

Undergraduate Faculty Brochure

2024



UNIVERSITEIT VAN PRETORIA
UNIVERSITY OF PRETORIA
YUNIBESITHI YA PRETORIA

Faculty of Law

Fakulteit Regsgeleerdheid
Lefapha la Molao

The closing date for programmes
in this Faculty is **30 June**.

Make today matter

www.up.ac.za

Message from the Dean

Welcome to the University of Pretoria Faculty of Law!

The purpose of my message as Dean is to introduce you to UP Law, of which we are very proud and which ranks as the best in the country and Africa. Our ranking as the best law school in Africa was confirmed for the sixth consecutive year by the Times Higher Education's (THE) 2023 survey, a feat unequalled in South Africa and Africa.

Prof Elsabe Schoeman
Dean: Faculty of Law



Our mission is to be an internationally recognised leader in socially relevant legal education and research in South Africa and globally. In pursuing its vision, UP 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. We have professional links to the world's most prestigious international bodies such as the United Nations, the European Union, the African Union, the World Bank and foreign universities.

At the undergraduate level, the Faculty offers a four-year LLB degree. However, the majority of our students first enrol for a BCom (Law) (Faculty of Economic and Management Sciences) or BA (Law) (Faculty of Humanities) 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, UP Law is progressively placing greater emphasis on an inquiry-led approach teaching and learning model, to improve the research and problem-solving skills of our students, while simultaneously ensuring that they are work ready as graduates.

At the postgraduate level, we offer extensive master's (LLM/MPhil) programmes (through coursework or research) and a doctoral (LLD/PhD) programme.

The Faculty currently employs approximately 70 dedicated full-time academics, of which 75% have doctoral degrees in various fields of the law. They are supported by highly motivated professional staff, and together they serve and prepare our student community for the various law-related career opportunities.

The legal profession is a demanding one, but the skills you will learn at UP Law will prepare you to be amongst the best in the field. It does not matter whether you choose an LLB, a BCom (Law) or BA (Law) degree, as you will have access to support from your faculty and some of UP's tailored programmes where you will learn how to land your first job or start your own business. With the high quality of teaching and learning support we provide, employers are keen to hire our graduates.

Our high standard of teaching and learning ensures that UP Law graduates acquire the required graduate skills demanded by the legal profession. Also, our UP Law graduates are able to adjust to the real world beyond university with relative ease. It is our objective to enable and empower our students to apply their in-depth knowledge and critical thinking skills to make a positive impact on South Africa and the world, as well-rounded, ethical individuals that are an asset to the workplace and society.

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. Also, you will 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.

Many of our alumni have reached the apex of careers in law, some serving as judges in the high courts, the Supreme Court of Appeal and the Constitutional Court, where they are playing a significant role in the execution of justice. A number of graduates have also taken up important positions in government. In fact, the current Minister of Justice and Correctional Services, Ronald Lamola, and Yvonne Dausab, the Namibian Minister of Justice, are UP Law alumni! Join us to follow in their footsteps or create your own illustrious future.

We are a UP Law community of commitment. Should you become a member of our community, we expect that you will uphold our core values, such as ethical conduct, integrity, respect for diversity, community service, while continuously striving for an equitable, just and fair society in our country and the world. Think about it—you will be part of our 116th intake of law students! Become part of the finest group of entering law students assembled in South Africa next year. Choose wisely, #ChooseUP!

We look forward to our 2024 intake of students and their contributions one day as UP Law graduates in the national and international legal arena.

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The Faculty of Law (UP Law) has consistently been **ranked the top law faculty in South Africa and on the African continent** by the *'Times Higher Education World University Rankings by subject: law'*.



Undergraduate LLB admissions regulation

General admission regulations that apply to all prospective students

- The admission requirements and general information provided in this Faculty brochure are applicable to students who apply for admission to the University of Pretoria with a National Senior Certificate (NSC) or an Independent Examination Board (IEB) qualification.
- The following persons will be considered for admission to a first bachelor's degree at the University of Pretoria:
 - Candidates who have a certificate that is deemed by the University to be equivalent to the required National Senior Certificate (NSC) with bachelor's degree endorsement;
 - Candidates who are graduates from another tertiary institution or have been granted the status of a graduate of such an institution; and
 - Candidates who are graduates of another faculty at the University of Pretoria.
- Grade 11 results are used for the conditional admission of prospective students, but final admission will depend on the NSC (or equivalent) qualification and results.
- Candidates must also comply with the specific subject and achievement level requirements and the minimum Admission Point Score (APS) for their chosen degree programmes.
- The APS calculation is done by using the NSC 1 to 7 scale of achievement. It is based on a candidate's achievement in six recognised 20-credit subjects. The highest APS that can be achieved is 42. Life Orientation is a 10-credit subject and is excluded from the calculation when determining the APS. The following subject rating scores are used for calculating the APS for NSC/IEB:

Admission Point Score (APS) Conversion

The following subject rating scores are used for calculating the APS for NSC/IEB:

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%

NSC – National Senior Certificate (completed Grade 12 in or after 2008)

IEB – Independent Examination Board

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

School subject (example)	Report mark
Afrikaans	5
English	6
Mathematics	6
Physical Sciences	6
Life Sciences	7
Accounting	5
Life Orientation	Excluded
APS Total	35

- Except in cases where modules or programmes require the use of a language other than English, all modules will be presented in English, which is the University's official language of tuition, communication and correspondence.
- Minimum requirements for admission to the relevant programmes are set out in the minimum admission requirements table in this brochure.
- Meeting the minimum admission requirements does not guarantee admission into a programme.
- Applicants with qualifications other than NSC and IEB should refer to the following publications:
 - The *Undergraduate Programme Information 2024: Qualifications other than the NSC/IEB brochure*, which is available at www.up.ac.za/programmes > Undergraduate > Admission information.
 - The *Newcomer's Guide: 2023 brochure of the International Cooperation Division*, which is available at www.up.ac.za/programmes > Undergraduate > Admission information.
- School of Tomorrow (SOT) and Accelerated Christian Education (ACE):** The University of Pretoria no longer accepts qualifications awarded by these institutions.
- General Education Development (GED):** South African GED graduates who graduated up to 2019 may be considered for admission, provided they qualify for an exemption certificate issued by USAf and comply with both University admission and Faculty subject requirements. South African GED graduates who graduated after 2019 cannot be considered for admission to UP as the diploma is not accredited by USAf and will not be considered for exemption. Applicants from the USA who completed the GED may apply for a Foreign Conditional Exemption Certificate issued by USAf and accompanied by their SAT/TOEFL/IELTS results.
- National Certificate (Vocational) (NCV) Level 4:** The University of Pretoria may consider NCV candidates, provided they meet the exemption for bachelor's status criteria and the programme requirements.



Note: Refer to the General Academic Regulations and Student Rules at www.up.ac.za/yearbooks/home, click on 'General Rules and Regulations'.

APPLICATION AND CLOSING DATES:

- Applications open on 1 April. All study programmes at the University of Pretoria are number-limited. You are encouraged to submit your application as soon as possible after 1 April.
- The closing date for applications for all UP study programmes is 30 June. This excludes the programmes in the Faculty of Veterinary Science which close on 31 May.

APPLICATION STATUS:

- Apply with your final Grade 11 (or equivalent) results.
- Please note that meeting the minimum academic requirements does not guarantee admission.
- Successful candidates will be notified once conditionally admitted.
- Unsuccessful candidates will be notified after 30 June.
- Please check your application status regularly on the UP Student Portal at www1.up.ac.za.
- Final admission will be based on the applicant's final school-year NSC or equivalent results.

Undergraduate LLB admissions regulation

Faculty-specific admission regulations

- Applicants who comply with the minimum admission requirements are conditionally admitted to the available places. The application process allows for diversity in admissions. With regard to first-year admissions, the Faculty strives to admit at least 50% designated (black African, Indian and Coloured) students. If the admission process leads to a situation in which fewer than 50% designated (black African, Indian and Coloured) students are admitted, the admissions should be adjusted to give preference to the most meritorious designated (black African, Indian and Coloured) candidates.
- If places are available, candidates who have graduated for another degree and can submit a certificate of satisfactory conduct, or completed the NSC (or equivalent qualification) and have an APS of 38 or higher and an achievement level of at least 6 in English may be conditionally admitted after the closing date, at the discretion of the Faculty's Admissions Committee.

Minimum admission requirements (2024)

Degree programme	English Home Language or English First Additional Language	APS
LLB 04130012	6 (70-79%)	35

Transferring students

Definition of a transferring student

A transferring student is a student who, at the time of application for a degree programme at the University of Pretoria (UP)

- a) is a registered student at another tertiary institution; or
- b) was previously registered at another tertiary institution, but did not complete the programme enrolled for at that institution and is not currently enrolled at a tertiary institution; or
- c) has completed studies at another tertiary institution, but is not currently enrolled at a tertiary institution; or
- d) had started tertiary studies at UP, then moved to another tertiary institution and would like to be readmitted to UP.

Guidelines for transferring students' admission to degree programmes at UP

A transferring student will be considered for admission based on:

- a) submission of an NSC or equivalent qualification with admission to bachelor's or diploma studies (whichever is applicable); and
 - meeting the minimum faculty-specific requirements at NSC level; or
- b) having completed a degree and
 - meeting the minimum faculty-specific subject requirements at tertiary level; or
- c) having completed an HEQSF-registered (see <https://allqs.saga.org.za/search.php?cat=qual#>) Higher Certificate at a tertiary institution,
 - which will grant complete exemption; and
 - having passed each of the modules/subjects prescribed for the Higher Certificate with at least 60%,
 - with the faculty-specific subjects/modules passed being equivalent to the NSC subject requirements and/or
 - meeting the minimum faculty-specific subject requirements at tertiary level.

Note:

- Meeting the minimum requirements does not guarantee admission.
- Only a limited number of students will be admitted to each programme.
- Based on capacity, ranking according to academic performance may be implemented.

- d) Previous academic performance will be taken into account as per faculty regulation/promotion requirements.
- e) Require a certificate of good conduct.

Note:

- Students who have been dismissed from a previous institution due to poor academic performance will not be considered for admission to UP.
- Admission of transferring students will always depend on the availability of spaces in the programme and the specific faculty.
- Students transferring from other universities must adhere to UP General Academic Regulations G.7-9 before a degree may be awarded by UP.

Closing date for applications from transferring students:

For all undergraduate non-selection programmes, online applications will be closed when admission targets have been met and in consultation with the relevant Dean.

Returning students

Definition of a returning student

A returning student is a student who, at the time of application for a degree programme

- a) is a registered student at UP, and wants to transfer to another degree at UP, or
- b) was previously registered at UP and did not complete the programme enrolled for, and did not enrol at another tertiary institution in the meantime (including students who applied for leave of absence), or
- c) has completed studies at UP, but is not currently enrolled or was not enrolled at another tertiary institution after graduation.

Guidelines for admission of returning students to degree programmes at UP

A returning student will be considered for admission based on

- a) an NSC or equivalent qualification with admission to bachelor's or diploma studies (whichever is applicable); and meeting the minimum faculty-specific requirements at NSC level; or
- b) having completed a degree and
 - meeting the minimum faculty-specific subject requirements at tertiary level; or
- c) previous academic performance (should have a cumulative weighted average of at least 50% for the programme enrolled for).

Note:

- a) Students who have been excluded/dismissed from a faculty due to poor academic performance may be considered for admission to another programme at UP, as per the faculty specific requirements.
- b) Only ONE transfer between UP faculties will be allowed, and a maximum of two (2) transfers within a faculty.
- c) Admission of returning students will always depend on the availability of space in the programme and the respective faculty.

Closing date for applications from returning students:

Applications from returning students may be received until the end of June.

University of Pretoria website

www.up.ac.za/law

Undergraduate programmes

Minimum admission requirements

- The closing date for applications for programmes in this faculty is 30 June.
- Meeting the minimum admission requirements does not guarantee admission into a programme.

Programmes	Minimum requirements for NSC/IEB for 2024	
	Achievement level	APS
	English Home Language or English First Additional Language	
LLB [4 years]	6	35
Candidates that fulfil the requirements for admission to this programme as set out in this brochure, will be considered. Candidates are urged to apply as early as possible from 1 April.	Queries relating to LLB applications can be directed to: Tel +27 (0)12 420 4265 Email lawadmin@up.ac.za	
Careers: Refer to the infographics in this brochure.	Queries relating to BA (Law) applications can be directed to: Ms Ernika Monyeki (Faculty of Humanities) Tel +27 (0)12 420 5241 Email ernika.monyeki@up.ac.za	
BA (Law) [3 years]	Queries relating to BCom (Law) applications can be directed to: Ms Ronel Steenkamp (Faculty of Economic and Management Sciences) Tel +27 (0)12 420 3347 Email ronel.steenkamp@up.ac.za	
BCom (Law) [3 years]		



Undergraduate programmes

LLB, LLB (after completing BA (Law)) and LLB (after completing BCom (Law))

In 1998, the five-year LLB degree was shortened to a four-year degree. However, it is evident that not all students can cope with the demands of the legal profession after four years of study. Therefore, it is generally recommended that UP Students first complete either the three-year BA (Law) or the three-year BCom (Law) degree and then apply to the LLB degree, which will take another two to three 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. This programme aims 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"> ▪ Financial accounting ▪ Economics ▪ Business management ▪ Statistics ▪ Roman law ▪ Jurisprudence ▪ Law of persons 	<ul style="list-style-type: none"> ▪ Consumer protection ▪ Law of contract ▪ Law of succession ▪ Specific contracts 	<ul style="list-style-type: none"> ▪ Insolvency law ▪ Law of things ▪ Law of delict ▪ Entrepreneurial law ▪ Payment methods

Elective modules

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

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

Please refer to the website 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 for BCom (Law)

The closing date for applications for BCom (Law) is 30 June.

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. This multidisciplinary programme aims 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 modules must be selected from the elective modules. At least one of these modules must be a language. Two BA modules must be selected up to second-year level, of which at least one must be a language; and one BA module 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 honour's degree in the core discipline they chose in the humanities.

Please refer to the website 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 for BA (Law)

The closing date for applications for BA (Law) is 30 June.

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 1 to 4**.

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.

Composition of the LLB degree

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 the student's modules will be written.

Composition of the LLB degree

First year

First semester	Second semester
Fundamental modules	
<ul style="list-style-type: none"> AIM 102 Academic information management JUR 110 Jurisprudence 	<ul style="list-style-type: none"> JUR 120 Jurisprudence
Core modules	
<ul style="list-style-type: none"> PSR 110 Law of persons 	<ul style="list-style-type: none"> FMR 121 Family law ROM 120 Roman law
Plus	
Plus a minimum of 24 credits from the following modules:	
<ul style="list-style-type: none"> ENG 110 English ENG 118 English for specific purposes ENG 120 English 	
Plus a minimum of 24 credits from the following modules:	
<ul style="list-style-type: none"> Any other language module offered by the Faculty of Humanities other than the required English language modules FIL 110, 120 Philosophy FRK 111, 122 Financial accounting GES 110, 120 History KRM 110, 120 Criminology PTO 111, 120 Politics SOC 110, 120 Sociology 	
The following aspects should be kept in mind:	
<ul style="list-style-type: none"> Students have to familiarise themselves with the prerequisites for modules from other faculties. The modules may not clash. Some modules have limits on the number of students who may register. 	

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

JUR 120 Jurisprudence (15 credits)

For LLB, BCom and BA specialising in law

Basic principles of the following:

- Law of obligations (contract and delict)
- Criminal law
- Law of civil procedure
- Law of criminal procedure
- Law of evidence

Composition of the LLB degree

Access to justice:

- Courts and alternative dispute resolution
- Legal profession
- 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:

- Drafting a simple contract based upon a set of facts (law of contract)
- Reading, understanding, summarising a case on the law of delict and applying the principles of legal argument and logic
- Summarising, analysing, criticising and improving (editing) a piece of writing on the law of evidence
- 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:

- Things, real rights, possession
- Ownership, limitations, acquisition, protection
- Limited real rights, servitudes, real security

Introduction to the Roman law of contract:

- General principles of the law of contract
- Specific contracts
- Quasi-contracts

Introduction to the Roman law of delict:

- General principles of the law of delict
- Specific delicts
- Quasi-delicts



Second year

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

ERF 222 Law of succession (15 credits)

For LLB, BA and BCom specialising in law

- Intestate succession
- Testate succession
- Administration of estates

KTH 220 Specific contracts (15 credits)

For LLB, BA and BCom specialising in law

- Law of purchase and sale
- Law of letting and hiring of things
- Law of agency
- Law of suretyship
- Law of letting and hiring of work

KTR 211 Law of contract (15 credits)

For LLB, BA and BCom specialising in law

- General principles of the law of obligations
- Formation of the contract
- Content of the contract
- Interpretation of contracts
- Breach of contract
- Remedies for breach of contract
- Termination of contractual obligations
- Drafting of contracts

PBL 210 Public Law (10 credits)

For LLB, BAdmin and BA specialising in law

- Introduction to constitutional law and theory
- Basic principles regarding constitutional law, the law in general, the State and the individual
- Important constitutional principles and concepts
- The historical development of modern constitutional law
- Overview of recent constitutional developments in South Africa since 1652
- The different elements of State
- Sources of South African constitutional law
- The founding provisions, the legal order and symbols of the South African State
- Basic principles of cooperative governance in South Africa
- The South African president and the National Executive Authority
- The National Legislative Authority
- Provincial Government

PBL 220 Public Law 210 (10 credits)

For LLB, BAdmin and BA specialising in law

- Situating constitutional rights within the statist-liberal and multicultural approaches to constitutionalism
- Conceptualisation: Human rights; fundamental rights and constitutional rights; universality versus cultural specificity
- Structure and outline of the Bill of Rights
- Standing

Composition of the LLB degree

- (e) Interpretation with specific reference to transformationism
- (f) Application: The rights bearers and duty-bearers of constitutional rights
- (g) The structure of a dispute involving constitutional rights and limitation
- (h) Capita selecta of specific rights in liberal, communitarian and transformationist contexts, including:
 - Equality and non-discrimination
 - Freedom of religion, belief and opinion
 - Freedom of expression and other selected individual freedoms
 - Socio-economic rights
- (i) Enforcement
 - Communal consent
 - Judicial enforcement; South African courts and their jurisdictions; capita selecta of judicial remedies
- (j) Chapter IX institutions
- (k) Critical notes

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

BLR 310 Tax law (10 credits)

For LLB

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

BWR 310 Law of evidence (8 credits)

For LLB

- (a) Introduction – Historical development and sources of the Law of Evidence
- (b) Decolonisation and transformation of the Law of Evidence
- (c) Relevance and admissibility
- (d) Previous consistent statements
- (e) Similar fact evidence
- (f) Character evidence
- (g) Opinion evidence
- (h) Hearsay and res gestae

BWR 320 Law of evidence (7 credits)

For LLB

- (a) Privilege
- (b) Competence and compellability
- (c) Kinds of evidence: Oral, real, documentary and sui generis
- (d) Informal admissions, pointings-out and confessions
- (e) Unconstitutionally obtained evidence in criminal trials
- (f) Burden of proof, quantum of proof, and the effects of presumptions
- (g) The evidentiary aspects of trial practice

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

Composition of the LLB degree



IGZ 320 Intellectual property law (10 credits)

For LLB

- (a) General principles of intellectual property law
- (b) Copyright
- (c) Law relating to inventions and designs
- (d) Trademark law
- (e) Law relating to plant breeders' rights
- (f) Law of competition

ISR 310 Insolvency law (10 credits)

For LLB and BCom specialising in law

- (a) General introduction and historical background
- (b) The process of sequestration
- (c) Effects of sequestration
- (d) Voidable and void dispositions
- (e) Overview of administration of insolvent estates
- (f) Composition, rehabilitation and offences
- (g) Liquidation of insolvent companies and close corporations

JUR 310 Jurisprudence (10 credits)

For LLB and BA specialising in law

An overview of the most important jurisprudential approaches, including natural law, positivism, realism, critical legal theory, and modern and postmodern approaches. The theoretical and practical value of these approaches is investigated within a post-apartheid context.

ODR 320 Entrepreneurial law (12 credits)

For LLB and BCom specialising in law

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

PBL 310 Public law (10 credits)

For LLB and BAdmin

An overview of judicial review of administrative action in light of the Constitution and the Promotion of Administrative Justice Act 3 of 2000, with a focus on the legitimate scope of such judicial review and the grounds for judicial review.

PBL 320 Public law (10 credits)

For LLB

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

RHP 320 Research methodology (5 credits)

For LLB

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

Generic skills:

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

Methods and perspectives concerning legal research:

- (a) The nature and purpose of comparative law, the advantages, disadvantages, and pitfalls of comparative research, dogmatic and functional approaches to legal comparison, types of comparative studies and the comparative method
- (b) Legal historical research
- (c) Legal pluralism
- (d) Socio-legal approaches
- (e) Broad theoretical perspectives

SAR 310 Law of things (15 credits)

For LLB and BCom specialising in law

- (a) General principles of the law of things
- (b) Constitutional aspects
- (c) Control (possession and holdership)
- (d) Ownership (including joint ownership and sectional-title property)
- (e) Limited real rights (including servitudes, limiting provisions, public servitudes, mineral rights and real security rights)

VHD 320 Payment methods (10 credits)

For LLB and BCom specialising in law

- (a) Elements of negotiability, the bill of exchange, cheques and promissory notes; parties to bills, cheques and notes
- (b) Requirements for validity, negotiation, holdership and acceptance
- (c) The banker-client relationship, crossings and additions to crossings, the legal position of the drawee and collecting bank
- (d) Electronic payment methods

Fourth year

First semester	Second semester
Core modules	
<ul style="list-style-type: none"> ▪ ABR 410 Labour law ▪ ESS 400 Research: Essay and seminar ▪ PBL 410 Public law ▪ SIP 410 Civil procedure law ▪ SPR 411 Criminal procedure law 	<ul style="list-style-type: none"> ▪ PBL 420 Public law ▪ PVR 420 Private law ▪ SIP 420 Civil procedure law ▪ SPR 412 Criminal procedure law
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

ESS 400 Research: Essay and seminar (25 Credits)

The essay deals with a subject from the field of law. The research proposal is due after the Easter recess in the first semester and the final essay is due by the end of lectures in the second semester.

- (a) An electronic or printed copy of the essay of between 8 000 and 10 000 words (with an indication of the number of words on the last page of the essay), must be submitted
- (b) Each available 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 as a group attend one compulsory lecture on the approach to and writing of an essay. Following this, each lecturer organises one seminar of two hours with their group of students, during which students submit the topics and basic structure of their essays.

After completion of the essays, a copy of each essay is made available to students. The lecturer then organises a further series of seminars, where each student presents their conclusions for the group to criticise. At these seminars, the lecturer may also involve another faculty member or expert. The evaluation is as follows:

- Research proposal: 20%
- Final essay: 70%
- Participation in seminar: 10%

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

Core modules/Elective modules

SIP 410 Civil procedure law (8 credits)

For LLB

- (a) STUDY UNIT 1 Introduction to civil procedure and the structure of the courts
- (b) STUDY UNIT 2 Consultation, legal representation, demand and prescription
- (c) STUDY UNIT 3 General principles of jurisdiction
- (d) STUDY UNIT 4 Jurisdiction of the High Court
- (e) STUDY UNIT 5 Jurisdiction of the Magistrate's Court
- (f) STUDY UNIT 6 Jurisdiction of the Small Claims Court
- (g) STUDY UNIT 7 The parties
- (h) STUDY UNIT 8 Applications
- (i) STUDY UNIT 9 Summons, particulars of claim and declaration
- (j) STUDY UNIT 10 Service of process
- (k) STUDY UNIT 11 Judgment at an early stage
- (l) STUDY UNIT 12 Summary judgment

SIP 420 Civil procedure law (7 credits)

For LLB

- (a) STUDY UNIT 13 Defective processes and non-compliance with the rules
- (b) STUDY UNIT 14 Settlement offers, security for costs and mediation
- (c) STUDY UNIT 15 Pleas, counterclaims, replications, counterpleas and close of pleadings
- (d) STUDY UNIT 16 Amendment of pleadings
- (e) STUDY UNIT 17 Preparation for trial
- (f) STUDY UNIT 18 The trial and judgment
- (g) STUDY UNIT 19 Provisional sentence
- (h) STUDY UNIT 20 Appeals and reviews
- (i) STUDY UNIT 21 Execution
- (j) STUDY UNIT 22 Debt collections and administrations
- (k) STUDY UNIT 23 Legal costs
- (l) STUDY UNIT 24 Interdicts, Mareva injunctions and Anton Piller orders

SPR 411 Criminal procedure law (8 credits)

For LLB

- (a) Introduction
- (b) The courts and the prosecuting authority
- (c) Pre-trial procedures for children
- (d) Attendance of accused at court
- (e) Interrogation, interception and establishing the physical features of a person
- (f) Search and seizure
- (g) Bail and release on warning

SPR 412 Criminal procedure law (7 credits)

For LLB

- (a) Alternative procedures to finalise a criminal case
- (b) Indictments and charge sheets
- (c) Pleas
- (d) Plea of guilty
- (e) Plea of not guilty
- (f) Trial and verdict
- (g) The sentence
- (h) Review proceedings
- (i) Appeals

Elective modules

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

AGF 420 Alternative dispute resolution

Theory on 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 capita 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.

Elective modules

DRL 420 Introduction to disability rights

This module offers an introduction to various legal aspects relating to the contemporary challenges of persons with disabilities as a multi- and interdisciplinary field of study. A *capita selecta* of topics include different legal issues pertinent to the protection and promotion of the rights of persons with disabilities in South Africa, the social construct of disability, the relevance of international human rights and the CRPD (and its Protocol), and the interplay between the UN Sustainable Development Goals and the rights discourse.

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 for further details.

IPR 410 Private international law

- (a) Theoretical and historical background
- (b) Conceptual problems
- (c) Determination of foreign law
- (d) Conflict rules for the determination of an appropriate norm of the following:
 - Family law
 - Law of contract
 - Law of delict
 - Law of things
 - Law of succession
- (e) Recognition and enforcement of foreign judgements

JUR 420 Jurisprudence

The module focuses on various jurisprudential approaches, including philosophical perspectives, critical theory, and other inter- and transdisciplinary perspectives on law and their response and relation to contemporary issues.

KID 410 Child law

- (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 on 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 on 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 comparative legal 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

Elective modules

ISL 420 Capita selecta of insurance law

The topics covered include:

- Insurance supervision and governance
- General principles of insurance contract law
- Specific aspects of the insurance relationship
- Specific aspects of insurance claims
- Dispute resolution

OMR 410 Environmental law

- The nature and scope of environmental law
- The Constitution and the environment
- Environmental framework regulation
- Planning law
- Environmental assessment
- Water law
- Pollution control and waste management
- Mining and energy sources
- Biodiversity and conservation of forests, plant resources and wild animals
- Heritage resources
- Living marine resources

ONR 420 Education law

- Introduction to the nature and role of the law of education
- Fundamental right to education and constitutional principles relevant to education
- Certain specific rights of students, learners, parents and educators
- Basic legal principles of education management in public schools
- Basic legal principles regarding tertiary education
- Other relevant aspects of the law of education

PRR 400 Practical law (20 credits, two electives)

- 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
- Discussion classes regarding cases that are being dealt with at the Law Clinic
- Assignments

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)
- RPR 410 Advanced legal pluralism: This module offers an in-depth analysis to various legal aspects relating to the contemporary challenges and benefits of applying and recognising African Customary law as an independent legal system as championed by the Constitution. A capita selecta of topics include different legal issues pertinent to the field of African Customary law in South Africa, ranging from public, private and procedural law matters.



Elective modules

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 requires 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. For clients to be covered against theft of trust monies, attorneys are also required to have the trust account audited annually. If there are 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 the 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. This requirement still binds the first of the two branches of the advocates, and if an advocate belongs to this branch, such advocate may not have a trust account and does not have to have 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 have 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. The Judicial Services Commission appoints judges.

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/about-us/about-the-attorneys-profession/becoming-a-legal-practitioner and www.lpc.org.za.

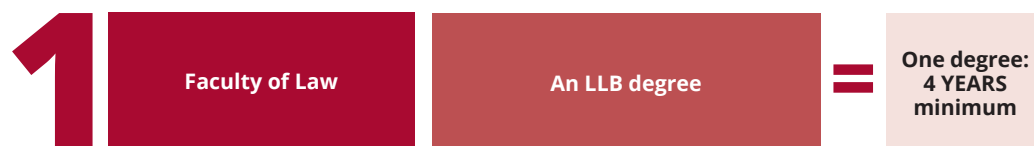
Also, refer to the Infographics in this brochure for more information.



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 = 35 | English 6 (70-79%)



Admission requirements: APS = 34 | 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).

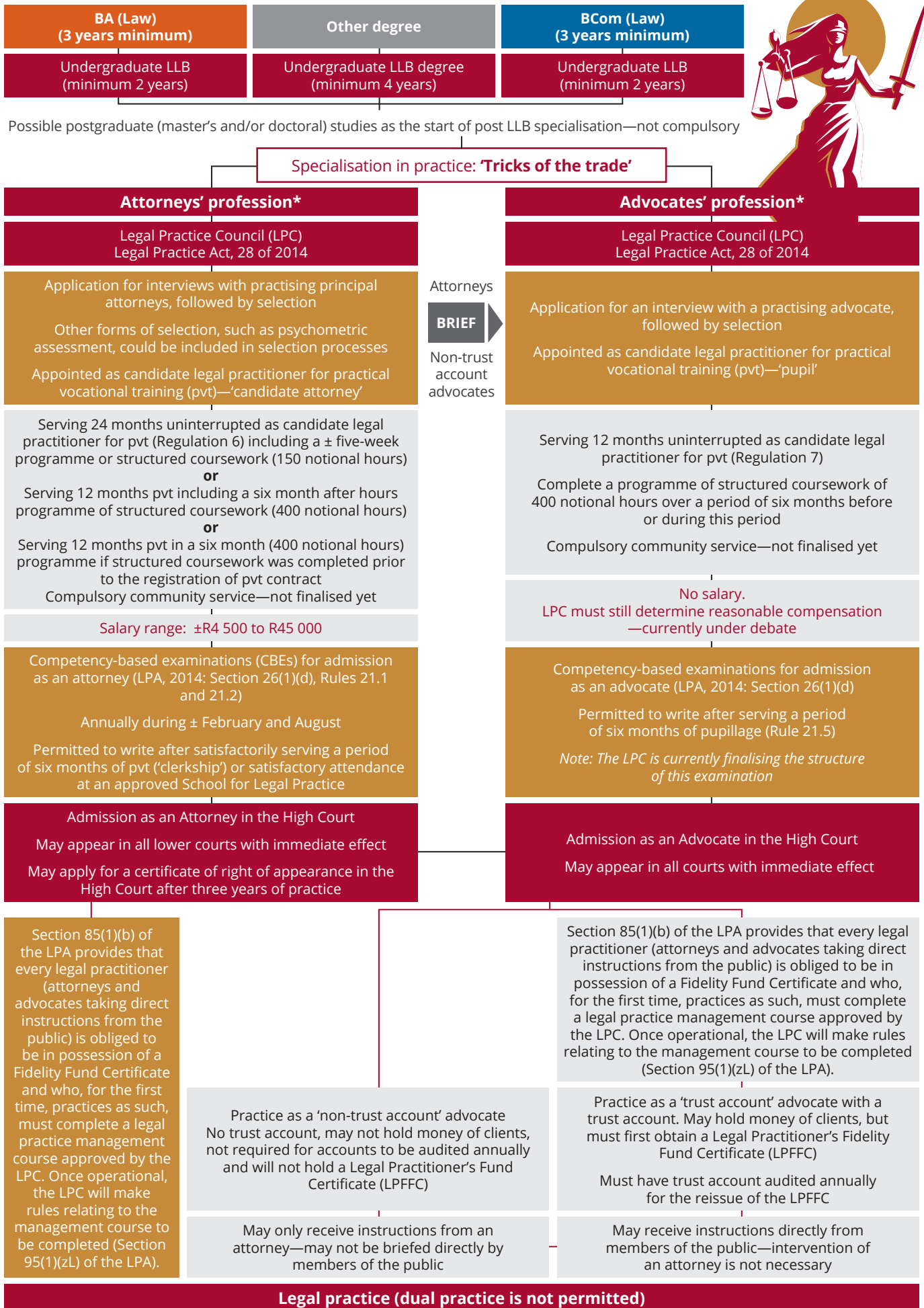
Master's programmes are presented as follows:

- 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 | <https://www.up.ac.za/faculty-of-humanities> | www.up.ac.za/ems



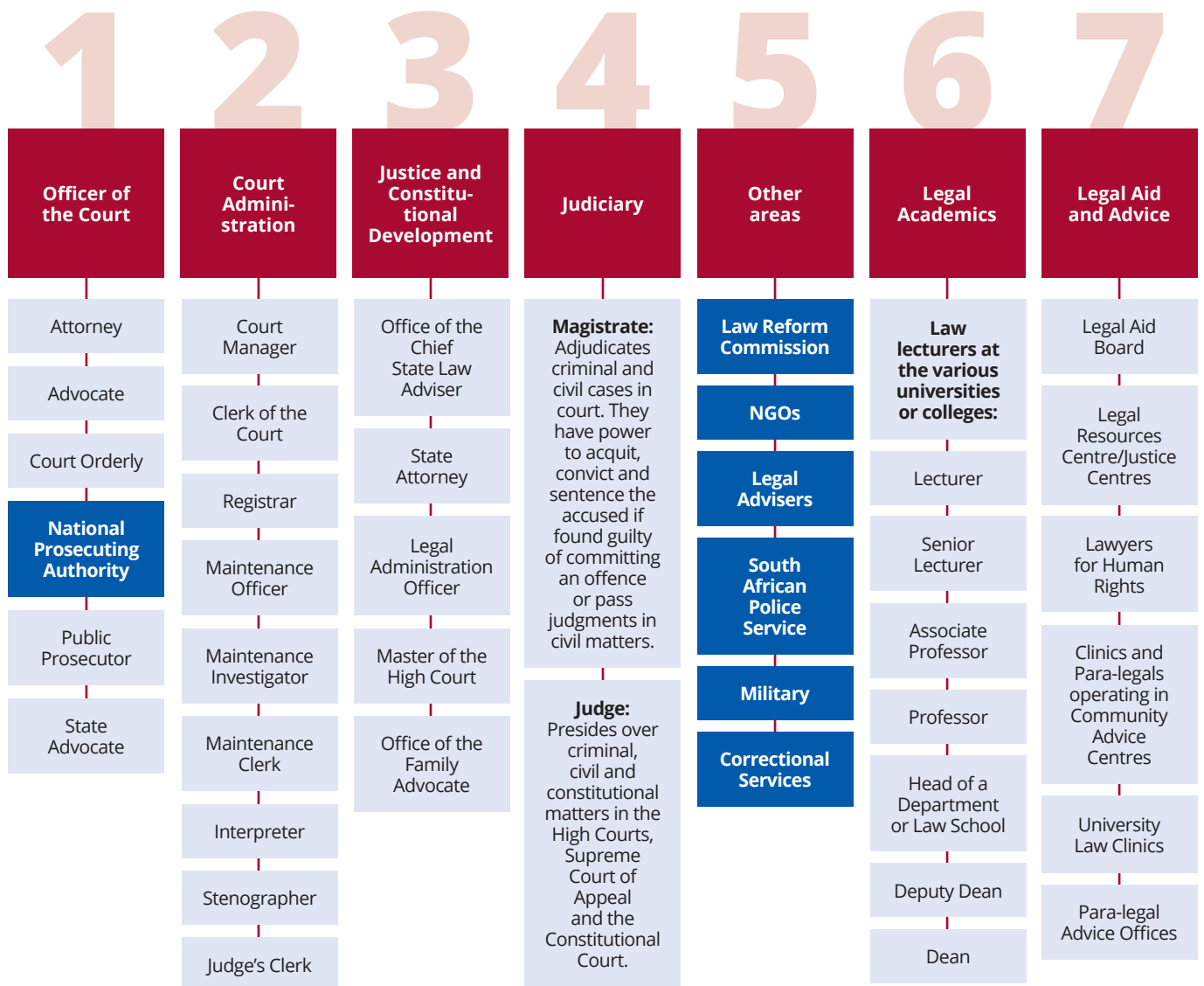
Attorneys
BRIEF
Non-trust account advocates

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.



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 Motivation

I am:

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

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

I have the ability to:

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

3 Logical reasoning, persuasiveness and sound judgment

I have the ability to:

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

4 Value honesty and integrity

I am aware that:

- Lawyers are subject to the highest degree of honesty, integrity and ethical conduct.
- I should possess intrinsic values such as work ethic, ethical conduct and integrity.
- 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.

5 Adaptability, stamina, energy and resilience

I am:

- Creative, determined, enthusiastic, energetic, and possess drive, emotional intelligence and perseverance.
- Able to manage and run a profitable practice.

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

I have the ability to:

- Prepare strategies that require absorbing and comprehending vast quantities of information and distilling that into something manageable, relevant, valid and useful.
- Employ logic to construct arguments and draft legal documents.

7 Mental agility and reasonable, logical analysis, assumptions and conclusions

I have the ability to:

- 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.
- 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.'¹

8 Problem Solver-in-Chief

I have the ability to:

- Not become overly emotional when facing problems and explore options.
- Approach and view problems as challenges or life experiences and proactively and objectively address them.
- Solve problems, using a combination of intuition and logic to create solutions and finding opportunities.

9 Time management

I have the ability to:

- Prioritise tasks and manage time effectively.
- Comprehend that the legal profession is based on procedures and limitations with accompanying prescriptions.

10 Attention to detail

I am

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

Infographics



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 60th 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 and human rights.

✓ Specialised research centres and chairs

- **Centres and units for:** Intellectual Property Law; Child Law; Extractive Industries Law in Africa; Human Rights; International and Comparative Law; Law and Medicine; Sports and Entertainment Law; and Business Rescue and Insolvency Law.
- **Law Clinic**
- **Research:** Absa Africa Chair in Banking Law in Africa; 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.
- 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.



UNIVERSITEIT VAN PRETORIA
UNIVERSITY OF PRETORIA
YUNIBESITHI YA PRETORIA

Faculty of Law

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