

# 2020/21

Undergraduate faculty brochure

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UNIVERSITEIT VAN PRETORIA  
UNIVERSITY OF PRETORIA  
YUNIBESITHI YA PRETORIA

## Faculty of Law

Fakulteit Regsgeleerdheid  
Lefapha la Molao



**Note:** The National Benchmark Test (NBT) is no longer required for selection or admission purposes for the 2021 intake. Faculties are communicating with all applicants who have applied for programmes where the NBT was either compulsory, or recommended. (Updated 20 July 2020).

## Message from the Dean

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 and Top 80 globally.

**Prof André Boraine**  
**Dean: Faculty of Law**  
*2 September 2019*



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 infographics in this brochure for highlights and more information on the Faculty of Law, which should convince you that UP Law is the place to study law in South Africa.

You will also find a checklist infographic on page 19 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 2021 intake of students and their contributions one day as UP Law graduates in the national and international legal arena.

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

\* According to the 2019 The Times Higher Education World University rankings

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# Undergraduate LLB admissions regulation

## General admission principles

- The closing date is an administrative admission guideline for non-selection programmes. Once a non-selection programme is full and has reached the institutional targets, such programme will be closed for further admissions, irrespective of the closing date. However, if the institutional targets have not been met by the closing date, such programme will remain open for admissions until the institutional targets are met.
- This Admissions Regulation should be read in conjunction with General Regulations G.1.1 Admission.
- In order to register for a first bachelor's degree at the University, a candidate should have completed the National Senior Certificate (NSC) or equivalent qualification, and meet the minimum requirements for admission to bachelor's degree study.
- Candidates must also comply with the particular subject and level requirement as well as with the minimum Admission Point Score (APS) for the relevant programme.
- The APS calculation is based on a candidate's achievement in six 20-credit NSC-recognised subjects with bands 1 to 7, indicating the scale of achievement. Thus, the highest APS that can be achieved is 42.
- Please note that Life Orientation is a 10-credit subject and is excluded from the calculation when determining the APS.
- Grade 11 results are used in the conditional admission of prospective students.
- The final Grade 12 results will be the determining factor with regard to final admission.
- All modules will be presented only in English as medium of instruction.
- The language of communication and correspondence is English.
- Minimum requirements for admission to the relevant programmes are set out in the "Minimum admission requirements table" of this document.
- The following subject rating scores are used for calculating the APS (see APS Conversion Table below):

Rating code	Rating	Marks %
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%

## Admission Point Score (APS) Conversion

The following table may be used to convert marks/symbols into an Admission Point Score (APS) when applying for studies at the University of Pretoria.

APS (requirement level for subjects as well as overall APS)	NSC/IEB	SC HG M-score	SC SG M-score	NSSC HL	AS Level	IB SL	IGCSE/GCSE/ NSSC OL/ O Level Grade 11*	IGCSE/GCSE/ NSSC OL/ O Level Grade 12**
7	7 (80–100%)	A		1	A	7	A	
6	6 (70–79%)	B	A	2	B	6	B	
5	5 (60–69%)	C	B	3	C	5	C	A
4	4 (50–59%)	D	C	3	D	4	C	B
3	3 (40–49%)	E	D	4	E	3	D	C
2	2 (30–39%)	F	E			2	E	D/E
1	1 (0–29%)	G	F			1	F	F/G

NSC – National Senior Certificate (completed Grade 12 in and after 2008)  
 IEB – Independent Examination Board  
 SC HG – Senior Certificate Higher Grade (completed Grade 12 before 2008)  
 SC SG – Senior Certificate Standard Grade (completed Grade 12 before 2008)  
 AS Level – Advanced Subsidiary Level  
 IB SL – International Baccalaureate Schools (Standard Levels)  
 IGCSE – International General Certificate of Secondary Education  
 GCSE – General Certificate of Secondary Education  
 NSSC – Namibia Senior Secondary Certificate  
 O Level – Ordinary Level

**\*Grade 11 = IGCSE/O Level:** APS conversion for Grade 11 equivalent qualifications only and for conditional admission and selection purposes.

**\*\*Grade 12 = IGCSE/O Level:** APS conversion for Grade 12 equivalent qualifications – not for final admission and must be taken together with Advanced Subsidiary Level for exemption purposes.



# Undergraduate LLB admissions regulation

## Example of calculation of Admission Point Score (APS) for law based on NSC/IEB qualifications

School subject (example)	Report mark
Afrikaans	5
English	5
Mathematics	6
Physical Sciences	6
Life Sciences	7
Accounting	3
Life Orientation	Excluded
<b>APS Total</b>	<b>32</b>

## Closing dates

**South African citizens: 30 September – Non-South African citizens: 31 August**

The closing date is an administrative admission guideline for non-selection programmes. Once a non-selection programme is full and has reached the institutional targets, such programme will be closed for further admissions, irrespective of the closing date. However, if the institutional targets have not been met by the closing date, such programme will remain open for admissions until the institutional targets are met.

## Minimum admission requirements (2021)

Degree programme	English Home Language or English First Additional Language	APS
LLB 04130012	5 (60-69%)	32

## Other Faculty-specific information

- Applicants complying with the minimum admission requirements are conditionally admitted as they apply according to the places available. The application process will allow for diversity in admissions. Ideally, the Faculty strives to admit at least 50% first-year black (African, Indian and coloured) students. The admission process should not lead to a situation where less than 50% first-year black (African, Indian and coloured) students are admitted. If this should happen, the admissions should be adjusted to give preference to the most meritorious black (African, Indian and coloured) candidates.
- Candidates who have graduated for another degree and candidates with an APS of 38 or higher and an achievement level of at least 5 in English may be conditionally admitted after the closing date if there are places available, at the discretion of the Faculty's Admissions Committee, based on the Grade 12 results, and the complete university academic record and final certificate of conduct where applicable.



# Undergraduate LLB admissions regulation

## Transferring students

All transferring students, whether they have graduated or not, are admitted based on academic merit and availability of space. Application for admission must be made by 30 September and to be considered for final admission, all results and the certificate of conduct must be submitted by 31 December.

## Transferring applicants

Candidates who have already completed the final Grade 12 examination as well as candidates with South African and foreign school qualifications, who were not previously registered at UP or at another university and did not graduate, may be admitted at the discretion of the Faculty's Admissions Committee, based on the candidate's Grade 12 results or complete university academic record and certificate of conduct. Candidates transferring from other universities must obtain at least 50% of the credits required for the LLB degree at the University of Pretoria and must be registered at the University of Pretoria for at least two years before an LLB degree may be awarded by the University of Pretoria.

Candidates who have registered for the BA (Law) or BCom (Law) programme at UP, have not graduated, and wish to transfer to the LLB programme may be considered by the Faculty's Admissions Committee based on the candidate's academic merit, including factors such as the candidate's final Grade 12 results, the candidate's grade point average, and the reasons provided by the candidate for applying to transfer to the LLB before first completing the BA (Law) or BCom (Law) degree.

Candidates who have previously been registered at another South African university for the LLB, BA (Law) or BCom (Law), with South African school qualifications or Cambridge school qualifications (South African candidates), who have not graduated, and who wish to transfer to the LLB degree at UP may be admitted on application at year level 1, 2 or 3 of the LLB, depending on the law modules passed, at the discretion of the Faculty's Admissions Committee, based on the candidate's Grade 12 results and complete university academic record and certificate of conduct. Candidates who have studied at UP, discontinued their studies, and want to be readmitted to the LLB may be admitted subject to conditions set by the Faculty's Admissions Committee.

## Transferring students who graduated (Closing date: 30 September)

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 at year level 1 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 and 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 and certificate of conduct. Students transferring from other universities may be admitted at year level 3 of the LLB.

UP students may be admitted at year level 1 of the 04130010—LLB after BCom (Law) and 04130011—LLB after BA (Law) programmes. UP BA (Law) and BCom (Law) graduates are guaranteed placement in the LLB programme if they completed the BA (Law) or BCom (Law) programme in 3 or 4 years.

## Non-South African qualifications

(The closing date for applications for admission is 31 August)

Non-South African citizens and South African citizens with foreign qualifications must comply with all the admission requirements and the prerequisites for subjects/modules. *(All such applications are submitted to the Admissions Committee of the Faculty for consideration.)*

Only a limited number of non-South African candidates are admitted to undergraduate studies in the Faculty. In addition to meeting the admission requirements, admission is based on the performance in the **TOEFL**, **IELTS** or **SAT**, if required, in competition with other candidates who also comply with the admission requirements.

- **Non-South African citizens** *(even if they or their parents have permanent residence or valid work permits in South Africa)*
  - Citizens of SADC-countries with non-South African qualifications
  - Citizens of other countries with non-South African qualifications
- **South African citizens and diplomats**

It may be expected of South African citizens as well as diplomats and the children of diplomats with non-South African qualifications to write the **IELTS**, **TOEFL** or **SAT** so that their suitability for admission to the Faculty can be determined.

Candidates must have completed the National Senior Certificate with admission to degree studies or a certificate of complete exemption on the basis of a candidate's non-South African ('foreign') qualifications, the so-called "Immigrant" or 'Foreign Complete Exemption'. The only condition for the 'Foreign Complete Exemption' that is accepted is 'completion of the degree course.' The exemption certificate is obtainable from Universities South Africa (USAF). Detailed information is available on the website at [mb.usaf.ac.za](http://mb.usaf.ac.za).

**Note:** The A and IB HL levels are not included in the APS Conversion Table. Faculty requirements for admission based on these equivalent international qualifications are a D for the A level and 4 for the IB HL level.

The Senate Central Admissions Committee has the right to prescribe special conditions for all candidates who are granted admission based on an admissions test, to reconsider any applications for admission or to make other special arrangements.



# Undergraduate programmes

University of Pretoria website

www.up.ac.za/law

**Note: The asterisks below refer to the minimum requirements for 2021 column in the table below.**

- \* Cambridge A Level candidates who obtained at least a D in the required subjects will be considered for admission. Students in the Cambridge system must offer both Physics AND Chemistry with performance at the level specified for NSC Physical Sciences in the table below.
- \* International Baccalaureate (IB) HL candidates who achieved at least a 4 in the required subjects will be considered for admission. Students in the IB system must offer both Physics AND Chemistry with performance at the level specified for NSC Physical Sciences in the table below.

Programmes	Minimum requirements for 2021*		
	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**
<b>** Candidates that fulfil the requirements for admission as set out in this brochure will be conditionally accepted on a <b>first-come-first-served basis</b> until 30 September, <b>subject to the availability of places</b>. However, as applications already open on 1 March and spaces are limited candidates are <b>urged to apply as early as possible in the year</b>.</b>			
<b>Careers:</b> Refer to the infographics in this brochure.			
BA (Law) [3 years] Closing dates: SA – 30 September Non-SA – 31 August	<b>Queries relating to LLB applications can be directed to:</b>  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		
BCom (Law) [3 years] Closing dates: SA – 30 September Non-SA – 31 August	<b>Queries relating to BA (Law) applications can be directed to:</b>  Ms Ernika Monyeke (Faculty of Humanities)  <b>Tel</b> +27 (0)12 420 5241 <b>Email</b> ernika.monyeki@up.ac.za		
	<b>Queries relating to BCom (Law) applications can be directed to:</b>  Ms Ronel Steenkamp (Faculty of Economic and Management Sciences)  <b>Tel</b> +27 (0)12 420 3347 <b>Email</b> ronel.steenkamp@up.ac.za		





## 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. Therefore it is 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 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.

**Note:** All first-year students take the compulsory fundamental modules in academic information management, jurisprudence and English.

#### Core modules (compulsory)

1st year	2nd year	3rd year
<ul style="list-style-type: none"> <li>Financial accounting</li> <li>Economics</li> <li>Business management</li> <li>Statistics</li> <li>Roman law</li> <li>Jurisprudence</li> <li>Law of persons</li> </ul>	<ul style="list-style-type: none"> <li>Consumer protection</li> <li>Law of contract</li> <li>Law of succession</li> <li>Specific contracts</li> </ul>	<ul style="list-style-type: none"> <li>Insolvency law</li> <li>Law of things</li> <li>Law of delict</li> <li>Entrepreneurial law</li> <li>Payment methods</li> </ul>

#### Elective modules

(Refer to the online Yearbook: [www.up.ac.za/yearbooks/home](http://www.up.ac.za/yearbooks/home))

1st year	2nd year	3rd year
<ul style="list-style-type: none"> <li>Business management</li> <li>Informatics</li> <li>Informatics (accounting software)</li> </ul>	<ul style="list-style-type: none"> <li>Business management</li> <li>Economics</li> <li>Financial management</li> <li>Financial accounting</li> <li>Informatics</li> <li>Statistics</li> <li>Taxation</li> </ul>	<ul style="list-style-type: none"> <li>Business management</li> <li>Economics</li> <li>Financial management</li> <li>Financial accounting</li> <li>Statistics</li> <li>Taxation</li> </ul>

Please refer to the website [www.up.ac.za/yearbooks/home](http://www.up.ac.za/yearbooks/home) 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



#### Faculty of Humanities: BA (Law)

This programme meets specific training needs that emerge from the demand for employees with specific legal knowledge, but who are also schooled in aspects of the social or human sciences. The aim of this multidisciplinary programme is to train students as law practitioners with a broader academic background, to provide an alternative route to obtaining an LLB, to provide versatile training in both law and the social sciences or humanities, to improve students' insight into the extent, consequences and handling of national and global issues, and to academically equip students for a career in which research, decision-making and reporting on law-related matters are important requirements. This is a full-time programme, with specific modules offered after hours.

#### Core modules

Core modules are jurisprudence, Roman law, the law of persons, legal pluralism, legal interpretation, family law, public law, the law of succession, the law of contract and law of delict.

#### Elective modules

At first-year level, three BA subjects must be selected from the elective modules. At least one of these subjects must be a language. Two BA subjects must be selected up to second-year level, of which at least one must be a language; and one BA subject must be selected up to third-year level.

#### Postgraduate studies

After completing a BA (Law) degree, students may continue with an LLB or may register for an honours degree in the core discipline they chose in the humanities.

Please refer to the website [www.up.ac.za/yearbooks/home](http://www.up.ac.za/yearbooks/home) 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

### 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 specific 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 pages 2 to 4.



# Undergraduate programmes/Composition of the LLB degree

## Exemption/credits for modules passed at other institutions

Students must apply on the prescribed form (available at the Faculty's Student Administration) for exemption from 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 the University of Pretoria 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>
<b>Plus</b>	
<b>Plus a minimum of 24 credits from the following modules:</b>	
<ul style="list-style-type: none"> <li>ENG 110 English</li> <li>ENG 118 English for specific purposes</li> <li>ENG 120 English</li> </ul>	
<b>Plus a minimum of 24 credits from the following modules:</b>	
<ul style="list-style-type: none"> <li>Any other language module offered by the Faculty of Humanities other than the required English language modules</li> <li>FIL 110, 120 Philosophy</li> <li>FRK 111, 122 Financial accounting</li> <li>GES 110, 120 History</li> <li>KRM 110, 120 Criminology</li> <li>PTO 111, 120 Politics</li> <li>SOC 110, 120 Sociology</li> </ul>	
<b>The following aspects should be kept in mind:</b>	
<ul style="list-style-type: none"> <li>Students have to familiarise themselves with the prerequisites for modules from other faculties.</li> <li>The modules may not clash.</li> <li>Some modules have limits on the number of students who may register.</li> </ul>	

### FMR 121 Family law (15 credits)

For LLB, BA and BCom specialising in law

- Introduction to family law
- General principles regarding the coming into existence of a marriage
- Void, voidable and putative marriages
- The invariable consequences of the marriage
- Basic principles regarding the legal relationship between child and parent
- The variable consequences of a marriage
- Principles regarding the dissolution of a marriage
- The consequences of the dissolution of a marriage

### Law of parent and child:

- Variable consequences of marriage
- Dissolution of marriage
- Consequences of the dissolution of marriage
- Customary marriages
- 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 first-year definition of law/the law
- The relationships between law and society, law and history, law and politics, law and language
- Being a law student or lawyer in South Africa
- 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:

- Introduction to characteristics and components of the South African legal system
- Mixed legal systems
- The South African Constitution and its historical development
- Customary law and its historical development
- Common law and its historical development
- Primary and other sources of modern South African law
- 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:

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

'Discipline, rigor, patience, self-control, dignity, respect, knowledge, curiosity, wisdom, ethics, honor, empathy, resilience, honesty, long-term, possibility, bravery, kindness and awareness. All of these are real skills, soft skills, learnable skills. These skills are in short supply sometimes, which makes them even more valuable.' (Seth Godin)

# Composition of the LLB degree

## 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
- (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



## 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

# Composition of the LLB degree

## 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: the 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

## Third year

First semester	Second semester
Core modules	
<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.



## Composition of the LLB degree

### 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 number 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

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

### CNL 420 Construction and engineering law

The topics covered include:

- (a) General principles of the construction contract
- (b) National and international pro forma industry contracts
- (c) Specific remedies for breach of contract
- (d) Dispute resolution

### EIL 420 Extractive industry law

This module offers an introduction to various legal aspects related to the contemporary exploitation of mineral resources. A capital selecta of topics include different legal issues in mine development and production; associated environmental and social challenges; mineral resource governance, and the interplay between the UN Sustainable Development Goals and the mining sector.

### 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/home](http://www.up.ac.za/yearbooks/home) 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





## Elective modules

### 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

- (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 of information and communications technology law:
  - The right to privacy/freedom of expression and information

### LBF 410 Law of banking and financial institutions

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

### LLB 491, 492 and 493 Special elective

Selective modules as determined by the Dean that are not presented annually.

### 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 Publications Act 65 of 1996
- (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

### ISL 420 Capita selecta of insurance law

The topics covered include:

- (a) Insurance supervision and governance
- (b) General principles of insurance contract law
- (c) Specific aspects pertaining to the insurance relationship
- (d) Specific aspects pertaining to insurance claims
- (e) Dispute resolution

### 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

## Elective modules

### PUR 420 International humanitarian law

- What is international humanitarian law (the law of war)? The distinction between *ius ad bellum* and *ius in bello*
- The historical development and sources of international humanitarian law (IHL)
- Different types of armed conflict: the distinction between international and non-international armed conflicts
- Distinction between combatants and civilians
- The prisoner of war (POW) status: soldiers, spies, mercenaries and guerrillas
- 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)
- The distinction between genocide, crimes against humanity and war crimes
- Winners or losers: war, international politics and the implementation of IHL
- The protection of women and children during armed conflict
- 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)
- The devil made me do it: superior orders and command responsibility in war
- 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

- General principles and doctrines of the law of damages
- Specific principles regarding delictual damages
- Specific principles regarding contractual damages
- 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.

### SCL 420 Law of competition

**Section A: Law of Unlawful Competition – the Common Law of Competition**

**The following aspects will be dealt with:**

- The role of competition in commerce
- The concept and definition of commerce
- The historical development of the law of unlawful competition
- Rights affected by unlawful competition
- The common law basis for action against unlawful competition
- Capita selecta (recognised forms of unlawful competition):
  - Passing off and leaning on
  - Deception concerning one's enterprise, goods or services
  - Interference with a trader's enterprise or business affair
  - Misappropriation of confidential information
  - Counterfeit goods
  - Ambush marketing
- Defences against unlawful competition

**Section B: Statutory Competition Law – the Competition Act, 1998**

**The following aspects will be dealt with:**

- The development of statutory competition
- The Competition Act: goals and scope of application
- The administrative framework of the Competition Act
- Practices and transactions governed by the Competition Act
  - Restrictive horizontal practices
  - Restrictive vertical practices
  - Abuse of dominance
  - Mergers
- Other necessary enforcement and administrative procedures
  - Corporate leniency
  - Exemptions
  - Criminalisation of cartel conduct
  - Market inquiries
  - Private damages claims

### SMI 410 Statutory crimes

**Crimes:**

Capita selecta from:

- Computer crimes
- Liquor and drug offences
- Economic offences
- Sexual offences
- Offences within the family and against children
- Offences against animals
- Offences relating to dangerous weapons, firearms and explosives
- Police and prisons offences
- Offences against the public safety and order
- Offences against the safety of the state
- Offences against the environment
- Traffic offences
- Minimum sentencing

**Forensic criminalistics:**

- Components and objectives of criminal investigations
- Identification, comparison and individualisation
- Information-gathering through communication
- Serological examinations
- Odonatological examinations
- Dactyloscopic examinations
- Trichological examinations

### SOR 420 Social security law

- Scope and functions of social security
- Old-age grants and insurance
- Employment injuries and unemployment insurance
- Sickness, invalidity and health care
- Child and family maintenance

### SRR 420 Sports law

- Delictual liability
- Contractual liability
- Criminal liability
- Diverse aspects arising from sports

### TBR 420 Transnational business law

- International contracts of sale
- International contracts of carriage
- Insurance contracts in international transactions

### TBS 410 Trusts and estates

- Aspects of trust law
- 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:

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

In our modern society and under our present constitutional dispensation, laws regulate every aspect of our daily life, from the cradle to the grave. We are in constant contact with the law, ranging from drawing up a will or contract, getting married or divorced, paying or collecting debts, buying a house or new vehicle, or appearing in a civil or a criminal court, etc. This is where the legal profession comes into play to assist all members of our society.

In the private sector and under the new Legal Practice Act No. 28 of 2014, South Africa has two basic kinds of legal practitioners, traditionally referred to as either advocates or attorneys. The distinction between the profession of attorney and advocate in South Africa mirrors the distinction between the profession of solicitor and barrister in other Commonwealth countries, with attorneys having broadly equivalent roles to solicitors and advocates having broadly equivalent roles to barristers. Although both professions provide legal services, they do so in different ways.

An attorney is a general practitioner and could even be specialising in a particular field. Attorneys have a direct relationship with their clients by either assisting them with legal advice or providing a wide range of legal services. An attorney is the first port of call whenever one is in need of any legal services or if one has a legal problem. Accordingly, an attorney needs to be readily accessible to everyone and the services he/she provides need to be broad enough to cover a wide field of legal matters. To cater for these needs, some attorneys form partnerships or establish incorporated legal firms. Attorneys are required to open trust accounts where they would hold deposits from clients. In order for clients to be covered against theft of trust monies, attorneys are also required to have the trust account audited annually. If there is no queries after the audits, attorneys would be issued a Legal Practitioners Fidelity Fund Certificate which authorises such attorneys to practice for the next year and to hold trust money on behalf of clients.

Traditionally attorneys only had the right of appearance in the lower courts, that is district or regional courts and not in the high courts, as these were reserved for advocates. However, this changed in 1995 when attorneys who complied with certain requirements, were also granted the right to appear in the High Courts. In 1995 it became possible for certain attorneys to obtain the same right.

An advocate is more of a specialist practitioner and provides legal services by way of specialised expertise in various areas of the law—sometimes by providing an opinion on a legal issue based on research, but especially in the presentation of cases in the higher courts.

On 1 November 2018 the advocates' profession was also divided into two streams by the new Legal Practice Act. An advocate who provided services in the organised legal profession could until 31 October 2018 only accept a case upon referral by an attorney. The first of the two branches of the advocates is still bound by this requirement, and if an advocate belongs to this branch, such advocate may not have a trust account, and does not have to be in possession of a Legal Practitioners Fidelity Fund Certificate.

This 'non-trust account' advocate may not accept any instruction directly from any member of the public. Only an attorney may instruct this kind of advocate.

Thus, an attorney engages or contracts the services of such an advocate so that the advocate stands in an indirect relationship with the clients of the attorney. These advocates are reliant on attorneys for briefs (mandates or instructions) from attorneys. The attorney is responsible for the bill of the advocate. The client is responsible for the bill of the attorney and the advocate; therefore, attorneys recover advocates' fees from their clients.

The second branch of the advocates' profession in terms of section 34(2)(b) of the Legal Practice Act will have a trust account and is in terms of section 84(1) required to be in possession of a Fidelity Fund Certificate. These advocates are referred to as 'trust account advocates'. To become a member of this branch the advocate must first complete a legal practice management course approved by the Legal Practice Council. An advocate who practices as a trust account advocate does not have to be briefed by an attorney anymore, and may accept instructions directly from members of the public.

Attorneys may practice in partnership with other attorneys or as directors of incorporated legal firms, but advocates may only practise as sole practitioners. Advocates may not practice in partnerships or as directors of incorporated legal firms.

### 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.





## Career opportunities

### 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, conducting research for, and publishing 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).

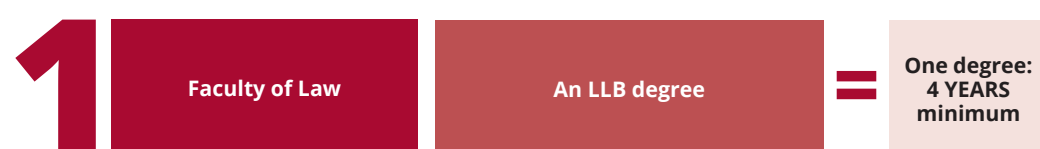
Also, refer to the Infographics in this brochure for more information.



# Infographics

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

As explained here, there are **three direct routes** to a recognised legal qualification and eventual admission as an attorney or advocate in South Africa with an LLB degree behind your name, given the *status quo* in South Africa in 2019 and excluding forthcoming amendments to the Legal Practice Act, 28 of 2014:



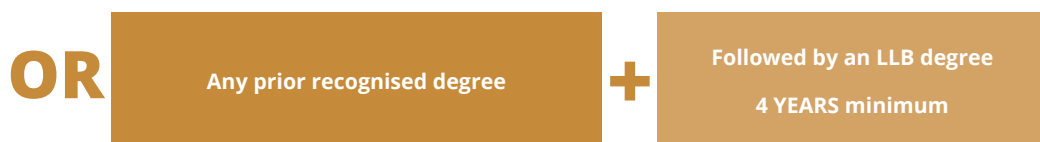
Admission requirements: APS = 32 | English 5 (60–69%)



Admission requirements: APS = 30 | English 5 (60–69%)



Admission requirements: APS = 32 | English 5 (60–69%) | Pure Maths 5 (60–69%)



Hereafter, should you qualify, you could consider pursuing a **master's degree** in law (optional).

Master's programmes are presented as follows:

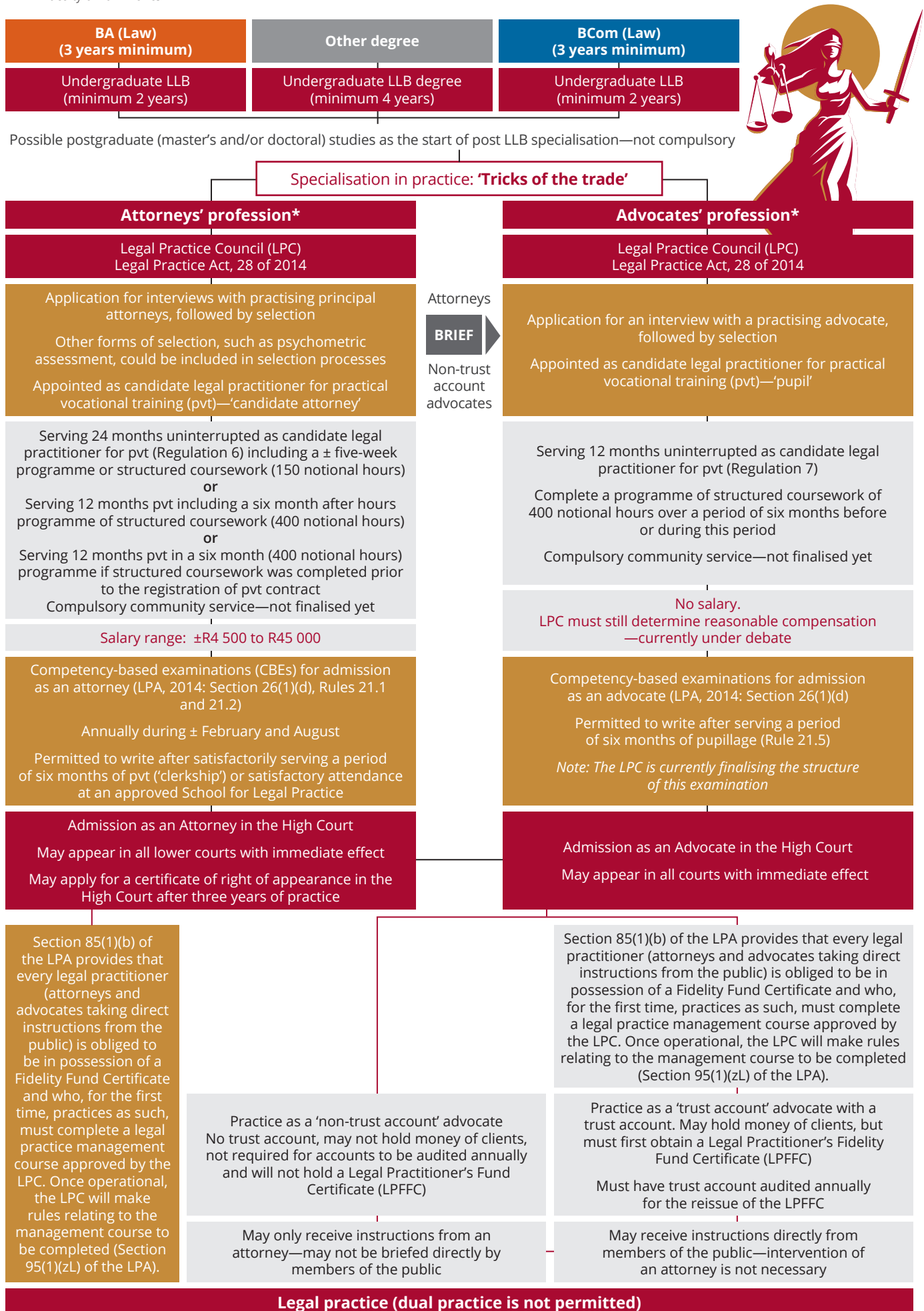
- Coursework: evening classes, examinations and a mini-research dissertation; or
- Correspondence: comprehensive master's dissertation.

The duration of a master's degree at UP is minimum one year.

If you are interested in a career in **patent law**, you should first pursue a science degree (Bachelor of Science (BSc) or Bachelor of Engineering (BEng)) degree, and/or followed by an honours degree in BSc or BEng, followed by an LLB degree, or vice versa. Here you are looking at a minimum period of seven years of studying. However, this will prepare you for the Patent Examination Board, as required in Section 21 of the Patents Act, 57 of 1978, as amended, for a career as a patent attorney. However, it is important to note that admission as a patent advocate or attorney is subject to passing the Bar Examination for pupils or the Competency-based Examination for Admission as an Attorney too. Should you be interested in this field of law, you may find more relevant information on the websites of patent attorneys, the South African Institute of Intellectual Property Law (SAIIPL) and the World Intellectual Property Organisation (WIPO).

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) | <https://www.up.ac.za/faculty-of-humanities> | [www.up.ac.za/ems](http://www.up.ac.za/ems)





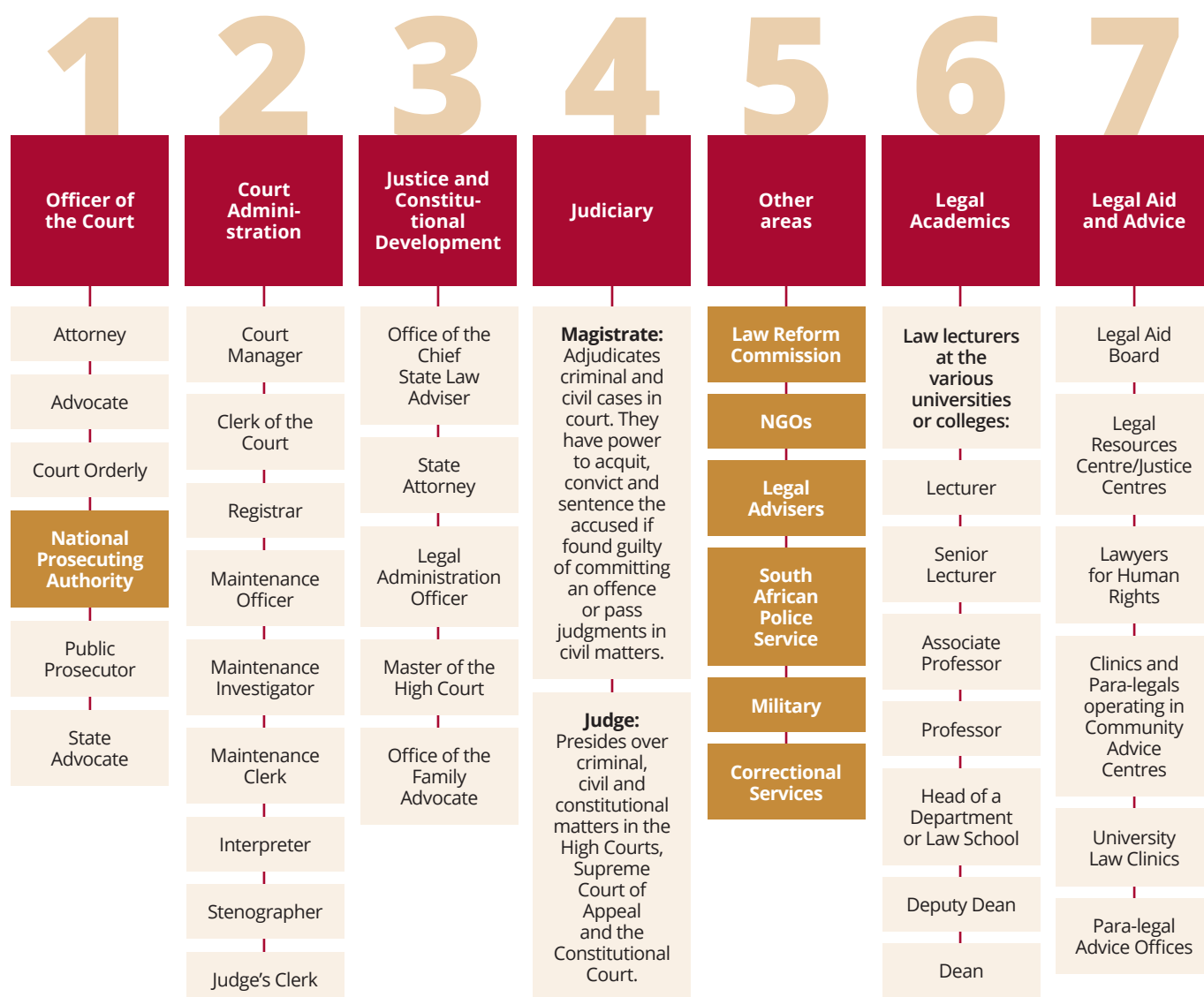
Note: Postgraduate specialisation (master's and/or doctoral studies) may be pursued at any time after completion of an LLB degree, subject to admission requirements, namely before commencement of practical vocational training (pvt), during pvt, after pvt, and in fact, shortly or many years after graduation and in practice. As always, continuing education, professional development and lifelong learning are key components for success and thus highly recommended for all legal practitioners.

\* Information contained herein as on 3 September 2019.



## 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!



# Infographics

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

### 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, solve their (legal) problems, and ready to make an impact on society? Complete the aptitude test below to see how you fare.

(Tick the appropriate box)

1	<b>Motivation</b> <input type="checkbox"/> <b>I am:</b> <ul style="list-style-type: none"> <li>Committed to a successful, honourable career in law and justice.</li> <li>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 spurious TV series.</li> </ul>	6	<b>Digest and convert loads of information, scientific data and paperwork generated by cases</b> <input type="checkbox"/> <b>I have the ability to:</b> <ul style="list-style-type: none"> <li>Prepare strategies that require absorbing and comprehending vast quantities of information and distilling that into something manageable, relevant, valid and useful.</li> <li>Employ logic to construct arguments and draft legal documents.</li> </ul>
2	<b>Good listening and interpersonal skills, proficiency in languages, writing ability and literacy</b> <input type="checkbox"/> <b>I have the ability to:</b> <ul style="list-style-type: none"> <li>Persuade people to follow advice or convince them to negotiate a resolution.</li> <li>Read people and figure out the best approach.</li> <li>Adapt appropriate communication style.</li> <li>Communicate clearly and effectively in court, in writing, face-to-face or over the telephone.</li> </ul>	7	<b>Mental agility and reasonable, logical analysis, assumptions and conclusions</b> <input type="checkbox"/> <b>I have the ability to:</b> <ul style="list-style-type: none"> <li>Draw reasonable, logical conclusions and assumptions from limited information and analyse complex facts, versions, stories, hearsay, information, testimonies, etc, to identify the most crucial issues.</li> <li>Think like a lawyer. 'It is a form of swift reasoning, cool logic, effortless problem-solving skills and precision analysis. The kind of calculated mental weaponry that shields you from unhelpful, inflammatory emotions while actively disarming your opponent with one slash of your sharp verbal or written blade.'</li> </ul>
3	<b>Logical reasoning, persuasiveness and sound judgment</b> <input type="checkbox"/> <b>I have the ability to:</b> <ul style="list-style-type: none"> <li>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.</li> <li>Exercise sound judgment in deciding the best course of action to pursue.</li> </ul>	8	<b>Problem Solver-in-Chief</b> <input type="checkbox"/> <b>I have the ability to:</b> <ul style="list-style-type: none"> <li>Not become overly emotional when facing problems and explore options.</li> <li>Approach and view problems as challenges or life experiences and proactively and objectively address them.</li> <li>Solve problems, using a combination of intuition and logic to create solutions and finding opportunities.</li> </ul>
4	<b>Value honesty and integrity</b> <input type="checkbox"/> <b>I am aware that:</b> <ul style="list-style-type: none"> <li>Lawyers are subject to the highest degree of honesty, integrity and ethical conduct.</li> <li>I should possess intrinsic values such as work ethic, ethical conduct and integrity.</li> <li>I should always maintain the highest standard of honesty, integrity and fairness towards clients, courts, colleagues and all those with whom I shall come into professional contact with.</li> </ul>	9	<b>Time management</b> <input type="checkbox"/> <b>I have the ability to:</b> <ul style="list-style-type: none"> <li>Prioritise tasks and manage time effectively.</li> <li>Comprehend that the legal profession is based on procedures and limitations with accompanying prescriptions.</li> </ul>
5	<b>Adaptability, stamina, energy and resilience</b> <input type="checkbox"/> <b>I am:</b> <ul style="list-style-type: none"> <li>Creative, determined, enthusiastic, energetic, and possess drive, emotional intelligence and perseverance.</li> <li>Able to manage and run a profitable practice.</li> </ul>	10	<b>Attention to detail</b> <input type="checkbox"/> <b>I am</b> <ul style="list-style-type: none"> <li>An administrator of note and have an eye for detail. After all, I realise that lawyers do detail!</li> </ul>



10/10

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

### ✓ Ranked best in Africa with leading academia

- Ranks best in Africa and 76th in the world with leading Departments of Jurisprudence; Mercantile Law; Private Law; Procedural Law; Public Law; and Centre for Human Rights.
- Publishes articles and textbooks covering a range of topics in the legal field.
- Active partnerships and collaborations with a number of international universities and organisations.
- The Faculty is currently in the unique position where three law professors serve as international experts on key United Nations (UN) bodies in Geneva, responsible for the development and application of international law.

### ✓ Specialised research centres and chairs

- **Centres for:**  
Adams & Adams Intellectual Property Law; Advanced Corporate and Insolvency Law; Child Law [with representation on the UN Committee on the Rights of the Child]; Extractive Industries Law in Africa; Human Rights; International and Comparative Law [with representation on the UN Human Rights Committee]; Law and Medicine; and Sports and Entertainment Law.
- **Law Clinic**
- **Research:**  
Absa Africa Chair in Banking Law in Africa; Intellectual Property Law; SARChI Professorship in International Constitutional Law; SARChI Professorship of International Development Law and African Economic Relations; and UNESCO Chair in Education Law in Africa.

### ✓ Inquiry-led approach teaching and hybrid learning

- Values and aims to develop and improve the research skills of our students.
- Hybrid learning is a feature of the teaching model.
- One of a few faculties in South Africa who prescribes a research component for final-year LLB-students.

### ✓ 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.

### ✓ 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 5th in the world according to the 2018 Jessup ranking.
- Students are trained by experienced past mooters resulting in peer teaching and skills transfer.

### ✓ Vibrant student life and active student bodies

- Law students serve the UP's student community through the Constitutional Tribunal and Student Disciplinary Advisory Panel. Also, they may serve on the management committees of students bodies in the Faculty of Law such as the Black Lawyers Association Student Chapter; Law House; Legal Shebeen; UP Moot Society; Pretoria Student Law Review; and Students for Law and Social Justice.
- As a UP Law student, you will be part of a vibrant faculty, university and community.

### ✓ 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.

### ✓ Acclaimed accredited legal journals and publications

- Such as *De Jure*; *Journal for Contemporary Roman-Dutch Law (THRHR)*; *African Human Rights Law Journal*; and *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).

### ✓ Modern and impressive facilities

- A Law Building, designed to reflect the transparency of the Constitution—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 UP Law Kiosk and two quads.

### ✓ Delivers top alumni and highly sought-after graduates

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







**University of Pretoria**

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



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