



Faculty of Law

ALPHABETICAL LIST OF MODULES
IN THE FACULTY OF LAW
FOR THE LLM COURSEWORK

ACH 802 Accredited course in human rights 802

Academic organisation: Centre for Human Rights

Contact time: 2 lpw

Period of presentation: Semester 2

Language of tuition: English

Credits: 20

Module content:

During the second semester of the programme, students follow prescribed academic modules at the universities to which they are allocated and undertake internships with human rights organisations if so required.

ADC 802 Accredited module 802

Academic organisation: Centre for Human Rights

Contact time: 2 lpw

Period of presentation: Semester 2

Language of tuition: English

Credits: 30

Module content:

During the second semester of the programme, a student may complete an applicable module at an international institution.

AHR 801 Applied human rights 801

Academic organisation: Centre for Human Rights

Contact time: 2 lpw

Period of presentation: Semester 1

Language of tuition: English

Credits: 15

Module content:

In this module, the principles and practice of international criminal law are discussed; students also undertake a visit to and report on the situation in a selected African state where they are exposed to the practical application of human rights, democratisation or international criminal law.

AIL 802 Advanced international law 802

Academic organisation: Public Law

Contact time: 2 lpw

Period of presentation: Semester 2

Language of tuition: Double medium

Credits: 30

Module content:

The topics covered include:

- (a) International humanitarian law
- (b) Use of force
- (c) Terrorism
- (d) Humanitarian intervention
- (e) Extradition
- (f) Diplomatic law

AML 801 Advanced consumer protection 801

Academic organisation: Mercantile Law

Contact time: 2 lpw

Period of presentation: Semester 1

Language of tuition: Double medium

Credits: 30

Module content:

- (a) Applied law of contract and more specifically credit agreements
- (b) The influence of specific consumer protection measures, namely the National Credit

Act 34 of 2005 and the Alienation of Land Act 68 of 1981 on the general principles of the law of contract and on certain types of contract

(c) Issues relating to the mentioned legislation

AOE 801 Administration of estates 801

Academic organisation: Private Law

Contact time: 2 lpw

Period of presentation: Semester 1

Language of tuition: Double medium

Credits: 30

Module content:

- (a) The administration process and legislation
- (b) Executor appointment and duties
- (c) Methods of liquidation
- (d) The liquidation and distribution account
- (e) Estate duty
- (f) Drafting of the executor's account

ASC 801 Aspects of the law of succession 801

Academic organisation: Private Law

Contact time: 2 lpw

Period of presentation: Semester 1

Language of tuition: Double medium

Credits: 30

Module content:

- (a) General principles of intestate and testate succession
- (b) Formalities and incorporation by reference
- (c) Power of condonation
- (d) Influence of the Constitution on succession
- (e) Pactum successorium and massing
- (f) Aspects of revocation and revival of wills
- (g) Testamentary capacity and capacity to benefit

ASL 802 Administrative law 802

Academic organisation: Public Law

Contact time: 2 lpw

Period of presentation: Semester 2

Language of tuition: Double medium

Credits: 30

Module content:

An advanced study of a selection of topics in the administrative law

ATL 801 General principles of income tax law 801

Academic organisation: Mercantile Law

Contact time: 2 lpw

Period of presentation: Semester 1

Language of tuition: Double medium

Credits: 30

Module content:

- (a) Interpretation of tax legislation
- (b) Gross income
- (c) General deductions
- (d) Specific deductions and allowances
- (e) Assessed losses
- (f) Objections and appeals
- (g) Rules of the Tax Court
- (h) General Anti-Avoidance Rule (GAAR)

AVT 802 Aspects of the law of trusts 802

Academic organisation: Private Law

Contact time: 2 lpw

Period of presentation: Semester 2

Language of tuition: Double medium

Credits: 30

Module content:

The basic trust-idea and the importance thereof in the formation and administration of trusts

- (a) The trust and other legal institutions; anomalies in the law of trusts
- (b) Essentialia of the trust with the emphasis on problems identified in case law
- (c) The juridical construction of the inter vivos trust – a critical evaluation
- (d) The protection of trust beneficiaries with specific reference to the so-called core elements” of the trust
- (e) Parties to the trust
- (f) The trust and taxation
- (g) The trust as instrument in estate planning

BLR 802 International taxation 802**Academic organisation:** Mercantile Law**Contact time:** 2 lpw**Period of presentation:** Semester 2**Language of tuition:** Double medium**Credits:** 30**Module content:**

- (a) Overview of DTAs
- (b) Jurisdiction to taxation
- (c) Permanent establishment and business income
- (d) Interpretation of tax treaties
- (e) Distributive rules in DTAs
- (f) Trusts
- (g) Tax havens and intermediate companies
- (h) Transfer pricing and thin capitalisation
- (i) Foreign companies and dividends
- (j) Controlled foreign companies
- (k) Tax relief measures

CCP 801 Criminal procedure litigation 801**Academic organisation:** Procedural Law**Contact time:** 2 lpw**Period of presentation:** Semester 2**Language of tuition:** Double medium**Credits:** 30**Module content:**

The module comprises a study of selected capita of temporary issues relating to the law of criminal procedure. Aspects dealt with include the following:

- (a) Problematic aspects with regard to the application and interpretation of the Bill of Rights especially with regard to pre-trial procedures
- (b) A critical analysis of certain aspects regarding bail
- (c) Issues regarding plea bargaining
- (d) Diversion as an effective alternative to prosecution

CLG 801 Civil litigation 801**Academic organisation:** Procedural Law**Contact time:** 2 lpw**Period of presentation:** Semester 2**Language of tuition:** Double medium**Credits:** 30**Module content:**

The module comprises a capita selecta from contemporary issues relating to civil litigation.

Aspects dealt with include the following:

- (a) Theoretical foundations of the law of civil procedure
- (b) Class actions
- (c) Application procedure
- (d) Security for costs
- (e) Provisional sentence and summary judgment
- (f) Impact of the Constitution of 1996 on civil procedural law
- (g) Aspects of preparation for trial
- (h) Special interdicts

CLL 802 Collective labour law 802**Academic organisation:** Mercantile Law**Prerequisite:** IVL 801**Contact time:** 2 lpw**Period of presentation:** Semester 2**Language of tuition:** Double medium**Credits:** 30**Module content:**

This module covers the following aspects:

- (a) International perspectives and the South African Constitution
- (b) Freedom of association and the duty to collective bargaining
- (c) Strikes and lockouts
- (d) Private and compulsory dispute resolution
- (e) Unfair discrimination and affirmative action

CMR 801 Introduction to the South African Constitution and human rights 801**Academic organisation:** Centre for Human Rights**Contact time:** 2 lpw**Period of presentation:** Semester 2**Language of tuition:** English**Credits:** 30**Module content:**

This module deals with an introduction to the basic issues of the South African human rights dispensation. It places the greatest emphasis on the procedure and the structure of Bill of Rights analysis. The module also covers certain core rights of the South African Constitution such as equality, dignity and expression.

CRM 801 Capita selecta from general principles of criminal law 801**Academic organisation:** Public Law**Contact time:** 2 lpw**Period of presentation:** Semester 1**Language of tuition:** Double medium**Credits:** 30**Module content:**

- (a) A critical analysis of justifiable homicide as ground of justification in the common law and legislation
- (b) A critical analysis of the legality principle in context of the Constitution
- (c) A critical analysis of the concept of consent in South African criminal law
- (d) Pathological incapacity in context of sections 77, 78 and 79 of the Criminal Procedure Act
- (e) Non-pathological incapacity (inclusive of youthfulness, intoxication and provocation)
- (f) A critical analysis of criminal negligence and the crime of culpable homicide
- (g) A comparative study between the psychological and normative concepts of fault
- (h) Vicarious liability in criminal context with reference to section 332 of the Criminal Procedure Act
- (i) The influence of the South African Constitution on the definitional elements in criminal law

CRM 802 Capita selecta from the specific crimes 802**Academic organisation:** Public Law**Contact time:** 2 lpw**Period of presentation:** Semester 2**Language of tuition:** Double medium**Credits:** 30**Module content:**

Capita selecta from the following:

- (a) A critical analysis of the incomplete crimes
- (b) A critical analysis of the doctrine of participation in context of the Constitution
- (c) Serious economic offences (eg fraud, corruption, money laundering)
- (d) Internet crimes/computer crimes
- (e) The influence of morality on criminal offences with reference to prostitution; child pornography; decriminalisation of abortion; homosexuality; sodomy
- (f) A critical analysis of the Act on Sexual Offences
- (g) The impact of the South African Constitution on the classification/existence of crimes in South African criminal law
- (h) The euthanasia debate
- (i) Organised crime

CRM 803 Capita selecta from punishment, theories and forms in theory and practice 803**Academic organisation:** Public Law**Contact time:** 2 lpw**Period of presentation:** Semester 2**Language of tuition:** Double medium**Credits:** 30**Module content:**

Capita selecta from the following:

An advanced study of the principles of punishment, theories of punishment and forms of punishment in theory and practice with reference to constitutional implications and relevant legislation

CSL 801 Constitutional law 801**Academic organisation:** Public Law**Contact time:** 2 lpw**Period of presentation:** Semester 1**Language of tuition:** Double medium**Credits:** 30**Module content:**

- (a) Revisiting the concept of constitutional supremacy and its interaction with popular Sovereignty
- (b) Constitutional dynamics – (tacit) constitutional change in ways not constitutionally authorized
- (c) A critical reassessment of separation of powers, judicial independence and impartiality and the impact of judicial review in the contemporary state
- (d) Consideration of legality and constitutionality in view of relevant South African case law
- (e) The foundation of the state, effectiveness and legitimacy particularly in the face of rampant violent crime
- (f) Co-operative government in South African constitutional practice
- (g) Constitutional values with specific reference to democracy in the South African constitution
- (h) The legal claims of communities in contemporary constitutional law
- (i) New trends in South African constitutional jurisprudence and the local and international scholarly discourse

CTI 802 Individual and corporate taxation 802**Academic organisation:** Mercantile Law**Contact time:** 2 lpw**Period of presentation:** Semester 2**Language of tuition:** Double medium**Credits:** 30**Module content:**

- (a) Fringe benefits
- (b) PAYE
- (c) Labour brokers and personal service companies
- (d) Donations tax
- (e) Estate duty
- (f) Capital Gains Tax
- (g) Dividends and STC
- (h) General deductibility of interest
- (i) Structured finance transactions
- (j) Alternative funding transactions and derivatives
- (k) Special rules on companies
- (l) Small business entities
- (m) Special taxpayers

DIA 801 Democratisation in Africa 801**Academic organisation:** Centre for Human Rights**Contact time:** 2 lpw**Period of presentation:** Semester 1**Language of tuition:** English**Credits:** 20**Module content:**

This module examines the nature of the state and problems associated with state-building and constitutional change in Africa; provides an introduction to constitutional concepts such as the separation of powers, federalism and decentralisation, and their application to Africa; and examines the causes of and remedies for conflict in Africa.

DLA 801 Aspects of divorce law 801**Academic organisation:** Private Law**Contact time:** 2 lpw**Period of presentation:** Semester 1**Language of tuition:** Double medium**Credits:** 30**Module content:**

This module deals with legal aspects relevant at the time of divorce, including:

- (a) Grounds for divorce – the focus will especially fall on the creation of a single ground for divorce.
- (b) Redistribution orders
- (c) Forfeiture of benefits orders
- (d) Maintenance agreements
- (e) Rule 43-applications
- (f) Children and divorce – especially after the enactment of the Children's Act 38 of 2005

DLP 802 Education law and policy 802**Academic organisation:** Private Law**Contact time:** 2 lpw**Period of presentation:** Semester 2**Language of tuition:** Double medium**Credits:** 30**Module content:**

Capita selecta of any of the following:

- (a) Constitutional education law applicable to schools
- (b) Principles of school law pertaining to learners and/or their parents
- (c) Delictual liability in the school context
- (d) Any other part of school law

EAL 802 Recognised and alternative life-partnerships 802**Academic organisation:** Private Law**Contact time:** 2 lpw**Period of presentation:** Semester 2**Language of tuition:** Double medium**Credits:** 30**Module content:**

- (a) Civil unions
- (b) Customary marriages
- (c) Religious marriages
- (d) Other/alternative life partnerships

ENL 802 Environmental law 802**Academic organisation:** Public Law**Contact time:** 2 lpw**Period of presentation:** Semester 2**Language of tuition:** Double medium**Credits:** 30**Module content:**

- (a) Nature and scope of environmental law
- (b) Environmental framework legislation
- (c) Current challenges for environmental governance: some national and international perspectives
- (d) Compliance and enforcement in environmental law
- (e) Administrative justice and the environment
- (f) Land use and planning
- (g) Pollution control and waste management
- (h) Environmental assessment
- (i) Biodiversity, traditional knowledge, GMOs (genetic manipulated organisms)
- (j) Water law
- (k) Mining and energy

GGH 802 Land and land reform law 802**Academic organisation:** Public Law**Contact time:** 2 lpw**Period of presentation:** Semester 2**Language of tuition:** Double medium**Credits:** 30**Module content:**

This module deals with a selection of legal issues flowing from land reform, with a specific focus on extension of security of tenure.

GIH 802 Advanced international trade law 802**Academic organisation:** Centre for Human Rights**Contact time:** 2 lpw**Period of presentation:** Semester 2**Language of tuition:** Double medium**Credits:** 30**Module content:**

- (a) Regulation of international trade – the WTO
- (b) Intellectual property law and transfer of technology
- (c) Trade, environment, human rights and labour
- (d) Agriculture
- (e) Services
- (f) Trade facilitation
- (g) Regionalism
- (h) Industrial products (NAMA)
- (i) Dispute resolution
- (j) Trade remedies
- (k) Trade negotiations

GIK 801 Constitutional and international law pertaining to children 801

Academic organisation: Private Law

Contact time: 2 lpw

Period of presentation: Semester 1

Language of tuition: Double medium

Credits: 30

Module content:

Capita selecta from the following:

- (a) Constitutional protection of children's rights
- (b) International law pertaining to children
- (c) African instruments on the protection of children

GPC 801 Capita selecta of the general principles of the law of contract 801

Academic organisation: Private Law

Contact time: 2 lpw

Period of presentation: Semester 1

Language of tuition: Double medium

Credits: 30

Module content:

- (a) Overview of the conclusion of contracts.
- (b) Consensus and factors that influence consensus
- (c) Time and place of conclusion of contracts
- (d) Effect of the constitution on contracts
- (e) Overview of breach of contract and remedies
- (f) Cancellation as remedy for breach of contract
- (g) Damages

GSR 802 Advanced social security law 802

Academic organisation: Mercantile Law

Contact time: 2 lpw

Period of presentation: Semester 2

Language of tuition: Double medium

Credits: 30

Module content:

- (a) General background, history, important concepts
- (b) The effects of the Constitution on the provision of social security
- (c) The provision of social security through social insurance
- (d) The provision of social security through social assistance
- (e) Socio economic rights and the creation of a welfare state in South Africa

GTB 802 Advanced international investment and business law 802

Academic organisation: Centre for Human Rights

Contact time: 2 lpw

Period of presentation: Semester 2

Language of tuition: English

Credits: 30

Module content:

- (a) Introduction to international law and regional law: theory and source
- (b) Economics literacy and basic business management skills
- (c) International financial institutions and loan transactions
- (d) Investment and trade in Africa: bilateral and multilateral perspectives
- (e) European Union law
- (f) Financial services and securities regulation
- (g) International business transactions
- (h) Investment and procurement

HPH 801 History and philosophy of human rights 801

Academic organisation: Jurisprudence

Contact time: 2 lpw

Period of presentation: Semester 1

Language of tuition: Double medium

Credits: 30

Module content:

- (a) Historical and philosophical perspectives on rights
- (b) Critical perspectives on rights
- (c) Legal philosophical and political notions of justice
- (d) Applications within the South African context

HRA 801 Human rights in Africa 801**Academic organisation:** Centre for Human Rights**Contact time:** 2 lpw**Period of presentation:** Semester 1**Language of tuition:** English**Credits:** 20**Module content:**

This module provides an overview of the human rights norms, institutions and processes of the African Union, with a focus on the African Charter on Human and Peoples' Rights.

ICH 801 International and comparative human rights 801**Academic organisation:** Centre for Human Rights**Contact time:** 2 lpw**Period of presentation:** Semester 1**Language of tuition:** English**Credits:** 20**Module content:**

In this module, introductory human rights concepts are examined; the human rights systems under the United Nations, Council of Europe and the Organisation of American States and some selected national law systems are also analysed.

ICH 811 International and domestic human rights law on HIV 811**Academic organisation:** Centre for Human Rights**Contact time:** 2 lpw**Period of presentation:** Semester 1**Language of tuition:** English**Credits:** 30**Module content:**

The topics covered include:

- (a) Historical, philosophical and political aspects of human rights in Africa, in general, and with specific reference to HIV
- (b) Basic concepts in international human rights law, in general, and with specific reference to HIV
- (c) The standards and institutions of the human rights system under the United Nations; Council of Europe, Organisation of American States, African Union, Southern African Development Community; East African Community and selected national law systems are analysed with specific reference to HIV

ICH 812 Theory and practice of human rights law on HIV in Africa 812**Academic organisation:** Centre for Human Rights**Contact time:** 2 lpw**Period of presentation:** Semester 1**Language of tuition:** English**Credits:** 30**Module content:**

In this module a multidisciplinary approach is adopted and the topics include the following:

- (a) Global perspectives on HIV/Aids, including the current medical and socio-psychological perspective
- (b) Rights-based approaches to HIV in Africa are analysed
- (c) HIV/Aids in the workplace, including an analysis of ILO standards and practice
- (d) Women's rights, including the reproductive rights of women and HIV
- (e) Children's rights and HIV
- (f) Customary law, traditional practices and values and HIV
- (g) Refugee rights and HIV
- (h) The rights of migrants and HIV
- (i) Prisons, penal reform and HIV
- (k) Politics, governance and HIV
- (l) HIV and the right to health
- (m) HIV and the right to food, shelter, water and education
- (n) The rights of specific groups at risk such as men having sex with men, sex workers and intravenous drug users
- (o) Witchcraft and HIV
- (p) Climate change and HIV

ICH 813 Strategic human rights lawyering on HIV in Africa 813**Academic organisation:** Centre for Human Rights**Contact time:** 2 lpw**Period of presentation:** Semester 1**Language of tuition:** English**Credits:** 30**Module content:**

In this module, specific aspects of the practice of international, regional and domestic

human rights law pertaining to people living with HIV and those at risk are discussed. Specifics topics include:

- (a) An analysis of the development of grassroots based public interest litigation strategies that address root causes of issues
- (b) Analysing root causes
- (c) Defining the impact sought and the possibilities of social transformation through law and litigation
- (d) Developing strategic partnerships
- (e) Deciding on the appropriate strategy including negotiation, mediation, litigation, media advocacy
- (f) Selecting the appropriate forum
- (g) Conducting interviews
- (h) Investigating facts and gathering evidence
- (i) Advanced legal reasoning and legal writing
- (j) Working with social movements

ICL 802 International criminal law 802

Academic organisation: Public Law

Contact time: 2 lpw

Period of presentation: Semester 2

Language of tuition: Double medium

Credits: 30

Module content:

- (a) A general introduction to international criminal law; key concepts and basic definitions of international criminal law and international criminal jurisdiction
- (b) The origin of the International Criminal Court and the implementation of the Statute of the International Criminal Court in South African law
- (c) Participation in international crimes and defences against international criminal liability
- (d) The move from state liability to individual liability in international criminal law
- (e) The crimes of genocide, war crimes and crimes against humanity in international criminal law

IDB 802 Indirect tax 802

Academic organisation: Mercantile Law

Contact time: 2 lpw

Period of presentation: Semester 1

Language of tuition: Double medium

Credits: 30

Module content:

- (a) VAT
- (b) Stamp duty
- (c) Transfer duty
- (d) SDL
- (e) UIF

IDT 802 Indirect tax 802

Academic organisation: Mercantile Law

Contact time: 2 lpw

Period of presentation: Semester 2

Language of tuition: Double medium

Credits: 30

Module content:

- (a) The basic working of VAT
- (b) Output tax
- (c) Input tax
- (d) Exempt supplies
- (e) Zero-rated supplies
- (f) Adjustments in respect of change of use
- (g) Objection and appeal procedure under the VAT Act

IEL 801 International environmental law 801

Academic organisation: Public Law

Contact time: 2 lpw

Period of presentation: Semester 1

Language of tuition: Double medium

Credits: 30

Module content:

- (a) The history and development of international environmental law (IEL) – from Stockholm to Johannesburg
- (b) IEL institutions and enforcement of IEL
- (c) Climate change
- (d) Waste and other toxic substances
- (e) Liability for environmental damage

- (f) Protection of ocean and seas
- (g) Protection of biodiversity
- (h) Human rights and the environment
- (i) Trade and the environment

IGZ 802 Patent, Design and Plant Protection Law 802

Academic organisation: Private Law

Contact time: 2 lpw

Period of presentation: Semester 1

Language of tuition: English

Credits: 30

Module content:

The following aspects will be dealt with:

- (a) Patents Act no. 57 of 1978
- (b) Designs Act 195 of 1993.
- (c) Plant Breeders' Rights Act 15 of 1976
- (d) History of Patent and Design law
- (e) Patent-related international instruments
- (f) Compliance with international instruments
- (g) Registrability of patents and designs
- (h) Capita selecta including: validity; interpretation of specifications; infringement; amendment or correction; compulsory licences; convention applications and exhaustion of rights

IGZ 803 Trademark law and protection of intellectual property rights 803

Academic organisation: Private Law

Contact time: 2 lpw

Period of presentation: Semester 1

Language of tuition: English

Credits: 30

Module content:

The following aspects will be dealt with:

- (a) Trade Marks Act 194 of 1993
- (b) Merchandise Marks Act 17 of 1941
- (c) Counterfeit Goods Act 37 of 1997
- (d) History of trade mark law
- (e) Relationship between registered trade marks and unregistered trade marks
- (f) Trademark-related international instruments
- (g) Compliance with international instruments.
- (h) Capita selecta including: registrability and validity; infringement; amendment or correction
- (i) Civil remedies for the infringement of intellectual property rights.
- (j) Criminal remedies for the infringement of intellectual property rights

IGZ 804 Fundamental principles of intellectual property law and copyright 804

Academic organisation: Private Law

Contact time: 2 lpw

Period of presentation: Semester 1

Language of tuition: English

Credits: 30

Module content:

The following aspects will be dealt with:

- (a) The Nature of IPL
- (b) The justification for IP protection
- (c) Copyright Act 98 of 1978
- (d) Performers' Protection Act 11 of 1967
- (e) Registration of Copyright in Cinematograph Films Act 62 of 1977
- (f) History of copyright law.
- (g) Copyright-related international instruments
- (h) Compliance of South African law with international instruments
- (i) Capita selecta including: subsistence and conferral of copyright; scope of and exceptions to copyright; infringement of copyright

IHM 801 International humanitarian law and human rights in military operations 801

Academic organisation: Institute for International and Comparative Law in Africa in collaboration with the Department of Public Law

Prerequisites: Must have successfully completed both Advanced international law (AIL 802) and Applied international law (MCL 801)

Contact time: 26 hours spread over two per week during 13 weeks

Period of presentation: Semester 1

Language of tuition: English

Credits: 30

Module content:

The following aspects will be dealt with:

- (a) The applicability of international human rights law (IHRL) and international humanitarian law (IHL)
- (b) Basic principles of IHRL and IHL
- (c) Interplay, convergence and conflict between IHRL and IHL
- (d) Implementation and enforcement of IHRL and IHL
- (e) The relation of IHRL and IHL to other fields of international law
- (f) The deprivation of liberty in IHRL and IHL
- (g) The use of force in IHRL and IHL

IIL 801 International insolvency law 801

Academic organisation: Procedural Law

Contact time: 2 lpw

Period of presentation: Semester 2

Language of tuition: Double medium

Credits: 30

Module content:

The module comprises a capita selecta from contemporary issues relating to the law of international insolvency. Aspects dealt with include the following:

- (a) Modern trends and developments in insolvency law
- (b) Current issues in international insolvency law
- (c) Cross-border insolvency law systems in South Africa as well as in selected other Jurisdictions

ISR 801 Insolvency law 801

Academic organisation: Mercantile Law

Contact time: 2 lpw

Period of presentation: Semester 1

Language of tuition: Double medium

Credits: 30

Module content:

This module deals with aspects of the following topics:

- (a) The nature and purpose of insolvency law with reference to the collection process
- (b) The application of the proceeds and liability for contribution
- (c) Sequestration and rehabilitation applications
- (d) The assets of the insolvent estate
- (e) The assets of the solvent spouse
- (f) Unexecuted transactions
- (g) Impeachable transactions
- (h) Composition

ITA 802 International labour law 802

Academic organisation: Mercantile Law

Prerequisite: IVL 801 and CLL 802

Contact time: 2 lpw

Period of presentation: Semester 1

Language of tuition: Double medium

Credits: 30

Module content:

This module covers aspects of international labour law and includes:

- (a) International instruments (ILO and EU)
- (b) Employment equity
- (c) Termination of contracts of employment
- (d) Collective bargaining and strikes

ITL 801 Advanced income tax law 801

Academic organisation: Mercantile Law

Contact time: 2 lpw

Period of presentation: Semester 1

Language of tuition: Double medium

Credits: 30

Module content:

- (a) The basic principles pertaining to gross income
- (b) Specific inclusions in gross income – interest, royalties, etc
- (c) General principles pertaining to deductible expenses
- (d) Examples of allowable and non-allowable deductions – rent, improvements, royalties, etc
- (e) Tax evasion and tax avoidance under the Income Tax Act
- (f) Objection and appeal procedures

IVL 801 Individual labour law 801

Academic organisation: Mercantile Law

Prerequisite: ABR 420

Contact time: 2 lpw

Period of presentation: Semester 1
Language of tuition: Double medium **Credits:** 30
Module content:
Advanced study of:
(a) Employment contract: essentialia and duties of parties
(b) Application and scope of Labour Relations Act of 1995
(c) Unfair labour practices
(d) Unfair dismissal
(e) Retrenchment and transfer of employment contracts

KUB 802 Information and communications and technology law 802

Academic organisation: Mercantile Law
Contact time: 2 lpw
Period of presentation: Semester 2
Language of tuition: Double medium **Credits:** 30
Module content:

This module will provide students with detailed knowledge and understanding of the underlying theory and diverse provisions of applicable international and domestic legislation as well as practical guidance on the application thereof. The following aspects will be addressed within the context of information and communications technology law;

- (a) General introduction to international and domestic information technology law
- (b) General principles of international and domestic electronic contracting
- (c) Capita selecta from electronic transacting: online gaming, auctions and the sales of restricted goods, electronic payment methods and digital banking/financial services
- (d) Consumer protection
- (e) Privacy and data protection
- (f) Free speech on the Internet
- (g) Cyber crime
- (h) Electronic challenges facing copyright law
- (i) Domain name regulation, governance and dispute resolution
- (j) Internet Service Provider (ISP) rights, duties and liabilities

LBR 802 Liquidation and business rescue 802

Academic organisation: Mercantile Law
Prerequisite: IVR 801
Contact time: 2 lpw
Period of presentation: Semester 2
Language of tuition: Double medium **Credits:** 30
Module content:

- (a) Compromises and arrangements in terms of section 311 of the Companies Act 61 of 1973
- (b) Initiation and consequences of the winding-up of companies and close corporations
- (c) Administration of insolvent estates and the drafting of liquidation and distribution accounts
- (d) Judicial management and other business rescue mechanisms

LOE 802 Advanced law of evidence 802

Academic organisation: Procedural Law
Contact time: 2 lpw
Period of presentation: Semester 1
Language of tuition: Double medium **Credits:** 30
Module content:

The module comprises a study of selected capita of contemporary issues relating to the law of evidence. Aspects dealt with include the following:

- (a) Relevance and the fact-finding process: problematic aspects
- (b) Evidentiary aspects of the sentencing process with specific reference to the role of behavioural sciences
- (c) Expert witnesses and the "hired gun" phenomenon
- (d) A constitutional perspective on the privilege against self-incrimination
- (e) Specific aspects of the Electronic Communications and Transactions Act
- (f) Evidentiary aspects of the Sexual Offences Act

LRD 802 Global perspectives on law, justice and development 802

Academic organisation: Jurisprudence
Contact time: 2 lpw
Period of presentation: Semester 2
Language of tuition: Double medium **Credits:** 30
Module content:

This module deals with the following aspects:

- (a) Post-structural/postmodern legal theory
- (b) Post-colonial legal theory
- (c) Feminist legal theory
- (d) Application within a developmental context

LRR 801 Law of securities 801

Academic organisation: Mercantile Law

Prerequisite: Must pass an entrance test

Contact time: 2 lpw

Period of presentation: Semester 2

Language of tuition: Double medium

Credits: 30

Module content:

This module deals with aspects of the following topics:

- (a) Shares and debentures
- (b) Capital rules
- (c) Acquisition of capital and quasi shares
- (d) Secondary markets

MCL 801 Applied international law 801

Academic organisation: Public Law

Contact time: 2 lpw

Period of presentation: Semester 1

Language of tuition: Double medium

Credits: 30

Module content:

The module deals with the principles of international law at an advanced level. It focuses on theoretical questions pertaining to sources of the law and the relationship between international and national law. It analyses new developments in international law such as the changing content of sovereignty and the phenomenon of regional integration.

MHR 801 Multidisciplinary human rights 801

Academic organisation: Centre for Human Rights

Contact time: 2 lpw

Period of presentation: Semester 1

Language of tuition: Double medium

Credits: 30

Module content:

A combination of at least seven of the following topics:

- (a) The state, democracy and human rights
- (b) International relations and human rights
- (c) History of human rights, including "grassroots narratives"
- (d) Human rights in visual media (art and film)
- (e) Human rights in literature
- (f) Human rights fact-finding and reporting; human rights journalism
- (g) Human rights and HIV/Aids
- (h) Medicine, medical ethics and human rights
- (i) Civil society, "grassroots movements" and human rights
- (j) Poverty and human rights
- (k) Globalisation and human rights
- (l) Human rights and social change
- (m) Social science research and human rights
- (n) Tradition, religion and human rights
- (o) Gender and human rights
- (p) Transitional justice, reconciliation and justice

MKR 801 Company law 801

Academic organisation: Mercantile Law

Prerequisite: Must pass an entrance test

Contact time: 2 lpw

Period of presentation: Semester 1

Language of tuition: Double medium

Credits: 30

Module content:

This module deals with aspects of the following topics:

- (a) The company concept
- (b) Capacity and representation of the company
- (c) Duties of the company director
- (d) Minority protection

MPL 802 Matrimonial property law 802**Academic organisation:** Private Law**Contact time:** 2 lpw**Period of presentation:** Semester 2**Language of tuition:** Double medium**Credits:** 30**Module content:**

- (a) Aspects of the Bill of Rights and the family law
- (b) Mediation in divorce law
- (c) Aspects of legal consequences of divorce between spouses
- (d) New development in the law of husband and wife

MRG 881 Local government law 881**Academic organisation:** Public Law**Contact time:** 2 lpw**Period of presentation:** Semester 1**Language of tuition:** English**Credits:** 50**Module content:**

Capita selecta from the following:

- (a) Introduction and overview of the new legislative framework for local government in South Africa
- (b) The status, objectives and challenges for local government
- (c) The legal nature and rights and duties of municipal governments
- (d) Aspects concerning the composition and election of municipal councils
- (e) The powers and functions of municipal governments
- (f) Provision of essential services and internal functional activities of municipal structures
- (g) Municipal fiscal powers and fiscal management procedures
- (h) Aspects concerning municipal development, planning and specialised legal services

PAJ 801 Post-apartheid jurisprudence 801**Academic organisation:** Jurisprudence**Contact time:** 2 lpw**Period of presentation:** Semester 1**Language of tuition:** Double medium**Credits:** 30**Module content:**

This module deals with the following aspects:

- (a) Transformative constitutionalism
- (b) Post-apartheid jurisprudence
- (c) Law, memory, reconciliation and reparation

PLC 801 Aspects of private law pertaining to children 801**Academic organisation:** Private Law**Contact time:** 2 lpw**Period of presentation:** Semester 1**Language of tuition:** Double medium**Credits:** 30**Module content:**

Capita selecta from any of the following:

- (a) Private legal status of children in South Africa
- (b) Parent-child relationship
- (c) Children's rights and parental responsibilities
- (d) Adoption and alternative care
- (e) Reproductive and health-care rights
- (f) The theory of children's rights

RHP 801 Research methodology: Multidisciplinary human rights 801**Academic organisation:** Department of Jurisprudence**Contact time:** Block session**Period of presentation:** Semester 1 or Semester 2**Language of tuition:** English**Credits:** 5**Module content:**

- (a) Planning and organizing 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

RHP 802 Research methodology 802**Academic organisation:** Department of Jurisprudence**Contact time:** Block session**Period of presentation:** Semester 1 and Semester 2**Language of tuition:** English**Module content:**

- (a) Planning and organizing 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

RHP 803 Research proposal 803**Academic organisation:** Law Dean's Office**Period of presentation:** Year**Language of tuition:** Double medium**Credits:** 5**Module content:**

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

RHP 902 Research methodology 802**Academic organisation:** Department of Jurisprudence**Contact time:** Block session**Period of presentation:** Sem 1 and Sem 2**Language of tuition:** English**Module content:**

- (a) Planning and organizing 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

RVM 801 Introduction to the South African legal system and Bill of Rights 801**Academic organisation:** Centre for Human Rights**Contact time:** 2 lpw**Period of presentation:** Semester 1**Language of tuition:** English**Credits:** 20**Module content:**

This module provides an introductory overview of the South African Bill of Rights and constitutional litigation and analyses some selected rights in more depth within a comparative African constitutional context.

SAL 801 International Air, Space and Telecommunications Law 801**Academic organisation:** Public Law**Contact time:** Block periods**Period of presentation:** Semester 1**Language of tuition:** English**Credits:** 20**Module content:**

- (a) The public and private law aspects of air law
- (b) The regulatory system of the International Telecommunication Union
- (c) The history and major principles of space law
- (d) The use of space for military purposes
- (e) Liability for the wrongful use of space

SCL 801 Statutory competition law 801**Academic organisation:** Mercantile Law**Contact time:** 2 lpw**Period of presentation:** Semester 2**Language of tuition:** Double medium**Credits:** 30**Module content:**

This module will provide students with detailed knowledge and understanding of the underlying policy and diverse provisions of the Competition Act 89 of 1998 (as amended) as well as practical guidance on the application thereof. The following aspects will be dealt

with within the context of international comparative competition law:

- (a) Introduction to competition policy, jurisdiction and the structure of competition authorities
- (b) Economics of competition law
- (c) Relevant aspects of markets and market power
- (d) Horizontal agreements and restrictive horizontal practices
- (e) Vertical agreements and restrictive vertical practices
- (f) Abuse of dominance
- (g) The Competition Act and price setting
- (h) Exemption applications
- (i) Merger assessment
- (j) Merger regulation: legal and procedural aspects

SDV 801 Law of damages 801

Academic organisation: Private Law

Contact time: 2 lpw

Period of presentation: Semester 1

Language of tuition: Double medium

Credits: 30

Module content:

Capita selecta from any of the following:

- (a) The law of contractual damages
- (b) The law of third party compensation
- (c) Any other part of the law of damages

SKC 802 Law of specific contracts 802

Academic organisation: Mercantile Law

Contact time: 2 lpw

Period of presentation: Semester 2

Language of tuition: Double medium

Credits: 30

Module content:

A. Sale

- 1. General principles
- 2. Capita selecta from:
 - (a) Historical background of the deed of sale
 - (b) Methods of determining the subject matter: purchase price and thing sold
 - (c) Formalities regulations for sale of land
 - (d) The Actio Empti, Actio Redhibitoria and Actio Quanti Minoris
 - (e) Transfer of ownership and warranty against eviction
 - (f) Payment of price: suspensive condition
 - (g) Benefit and risk

B. Lease

- 1. General principles
- 2. Capita selecta from:
 - (a) Nature of the contract of lease
 - (b) Essentialia
 - (c) Rental Housing Act 50 of 1999: nature and powers of rental housing tribunals
 - (d) Obligations of the lessor and lessee
 - (e) Remedies of the lessor and lessee
 - (f) "Huur gaat voor koop"
 - (g) Improvements to the leased property: rights, obligations and remedies

C. Aspects of suretyship and agency

SRC 802 Socio-economic rights in the South African Constitution 802

Academic organisation: Public Law

Contact time: 2 lpw

Period of presentation: Semester 2

Language of tuition: Double medium

Credits: 30

Module content:

An analysis of the theory and practice of constitutional socio-economic rights in South Africa, with a specific focus on litigation and legal activism in this respect.

SRI 801 Socio-economic rights under comparative and international law 801

Academic organisation: Centre for Human Rights

Contact time: 2 lpw

Period of presentation: Semester 1

Language of tuition: Double medium

Credits: 30

Module content:

- (a) Protection of socio-economic rights in other domestic jurisdictions, in particular in Africa

- (b) Introduction to international human rights law
- (c) Socio-economic rights in the UN human rights system
- (d) Socio-economic rights in the African human rights system
- (e) Socio-economic rights in the European human rights system
- (f) Socio-economic rights in the Inter-American human rights system
- (g) Socio-economic rights in other emerging regional human rights systems

SRP 801 Sports law 801

Academic organisation: Procedural Law

Contact time: 2 lpw

Period of presentation: Semester 1

Language of tuition: Double medium

Credits: 30

Module content:

- (a) Aspects of sport contracts
- (b) Employment law issues in sport
- (c) Liability for sport injuries
- (d) Commercial rights
- (e) Doping in sport
- (f) Aspects of constitutional law

SSK 802 Aspects of criminal and criminal procedural law pertaining to children 802

Academic organisation: Private Law

Contact time: 2 lpw

Period of presentation: Semester 2

Language of tuition: Double medium

Credits: 30

Module content:

Capita selecta from any of the following:

- (a) Crimes against children
- (b) The child as witness
- (c) The child as perpetrator
- (d) Child pornography
- (e) Trafficking in children
- (f) Aspects of psychology and/or criminology regarding crimes against children

TBL 802 Advanced transnational business law 802

Academic organisation: Mercantile Law

Contact time: 2 lpw

Period of presentation: Semester 2

Language of tuition: Double medium

Credits: 30

Module content:

- (a) International contracts including transport contracts and insurance contracts for goods in international transactions
- (b) Methods of payment in international contracts
- (c) Settling of disputes regarding international transactions: judicial and extra-judicial (international commercial arbitration)
- (d) International trade organizations
- (e) Foreign investments and financing

TOR 802 International take-overs and reorganisations 802

Academic organisation: Mercantile Law

Prerequisite: Have to pass entrance test

Contact time: 2 lpw

Period of presentation: Semester 2

Language of tuition: Double medium

Credits: 30

Module content:

This module deals with aspects of the following topics:

- (a) South African take-overs and reorganisations
- (b) International (USA and EU) take-overs and reorganisations
- (c) Competition law

VAM 801 Compliance with and enforcement of multilateral environmental agreements 801

Academic organisation: Public Law

Prerequisite: IEL 801

Contact time: 2 lpw

Period of presentation: Semester 2

Language of tuition: Double medium

Credits: 30

Module content:

This module provides students with guidance on the practical aspects of negotiating, implementing, and enforcing environmental law at international and national levels. Aspects

dealt with include the following:

- (a) Negotiating MEAs
- (b) Implementation of MEAs
- (c) Compliance processes
- (d) Responses to non-compliance
- (e) Synergy and linkages in compliances and enforcement
- (f) Implementation of MEAs in national law
- (g) Institutional arrangements
- (h) Enforcement mechanisms
- (i) Public education and working with the media
- (j) Case studies on national institutions and processes