University of Pretoria Yearbook 2018

MPhil Medical Law and Ethics (Coursework) (04250080)

Minimum duration of study	2 years
Total credits	200
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Programme information

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

A limited number of approximately between 10 and 20 students are selected per year according to the general selection guidelines.

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

The curriculum will generally consist of:

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

Admission requirements

For admission to the MPhil programme, students must have at least an honours degree in an academic discipline relevant to medical law and ethics, or any other qualification in an academic discipline relevant to medical law and ethics that allows admission to a master's programme at the institution where the undergraduate qualification was obtained. If that qualification has a duration of less than 4 years, substantial proven practical or professional experience in medical law and ethics is further required, subject to the discretion of the Dean.

Registration as a healthcare practitioner/allied healthcare practitioner/nurse in terms of the applicable legislation will be a strong recommendation.

In addition to the general admission requirements, the following specific selection criteria are used in combination to select the eligible students:

(i) a demonstrated professional, academic and personal interest in and commit-ment to human rights and democratisation in Africa;
(ii) an indication that the applicant would be likely to put the qualification to good use in his or her future career, preferably in his or her country of origin (the 'multiplier effect');
(iii) geographic representation (in the sense that an overrepresentation of students from a particular African country will be avoided, given the pan-African scope and ambitions of the programme);
(iv) gender representation (in the sense that an equitable balance between women and men is sought);
(v) equitable representation of persons from vulnerable communities (such as persons with disabilities, persons belonging to indigenous communities and LGBTI persons).

Other programme-specific information

Mini-dissertation

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

Examinations and pass requirements

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

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

Research information

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

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

Pass with distinction

For the degree to be awarded with distinction a student must obtain an average of at least 75% for all the

coursework modules, as well as a minimum of 75% for the mini-dissertation. The modules must have been written for the first time.

General information

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

Limiting of modules on offer in a particular academic year and availability to foreign students
The Dean may on recommendation of the relevant head of a department limit the number of students to be allowed to register for any MPhil programme or module. Where such limitation applies, prospective students must be informed about the limitation when they apply. Where the Dean allows such a limitation, the head of the department must, in consultation with the relevant programme coordinator, select students who otherwise comply with the admission requirements for an MPhil coursework degree, according to the following selection guidelines:

1. General academic performance in the undergraduate degree; specific academic performance in undergraduate degree module(s) directly related to the particular MPhil; and academic performance in independent research essays or similar components.
2. Any academic qualifications other than the prescribed undergraduate degree.
3. Relevant practical experience and training.
4. Diversity.
5. Whether the relevant MPhil is the applicant's first choice.
6. Where an admission examination is prescribed, the results of such examination may be considered in addition to the above criteria.
7. Date on which a complete application was received (only complete applications will be considered - incomplete applications will be set aside and will not be considered until a complete application is received).

Where applicants satisfy the criteria set out above, applicants will in general be accepted on a date-of-receipt order of preference.

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

The duration of the programme will in general be four semesters (2 years). The two-year period may only be extended by the Postgraduate Committee on recommendation of the Head of Department based on good reason shown and if it is clear that the student will be able to complete the programme in a further year of study.

Curriculum: Year 1

Minimum credits: 100

Core modules

Medico-legal issues 813 (PBL 813)

Module credits	30.00
Contact time	2 lectures per week
Language of tuition	Module is presented in English
Department	Public Law
Period of presentation	Semester 1 or Semester 2

Module content

In this module, specific aspects of medico-legal issues are discussed. Specifics topics include: (a) A legal analysis of clinical medical research and practice (b) Analysing the application of mental healthcare law and practice in South Africa (c) The status and application of end-of-life-decisions and living wills (d) A legal analysis of organ procurement and transplantation (e) The nature, scope and application of forensic pathology services, also in context of sexual offences, “unnatural deaths’’ and inquest legislation (f) A legal analysis of human procreation (inclusive of artificial insemination, stem cell research, surrogacy and genetics) (g) Environmental issues and medical law (h) Intellectual property rights and medical law: access to patented and generic medicine

Research methodology 801 (RHP 801)

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

Module content

(a) Planning and organising a research project
(b) Drafting a research proposal: Hypotheses and research question
(c) Theory in research and methodological approaches to legal research
(d) Language
(e) Citation and ethics of citation
(f) Drafting of chapters and presentation

Curriculum: Final year

Minimum credits: 100

Core modules

Mini-dissertation 800 (MND 800)

Module credits	100.00
Prerequisites	RHP 801 and RHP 803
Language of tuition	Afrikaans and English are used in one class
Department	Law Deans Office
Period of presentation	Year

Module content

(a) The student must submit a research proposal during his/her first year of registration for the LLM degree to the supervisor prior to commencing with the writing of the mini-dissertation.
(b) A mini-dissertation (MND 800) of 13 000 to 15 000 words inclusive of footnotes but excluding the list of contents and the bibliography, is required. The mini-dissertation must be submitted to the supervisor not later than August of the second year of registration for the LLM programme. The mini-dissertation must deal with the subject content of one of the modules or a combination of the modules registered for by the student for his/her LLM degree. Any request for an extension of the period for submission of the mini-dissertation may only be granted by the Dean on recommendation of the LLM Committee

Medico-legal issues 813 (PBL 813)

Module credits	30.00
Contact time	2 lectures per week
Language of tuition	Module is presented in English
Department	Public Law
Period of presentation	Semester 1 or Semester 2

Module content

In this module, specific aspects of medico-legal issues are discussed. Specifics topics include: (a) A legal analysis of clinical medical research and practice (b) Analysing the application of mental healthcare law and practice in South Africa (c) The status and application of end-of-life-decisions and living wills (d) A legal analysis of organ procurement and transplantation (e) The nature, scope and application of forensic pathology services, also in context of sexual offences, “unnatural deaths’’ and inquest legislation (f) A legal analysis of human procreation (inclusive of artificial insemination, stem cell research, surrogacy and genetics) (g) Environmental issues and medical law (h) Intellectual property rights and medical law: access to patented and generic medicine

Research proposal 803 (RHP 803)

Module credits	5.00
Prerequisites	No prerequisites.
Language of tuition	Afrikaans and English are used in one class

Department	Law Deans Office
Period of presentation	Year

Module content

Development and presentation of a research proposal. (A research proposal must be submitted to the supervisor and accepted in the first semester of the second year of study before the student will be allowed to register for the mini-dissertation.)

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