



2018/2019

Undergraduate  
faculty brochure

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UNIVERSITEIT VAN PRETORIA  
UNIVERSITY OF PRETORIA  
YUNIBESITHI YA PRETORIA

Faculty of Law

Fakulteit Regsgeleerdheid  
Lefapha la Molao

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## Message from the Dean

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**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 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 enrol 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 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 2019 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](http://www.up.ac.za/law)

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\* According to The Times Higher Education World University rankings.



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Produced by the Department of Enrolment and Student Administration in December 2017.  
Comments and queries can be directed to [ssc@up.ac.za](mailto:ssc@up.ac.za) or tel: +27 (0)12 420 3111.

**Disclaimer:** This publication contains information about regulations, policies, tuition fees, curricula and programmes of the University of Pretoria applicable at the time of printing. Amendments to or updating of the information in this publication may be effected from time to time without prior notification. The accuracy, correctness or validity of the information contained in this publication is therefore not guaranteed by the University at any given time and is always subject to verification. The user is kindly requested to verify the correctness of the published information with the University at all times. Failure to do so will not give rise to any claim or action of any nature against the University by any party whatsoever.

# Undergraduate programmes

## Important information on undergraduate programmes for 2019

- 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 and all other non-20-credit NSC subjects are excluded in the calculation of 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 the University of Pretoria, within the 3-year minimum duration period, will not be subjected to a selection process; and will automatically be admitted to register for the LLB degree.
- Transferring applicants who graduated
  - Closing date: 30 January of the academic year for which the student is applying for.
  - Candidates who have previously been registered at UP or another university and who have graduated (excluding BA (Law) and BCom (Law) graduates) may be admitted to the first year of the LLB, if there are places available, at the discretion of the Faculty's Admissions Committee, based on the candidate's Grade 12 results and complete university academic record plus final Certificate of Conduct.
  - Candidates who have been awarded a BA (Law) or BCom (Law) degree by any South African university, including UP, may be admitted on application, at the discretion of the Faculty's Admissions Committee, based on the candidate's Grade 12 results and complete university academic record. Students transferring from other universities may be admitted to the third year of the LLB. UP students may be admitted to the first year of the LLB 04130010 (after having completed the BCom (Law) and to the first year of the LLB 04130011 (after having completed the BA (Law)).
- International applicants with foreign qualifications
  - Applicants have to apply to the Matriculation Board of Universities South Africa ([www.universitiessa.ac.za/matriculation-board](http://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 is required, 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.
- The LLB is a full-time four-year programme. Students are not permitted to obtain full-time employment while registered for the LLB.
- Applicants are admitted on a **'first-come, first-served'** basis until all places are filled. Therefore, apply early!
- Only applicants who comply with all the admission requirements will be considered for admission.

University of Pretoria website

[www.up.ac.za/law](http://www.up.ac.za/law)

## Admission Point Score (APS) calculation

The calculation of an Admission Point Score on a candidate's achievement in six 20-credit recognised subjects by using the National Senior Certificate, Seven Point Rating Scale of Achievement.

**Table 1: National Senior Certificate achievement levels**

Achievement level	Description	Percentage
7	Outstanding achievement	80–100%
6	Meritorious achievement	70–79%
5	Substantial achievement	60–69%
4	Adequate achievement	50–59%
3	Moderate achievement	40–49%
2	Elementary achievement	30–39%
1	Not achieved	0–29%

**Table 2: Example of calculation of Admission Point Score (APS) for law**

School subject (example)	Report mark
Afrikaans	4
English	4
Mathematics	6
Physical Science	6
Life Science	7
Accounting	3
Life Orientation	Excluded
<b>APS Total</b>	<b>30</b>



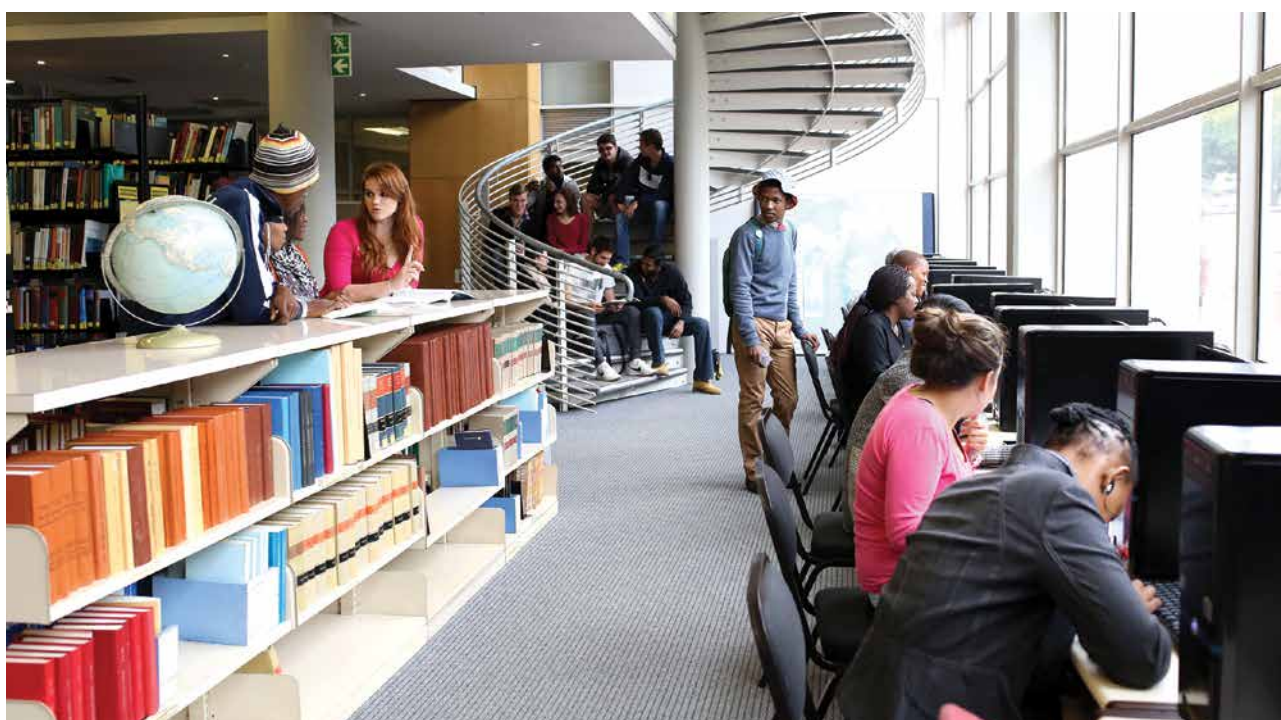
# Undergraduate programmes

University of Pretoria website

www.up.ac.za/law

Programmes	Minimum requirements for 2019		
	Achievement level*		APS
	English Home Language or English First Additional Language		
	NSC/IEB	AS Level	
LLB [4 years] Closing dates: SA – 30 September Non-SA – 31 August	5	C	32
Careers: Refer to the infographics in this brochure.	Queries relating to LLB applications can be directed to:  Ms Helen van Tonder (Faculty of Law)  <b>Tel</b> +27 (0)12 420 4265 <b>Fax</b> +27 (0)12 420 2090 <b>Email</b> helen.vantonder@up.ac.za		
BA (Law) [3 years] Closing dates: SA – 30 September Non-SA – 31 August	Queries relating to BA (Law) applications can be directed to:  Ms Ntsiki Dhlamini (Faculty of Humanities)  <b>Tel</b> +27 (0)12 420 5039 <b>Fax</b> +27 (0)12 420 2090 <b>Email</b> ntsiki.dhlamini@up.ac.za		
BCom (Law) [3 years] Closing dates: SA – 30 September Non-SA – 31 August	Queries relating to BCom (Law) applications can be directed to:  Mr Johannes Ngobeni (Faculty of Economic and Management Sciences)  <b>Tel</b> +27 (0)12 420 5394 <b>Email</b> johannes.ngobeni@up.ac.za		

\* Cambridge A level candidates who obtained at least a D in the required subjects, will be considered for admission. International Baccalaureate (IB) HL candidates who obtained at least a 4 in the required subjects, will be considered for admission.





## 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](http://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](http://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

### Language medium

With effect from 2019, all first-year law modules will be presented in English only.

### 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 2.

### 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

#### First year

First semester	Second semester
<b>Fundamental modules</b>	
<ul style="list-style-type: none"> <li>AIM 102 Academic information management</li> <li>JUR 110 Jurisprudence</li> </ul>	<ul style="list-style-type: none"> <li>JUR 120 Jurisprudence</li> </ul>
<b>Core modules</b>	
<ul style="list-style-type: none"> <li>PSR 110 Law of persons</li> </ul>	<ul style="list-style-type: none"> <li>FMR 121 Family law</li> <li>ROM 120 Roman law</li> </ul>

#### Plus

#### Plus a minimum of 24 credits from the following language modules:

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

- AFR 110 Afrikaans
- AFR 114 Afrikaans
- AFR 120 Afrikaans
- ENG 110 English
- ENG 118 English for specific purposes
- ENG 120 English

#### Elective modules:

Two semester modules from the following list [UP 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
- FIL 110, 120 Philosophy
- FRK 111, 122 Financial accounting
- GES 110, 120 History
- KRM 110, 120 Criminology
- PTO 111, 120 Politics
- SOC 110, 120 Sociology

#### 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.

# Composition of the LLB degree

## FMR 121 Family law (15 credits)

For LLB, BA and BCom 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) The consequences of the dissolution of a marriage

### Law of parent and child:

- (a) Variable consequences of marriage
- (b) Dissolution of marriage
- (c) Consequences of the dissolution of marriage
- (d) Customary marriages
- (e) 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

## JUR 120 Jurisprudence (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

## PSR 110 Law of persons (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.

## ROM 120 Roman law (10 credits)

For LLB, BA and BCom specialising in law

### Introduction to the Roman law of things:

- (a) Things, real rights, possession
- (b) Ownership, limitations, acquisition, protection
- (c) Limited real rights, servitudes, real security

### Introduction to the Roman law of contract:

- (a) General principles of the law of contract
- (b) Specific contracts
- (c) Quasi-contracts

### Introduction to the Roman law of delict:

- (a) General principles of the law of delict
- (b) Specific delicts
- (c) Quasi-delicts





‘During the time that I have been at the University of Pretoria, I became part of a culturally diverse and vibrant Faculty of Law. My academic experiences provided me with the skills to think critically and allowed me constantly to assess my progress towards becoming more innovative. I learnt from passionate legal practitioners and highly skilled lecturers who made an effort to demonstrate the importance of developing students’ intellect. I have also had the opportunity to learn valuable skills by serving on my residence’s disciplinary committee, joining community engagement projects and being a mentor on and off-campus. Through the influences and support of mentors, family members and my faith I received academic

awards for my first and second years of study.

In the pursuit of the knowledge of law, I am sure that the Faculty will continue to provide me with the resources necessary to attain a rich form of education, one that encourages me to critically engage with the notion and nature of law.’

**Viyola van Zyl**

*Viyola served on the TuksVillage Residence Disciplinary Committee during her second year. She was a law mentor through the STARS and Sikelela mentorship programmes. She was the top LLB student in her first and second years of study, including merit awards for Roman law 120, Jurisprudence 110/120, Public law 200 and Consumer Protection 220. Viyola is a member of the Golden Key International Honour Society. – Editor.*

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‘As an already qualified professional in the health sector, enrolling for the LLB degree was a career decision fraught with uncertainty. I am glad to say that now, in my fourth year of study, this decision has been vindicated – largely because I opted to study at Tuks. The location of the Faculty of Law within the University, the excellent academic resources available and the liberating ambience provided by the University environment were key factors that influenced me to opt for the University of Pretoria. Now, as I reflect on my time in the Faculty, I am excited by the prospect of putting the legal skills I have acquired to the test. I have come to treasure the wealth of expertise in the form of dedicated lecturers, librarians, administrative staff and all other

people who make studying law a fulfilling endeavour. I also have a new-found respect for the vibrant youth of our country, from whom I have learned a lot. Studying law, in the era of ‘Fees Must Fall’, and especially in the aftermath of the Marikana tragedy, I could not have imagined a better experience – or better companions to share it with.

My message to all prospective law students and practitioners is that we have a huge role to play in the advancement of human rights and enjoyment of the freedoms that are made possible by our constitutional dispensation.’

**Dr Bukhosi Mtukushe**

*Dr Mtukushe has been on the Dean’s Merit List since 2015 and has received a number of merit awards for various modules. – Editor.*

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# Composition of the LLB degree

## Second year

First semester	Second semester
<b>Core modules</b>	
<ul style="list-style-type: none"> <li>▪ KTR 211 Law of contract</li> <li>▪ PBL 200 Public law</li> <li>▪ RPK 210 Legal practice</li> <li>▪ RPR 210 Legal pluralism</li> <li>▪ RVW 210 Legal interpretation</li> </ul>	<ul style="list-style-type: none"> <li>▪ ERF 222 Law of succession</li> <li>▪ KTH 220 Specific contracts</li> <li>▪ PBL 200 Public law</li> <li>▪ RPK 220 Legal practice</li> <li>▪ VBB 220 Consumer protection</li> </ul>

### ERF 222 Law of succession (15 credits)

For LLB, BA and BCom specialising in law

- (a) Intestate succession
- (b) Testate succession
- (c) Administration of estates

### KTH 220 Specific contracts (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

### KTR 211 Law of contract (15 credits)

For LLB, BA and BCom specialising in law

- (a) General principles of the law of obligations
- (b) Formation of the contract
- (c) Content of the contract
- (d) Interpretation of contracts
- (e) Breach of contract
- (f) Remedies for breach of contract
- (g) Termination of contractual obligations
- (h) Drafting of contracts

### PBL 200 Public law (20 credits)

For LLB, BAdmin and BA specialising in law

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

### RPK 210 Legal practice (10 credits)

For LLB

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

### RPK 220 Legal practice (10 credits)

For LLB

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

### RPR 210 Legal pluralism (10 credits)

For LLB and BA specialising in law

- (a) Indigenous culture groups, their culture, and the definition of "legal pluralism"
- (b) Law of persons and family law of indigenous culture groups
- (c) Indigenous law of delict
- (d) Indigenous law of succession
- (e) Indigenous law of contract
- (f) Legal conflict and court structure
- (g) Legal systems based on religion in South Africa

### RVW 210 Legal interpretation (10 credits)

For LLB, BAdmin, BA specialising in law

#### Statute law:

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

#### Principles of interpretation:

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

### VBB 220 Consumer protection (15 credits)

For LLB and BCom specialising in law

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

# One country, one university, one faculty!

## TuksLaw legal eagle trio fly high on key United Nations bodies

The University of Pretoria is currently in the unique position where three law professors from the Faculty of Law serve as international experts on key UN bodies in Geneva, responsible for the development and application of international law. According to the Dean of the Faculty of Law, **Professor André Boraine**, such a concentration of international experts in one university is exceptional by any standard.

**“Some – not even all – countries count themselves lucky if they have one person in these key UN positions: here we have three experts not only from one country, but also from one university, one faculty.”**

**Professor Dire Tladi** is a member of the UN International Law Commission (ILC), responsible for the codification of international law. The ILC holds the mandate in the UN for the codification and progressive development of international law. Many important treaties of international law, including the Vienna Convention on Diplomatic Relations and the Rome Statute of the International Criminal Court (ICC), arose from proposals of the work of the ILC. Tladi is also special adviser to the Minister of International Relations and Cooperation, and recently served as lead counsel for the South African government in the Omar al-Bashir case before the ICC.

**Professor Ann Skelton** is the director of the University of Pretoria's Centre for Child Law where she also holds the Unesco Chair of Education Law in Africa. Since March she has been serving as a member of the UN



*Professors Ann Skelton, Dire Tladi and Christof Heyns*

Committee on the Rights of the Child. The committee provides international oversight into states' progress with regard to children's rights. Every country in the world has ratified the UN Convention on the Rights of the Child except the US.

**Professor Christof Heyns** is a member of the UN Human Rights Committee. The committee has a broad mandate and monitors compliance by states with civil and political rights. "People who have sought legal relief in their home countries but claim their rights are still being violated, can approach us to consider their cases," says Heyns. "We also meet on a regular basis with state delegations to discuss the implementation of these rights in their domestic system. We make recommendations for reform and monitor the implementation."

According to Professor Heyns, it is a rare privilege to be based in a faculty where there is such a critical mass. "We continue our conversations in Geneva, as well as in Pretoria. When you are working on a report for Geneva back home you can walk to the office next door to talk about it with someone who knows exactly what you mean."

In addition to the above, the three A-rated international law professors in the country, including **Professor John Dugard**, who has served as an ad hoc judge of the International Court of Justice, also teach at UP or hold extra-ordinary positions. One of them, **Professor Erika de Wet**, holds the SARCHI Chair in International Constitutional Law.

The Director of the Centre for Human Rights, **Professor Frans Viljoen**, is widely recognised as the leading world expert on human rights in Africa. The founding director, **Professor Johann van der Westhuizen**, has recently returned to the Faculty to head the Department of Jurisprudence after having served as a Justice of the Constitutional Court for 12 years.

According to Professor Boraine, most of the international law experts who teach at UP also hold teaching positions at prestigious institutions such as Oxford and The Hague Academy.

However, at the moment UP seems to be their ideal home base, where the legal expertise of staff greatly benefits TuksLaw students.

# Composition of the LLB degree

## Third year

First semester	Second semester
<b>Core modules</b>	
<ul style="list-style-type: none"> <li>BLR 310 Tax law</li> <li>BWR 300 Law of evidence</li> <li>ISR 310 Insolvency law</li> <li>JUR 310 Jurisprudence</li> <li>PBL 310 Public law</li> <li>SAR 310 Law of things</li> </ul>	<ul style="list-style-type: none"> <li>BWR 300 Law of evidence</li> <li>DLR 320 Law of delict</li> <li>IGZ 320 Intellectual property law</li> <li>ODR 320 Entrepreneurial law</li> <li>PBL 320 Public law</li> <li>RHP 320 Research methodology</li> <li>VHD 320 Payment methods</li> </ul>

### BLR 310 Tax law (10 credits)

For LLB

- (a) Foundations of income tax
- (b) Calculation of income tax payable
- (c) Capital gains tax

### BWR 300 Law of evidence (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

### DLR 320 Law of delict (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

### IGZ 320 Intellectual property law (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

### ISR 310 Insolvency law (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

### JUR 310 Jurisprudence (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.

### ODR 320 Entrepreneurial law (12 credits)

For LLB and BCom specialising in law

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

### PBL 310 Public law (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.

### PBL 320 Public law (10 credits)

For LLB

- (a) The historical development and theory of international law
- (b) Sources of international law
- (c) Territory
- (d) International legal personality
- (e) Jurisdiction, immunity from jurisdiction and extradition
- (f) Self-contained legal regimes and state responsibility
- (g) Judicial settlement of international disputes
- (h) International law in municipal law

### RHP 320 Research methodology (5 credits)

For LLB

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

#### Generic skills:

- (a) How to plan a research project
- (b) How to write a research proposal
- (c) Drafting of chapters
- (d) Language
- (e) Citation, ethics of citation, presentation

#### Methods and perspectives concerning legal research:

- (a) 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
- (b) Legal historical research
- (c) Legal pluralism
- (d) Socio-legal approaches
- (e) Broad theoretical perspectives

### SAR 310 Law of things (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)

### VHD 320 Payment methods (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 bank
- (d) Electronic payment methods



# Composition of the LLB degree/Core modules

## Fourth year

First semester	Second semester
<b>Core modules</b>	
<ul style="list-style-type: none"> <li>ABR 410 Labour law</li> <li>PBL 410 Public law</li> <li>SIP 400 Civil procedure law</li> <li>SKY 410 Research: Essay and seminar</li> <li>SPR 400 Criminal procedure law</li> </ul>	<ul style="list-style-type: none"> <li>PBL 420 Public law</li> <li>PVR 420 Private law</li> <li>SIP 400 Civil procedure law</li> <li>SPR 400 Criminal procedure law</li> </ul>
Plus four elective modules.	

## Core modules

### ABR 410 Labour law (10 credits)

For LLB

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

### PBL 410 Public law (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

### PBL 420 Public law (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

### PVR 420 Private law (10 credits)

For LLB

#### Capita selecta from any of the following:

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

### SIP 400 Civil procedure law (15 credits)

For LLB

- (a) Aspects of litigation techniques
- (b) General principles of civil procedure
- (c) Practical application
- (d) Compiling pleadings

### SKY 410 Research: Essay and seminar (30 credits)

For LLB

- (a) The essay deals with a subject from the field of law.
- (b) 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.
- (c) 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.
- (d) 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:

- (a) Written document: 70%
- (b) Participation in seminar: 20%
- (c) Draft essay: 10%

### SPR 400 Criminal procedure law (15 credits)

For LLB

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

# Elective modules

## Elective modules

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

### AGF 420 Alternative dispute resolution

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.

### AMR 410 Law and transformation

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.

### ANO 410 Deeds and notarial practice

Prerequisite: SAR 310 Law of Things

- (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

### BLP 420 Tax practice

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

### CLW 420 Law and the community

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

### GHR 420 Land and land reform law

- (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

### GRG 410 Medical law

- (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

### IET 411, 412, 413 and 414 International elective module

Please consult the Yearbook at [www.up.ac.za/yearbooks](http://www.up.ac.za/yearbooks) for further details.

### IPR 410 Private international law

- (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

### JUR 420 Jurisprudence

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.

### KID 410 Child law 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

### KUB 420 Information and communications technology law

- (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



‘At times, when I think of the biblical tale of Stephen, the first martyr of Christendom, I immerse myself in the quiet romance of it all. The tale always intrigues me – not the tragedy of it but the triumph – the ability to advocate an idea so cogently that the only worthy response from one’s opponents is violence. In my youthful fancy, I wanted that ability and the Faculty of Law at the University of Pretoria seemed to be the only avenue capable of directing me there. However, during my time at UP, I have acquired more than just the skills to communicate effectively. I have also acquired a certain empathy that seeks not to inspire violence but camaraderie, an instinct towards open-mindedness and a proneness to engage with the stories of others. In these contentious times, there is a need to create a more inclusive

society, to bemoan the prejudices of the past . . . to transform. The University is attempting this process and on that basis every single narrative is needed. Here in these hallowed halls of glass I felt triumph, love, friendship and the tragicomedy of cramming the night before a test. Leave your mark, share your narrative and excel!’

#### **Stephen Buabeng-Baidoo**

*Apart from graduating cum laude and obtaining the highest average in International Humanitarian Law and receiving recognition on the Dean’s Merit List and from the Golden Key International Honour Society, Stephen represented the Faculty of Law on national and international platforms through his participation in moot court competitions (MCC). His mootng achievements include being a member of the top team and ranking second as a speaker in the 2016 Jessup National MCC, the top applicant team at the 2014 International Child Law MCC, the runner-up team and one of the top five speakers at the 2015 African Human Rights MCC. He also represented South Africa at the 2016 Jessup International Moot Court Competition in Washington D.C. Stephen was the vice-chair of the 2016 Moot Society and Acting and Deputy Director of the Student Disciplinary Advisory Panel. He also tutored in the module Administrative Law. – Editor.*



‘Completing my LLB at the UP Faculty of Law was an incredible part of my life. I enjoyed every minute of it, and I am truly grateful for all of the opportunities that the Faculty has given me to learn and to grow.

I was not only taught the subject matter in-depth, but also given ample opportunities to practically apply that knowledge in different ways. The Faculty of Law definitely prepared me for life in the legal field.’

#### **Nicholas Clarke**

*Nicholas graduated cum laude with inter alia subject prizes for Transnational Business Law 420 and Criminal Law 410 and 420. He was a member of the Dean’s Merit List in his second, third and fourth years, and has also been a member of the Golden Key International Honour Society since 2014. – Editor.*

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## Elective modules

### LBF 410 Law of banking and financial institutions

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

### LOC 410 Law of securities

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

### MDR 420 Media law

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

### MRG 410 Municipal law

- (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

### OMR 410 Environmental law

- (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

### ONR 420 Education law

- (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

### PRR 400 Practical law (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

### PUR 420 International humanitarian law

- (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)

### RHV 410 Legal problems of HIV and Aids

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.

### SGR 410 Law of damages

- (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

### SKH 420 Moot court

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 420 Moot Court during the year of official participation.

# TuksLaw students are number 16 on the world ranking list



## TuksLaw best ever at largest Jessup ever!

Following their performance at the national rounds in March, the TuksLaw Moot Society's Jessup team, consisting of oralists Ashley Makgatho (LLB II) and Mary-Ann Gettliffe (LLM), coach Gift Kgomo (LLM and Researcher at ICLA) and assistant coach Tino Kakora (LLB IV), was invited to represent South Africa at the International Rounds of the 58th Jessup International Law Moot Court Competition in Washington DC from 9 to 16 April 2017.

After competing against 143 teams representing 95 countries in the International Rounds, the UP Jessup team finished in the top 16 Octo-Finals. The team competed in four preliminary oral rounds (determining the top 32 teams in the world) against Luxembourg, Canada, Lithuania and USA. The TuksLaw team won all four preliminary rounds and qualified for the Top 32 Advanced Knock-out Rounds, where they beat The Philippines, qualifying for the Top 16 Octo-finals. Here, the team lost their first match in the entire tournament against Jamaica (Jamaica went on to argue in the Final Round of the competition).

2017 is the largest Jessup year to date, with over 600 law faculties from over 95 countries competing. Out of all 600 faculties the TuksLaw team ranked higher than Cambridge, Oxford, King's College, Columbia, Harvard, and Yale, to mention a few. Further, South African is the highest ranked team in Africa. This is an outstanding achievement by the TuksLaw team, as it has been 15 years since a team from South Africa has ranked this high in the Jessup Competition and 18 years (the then team of Lawrence Mashava and Lulu Matakala) for a team from the University of Pretoria.



This year's case, *Sisters of the Sun*, was based on international environmental law, state responsibility, international cultural property/heritage law and international human rights law.

## Elective modules/Career opportunities

### SMI 410 Statutory crimes

#### 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

### SOR 420 Social security law

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

### SRR 420 Sports law

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

### TBR 420 Transnational business law

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

### TBS 410 Trusts and estates

- (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.

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).







‘Initially I started law as I had a misconception that it was glamorous and did not understand what it would entail. However, my first year was quite an eye-opener and a compelling, scary experience during which I was bombarded with ‘foreign’ Latin phrases and legal terms. I never thought that I would make it to my final year where these terms and words would be the norm and I could comprehend and speak ‘foreign’ fluently. Studying law at the University of Pretoria equipped me with the skills and knowledge that enable me to make a difference in the world. It provided me with a platform to voice my opinions and it introduced me to my best friends.’

Studying law is not a walk in the park but the blood, sweat and tears transform you into a person with endurance and for that I will be forever grateful.’

**Mariëtte van Schalkwyk**

*Throughout her studies Mariëtte excelled academically and received recognition as a member of the Dean’s Merit List and the Golden Key International Honour Society. She also obtained the highest weighted average in LLB III and has inter alia received awards for Public Law 200 and Law of Things 310. She served as a Judge of the 2015/16 Constitutional Tribunal and is an assistant in the Department of Mercantile Law. Mariëtte also wrote for the Perdeby and participated in Serenade. – Editor.*

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‘From the very first day of my legal studies I had a dream of becoming one of the best litigators in the country and this dream will never cease. My dream is motivated by the fact that I want to contribute to the development of the South African society as a whole. As a law student I was always prepared and worked very hard. However, I dreamed harder! I believe that my biggest achievement was to be offered articles at one of the top firms in the country in the second year of my studies. The investment and belief from the firm’s side was overwhelming (seeing that I was only in my second year of legal studies). This achievement would have been impossible without the guidance and belief that I fostered at the University of Pretoria and amongst my student-friends.’

As litigation is my passion, I was awarded for being the best student in Civil Procedure. I also love playing golf in my time away from the law. People tend to reach for the stars. I believe that the stars are my point of departure.’

**Hendrik Hugo**

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## Career opportunities/General information

### 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 [www.lssa.org.za/legal-practitioners/advisories/misc/legal-practice-act-28-of-2014/misc/legal-practice-act](http://www.lssa.org.za/legal-practitioners/advisories/misc/legal-practice-act-28-of-2014/misc/legal-practice-act).

Also refer to the Infographics in this brochure for more information.

## General information

Visit [www.up.ac.za/admissioninfo](http://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

## UP Language policy

From 1 January 2019 English will be the language of teaching and learning for all first-year programmes. The only exception is where students are studying other languages and in programmes with profession-specific language outcomes, subject to approval by Senate. English will also be the language of official communication and administration on all campuses and in residences. Where requested and feasible, administrative services may be provided in other South African languages.

Students who registered prior to 2019, including those who registered in 2018 for the first time, will continue to receive lectures, tutorials, study guides and assessment material (question papers, assignments and the like) in Afrikaans for those programmes which were offered in Afrikaans at the time of enrolment, provided that the class size remains practically feasible and it is academically justifiable.

Where assessment and question papers are set in Afrikaans, currently enrolled students will also be allowed to answer in Afrikaans.





UNIVERSITEIT VAN PRETORIA  
UNIVERSITY OF PRETORIA  
YUNIBESITHI YA PRETORIA

## Faculty of Law

Fakulteit Regsgeleerdheid  
Lefapha la Molao

# 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.



## 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 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, except for a few electives in the final-year of LLB.**

Faculty of Law  
**LLB**

Faculty of  
Humanities  
**BA (Law)**

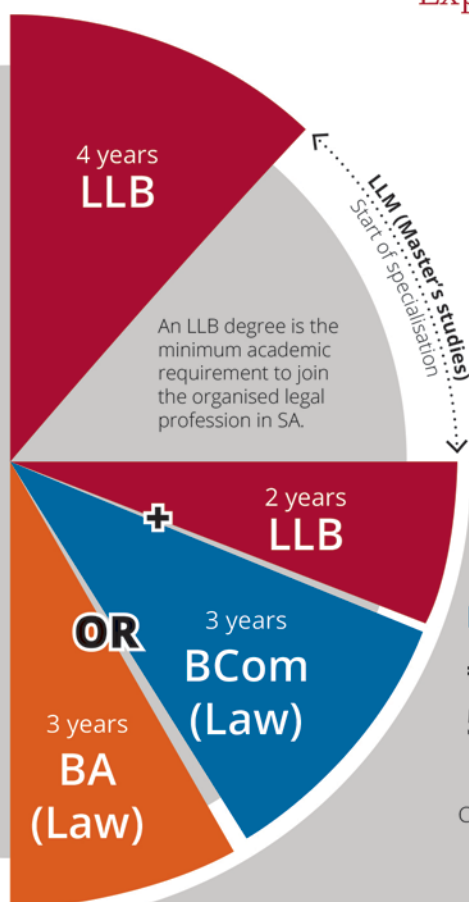
Faculty of  
Economic and  
Management  
Sciences (EMS)  
**BCom  
(Law)**

## Explanation of the 3 degrees

### 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 enroll first for BA (Law) or BCom (Law). Choose wisely, as if your future depends on it.

**Because it does!**



**BCom (Law) / BA (Law)**  
**= 3 years + LLB (2 years) =**  
**5 YEARS FOR 2 DEGREES**

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

## Admission requirements

Faculty of Law  
**LLB**

APS = **32**  
English 5  
(60–69%)

Faculty of EMS  
**BCom (Law)**

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

Faculty of Humanities  
**BA (Law)**

APS = **30**  
English 5  
(60–69%)

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

[www.up.ac.za/law](http://www.up.ac.za/law)

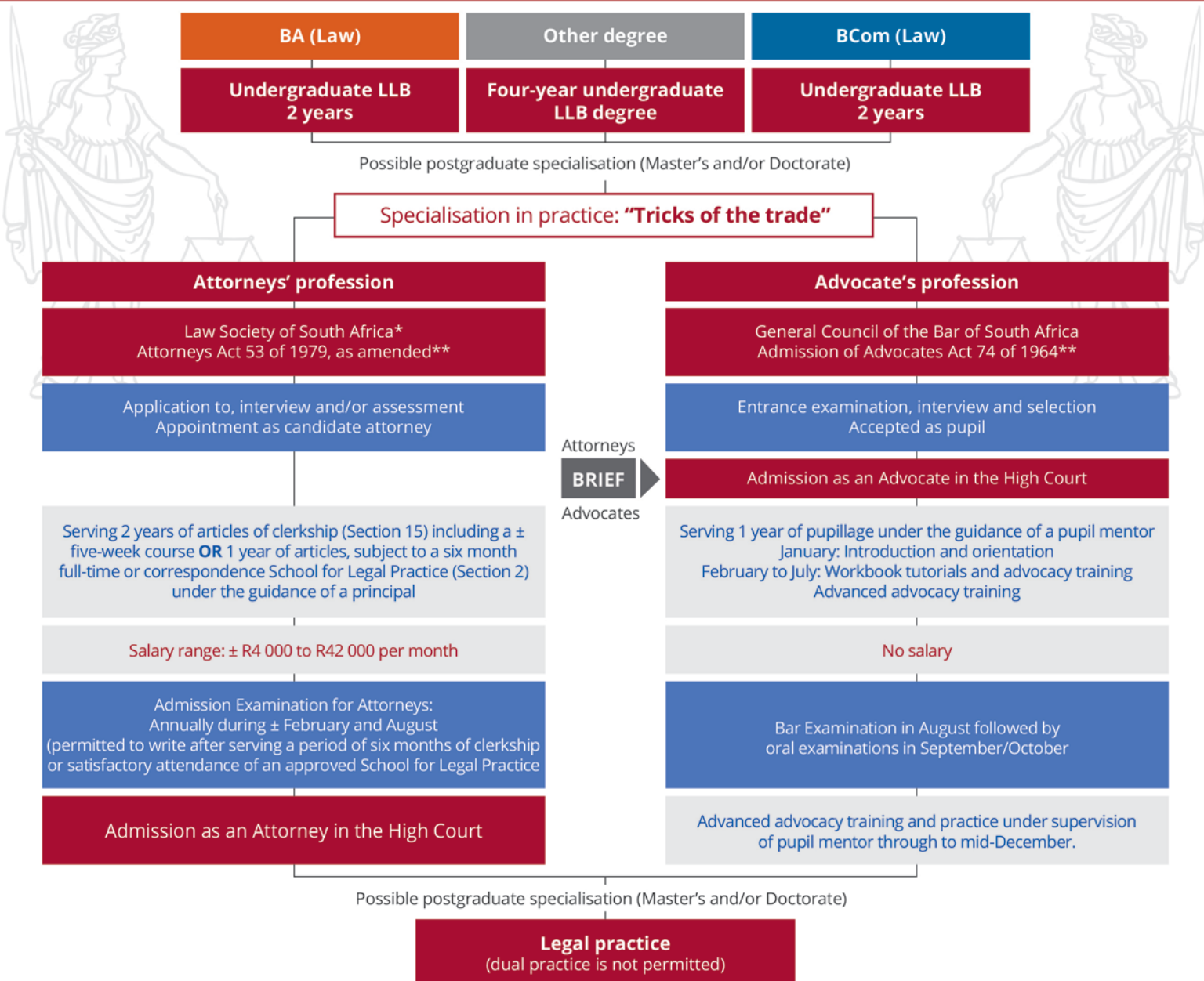
[www.up.ac.za/ems](http://www.up.ac.za/ems)

[www.up.ac.za/hum](http://www.up.ac.za/hum)

**Make today matter**



# A broad outline of the **Attorneys' profession** versus the **Advocates' profession**



\* The Law Society of South Africa brings together its six constituent members – the Cape Law Society, the KwaZulu-Natal Law Society, the Law Society of the Free State, the Law Society of the Northern Provinces, the Black Lawyers Association and the National Association of Democratic Lawyers.

\*\* This document reflects the current situation [June 2017] and excludes the possible implications of the Legal Practice Act, 28 of 2014).

## Career opportunities in the **LEGAL profession** with at least an **LLB degree**:

Admission as an attorney or advocate is highly recommended before pursuing careers outside the organised profession!

Officers of the Court	Court Administration	Justice and Constitutional Development	Judiciary	Law Reform Commission	Legal Academics	Legal Aid and Advice
Attorneys	Court Manager	Office of the Chief State Law Adviser	<b>Magistrate:</b> Adjudicates criminal and civil cases in court. They have power to acquit, convict and sentence the accused if found guilty of committing an offence or pass judgments in civil matters. <b>Judge:</b> Presides over criminal, civil and constitutional matters in the High Courts, Supreme Court of Appeal and the Constitutional Court.		Law lecturers at the various universities or colleges:	Legal Aid Board
Advocates	Clerks of the Court	State Attorneys		<b>NGOs</b>	Lecturer	Legal Resources Centre/ Justice Centres
Court Orderly	Registrar	Legal Administration Officer		<b>Legal Advisers</b>	Senior Lecturer	Lawyers for Human Rights
<b>National Prosecuting Authority</b>	Maintenance Officer	Master of the High Court			Associate Professor	Clinics and Para-legals operating in Community Advice Centres
Public Prosecutors	Maintenance Investigator	Office of the Family Advocate		<b>South African Police Service</b>	Professor	University Law Clinics
State Advocates	Maintenance Clerk			<b>Military</b>	Head of a Department or Law School	Para-legal Advice Offices
	Interpreter			<b>Correctional Services</b>	Deputy Dean	
	Stenographer				Dean	
	Judge's Clerk					



## Dear prospective law student

If you are reading this, you are probably considering studying towards a career in law and justice. Are you fueled by a desire to help others and ready to make an impact on society?



UNIVERSITEIT VAN PRETORIA  
UNIVERSITY OF PRETORIA  
YUNIBESITHI YA PRETORIA

## Faculty of Law

Fakulteit Regsgeleerdheid  
Lefapha la Molao



### Checklist:

Do you have what it takes to become a successful law student and lawyer?

(Tick the appropriate box.)



#### 1. Motivation

I am:

- Committed to a successful, honourable career in law and justice.
- Passionate about law and my decision to pursue a career in law and justice is based on something concrete such as spending time in a law firm or court and taking a real interest in societal interests linked to law and justice instead of being misled by some spurious TV series.

☐

#### 2. Good listening and interpersonal skills, proficiency in languages, writing ability and literacy



I have the ability to:

- Persuade people to follow advice or convince them to negotiate a resolution.
- Read people and figure out the best approach.
- Adapt appropriate communication style.
- Communicate clearly and effectively in court, in writing, face-to-face or over the telephone.
- Manage and run a profitable practice.

☐

#### 3. Logical reasoning, persuasiveness and sound judgment

I have the ability to:

- Analyse and think critically, to follow a chain of logic to identify potential trouble areas in arguments and to spot weaknesses in the reasoning of others.
- Exercise sound judgment in deciding the best course of action to pursue.

☐

#### 4. Value honesty and integrity

- I am aware that lawyers are subject to a high degree of honesty, integrity and ethical behaviour. I possess intrinsic values such as work ethic, ethical conduct and integrity.

☐

#### 5. Adaptability, stamina, energy and resilience

- I am creative, determined, enthusiastic, energetic, and possess drive, emotional intelligence and perseverance.

☐



## 6. Digest and convert loads of information, scientific data and paperwork generated by cases



### I have the ability to:

- Prepare strategies that require absorbing and comprehending large amounts of information and distilling that into something manageable, relevant, valid and useful.

## 7. Mental agility and reasonable, logical arguments, assumptions and conclusions



### I have the ability to:

- Draw reasonable, logical conclusions and assumptions from limited information.
- Analyse complex facts, versions, stories, hearsay, information, testimonies, etc.
- Analyse complex facts to identify the most crucial issues.

## 8. Problem Solver-in-Chief



- I have the ability to not get overly emotional when facing problems and explore options.
- I usually view problems as challenges or life experiences and pro-actively and objectively address them.
- I am a good problem solver, using a combination of intuition and logic to create solutions and finding opportunities.



## 9. Time management



- I have the ability to prioritise tasks and manage time effectively.
- I realise that the legal profession is based on procedures and limitations with accompanying prescriptions.



## 10. Attention to detail



- I am an administrator of note and have an eye for detail.
- After all, I realise that lawyers do detail!



Look at our Faculty's checklist below and we are sure that you will agree that Tuks is the place to study law in South Africa. Criteria for an excellent faculty of law:

## 1. Leading academics

- Who are housed in the Departments of Jurisprudence, Mercantile Law, Private Law, Procedural Law, Public Law and the Centre for Human Rights.
- Who publish articles and textbooks covering a range of topics in the legal field.
- Resulting in active partnerships and collaborations with a number of international universities and organisations.



## 2. Specialised research centres and chairs

- **Centres for:**  
Advanced Corporate and Insolvency Law, Child Law [with representation on the United Nations Committee on the Rights of the Child], Extractive Industries Law in Africa, Human Rights, Intellectual Property Law, International and Comparative Law [with representation on the United Nations Human Rights Committee], Law and Medicine and Sports and Entertainment Law.
- **Law Clinic**
- **Chairs in:**  
Intellectual Property Law, Barclays Africa Banking Law in Africa, Education Law in Africa, International Development and African Economic Relations, International Constitutional Law and the United Nations Educational, Scientific and Cultural Organisation.



## 3. Inquiry-led approach teaching

- Values and aims to develop and improve the research skills of our students.
- One of a few faculties in South Africa who prescribes a research essay for final-year LLB-students.



## 4. Equips students with knowledge, skills and perspectives

- Produces highly sought-after graduates who display leadership and critical thinking abilities and are aware of their social and ethical responsibilities.
- Students are trained by experienced past mooters resulting in peer teaching and skills transfer.



## 5. Top mooters (simulated court hearings)

- Law students of the Faculty's Moot Society excel in local and international moot court competitions and our teams regularly achieve top honours at these events.
- Best mooters on the African continent and 16<sup>th</sup> in the world according to the Jessup ranking.
- Students are trained by students resulting in peer teaching and skills transfer.



## 6. Vibrant student life and active student bodies



- Students serve the University of Pretoria's student community through the Constitutional Tribunal and Student Disciplinary Advisory Panel. You may also join and/or serve on the management committees of Law House, Legal Shebeen, Moot Society, Pretoria Student Law Review and Students for Law and Social Justice.
- As a TuksLaw student, you will be part of a vibrant faculty, university and community.

## 7. Social consciousness and practical legal training



- Boasts a Law Clinic, established in 1980 by law students, that ranks among the best in the country, which provides basic legal services to indigent members of society.
- Provides superior clinical legal education to final-year law students as a final-year elective.

## 8. Acclaimed accredited legal journals and publications



- Such as De Jure, the Journal for Contemporary Roman-Dutch Law (THRHR), the African Human Rights Law Journal and the African Human Rights Law Reports.
- The Pretoria Student Law Review, which publishes articles by students, is funded and supported by the Faculty and managed by law students. Academic books and publications are also published in the Faculty by the Pretoria University Law Press (PULP).

## 9. Modern and impressive facilities



- A Law Building, designed to reflect the transparency of the legal world – a modern and impressive feature on the Hatfield Campus of the University of Pretoria.
- The Law Building accommodates the well-equipped, and "law student only", Oliver R Tambo Law Library, which includes the unique Law of Africa Collection.
- To enhance learning, leisure and interaction, students have access to social learning spaces such as the TuksLaw Kiosk and two quads.

## 10. Delivers top alumni and highly sought-after graduates



- Protecting legal rights, the Constitution and ensuring a just society for all.





**University of Pretoria | Universiteit van Pretoria | Yunibesithi ya Pretoria**

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**[www.up.ac.za](http://www.up.ac.za)**



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