time that the result of the re-mark becomes available, a student will not be granted a supplementary examination based on the results of the re-mark but the head of the department in consultation with the subject head can award an ancillary/discretionary examination based on the results of the re-mark.

2.5 Supplementary examinations

Supplementary examinations in first-semester modules usually takes place after the May/June examinations, while those in second-semester modules usually takes place after the October/November examinations.

To pass a supplementary examination, a student must obtain a minimum of 50% in the supplementary examination – the semester mark does not count and the supplementary mark is the final mark. The highest final mark that may be awarded to a student in a supplementary examination is 50%.

All students with a final mark of 40%-49% will qualify to write the supplementary examination. Additional supplementary examinations are not available for students who are unable to write the examination at the times scheduled.

2.6 Special examinations

Students who do not write their examinations on the scheduled day, may apply for a special examination at the Student Administration office. Each request is referred to the Dean in consultation with the Student Matters Committee for a decision. Lecturers are not allowed to grant any permission for this category of examination. It is the responsibility of the student to ascertain whether his/her request has been successful. If permission has been granted, the student must write the special examination during the supplementary examination. Such a student will not qualify for a further supplementary examination.

Application for the above examination must be handed in at the Student Administration office together with a valid medical certificate not later than three working days after the module should have been written. The worn excuses of having overslept or read the timetable incorrectly will not be accepted.

A student who has been granted permission to write a special examination and who then fails to write the examination will not qualify to submit any such application at a later stage.

In the case of illness, a doctor who treated the student must certify on a medical certificate that the particular student was, in the doctor's opinion, not in a fit state to prepare for or to sit for the test as a result of ill health. A medical certificate indicating that the student was, according to his/her own opinion, unfit to prepare for or to sit for the test is unacceptable.

A medical certificate will not be accepted if it does not contain the physical address, telephone number and stamp of the doctor/medical practice. The practice number should also be indicated on the medical certificate.

Where in the course of his/her studies at the University of Pretoria a student applies for a special examination in a law module for the fifth (or further) time, that student may be requested to appear before the Student Matters Committee of the Faculty to substantiate why he/she should be allowed to write another special examination.

In cases where a reason other than sickness is relied upon, the student must submit an affidavit that reflects the reason for his/her absence from the examination. Further evidentiary documents or supporting affidavits as determined by the subject head must also be submitted.

The general rule is that a student does not qualify for a special examination if the student elected to write the scheduled examination while ill. In exceptional circumstances the Student Matters Committee may rule otherwise, taking into account factors such as the nature of the illness, the student's academic record and the student's performance in the scheduled examination.

2.7 Chancellor's examinations

A final-year student who has not complied with all the requirements for the LLB degree, with four or less modules will qualify for a chancellor's examination in January of the following year. The Chancellor's exam

fee must be paid before sitting for the examination. Should the student fail the module(s), the particular module(s) must be repeated in full. For all four (or fewer) modules the student must have obtained at least examination entrance in the final year of registration. However, if a student has a single module outstanding to complete the LLB degree, she/he will be allowed to write the January Chancellor's examination if she/he had at any time during her/his studies obtained at least examination entrance for that outstanding module.

2.8 Class attendance

Class attendance in all law modules and for the full duration of the LLB programme is compulsory for all students. The course coordinator of a particular law module must publish the attendance requirements of that module in the study guide and must set out how class attendance will be monitored.

A student may be refused admission to the examination in a particular law module if he/she failed to fulfil the published attendance requirements in that module.

3. Test policy

3.1 Semester tests/assignments

There will be at least two evaluation opportunities per semester or year module in the first three years of the LLB programme and at least one evaluation opportunity per semester for the final-year semester or year modules.

Exceptions:

- Modules in which the Faculty has given permission in advance that the semester mark may be calculated in another manner.
- Where a student is only taking a special test as described hereunder.

The dates of official semester tests may only be changed with the permission of all members of a class group present during a scheduled lecture. If such a change of schedule occurs, the onus is on each student to find out about it. Absence from the class in which such arrangements were made will not serve as an excuse.

Students are entitled to perusal of test scripts and assignments but not to a re-mark by either the lecturer or an external examiner. However, in exceptional circumstances the head of the relevant department may, in consultation with the deputy dean, make a ruling regarding the re-marking of a test script or assignment. In general, an application for a re-mark must be brought within two weeks after the test script or assignment has been made available to the student.

3.2 Special tests

There is only one special test opportunity and this takes place at the end of the semester. Students must obtain the details from the lecturer. The test will cover all the work completed up to the date of the test, unless the lecturer concerned, in consultation with the relevant head of department, indicates otherwise.

A student who is unable to write an official semester test on the scheduled date or at the scheduled time,

must apply in writing for a special test.

Application must be made in writing before the date of the test to the lecturer responsible for the administration of the module concerned or at the departmental secretary. Where this is not possible, the application must be made within three working days after the date of the test.

In the case of a student being required to write two semester tests that are scheduled to take place on the same day and time, the student must write the scheduled semester test in the module that he/she is repeating, and the extraordinary test in the module that he/she is not repeating.

In the case of illness, a doctor who treated the student must certify on a medical certificate that the particular student was, in the doctor's opinion, not in a fit state to prepare for or to sit for the test as a result of ill health. A medical certificate indicating that the student was, according to his/her own opinion, unfit to prepare for or to sit for the test is unacceptable.

A medical certificate will not be accepted if it does not contain the physical address, telephone number and stamp of the doctor/medical practice. The practice number should also be indicated on the medical certificate.

In cases where a reason other than sickness is relied upon, the student must submit an affidavit that reflects the reason for his/her absence from the test. Further evidentiary documents or supporting affidavits from persons who may be able to give evidence regarding the situation must also be submitted. In the event of a funeral, a copy of the death certificate of the deceased or other substantiating evidence is required together with an explanation of the relationship between the student and the deceased.

The worn excuses of having overslept or read the timetable incorrectly will not be accepted.

Students must confirm with the lecturer that a special test has been granted. A student, who cannot get hold of the lecturer in person, must preferably hand the documentation to the relevant departmental secretary.

A record is kept of every application for a special test. This information may later be disclosed to prospective employers who seek letters of reference from the Faculty.

A student who has been granted permission to write a special test and who then fails to write the test, will not qualify for any such test at a later stage unless the head of department determines otherwise.

Where a student wishes to write two or more special tests that are scheduled to take place on the same day and time, the student must apply in writing to the Student Matters Committee to be allowed to write special test in all relevant modules. The Student Matters Committee must consider the application and may grant or deny the application to write one or more aerostats/extraordinary tests. If the application to write all relevant special tests is granted, the Committee must rule on how the clash is to be resolved.

A student does not qualify for a special test if the student elected to write the scheduled test while ill. In exceptional circumstances the head of department may rule otherwise, taking into account factors such as the nature of the illness, the student's academic record and the student's performance in the scheduled examination.

4. Releasing of assessment feedback

Lecturers will advise students where test scripts will be made available. The lecturer will give the students feedback on semester tests, either by way of a written memorandum or a class discussion. Each department will also make known to students the process by which changes to marks, will be handled in that department.

Lecturers will advise students in advance of the date on which perusal of examination papers will take place. At such a perusal session there will be a written memorandum or the lecturer must otherwise, by a method that he/she shall determine, give the students feedback on the paper. Students who are unable to attend the official perusal session may apply to the lecturer, in the same manner as for a special test, for an opportunity to see the examination script. No lecturer is under any obligation to grant any student such a perusal opportunity more than two weeks after the commencement of the following semester. (Refer to G14 Perusal and re-marking of examination scripts.)

Final marks will be available on the student portal.

Lecturers are entitled to destroy examination scripts one year after the completion of the relevant examination session.

5. Handling of problems and consulting hours of the Dean and lecturers

Students who have a problem must first determine whether the problem relates to their registration with the University or to the module. In both instances the Student Administration should be consulted first.

A problem regarding the content of a particular module must first be taken up with the specific lecturer responsible for the module. If the student cannot be assisted with his/her problem at this level, he/she must consult with the relevant head of department and afterwards with the Dean, if necessary.

Lecturers in a specific department work under the guidance of a head of department. Lecturers or the head of the department can be consulted during their consulting hours or otherwise, by appointment. If a lecturer must be consulted by appointment, the appointment must be arranged with the relevant lecturer or the departmental administrator.

Students may consult the Dean by making an appointment, in advance, with the Dean’s office.

6. Testimonials required for good conduct

Students suspected of dishonest conduct maybe charged with misconduct. If the student is found guilty, disciplinary steps maybe taken, of which suspension from the university is one possibility. Dishonest conduct may include but is not limited to copying of work during tests or examinations; copying of assignments/plagiarism; the illegal use of notes during tests and examinations; the submission of forged medical certificates or false affidavits.

Prospective law students must note that the governing bodies of the legal profession require every prospective candidate who applies for admission to the profession to submit a testimonial from the Faculty of Law to satisfy the governing body that he/she is fit and proper to do so. The testimonial should

disclose any previous criminal convictions or disciplinary steps taken against the applicant. In such instances a decision will be taken by the governing body and it is possible that the application can be refused. Please note that it may take up to 10 working days for the Faculty of Law administrative staff to have such a testimonial prepared.

Undergraduate Degree

LLB (04130012)

Master's

LLM (Alternative Dispute Resolution) (Coursework) (04252130)

LLM (04250005)

LLM (Banking Law) (Coursework) (04250111)

LLM (Constitutional and Administrative Law) (Coursework) (04252114)

LLM (Consumer Protection Law) (Coursework) (04252111)

LLM (Corporate Law) (Coursework) (04252112)

LLM (Disability Rights) (Coursework) (04252124)

LLM (Environmental Law) (Coursework) (04252117)

LLM (Estate Law) (Coursework) (04252001)

LLM (Extractive Industry Law in Africa) (Coursework) (04252118)

LLM (Human Rights and Democratisation in Africa) (Coursework) (04252020)

LLM (Insolvency Law) (Coursework) (04252107)

LLM (Insurance Law and Governance) (Coursework) (04252125)

LLM (Intellectual Property Law) (Coursework) (04252103)

LLM (International Air, Space and Telecommunications Law) (Coursework) (04250107)

LLM (International Humanitarian Law and Human Rights in Military Operations) (Coursework) (04250108)

LLM (International Law) (Coursework) (04252108)

LLM (International Trade and Investment Law in Africa) (Coursework) (04252022)

LLM (Labour Law) (Coursework) (04252105)

LLM (Law and Political Justice) (Coursework) (04250110)

LLM (Law of Contract) (Coursework) (04252110)

LLM (Mercantile Law) (Coursework) (04252106)

LLM (Multidisciplinary Human Rights) (Coursework) (04252116)

LLM (Private Law) (Coursework) (04252100)

LLM (Procedural Law) (Coursework) (04252113)

LLM (Sexual and Reproductive Rights in Africa) (Coursework) (04252119)

LLM (Socio-economic Rights) (Coursework) (04252104)

LLM (Tax Law) (Coursework) (04252115)

MPhil (04250006)

MPhil (Alternative Dispute Resolution) (Coursework) (04252140)

MPhil (Disability Rights) (Coursework) (04251030)

MPhil (Environmental Law) (Coursework) (04251009)

MPhil (Extractive Industry Policy, Management and Regulation) (Coursework) (04251031)

MPhil (Human Rights and Democratisation in Africa) (Coursework) (04251023)

MPhil (Law and Political Justice) (Coursework) (04250069)

MPhil (Medical Law and Ethics) (Coursework) (04250109)

MPhil (Multidisciplinary Human Rights) (Coursework) (04251028)

MPhil (Sexual and Reproductive Rights in Africa) (Coursework) (04251029)

Doctorate

LLD (04260003)

PhD (04260004)

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