Leaving home is always daunting but there is nothing better than getting the opportunity to live and work in another country. Having the opportunity to spend six months in Tanzania on the firm’s International Seat Program (ISP) has been one of the best things that has happened to me!

From the fear and excitement of the unknown, to getting stuck in and learning a bit of Swahili, to travelling around East Africa, and to getting the chance to see how another Norton Rose Fulbright office operates, I have grown.

Experiences shape and make the person and attorney that you will be. Norton Rose Fulbright and the ISP have done that for me. This year has been full of experiences and I know that my story and journey is only just beginning.

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Candidate Survey, 2014

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WELCOME

A new year brings with it new opportunities, new dreams and new challenges. I hope that 2015 brings all of these new things to you. It is by making the most of opportunities, by confronting challenges and through the management of change and changing circumstances that we develop, as students of the law and as human beings. In this, the 110th year of celebrating law and the teaching of law at Rhodes University, my wish is that this year is one of development for the Faculty’s staff and students.

The Faculty aims to integrate its teaching, learning and research around community engagement. The aim of this integration is to ensure that your learning experience is active, involved and relevant to our transforming and changing society. By taking responsibility for your own learning and by actively participating as a researcher and problem-solver in the different courses you take, your experience as a student will be enriched. I encourage you to make the most of all the learning opportunities that the Faculty offers.

I trust that this short guide (which has been updated with the kind assistance of all staff) will be of great assistance to you in finding your way through the rules and policies that guide your reading of law at Rhodes.

Further, I pledge my willingness to assist you in addressing your academic needs and to guide you in finding the assistance you require to make the most of time as a student in the Faculty. I am always just an email away – r.kruger@ru.ac.za

All the best for the 2015 academic year.

Dr Rosaan Krüger
Dean: Faculty of Law
SECTION A: FACULTY VISION, MISSION AND GOALS

1 VISION AND MISSION

The Faculty’s vision is to be an academic centre that is respected nationally and internationally for its excellent teaching and research, and which seeks to play a productive role in the development of the Eastern Cape and Southern Africa.

In pursuit of its vision the Faculty’s mission is to produce high-quality graduates who are capable of becoming leaders in legal practice, commerce, industry, politics or academia. Its aim is to conduct sound teaching and research and to promote community service. The Faculty is committed to the values entrenched in the Constitution of the Republic of South Africa and aims to promote a sense of justice, tolerance and equity in our staff and students, so enabling them to become responsible, productive and ethical members of society.

2 GOALS

2.1 General benchmarks

- To appreciate that we are professionals, who are required to show dedication, responsibility and commitment to our vocation.
- To nurture and develop pride in the Faculty amongst staff and students.
- To provide a professional, efficient and effective service.
- To work together as a team that is dedicated to the Faculty’s Vision and Mission statement.
- To be aware of our social and ethical responsibilities as educators, researchers and members of the community.

In furthering the above, our more specific goals are:

2.1.1 Policy

- To be aware of policy at the Faculty, University and National level, and to accept the need to comply with such policies. In particular:
- To comply with the University’s Policies on Curriculum Development and Review, the Evaluation of Teaching and Courses, the Assessment of Student Learning, and Postgraduate Supervisory Practice.
- To appreciate the need for diversity and equity, and actively to pursue opportunities for ensuring that our Faculty reflects national demographics.
- To encourage student participation in Faculty decision-making.
2.1.2 Teaching and Learning

- To encourage a spirit of enquiry and intellectual excitement amongst students.
- To be enthusiastic, and to care about our students and student learning.
- To ensure a professional approach to teaching and learning. In particular:
  1. To exhibit expertise and be up-to-date in our fields of teaching.
  2. To be prepared and organised teachers.
  3. To be reflective and reflexive practitioners.
  4. To provide clear course outlines, in outcomes-based format.
  5. To be competent assessors, who provide clearly-articulated assessment criteria, who return tests and assignments within reasonable periods (normally no longer than two weeks from submission), and who give meaningful feedback to students regarding their progress.
  6. To conduct regular course evaluations.

2.1.3 Research

- To develop and promote a research culture amongst staff and students.
- To value the importance of research output.
- To publish regularly, and to attend conferences and deliver conference papers regularly.
- To encourage collaborative research.
- To enhance the research ability of students, especially at postgraduate level.

2.1.4 Administration

- To provide an efficient and effective administrative service in all spheres of Faculty activity.

2.2 A student-centred Faculty

The main focus of the Law Faculty is undergraduate teaching and learning, and the Faculty concentrates on providing high quality basic formative legal education. A Legal Theory major is offered in the Faculties of Humanities, Commerce and Science, and Commercial Law courses are offered in the Commerce Faculty. The Faculty's primary degree is the LLB, but this is also complemented by research LLM and PhD degrees.

Our students are central to the activities and purpose of the Faculty, enhanced by its small size. Law students in every year of study are encouraged to make the most of the opportunities available to them outside the classroom, including:
  - maximising personal interaction with academic staff;
  - using the Law Library to full advantage;
  - serving the local community through the Legal Activism Group or by volunteering at the Law Clinic beyond the minimum requirements;
  - participating in extra-mural academic activities and social functions;
  - making themselves available for student leadership with consequent development of interpersonal skills; and
  - improvement of speaking skills through moots, mock trials, client counselling and debating.
SECTION B: THE FACULTY AND ITS STAFF

ACADEMIC STAFF

1 DEAN

Dr Rosaan Krüger BA (Hons), LLB (Potch), PGCHE, PhD (Rhodes)
Attorney of the High Court of South Africa
Email: r.kruger@ru.ac.za

Rosaan Kruger teaches Constitutional Law and an introductory component of Foundations of Law. She was appointed as a lecturer at Rhodes University in 2001, and promoted to senior lecturer in 2010. Her term as dean of the Faculty commenced in July 2014.

Her research for her PhD (awarded in 2009) considered the application of the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 at the level of the magistrates’ courts with specific reference to complaints of racism. She continues her work on discrimination law and its impact on social change. Rosaan's other research interests include constitutional law theory and constitutional litigation. Her publications include a variety of mainly public law topics. She supervises LLM and PhD candidates her areas of expertise.

2 DEPUTY DEAN & PROFESSOR

Professor Laurence Juma LLB (Nrb), LLM (Penn), MA (Notre Dame), LLD (UFH)
Email: l.juma@ru.ac.za

Professor Juma teaches Public International Law, Property Law and International human rights/humanitarian law. He is the co-ordinator of post graduate studies and external moot programmes of the faculty, and Hall Warden for the Jan Smuts Hall. He is a member of Network of University Teachers of International Humanitarian Law in Southern Africa and Indian Ocean Region and serves in the editorial board of the African Yearbook on International Humanitarian Law. He has also served as an expert panellist for the United Nations Working Group on the Use of Mercenaries as a Means of Violating and Impeding the Exercise of Rights of Peoples to Self-Determination. Prof Juma is currently working on a joint project of Rhodes and Utrecht Universities on international criminal justice, especially the role of ICC in Africa. He has published widely in the fields of human rights, conflict studies, as well as general public international law.
3  ASSOCIATE PROFESSORS

Professor J Bodenstein BA (Stell), LLB, LLM (KZN/Natal)
Attorney and Conveyancer of the High Court of South Africa
Email: j.bodenstein@ru.ac.za

Professor Bodenstein took over as Director of the Law Clinic in March 2009. He worked for 19 years in the Law Clinic at the University of the North West, nine of which he served as Director. He is the President of the South African Association of University Law Clinics (Formerly known as the Association of University Legal Aid Institutions). Professor Bodenstein is on academic leave in 2015.

Professor J Campbell BA, LLB (UCT), LLM (Rhodes)
Attorney of the High Court of South Africa
Email: j.campbell@ru.ac.za

Jonathan Campbell was a practising attorney for 19 years, 14 of which were spent as Director of the Rhodes University Law Clinic. At the Law Clinic he developed the Clinical Legal Education Program to become an integral part of the LLB degree, and to a point at which it had many staff operating from two branch offices in Grahamstown and Queenstown, and an outreach program to some 50 paralegal advice offices and their communities throughout the Eastern Cape. From January 2009 until June 2014 he was Dean of the Faculty of Law. His fields of interest include practical skills (e.g. trial advocacy, negotiation and mediation) and consumer law. In 2015 he is Acting Director of the Law Clinic in the absence of Prof Bodenstein who is on academic leave this year.

Professor G B Glover BA, LLB, PhD (Rhodes)
Email: g.glover@ru.ac.za

Graham Glover teaches 2015 courses in Contract, Sale & Lease, Obligations in a Global Context, and also teaches part of Legal Skills. He received his PhD degree in 2004 for a thesis entitled The Doctrine of Duress in the Law of Contract and Unjustified Enrichment in South Africa. Prof Glover’s research interests are mainly in the field of contract law; he has published more than 20 journal articles and book chapters in this area of law, he is the co-author of the LAWSA sections on “Sale” and “Lease”, and he is contracted as the author of the next editions of Kerr’s The Law of Sale and Lease and Kerr’s The Law of Agency. In 2006 he compiled and edited the book, Essays in Honour of AJ Kerr, a festschrift honouring Professor Kerr’s outstanding contribution to legal academia in South Africa. He also contributes the chapter on Divorce to the Family Law Service. He is the Managing Editor of the South African Law Journal.
Professor E Nwauche LLB, LLM (Nigeria)
E-mail: e.nwauche@ru.ac.za

Professor Nwauche teaches in the area of international human rights law with research interests in business and human rights; trade and culture; legal pluralism in Africa; law and religion in Africa; regional integration in Africa; constitutionalism in Africa. He was Director of the Nigerian Copyright Commission [2002-2004]; Dean at the Faculty of Law Rivers State University of Science and Technology [1999-2002]; Member of the 8th & 9th Governing Councils of Rivers State University of Science and Technology; Director of the Centre for African Legal Studies Port Harcourt and member of the Rivers State Economic Advisory Committee. He has published extensively in local and international peer reviewed publications; is a member of the editorial board of the Constitutional Court Review; a tutor at the WIPO Worldwide Academy and a member of the Executive Council of the International Association of Constitutional Law (IACL). Prof Nwauche received his Bachelor of Law (LLB) and Master of Law (LLM) degree from the Obafemi Awolowo University Ile-Ife.

4 SENIOR LECTURERS

Mrs G E Davies BA, LLB (Rhodes)
Attorney and Conveyancer of the High Court of South Africa
Email: e.davies@ru.ac.za

Liz Davies teaches Legal Theory 1 and Commercial Law 1 courses, as well as the Introduction to Conveyancing elective. She is also the Faculty’s Academic Development Specialist. In this capacity, she co-ordinates and supervises the specialised tutorial and academic development programmes that are offered to all first-year law students. Mrs Davies introduced the highly-successful Supplemental Instruction programme in the Faculty, the first faculty at Rhodes to offer such a programme. She is also actively involved in the Faculty and University’s staff development programme. Mrs Davies’s research interests lie in the field of professional staff development and academic development and support.

Mrs S E H Driver BA, LLB, PGDHE (Rhodes), LLM (Unisa)
Email: s.driver@ru.ac.za

Sarah Driver teaches courses in the Law of Succession and Administration of Estates, the Law of Copyright and Trade Marks and the Law of Patents, Designs and Geographical Indications to LLB students as well as Commercial Law 201, paper 2 (Intellectual property and franchising, credit agreements and consumer protection, and commercial crimes) to BCom students.
Mrs Helen Kruuse BA, LLB, LLM, PGDHE (Rhodes)
Attorney of the High Court of South Africa
Email: h.kruuse@ru.ac.za

Helen Kruuse lectures Civil Procedure, Law of Life Partnerships and part of Legal Skills (the legal environment). She also teaches the new compulsory course, Legal Ethics, at final year level. Helen’s research interests lie in family law, children’s rights and legal ethics. Her experiences include articles in East London at the firm Bate, Chubb and Dickson; two years in legal services at the London Borough of Brent; and teaching in the Department of Private Law, University of Cape Town as well as the Department of Public Law and Jurisprudence, University of the Western Cape. Recent journal publications were on teaching in legal ethics, customary law marriages and children’s rights. She is also an editor of the South African Law Journal.

Dr Gustav Muller LLB, LLD (Stell)
Advocate of the High Court of South Africa
g.muller@ru.ac.za

Dr Muller joined the Faculty in January 2012 from Stellenbosch University. He teaches Property Law A, Property Law B, and a part of Commercial Law 101 (the Law of Contract), the Law of Insolvency and Winding-up of Companies. Stellenbosch University conferred the degree Doctor of Laws on him during December 2011 for his dissertation on “The impact of section 26 of the Constitution on the eviction of squatters in South African law” that he completed under the supervision of Prof Sandra Liebenberg and Prof André van der Walt. His research interests lie with constitutional law (especially socio-economic rights), property law, the use of international law as an interpretive tool, legal theory and the inter-disciplinary study of law.

Ms L Niesing LLB (Stell)
Advocate of the High Court of South Africa
Email l.niesing@ru.ac.za

Mrs Liezel Niesing obtained the LLB degree from Stellenbosch University in April 2003.

Teaching: From 2003 to June 2008 Mrs Niesing was involved with teaching at Stellenbosch University's Law Faculty - first as junior lecturer and later as part-time lecturer. She has taught Criminal Law, Constitutional Law, Interpretation of Enacted Law and Legal Philosophy (Jurisprudence). In July 2008 she joined the Rhodes University Law Faculty as Senior Lecturer where she teaches The Law of Delict, Legal Interpretation and certain modules for Legal Theory 1.

Research: From 2003 to 2005 Mrs Niesing was appointed as research assistant to the Director of the Research Unit for Legal and Constitutional Interpretation (RULCI). During this time she registered with Stellenbosch University as an LLD candidate. She took part in and completed a Post-Graduate Research Seminar (PGRS) presented by Stellenbosch University where she also presented papers related to her doctoral studies. Mrs Niesing visited the University of Maastricht in the Netherlands as an exchange student for purposes of research for her doctoral studies.

Mrs Niesing is one of five co-authors of a student textbook that was published in January 2010. The Law of Delict in South Africa (2010, Oxford University Press, Cape Town) presents the law of delict to students in a less daunting manner by incorporating various
forms of study guides (for example, questions to guide students’ train of thought, brief case studies and others).

**Other:** As a final year student she was a member of the editorial board of the student journal *Responsa Meridiana*. Mrs Niesing is also an accomplished musician who plays the piano and the flute. She enjoys the outdoors in the form of hiking and mountain-biking.

**Ms B P Padayachi BA (UNISA), LLB (Natal)**  
Email b.padayachi@ru.ac.za

Brahmi Padayachi joined the Rhodes Law Faculty in October 2011 teaches the Law of Persons, Criminal Procedure A, and Evidence A and B. After completing articles in Pietermaritzburg she lectured from 1990 to 2004 in the Law Faculty at the University of the Western Cape and Durban University of Technology.

She came to Rhodes from being an acting Magistrate in the Child Justice, Domestic Violence and Maintenance Court. From 2004, she has held various positions as an Assessor in the Cape High Court and the Land Claims Court of South Africa; Director of Restorative Justice in the Policy Unit: Vulnerable Groups, in the National office of the Department of Justice and Constitutional Development (DOJCD) and is an internationally accredited Civil Mediator (ADR-UK).

Her research experience at LLM level includes Constitutional Law, Law and Medical Practice, Trial Advocacy and Legal Education component in a law teaching LLM which was run jointly by the Faculties of Law and Education at the University of Natal.

Her particular areas of interest are Restorative Justice, Court-based Mediation and Collaborative Law Approaches to Best Practice Dispute Resolution in Applied Family Law, with a special focus on the best interests of the child. She is a member of a *pro bono* team of lecturers that teaches Restorative mediation to National Directorate Public Prosecutors from across the country for Justice College.

**Adv C Renaud BA (Hons), LLB (Rhodes), LLM (Stell)**  
Advocate of the High Court of South Africa  
Email: c.renaud@ru.ac.za

Craig Renaud teaches courses in company law, banking law, competition law and trust law. He formerly practised as a member of the Eastern Cape Bar, of which he remains an associate member, and he continues to practise at the Bar on a part-time basis focusing on *pro bono* litigation on behalf of indigent litigants.
Dr E H van Coller LLB, LLM (UFS), LLM (Utrecht), PGDHE(Rhodes), LLD (UJ)
Advocate of the High Court of South Africa
Email: h.vancoller@ru.ac.za

Helena van Coller is the course co-ordinator for commercial law and also teaches Administrative Law. She joined the Faculty in July 2005. She obtained her LLB and LLM degrees (both with distinction) from the University of the Free State and an LLM (with distinction) from the University of Utrecht. She lectured part-time at the University of the Free State and supervised students from the Governance Programme, after obtaining a Master’s degree in Governance and Political Transformation from UFS in 2008. She was admitted as an advocate in 2004. She submitted her LLD (in Administrative Law) at the end of 2011 and graduated in 2012.

5 LECTURERS

Ms A Haller-Barker BSc (Hons), MSc, LLB, PGDHE (Rhodes)
Attorney of the High Court of South Africa
Email: a.haller@ru.ac.za

Anjanette Haller-Barker lectures Criminal Law to fourth year students, Environmental Law as a final year elective course, and parts of the Legal Skills and Commercial Law 2 courses. Anjanette obtained an MSc (in Botany) from Rhodes University, where she also subsequently undertook a three-year postgraduate LLB. She obtained her LLB (with distinction) in 2004. She then served her period of Articles of Clerkship at the Rhodes University Law Clinic, and during that time also lectured part-time at the Rhodes Law Faculty. Anjanette joined the Rhodes Law Faculty as a full-time lecturer in January 2007.

Ms Vicky Heideman BA (Hons), LLB (Rhodes), LLM (Cantab)
Attorney of the High Court of South Africa
v.heideman@ru.ac.za

Vicky Heideman lectures parts of the Commercial Law 1 and 2 courses, as well as Jurisprudence to penultimate year LLBs and International Trade Law at final year LLB level. Vicky completed her BA (Hons) degree in History and Classical Civilization at Rhodes, followed by her LLB (with distinction). She then completed a Master’s in Commercial Law at the University of Cambridge, where her specialisations were International Commercial Litigation, the Law of the World Trade Organisation, EU Competition Law and International Environmental Law. She served articles with Dold & Stone Attorneys in Grahamstown, and was admitted as an attorney in 2012. Her research interests lie in the fields of international trade and competition law. Vicky is also the warden of St Mary’s Hall, and tries to fit in as much gardening, golf and kitesurfing in her spare time as possible.
Mr T Marumo BA, LLB (Rhodes), Postgrad Cert: Prospecting & Mining Law (Wits)
Attorney of the High Court of South Africa
Email: t.marumo@ru.ac.za

BA, LLB (Rhodes), Postgrad Cert: Prospecting and Mining Law (Wits). Mr Marumo served articles at Webber Wentzel and was admitted as an attorney in 2012. He was thereafter appointed as an Associate in the Mining and Construction Department of Webber Wentzel. Mr Marumo joined Hogan Lovells (South Africa) in 2013 and was appointed as a Senior Associate in the Mining Department. His professional legal experience is in the provision of advice in the mining, construction and engineering industries. Mr Marumo advises on Mineral and Petroleum Law, Mine Health and Safety law, Construction and Engineering law, and Occupational Health and Safety Law. He is currently writing an LLM thesis in the field of Constitutional Litigation with specific focus on class actions.

6 PART-TIME LECTURERS

Mr M Sam BSc(Hons)(Fort Hare), MA (Rhodes)
Email: m.sam@ru.ac.za

Msindisi lectures the IsiXhosa elective to our final year students.

Dr A Pinchuck Msc (Rhodes), PhD (Wits)
Email: a.pinchuck@ru.ac.za

Andrew Pinchuck studied at Rhodes from 1996 to 2001 obtaining a Masters degree in Mathematics. He subsequently spent one year working as a Teaching Assistant for the Mathematics department before moving to London, where he worked in a number of jobs outside of academia, including being a Laboratory Engineer for Epoch Labs. From 2005 to 2008, he worked as a senior tutor in the School of Mathematics teaching mainly Engineering Mathematics. He obtained his PhD in 2011.

Mr R Poole B Com, PG Dip Acc, M Com (Taxation) (Rhodes) MTP (SA)
Email: r.poole@ru.ac.za

Richard is a senior lecturer in Taxation Studies in the Department of Accounting and has been a career academic since 2000. Richard completed his MCom in Taxation at Rhodes in 2013 and is currently contemplating Doctoral studies. Besides maintaining a private portfolio of tax clients, Richard is a registered Master Tax Practitioner with the South African Institute of Tax Practitioners (SAIT) and is also the Regional President of the South African Accounting Association (SAAA - Eastern Cape). Richard presents the elective in Law of Tax and Estate Planning at final year LLB level.

Adv N Redpath-Molony BA, LLB (Rhodes)
Advocate of the High Court of South Africa
Email: nicolaredpath@equityhouse.co.za

Nicola studied at Rhodes from 1998 to 2002. She completed her pupillage at the Grahamstown Bar in 2003 and was admitted the same year as an advocate of the High Court of South Africa. She was in private practice at the Grahamstown Bar from 2003 to 2005, and from August 2006 to 2008. She was a part-time lecturer in the faculty of law at Rhodes, lecturing criminal law B, in 2008. She subsequently worked as an acting district
magistrate at the Grahamstown Magistrate’s Court from 2009 to 2012. She has been in private practice at the Grahamstown Bar since August 2012, and is a member of the Eastern Cape Society of Advocates.

Nicola lectures Criminal Procedure B.

**Mrs A Wagenaar B Com (Rhodes), AGA**  
Email: a.wagenaar@ru.ac.za

Anita Wagenaar is a lecturer in the Department of Accounting. She completed her articles with Fisher Hoffman Sithole in Grahamstown and teaches the Legal Accounting elective to LLB students.

**Ms T Waterworth BA, LLB (Rhodes)**  
Email: t.waterworth@ru.ac.za

Tayla obtained her LLB in 2014, and is currently completing an LLM thesis in World Trade Law. In 2015 Tayla will be lecturing components of Legal Theory 1 and Legal Theory 2 (Law of Persons).

**ADMINISTRATIVE STAFF**

1 **FACULTY ADMINISTRATOR:**  

Manager: Administration– Mrs AA Comley  
Email: a.comley@ru.ac.za

Andrea Comley is the Manager: Administration for the Law Faculty and is responsible for all the Faculty's administration and accounts. She manages the Administrative office of the Faculty of Law, supporting the academic work of the Faculty. This includes ensuring the provision of an administrative, secretarial and front-line service for the Faculty. She has a National Diploma in Service Management (Regenesys Management Pty. Ltd).

2 **SECRETARIAL STAFF:**  

Office Administrator – *Vacant*

Secretary – Ms L Mqingwana  
Email: l.mqingwana@ru.ac.za

Lumka is the Secretary at the Law Faculty. She is the first port of call for all student enquiries and to receive visitors to the Faculty. She has a National Certificate in Information Technology and Computer Science (EastCape Midlands College), Certificate in Office Administration (Rhodes University), and a Certificate in Supervision (Rhodes University) and various certificates in Information Technology (Rhodes University).
LAW CLINIC

The Rhodes University Law Clinic is one of the foremost law clinics in the country. The Clinic provides free legal services to indigent people while playing a vital role in providing students with hands-on practical experience.

Apart from free legal services to indigent people, the Clinic also conducts an extensive community outreach programme via its Advice Office Programme. The programme provides training and back-up legal services to approximately 50 paralegal advice offices throughout the Eastern Cape Province. The Clinic operates as an attorney's office with two branch offices, one in Grahamstown, and the other in Queenstown. It is staffed by 10 legal practitioners, 8 administrative staff and approximately 80 senior law students who, in ‘firms’ work on a weekly basis in the Clinic. Students are involved in the Clinic through the compulsory Legal Practice course in their penultimate year of study. This course focuses on practical legal skills development. Students are inducted into legal practice by learning consultation and communication, file and case management, drafting and advocacy skills. We believe that this experience contributes to our students' marketability when they search for employment.

A letter confirming attendance is given to all students who work at the Clinic. Certificates of attendance are given to all students who volunteer to work at the Clinic for more than the requisite one semester. There is also a financial award which is presented to the most dedicated student at the Law Clinic.

LAW CLINIC STAFF: 2015

Grahamstown office

Professor Jobst Bodenstein BA (Stell), LLB, LLM (KZN/Natal)
Director
Attorney and Conveyancer

Mr Patrick Pringle BA (Rhodes), LLB (UND-Pmb), LLM (Wits)
Attorney

Ms Jaylynne Hillier: BA LLB (Rhodes)
Attorney – Clinical Law

Ms Tarryn Copper-Bell: BSc, LLB (Rhodes)
Attorney

Ms Tlamelo Mothudi: BA (UKZN), LLB (Rhodes)
Candidate Attorney

Mr James Ekron: BA, LLB (Rhodes)
Candidate Attorney

Mr Lutho Dzedze: BA, LLB (Rhodes)
Candidate Attorney

Thoko Sipungu: BA, LLB (Rhodes)
Candidate Attorney
Mr Terwin de Vos: BA (Rhodes)
Clinic Administrator

Mrs Jenni Hughes: (TED pre-school Teaching Diploma)
Part-time bookkeeper

Ms Zukiswa Gotyana
Senior Secretary

Ms Nonzame Mpofu
Projects Assistant

Ms Thandeka Heleni
Interpreter/receptionist

Ms Vuyokazi Ntamo
Messenger/cleaner/Interpreter

Queenstown office (Queenstown Rural Legal Centre)

Mr Wesley Hayes: LLB (Rhodes)
Director, QRLC
Deputy Director of the Rhodes University Law Clinic

Ms Nomazizi Klaas: BA LLB (Fort Hare)
Attorney

Abelwe Mpaphela: LLB (University of Witwatersrand)
Candidate Attorney

Mthunzi Baba: LLB (Walter Sisulu University)
Candidate Attorney

Nompendulo Mbandazwayo: LLB (University of Fort Hare)
Candidate Attorney

Ms Nontsikelelo Lolwana
Secretary and Administrative Assistant
THE LAW LIBRARY

The Alastair Kerr Law Library is a branch library within the Rhodes University Library Services, and falls under the Faculty Liaison Services (Commerce & Law). The Principal Faculty Librarian, Mrs Jill Otto, is based in the Main Library.

1 LAW LIBRARY STAFF

Faculty Librarian – Vacant

Assistant Librarian – Ms Sindiswa Gule: ND-LIS (PE Tech) B Tech LIS (UNISA)
Email: s.gule@ru.ac.za
Tel: 046 603 8434

As the Assistant Law Librarian, Ms Gule is responsible for assisting students, academic staff and the public at the Law Library Circulation Desk. Duties include assisting users to find resources, and general administration of the library collection.

2 ALASTAIR KERR LAW LIBRARY

The Law Library is situated on the ground floor of the main building of Lincoln House. The library collection comprises an extensive collection of South African legal sources, and some foreign and international law materials.

A thirty-station computer laboratory provides access to the internet and major electronic resources, as well as the library’s electronic catalogue and word processing programs. Printers and photocopier facilities are available in the library.

The Library is equipped with numerous study cubicles. The PPS Wing of the Library is a comfortable, quiet area, with individual study carrels as well as three group study areas.

3 RHODES MAIN LIBRARY

The Main Library is situated in the middle of campus and provides a comfortable study area for all students. Copies of short loan material for law students are kept in this library to ensure access, after 20h00pm.

All first year students must attend an orientation course at the main library. Legal Theory 1 also needs to attend scheduled tutorial workshops at the Law Library, which is part of their compulsory course work.

4 FACILITIES

4.1 Computer Laboratory

Users must be registered library users. Access to the computer lab is restricted to law students only, and LLB law students will get priority access during peak times. All general rules apply in the computer lab.
4.2 Electronic resources

Catalogue for library material (OPAC) on the RU library webpage.

For online legal resources, see the Law Subject Guide at http://ru.za.libguides.com/legalresources

4.3 Photocopiers

Five photocopiers are available for student use. Please note that money can only be loaded onto student cards at the Main Library and Eden Grove. Restricted use during peak times is 5 minutes per person.

5 OPENING HOURS

5.1 During term

Monday to Thursday: 08h30-17h00 (library staff); 17h00-20h00 (student assist)

Friday: 08h30-17h00 (library staff)

Saturday: 10h00-13h00; 14h00-17h00 (student assist)

Sundays & Public Holidays (excl Easter weekend – closed): 10h00-13h00; 14h00-17h00

5.2 During swot week and exams

Monday to Thursday: 08h30-17h00 (library staff); 17h00-22h00 (student assist)

Friday: 08h30-17h00 (library staff); 17h00-19h00 (student assist)

Saturday: 10h00-13h00; 14h00-19h00 (student assist)

Sundays & Public Holidays: 10h00-13h00; 14h00-20h00 (student assist)

5.3 During vacations

Monday to Friday: 08h30-13h00; 14h00-17h00 (library staff)
Closed at weekends, Easter and University Christmas shutdown period
6 RULES & REGULATIONS

- All library users must be registered at the Main Library circulation desk.
- Student cards must be produced in order to borrow a book. Library staff may request ID or other identification documents.
- Access to the Library is restricted to official opening hours, while a registered library assistant is on duty.
- Bags and briefcases must be left in the pigeonholes in front of the Librarian’s office.
- Cell phones must be on silence before entering the library.
- No food and beverages are allowed in the library.
- No smoking is permitted in the library.
- LLB students will have priority access to computers in the computer lab at peak times.
- The Law Faculty Administrative staff has priority access to the photocopiers.

7 HOW TO FIND MATERIAL

Library items are divided into specific categories or collections and shelved together. Determine in which collection the item is held, and then locate the collection.

7.1 Short Loan Collection

Short loan is a reserved collection of books, journals and notes set aside by the lecturers, and housed in the office behind the loans desk. This ensures that essential reading is available to all students. The main texts are also kept on short loan in the Main Library.

Students should check the OPAC for the Call number and ask the Library Assistant to fetch the item for you. Only two items may be taken at a time for one hour only. Students may take Short Loan books out on overnight loan EXCEPT those students registered for first year LLB/Legal Theory 1 and Commercial Law 1. Fines for late returns are R2.00 per hour or part of an hour.

Anyone who owes an unpaid fine will not be able to make use of the Short Loan facilities.

Short Loan items can be reserved at the loans desk.

7.2 Book Collection

Books on law and related subjects can be located on the shelves directly across from the loans desk. The books are arranged in disciplines/subjects according to the Dewey Classification System. All books from 1985 are catalogued according to author/title on the Rhodes OPAC System, which can be accessed at any computer on campus. Older books (published before 1985) are being linked on the OPAC but many have author cards in the card catalogue. The student needs to search the OPAC to see if the book is available, make a note of the Call (Dewey) number, and then locate it on the shelves.

Books on the open shelves may not be taken out by first year students. Other students may take books out by prior arrangement with the librarian.
7.3 Periodical Collection

South African journals can be located in the same area as the photocopiers, in alphabetical order according to the title. Find the correct shelf by checking the alphabetical lists at the front of the rows. An extra set of the South African Law Journal is available in the PPS Wing.

Foreign journals are shelved separately in alphabetical order in the undergrad study area. Please check the title guides on the front of the rows. Physical copies of journals may not be taken out of the library.

The library has access to many electronic resources. For details, consult the Law Subject Guide.

7.4 Collections of primary legal resources (legislation and law reports) and reference works

The South African Law Reports (SALR, 4 sets in the Library) and All South Africa Law Reports (All SA) are the most important law reports. Various other South African law reports on specific legal areas are also published. The Law Library also houses English, American, Canadian and a few other international sets of law reports. Legislation includes statutes and gazettes. Reference works include encyclopaedias e.g. Law of South Africa (LAWSA) and legal dictionaries.

8 WHERE TO FIND LAW REPORTS

8.1 Online Law Subject guide at http://ru.za.libguides.com/legalresources

Click on the heading “South African Case-law”

8.2 PPS Wing

SA Law Reports (Provincial Division Pre - 1947)
SA Law Reports Set 1 (a complete set as from 1828).
Commonwealth Law Reports
New Zealand Law Reports
Numerous other foreign law reports

8.3 Photocopier/Journal Room

SA Law Reports Set 2 (a complete set) next to the photocopiers.
SA Law Report Translations
All South African Law Reports
Constitutional Law Reports
Labour Law Reports
Arbitration Law Reports
SA Criminal Law Reports
Burrell’s Patent Law Reports
Native Appeal Court Cases
Annual Survey of South Africa (incomplete set)
Prentice Hall Weekly Service 1923 -1992
SA Related Journals A – 2
SA Law Reports Set 2 (Provincial Divisions Pre – 1947)

8.4 Attorneys’ Hall

Dominion Law Reports (Canada)
Various law reports from African countries
American Law Reports
SA Law Reports Set 3

8.5 Undergraduate Room

SA Law Reports Set 4 (from 1946).
English Law Reports
Weekly Law Reports
All England Law Reports

9 WHERE TO FIND LEGISLATION AND REFERENCE WORKS

A full collection of Government Gazettes is available at the Cory Library. Legislation can be accessed online at Sabinet Legal Products.

9.1 PPS Wing

SA Law Journal
Law of South Africa (LAWSA)
Current Law
Annual Survey of SA Law

9.2 Short Loan

Juta’s Legislation/Statutes
THE LAW STUDENTS COUNCIL

The Law Students Society, which also serves as the Law Students Council (LSC), is an elected body that represent the students’ interests and needs, both academically and socially. Representatives attend Faculty Board meetings, represent students on committees and provide an invaluable link between staff and students. Socially, the LSC is responsible for organising the Faculty’s Annual Ball, as well as other social events and outings.

The committee members for 2015 are:

President: Melissa Scorer
Vice President: Chelsey Byron
Secretary: Jason Manyenyeni
Treasurer: Tapiwa Nhari
Public Relations: Chelsey Smith
In Camera co-editors: Aimee Thorne and Tammy Kibur
Legal Aid Liaison: Nonny Nkambule
Moot Club Chair: Nina Reinach

In 2015, the students and staff of the Faculty will explore the separation of the LSC and Law Soc going forward (2016 and beyond) in the interests of broader representation of student interests in the affairs of the Faculty. Announcements in this regard will follow.
THE LEGAL ACTIVISM (NTUTHUKO) SOCIETY

The Constitution of the Republic of South Africa, 1996, has revolutionised South Africa. However, its aspirations ring hollow while people remain uninformed of their rights and are unable to seize what the Constitution pledges. The Eastern Cape is a particularly impoverished province in which many people are uneducated about the law. Grahamstown is no exception, and many people fall prey to illegal schemes or are simply unaware of the many benefits and protections that the law provides them.

In response to these realities, Rhodes Legal Activism Society was established as a student society and began operating in March of 2007 with funding from membership fees, the Law Faculty and Norton Rose (previously Deneys Reitz). The society aims to create an awareness of the law and its implications in the community; to educate the members of the community about their legal rights and responsibilities and undertakes to determine the major legal problems in the community, the causes thereof and seeks to find solutions to these problems. Its vision is to achieve these goals by working with members of the Grahamstown East Community who are better situated to identify the existing problems in the community and to facilitate communication between members of Ntuthuko and the community it serves.

The society is currently running workshops on the following areas of law: Environmental Law, Labour Law, Rape & Domestic Violence, HIV & AIDS, Wills & Estates, Micro-lending and Constitutional Law.

The committee members for 2015 are:

Chairperson: Nangisai Mvududu
Secretary: Anastasia Rouchos
Community engagement officer: Anesu Chiremba
Public Relations officer: Omphile Moerane
Projects Coordinator: Kristen Breero
Treasurer: Luyanda Dlamini
SECTION C: ACADEMIC PROGRAMMES

The Faculty offers three degree programmes – the LLB, LLM and PhD degrees. Undergraduate students who wish to broaden their education are encouraged to do so, and are able to follow a five-year programme during which they will obtain two degrees – either a BA, BSocSci, BCom or BSc, and an LLB degree.

Students who do law as part of a degree offered in another faculty will do either Legal Theory or Commercial Law. Legal Theory is a major subject in the Faculties of Humanities, Commerce and Science. A person who passes all its component parts will be able to complete the LLB degree in two years thereafter. Commercial Law is designed specifically for commerce students and does not provide credits for the LLB degree. All commerce students must obtain a credit in Commercial Law 1 and those who wish to become accountants must pass Commercial Law 2 as well. Commercial Law 1 is also an optional course in the Bachelor of Social Science degree.

POSTGRADUATE STUDIES: LLM AND PhD

Postgraduate studies in law will suit candidates who are interested in pursuing a career in academia or candidates who wish to gain specialist knowledge in a particular field to provide them with a competitive advantage in the labour market.

The Faculty currently offers the degrees of Master of Laws (LLM) and Doctor of Philosophy by full thesis only on a full-time or part-time basis. The registration for the LLM normally extends over a period of two years, and part-time registration at least two years. The minimum period of registration for a PhD is three years. Some candidates are able to complete their research in shorter periods, in which event they can apply to have the thesis accepted prior to the normal submission date.

Please note that the Faculty does not offer any postgraduate coursework programmes at present, but that the Faculty is preparing a proposal for such a degree to be introduced in future.

The General Rules applicable to Master’s and PhD students can be found in the University’s calendar (Rules G.50ff) at the following link:

http://www.ru.ac.za/rhodes/diaryanddates/

Enquiries about the postgraduate programme may be addressed to Dr Rosaan Krüger (Dean of Law), or Prof L Juma (PostGrad Studies Coordinator and Deputy Dean).
UNDERGRADUATE STUDIES: LLB

The LLB degree is the minimum academic qualification for practising law in South Africa. At Rhodes, the LLB degree is offered as part of a five-year programme, a four-year programme, or a three-year programme.

Only in exceptional circumstances will students who enter university for the first time register in the Faculty of Law at Rhodes. In their first year, all prospective LLB students register for a general degree in another faculty (Humanities, Science or Commerce) where they do some non-law courses as well as two law courses (Foundations of Law and Introduction to Law). Students may select courses from a wide range of subjects offered in the various faculties, and different subject combinations to suit the interests of students are possible. Only in their second year, after obtaining sufficient information to make a proper decision, do students decide which route to follow. It also enables students who discover in their first year that they are not suited to a career in law to change their study direction without forfeiting a year of study.

The Faculty’s resources are limited and students’ academic results play an important role when applications for admission into the LLB are considered. Entry into the LLB is not guaranteed.

1 A five-year combined Law and Humanities OR Law and Commerce OR Law and Science LLB stream

Students enter this stream with the intention of following a programme in Law and Humanities OR Law and Commerce OR Law and Science, leading to a BA/BSocSci or BCom or BSc and thereafter a two-year LLB. The objective of a broad-based education is achieved in this stream by including courses which ensure that students have a thorough grasp of at least one discipline outside Law. Students register for a BA, BSocSci, BCom, or BSc in their first year of study and continue with that degree with Legal Theory as a major subject.

Having obtained the first degree, students then register for the LLB, to be completed over two years. To do so, one must have obtained sufficient law credits in the first degree, which is usually the case if one has majored in Legal Theory.

Normally candidates who obtained at least 60% in their Legal Theory major will be admitted, as will candidates from other universities who obtained an average of at least 60% in their previous year of study. Where a candidate has not met these requirements, the Dean of Law has the discretion to admit that person, on good cause shown and subject to availability of Faculty resources. Preference will be given to those candidates who obtained their first degree at Rhodes University, majoring in Legal Theory.

2 A four-year LLB stream

In their first year of university study students will be required to register in any one of the Faculties of Humanities, Science or Commerce, according to their subject choices. After their first year of study, those who meet the academic criteria may choose between following a five-year (e.g., BA or BCom LLB) curriculum, or a four-year LLB curriculum. Those who do not meet the academic criteria must follow the five-year combined route.
Candidates who do not have a degree may be admitted to the second year of study for the LLB degree, provided that they have passed both the law courses offered in their first year of study (Foundations of Law and Introduction to Law) with an average of 65% as well as have obtained an overall average of 65% for three non-law courses studied in that year. (Students who do not meet these criteria must follow the five-year route.) Admission into this route is restricted and subject to availability of places.

3 A three-year LLB for graduate students

Students enter this stream after having completed a Bachelor’s degree without law subjects, or with insufficient law credits. They may be admitted to the second year of study for the LLB degree, provided that they obtained 60% for their major subjects. Where a candidate has not met this requirement, the Dean of Law has the discretion to admit that person, on good cause shown and subject to availability of Faculty resources.

EXAMPLES OF SOME CURRICULA

1 THE FIVE-YEAR STREAM
(BA, B Com, BSc, etc, with a major in Legal Theory (3 years) to be followed by a 2-year LLB)

This curriculum exempts one from the first two years of the LLB degree. The LLB curriculum following this degree will therefore be the same as that for the Penultimate and Final years of the LLB curriculum.

1.1 The curriculum in the first degree (BA, BCom, BSc, etc):

<table>
<thead>
<tr>
<th>FIRST YEAR</th>
<th>SECOND YEAR</th>
<th>THIRD YEAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any three non-law courses</td>
<td>One non-law course at second-year level; Two non-law courses at first-year level or second-year level.</td>
<td>One non-law course at third-year level</td>
</tr>
</tbody>
</table>

Legal Theory 1, consisting of:
- First Semester: Foundations of Law
- Second Semester: Introduction to Law

Legal Theory 2, consisting of:
- First Semester:
  - Legal Interpretation
  - Constitutional Law A
- Second Semester:
  - Constitutional Law B
  - Law of Persons (2015 onwards)

Legal Theory 3, consisting of:
- First Semester:
  - Law of Contract A
  - Law of Property A
  - Law of Life Partnerships (2016)
- Second Semester:
  - Law of Contract B
  - Legal Pluralism (2016)
  - Law of Property B

Transitional arrangements for changes to Legal Theory curriculum

2015:
- The Customary Law course will not be offered from 2015.
- Law of Persons will be offered to both Legal Theory 2 (second semester) and Legal Theory 3 students (first semester).
• **Law of Life Partnerships** will be offered to Legal Theory 3 students in the second semester as usual.
• **Legal Pluralism** will not be offered to Legal Theory students in 2015 for the reason that the existing Legal Theory 3 curriculum will be followed.

**2016 (and following)**

• The proposed new curriculum for Legal Theory 2 and 3 will be offered in its entirety.

**Students who fail courses:**

• **Customary Law:** Students who failed the 2014 supplementary examination will have a further (and final) opportunity to write and pass a special Customary Law examination in November 2015.

• **Law of Persons and Law of Life Partnerships:** Legal Theory 3 students who fail Law of Persons or Law of Life Partnerships in 2015 will be granted supplementary examinations if they attain 40% for the course (the normal criterion for supplementary exams). Students who have to repeat either course in 2016 or beyond will be registered for that course in terms of the proposed new Legal Theory 2 and 3 curriculum which will come fully into force from 2016.

1.2 **The curriculum in the second degree (LLB):**

<table>
<thead>
<tr>
<th>PENULTIMATE YEAR</th>
<th>FINAL YEAR</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>First Semester:</strong></td>
<td><strong>First Semester:</strong></td>
</tr>
<tr>
<td>Civil Procedure A</td>
<td>Administrative Law (first half)</td>
</tr>
<tr>
<td>Company Law A</td>
<td>Civil Procedure B</td>
</tr>
<tr>
<td>Criminal Law A</td>
<td>Criminal Procedure B</td>
</tr>
<tr>
<td>Criminal Procedure A</td>
<td>Labour Law</td>
</tr>
<tr>
<td>Public International Law</td>
<td>Law of Delict (second half) (2016 onwards)</td>
</tr>
<tr>
<td>Legal Skills</td>
<td>Law of Sale and Lease (2015 only)</td>
</tr>
<tr>
<td>Legal Practice (either 1st or 2nd sem.)</td>
<td><strong>2 Electives</strong> from the first semester list <strong>(subject to note 2 below)</strong></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Second Semester:</strong></td>
<td><strong>Second Semester:</strong></td>
</tr>
<tr>
<td>Company Law B</td>
<td>Administrative Law (second half)</td>
</tr>
<tr>
<td>Criminal Law B</td>
<td>Ethics and Professional Responsibility</td>
</tr>
<tr>
<td>Jurisprudence</td>
<td>Law of Evidence B</td>
</tr>
<tr>
<td>Law of Evidence A</td>
<td>Law of Delict (second half) (2016 onwards)</td>
</tr>
<tr>
<td>Law of Partnerships and Trusts</td>
<td>Law of Succession and Administration of Estates</td>
</tr>
<tr>
<td>Legal Practice (either 1st or 2nd sem.)</td>
<td><strong>2 Electives</strong> from the second semester list <strong>(subject to note 3 below)</strong></td>
</tr>
<tr>
<td><strong>1 Elective</strong> from the 2nd semester list <strong>(subject to note 2 below)</strong></td>
<td></td>
</tr>
</tbody>
</table>

**Transitional arrangements for changes to LLB curriculum**

• In 2015 the **Law of Sale and Lease** (first semester) and the **Law of Agency, Insurance and Credit Agreements** (second semester) will be offered to a combined class of penultimate and final year LLB students.
• The **Law of Delict** will not be offered in 2015. Students who have failed the course in 2014 will be given an opportunity to write an exam in 2015 and the lecturer will be available to deal with enquiries and to conduct tutorials if needed.

By 2016, the change should be fully implemented.

1.3 **List of electives that could be taken in the Final Year of Study:**

<table>
<thead>
<tr>
<th>First Semester</th>
<th>Second Semester</th>
<th>Both Semesters</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alternative Dispute Resolution (not on offer in 2015)</td>
<td>Competition Law</td>
<td>Research Paper (two semester credits)</td>
</tr>
<tr>
<td>Copyright and Trade Marks</td>
<td>Constitutional Litigation</td>
<td>International Moot</td>
</tr>
<tr>
<td>International Human Rights and Humanitarian Law</td>
<td>Environmental Law</td>
<td>Competition (one semester credit)</td>
</tr>
<tr>
<td>International Trade Law</td>
<td>Law of Patents, Designs and Geographical Indications</td>
<td></td>
</tr>
<tr>
<td>Law of Banking and Payments</td>
<td>Introduction to Conveyancing</td>
<td></td>
</tr>
<tr>
<td>Legal Accounting</td>
<td>Law of Tax and Estate Planning</td>
<td></td>
</tr>
<tr>
<td>IsiXhosa for Law</td>
<td>The Law of Obligations in a Global Context</td>
<td></td>
</tr>
</tbody>
</table>

**Notes:**

1. All electives will not necessarily be offered every year. The availability of options will depend upon teaching arrangements in the Faculty of Law. For the same reason electives may be taught in different semesters. Some electives have a restricted number of students.

2. Penultimate LLB students who have either:
   (i) achieved an average of at least 65% in their June examinations; or
   (ii) passed eight courses in their June examinations
       may register for an elective course in the second semester of the penultimate year.

3. Students who have been placed on the Dean’s list in their penultimate year of study may choose to register for three electives in one semester and one elective in the other semester (rather than the usual two electives in each semester).
## THE FOUR-YEAR LLB STREAM (2015 LLB only)

<table>
<thead>
<tr>
<th>FIRST YEAR BA/B Com/BSc</th>
<th>SECOND YEAR</th>
<th>PENULTIMATE YEAR</th>
<th>FINAL YEAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Three non-law courses</td>
<td>One non-law course at second-year level</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### First Semester

- **Foundations of Law**
- Constitutional Law A
- Legal Interpretation
- Law of Contract A
- Law of Persons
- Law of Property A

### Second Semester

- **Introduction to Law**
- Constitutional Law B
- Law of Contract B
- Law of Life
- Partnerships
- Law of Property B
- Legal Pluralism

### First Semester

- Civil Procedure A
- Company Law A
- Criminal Law A
- Criminal Procedure A
- Law of Sale and Lease
- Public International Law
- Legal Skills
- Legal Practice
  (either 1<sup>st</sup> or 2<sup>nd</sup> sem.)

### Second Semester

- Administrative Law (first half)
- Civil Procedure B
- Criminal Procedure B
- Labour Law
- Law of Sale and Lease

**2 Electives** from the first semester list  
(subject to note 3 above)

### First Semester

- Administrative Law (second half)
- Ethics and Professional Responsibility
- Law of Evidence B
- Law of Agency, Insurance & Credit Agreements
- Law of Succession and Administration of Estates

**2 Electives** from the second semester list  
(subject to note 3 above)

**1 Elective** from the 2<sup>nd</sup> semester list  
(subject to note 2 above)
3   THE THREE-YEAR LLB STREAM (2015 LLB only)
(For graduate students, following a degree with no or insufficient law courses)

This route is for students who have a degree but either have no law credits at all, or insufficient law credits to qualify for the two-year option.

<table>
<thead>
<tr>
<th>FIRST YEAR</th>
<th>PENULTIMATE YEAR</th>
<th>FINAL YEAR</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>First Semester</strong></td>
<td><strong>First Semester:</strong></td>
<td><strong>First Semester:</strong></td>
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<tr>
<td>Foundations of Law</td>
<td>Civil Procedure A</td>
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</tr>
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<td>Company Law A</td>
<td>Civil Procedure B</td>
</tr>
<tr>
<td>Legal Interpretation</td>
<td>Criminal Law A</td>
<td>Criminal Procedure B</td>
</tr>
<tr>
<td>Law of Contract A</td>
<td>Criminal Procedure A</td>
<td>Labour Law</td>
</tr>
<tr>
<td>Law of Persons</td>
<td>Public International Law</td>
<td>Law of Sale and Lease</td>
</tr>
<tr>
<td>Law of Property A</td>
<td>Law of Sale and Lease</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Legal Skills</td>
<td><strong>2 Electives</strong> from the first semester list</td>
</tr>
<tr>
<td></td>
<td>Legal Practice</td>
<td><em>(subject to note 3 above)</em></td>
</tr>
<tr>
<td></td>
<td><em>(either 1st or 2nd sem.)</em></td>
<td></td>
</tr>
</tbody>
</table>

| **Second Semester**     | **Second Semester:**              | **Second Semester:**                            |
| Introduction to Law     | Company Law B                     | Administrative Law (second half)                |
| Constitutional Law B    | Criminal Law B                    | Ethics and Professional Responsibility          |
| Law of Contract B       | Jurisprudence                     | Law of Evidence B                               |
| Law of Property B       | Credit Agreements                 |                                                |
| Legal Pluralism         | Law of Evidence A                 | Law of Succession and Administration of Estates |
|                         | Law of Partnerships and Trusts    |                                                 |
|                         | Legal Practice                    |                                                 |
|                         | *(either 1st or 2nd sem.)*        |                                                 |
|                         | **1 Elective** from the 2nd       | **2 Electives** from the second semester list   |
|                         | semester list                     | *(subject to note 2 above)*                     |
|                         | *(subject to note 3 above)*       |                                                 |

Details of the degree structure, the requirements for the LLB degree and the content of the various courses can be found in the Faculty of Law section of the University Calendar. This information is also available on the Faculty Website:

http://www.ru.ac.za/law/curricula
LEGAL THEORY

1 COURSE CO-ORDINATORS

Where a course has more than one lecturer, a course co-ordinator is appointed to oversee and administer the course. While you should still approach the lecturers for specific issues arising from their lectures, you should approach the course co-ordinator in respect of administrative matters, issues that concern the structure of the course as a whole, or with any issue that you cannot take to the lecturer. If you do not obtain satisfaction from the course co-ordinator, then please see the Dean or Deputy Dean.

The course co-ordinators for 2015 are:

Legal Theory 1: Mrs L Davies
Legal Theory 2: Mrs L Niesing (first semester)
Legal Theory 3: Prof G Glover

2 LEGAL THEORY 1

Legal Theory 1 consists of Foundations of Law and Introduction to Law.

2.1 Entry level

Other than having been admitted to university, there are no special requirements for entry into Foundations of Law.

A prerequisite for entry into Introduction to Law is either (i) a credit for Foundations of Law or (ii) a valid DP certificate and a mark of at least 35% for Foundations of Law.

2.2 Credits

A pass in Legal Theory 1 counts as a credit towards BA, BCom, B SocSci, BJourn and BSc degrees.

Foundations of Law and Introduction to Law are separate courses and a pass in either gives a student a half credit towards a degree. A credit in either course is not contingent upon passing the other. However, one must pass both courses in order to register for the LLB curriculum at second-year level. In order to qualify for admission to LLB at second-year level one must obtain an aggregated mark of at least 65% and obtained an aggregate result of 65% for his/her non-law courses. To proceed to Legal Theory 2 one must have passed both courses, or have obtained an aggregated credit (ACR) for Legal Theory 1.

A student will obtain a credit for Legal Theory 1 according to the following rules:

- A credit (CR) will be given if a candidate has passed both Foundations of Law and Introduction to Law irrespective of the year or examination in which they were passed.
- An aggregated credit (ACR) will be given if the candidate has an aggregated mark of at least 50% for Foundations of Law and Introduction to Law (i.e. 100 or more out of 200), provided that the candidate has obtained at least 30% in the course failed.
• A non-continuing credit (NCR) will be given if the candidate has an aggregated mark of at least 50% for Foundations of Law and Introduction to Law (i.e. 100 or more out of 200), provided that the candidate has sat the examination for the course failed.
• Aggregation may take place only in respect of examinations written in the same academic year. (Note: for this purpose a supplementary or aegrotat examination in January/February of the following calendar year counts as an examination in the previous year.)
• After the completion of the November examinations, the Dean of Law may recommend to the Deans of Humanities, Commerce and Science that a student with an overall aggregation average of 49% be raised to 50% to enable the student to pass with an ACR or to qualify for a supplementary examination in terms of paragraph 2.4 below. Overall aggregation averages below 49% (i.e. less than 98 out of 200) will NOT be rounded up to 50% for this purpose.

A student will obtain credit towards an LLB degree for Foundations of Law or for Introduction to Law only if the courses are passed independently. An aggregated mark does not upgrade a result where a course has been failed.

2.3 Rewrite examinations

Students in Foundations of Law may be granted rewrite examinations, to be written in January/February, provided that they obtain at least 35% in their first examination in June.

Students who have passed Legal Theory 1 and who achieve a result of 40% or more for a component semester course failed may rewrite the course failed, either in January/February or during subsequent examination sessions in order to obtain an LLB credit, provided that no special examination will be set for this purpose. Students wishing to rewrite an examination under this paragraph should give the Law Faculty office sufficient written notice of their intention to do so, so that suitable arrangements can be made.

The mark obtained in the rewrite examination is recorded as the final mark for aggregation purposes if the student’s aggregate result improves (i.e. F to NCR/ACR/CR, NCR to ACR/CR, or ACR to CR) or stays the same, and the second aggregate result will then apply. Conversely, the mark obtained in the first examination is recorded as the final mark for aggregation purposes if the student’s aggregate result is worse after the supplementary examination (i.e. ACR to NCR/F, or NCR to F), and the original aggregate result will stand.

2.4 Supplementary examinations

Students in Introduction to Law may be granted supplementary examinations, to be written in January/February, provided that they obtain at least 40% in their first examination, and provided that they otherwise qualify for a supplementary examination in the Faculty in which they have been registered. The Law Faculty will also recommend that a supplementary examination be granted to students who obtain a mark of below 40% in a component course, provided that their aggregate mark for Legal Theory 1 is 50% or above.

The mark obtained in the supplementary examination is recorded as the final mark for aggregation purposes if the student’s aggregate result improves (i.e. F to NCR/ACR/CR, NCR to ACR/CR, or ACR to CR) or stays the same, and the second aggregate result will then apply. Conversely, the mark obtained in the first examination is recorded as the final
mark for aggregation purposes if the student’s aggregate result is worse after the supplementary examination (i.e. ACR to NCR/F, or NCR to F), and the original aggregate result will stand.

3  LEGAL THEORY 2 (2015 and beyond)

Legal Theory 2 consists of Legal Interpretation, Constitutional Law A, Constitutional Law B and Customary Law.

3.1  Entry level

The standard entry level for this course is a continuing pass in Legal Theory 1, i.e. a credit or aggregated credit (ACR).

A student who passes Commercial Law 1 with at least 60% may be admitted to Legal Theory 2 provided that the student registers concurrently for Foundations of Law and obtains a credit in Foundations of Law. In these circumstances a student will be exempted from obtaining a credit for Introduction to Law in the LLB degree.

A student may not register for Customary Law on its own in any one year except where it is the only outstanding course for obtaining a credit in Legal Theory 2.

Some exposure to Constitutional Law is a prerequisite for entry into Constitutional Law B: accordingly, the prerequisite for entry into Constitutional Law B is normally either a credit or a valid DP certificate for Constitutional Law A.

3.2  Credits

A pass in Legal Theory 2 counts as a credit towards BA, BCom, B SocSci, BJourn and BSc degrees.

Legal Interpretation, Constitutional Law A, Constitutional Law B and Law of Persons are separate papers that count towards the Legal Theory 2 result. Each course counts as a separate LLB credit, however.

In the Commerce Faculty an NCR in Commercial Law 1 may be given if a student has passed both Legal Theory 1 and Legal Theory 2 (Rule C.6). This rule does not apply to students registered in the Faculty of Humanities.

A student will obtain a credit for Legal Theory 2 according to the following rules:

- A credit (CR) will be given if a candidate has passed all the courses, irrespective of the year or examination in which they were passed.
- An aggregated credit (ACR) will be given if the candidate has an aggregated mark of at least 50% for all the component courses (i.e. 200 or more out of 400), provided that the candidate has obtained at least 30% in the course or courses failed.
- A non-continuing credit (NCR) will be given if the candidate has an aggregated mark of at least 50% for all the component courses (i.e. 200 or more out of 400), provided that the candidate has sat the examination(s) for the course(s) failed.
- Aggregation may take place only in respect of examinations written in the same academic year. (Note: for this purpose a supplementary or aegrotat examination in
January/February of the following calendar year counts as an examination in the previous year.)

- After the completion of the November examinations, the Dean of Law may recommend to the Deans of Humanities, Commerce and Science that a student with an overall aggregation average of 49% be raised to 50% to enable the student to pass with an ACR or to qualify for a supplementary examination in terms of paragraph 3.3 below. Overall aggregation averages below 49% (i.e. less than 196 out of 400) will NOT be rounded up to 50% for this purpose.

A student will obtain credit towards an LLB degree for any of the constituent courses only if the course is passed independently. An aggregated mark does not upgrade a result where a course has been failed.

### 3.3 Supplementary examinations

Students who fail courses comprising Legal Theory 2 may be granted supplementary examinations, to be written in January/February, provided that they obtain a mark of at least 40% for such courses, and provided further that they otherwise qualify for a supplementary examination in the Faculty in which they have been registered. The Law Faculty will also recommend that a supplementary examination be granted to students who obtain a mark of below 40% in a component course, provided that their aggregate mark for Legal Theory 2 is 50% or above.

The mark obtained in the second (supplementary) examination is recorded as the final mark for aggregation purposes if the student’s aggregate result improves (i.e. F to NCR/ACR/CR, NCR to ACR/CR, or ACR to CR) or stays the same, and the second aggregate result will then apply. Conversely, the mark obtained in the first examination is recorded as the final mark for aggregation purposes if the student’s aggregate result is worse after the supplementary examination (i.e. ACR to NCR/F, or NCR to F), and the original aggregate result will stand.

### 3.4 Rewrite examinations

Students who have passed Legal Theory 2 and who achieve a result of 40% or more for the component semester course(s) failed may rewrite the course(s) failed, either in January/February or during subsequent examination sessions in order to obtain an LLB credit, provided that no special examination will be set for this purpose. Students wishing to rewrite an examination under this paragraph should give the Law Faculty office sufficient written notice of their intention to do so, so that suitable arrangements can be made.
4  LEGAL THEORY 3 (2015)


4.1  Entry level

The entry level for this course is a continuing pass in Legal Theory 2.

4.2  Credits

A pass in Legal Theory 3 counts as a credit towards BA, BCom, BSoc Sci, BJourn and BSc degrees.


A prerequisite for entry into Law of Life Partnerships is normally either a credit or a valid DP certificate for the Law of Persons.

A prerequisite for entry into Law of Property B is normally either a credit or a valid DP certificate for the Law of Property A.

A prerequisite for entry into Law of Contract B is normally either a credit or a valid DP certificate for the Law of Contract A.

A student may obtain a credit for Legal Theory 3 according to the following rules:

- A credit (CR) will be given if a candidate has passed all the courses, irrespective of the year or examination in which they were passed.
- An aggregated credit (ACR) will be given if the candidate has an aggregated mark of at least 50% for all the component courses (i.e. 300 or more out of 600), provided that the candidate has obtained at least 30% in the course or courses failed.
- Aggregation may take place only in respect of examinations written in the same academic year. (Note: for this purpose a supplementary or aegrotat examination in January/February of the following calendar year counts as an examination in the previous year.)
- After the completion of the November examinations, the Dean of Law may recommend to the Deans of Humanities, Commerce and Science that a student with an overall aggregation average of 49% be raised to 50% to enable the student to pass with an ACR or to qualify for a supplementary examination in terms of paragraph 4.3 below. Overall aggregation averages below 49% (i.e. less than 294 out of 600) will NOT be rounded up to 50% for this purpose.

A student will obtain credit towards an LLB degree for any of the constituent courses only if the course is passed independently. An aggregated mark does not upgrade a result where a course has been failed.
4.3 Supplementary examinations

Students who fail courses comprising Legal Theory 3 may be granted supplementary examinations, to be written in January/February, provided that they obtain a mark of at least 40% for such courses, and provided further that they otherwise qualify for a supplementary examination in the Faculty in which they have been registered. The Law Faculty will also recommend that a supplementary examination be granted to students who obtain a mark of below 40% in a component course, provided that their aggregate mark for Legal Theory 3 is 50% or above.

The mark obtained in the second (supplementary) examination is recorded as the final mark for aggregation purposes if the student’s aggregate result improves (i.e. F to ACR, F to CR, or ACR to CR) or stays the same, and the second aggregate result will then apply. Conversely, the mark obtained in the first examination is recorded as the final mark for aggregation purposes if the student’s aggregate result is worse after the supplementary examination (i.e. ACR to F), and the original aggregate result will stand.

4.4 Rewrite examinations

Students who have passed Legal Theory 3 and who achieve a result of 40% or more for the component semester course(s) failed may rewrite the course(s) failed, either in January/February or during subsequent examination sessions in order to obtain an LLB credit, provided that no special examination will be set for this purpose. Students wishing to rewrite an examination under this paragraph should give the Law Faculty office sufficient written notice of their intention to do so, so that suitable arrangements can be made.

COMMERCIAL LAW

1 COURSE CO-ORDINATORS

Where a course has more than one lecturer, a course co-ordinator is appointed to oversee and administer the course. While you should still approach the lecturers for specific issues arising from their lectures, you should approach the course co-ordinator in respect of administrative matters, issues that concern the structure of the course as whole, or with any issue that you cannot take to the lecturer. If you do not obtain satisfaction from the course co-ordinator, then please see the Dean or Deputy Dean.

The course co-ordinators for 2015 are:

Commercial Law 101 & 102: Dr H van Coller
Commercial Law 201 & 202 Ms S Driver
2 COMMERCIAL LAW 1

Commercial Law 1 consists of two one-credit courses, COL 101 and COL 102.

COL 101 Introduction to law; the law of contract, including special contracts; the administration of deceased estates; the law of insolvency.

COL 102 Introduction to business entities; company law; corporate governance; black economic empowerment.

2.1 Entry Level

Other than having been admitted to university, there are no special requirements for entry into COL 101.

A prerequisite for entry into COL 102 is a credit or a mark of above 35% for COL 101.

2.2 Credits

A pass in Commercial Law 1 counts as a credit towards BCom, BSocSci and BSc degrees.

COL 101 and COL 102 are separate courses and a pass in either gives a student a half credit towards a degree. A credit in either course is not contingent upon passing the other. However, one must pass both courses, or obtain an aggregate credit (ACR) for Commercial Law 1, in order to proceed to Commercial Law 2.

A student who passes Commercial Law 1 with at least 60% may be admitted to Legal Theory 2 provided that the student registers concurrently for Foundations of Law and obtains a credit in Foundations of Law. In these circumstances a student will be exempted from obtaining a credit for Introduction to Law in the LLB degree.

A student will obtain a credit for Commercial Law 1 according to the following rules:

- A credit (CR) will be given if a candidate has passed both courses irrespective of the year or examination in which they were passed.
- An aggregated credit (ACR) will be given if the candidate has an aggregated mark of at least 50% for both courses and has obtained at least 45% in the course failed.
- A non-continuing credit (NCR) will be given if the candidate has an aggregated mark of at least 50% for both courses and has obtained between 40% and 44% in the course failed.
- Aggregation may take place only in respect of examinations written in the same academic year. (Note: for this purpose a supplementary or aegrotat examination in January/February of the following calendar year counts as an examination in the previous year.)
- In the Faculty of Commerce an NCR may be given for Commercial Law 1 if a student has obtained a credit in both Legal Theory 1 and Legal Theory 2. (Rule C.6). This rule does not apply to students registered in the Faculty of Humanities.
- After the completion of the November examinations, the Dean of Law may recommend to the Deans of Humanities, Commerce and Science that a student with an overall aggregation average of 49% be raised to 50% to enable the student to pass with an ACR or NCR. Overall aggregation averages below 49% (i.e. less than 98 out of 200) will NOT be rounded up to 50% for this purpose.
2.3 Rewrite and Supplementary Examinations

Students in COL 101 may rewrite the subject in November, provided that they obtain at least 35% in the June examination. No further supplementary examinations will be written in January/February.

The mark obtained in the second (rewrite) examination is recorded as the final mark for aggregation purposes if the student’s aggregate result improves (i.e. F to NCR/ACR/CR, NCR to ACR/CR, or ACR to CR) or stays the same, and the second aggregate result will then apply. Conversely, the mark obtained in the first examination is recorded as the final mark for aggregation purposes if the student’s aggregate result is worse after the supplementary examination (i.e. ACR to NCR/F, or NCR to F), and the original aggregate result will stand.

Students in COL 102 may be granted a January/February supplementary examination, provided that they obtain at least 40% in the November examination, and provided that they otherwise qualify for a supplementary examination in the Faculty in which they have been registered. In such instances, the original aggregate will stand, even if the result achieved in the supplementary examination is worse than that achieved in the original examination, and would ordinarily cause the candidate to fail on aggregate.

A supplementary examination will also be granted to students who obtain a mark of below 40% in a component course, provided that their aggregate mark for Commercial Law 1 is 50% or above.

Students who have obtained an NCR credit may rewrite the subject at a subsequent examination session in order to obtain a continuing credit, provided that no special examination will be set for this purpose. In such an instance, the initial NCR result would not be placed in jeopardy.

3 COMMERCIAL LAW 2

Commercial Law 201 consists of:

Paper 1: Labour Law; Real and personal security; Banking law and payment instruments.
Paper 2: Intellectual property and franchising; Credit agreements and consumer protection; commercial crimes.

Commercial Law 202 consists of:

Paper 1: Special contracts: Sale, Lease and Carriage
Paper 2: Insurance; Competition law; Business Ethics; Alternative dispute resolution.

3.1 Entry level

The entry level for COL 201 and/or COL 202 is a continuing pass in Commercial Law 1 (i.e. a credit or aggregated credit (ACR)).
3.2 Credits

A pass in Commercial Law 201 and/or Commercial Law 202 counts as a credit towards the BCom, B SocSci and B Sc degrees.

COL 201 and COL 202 are separate courses each of which gives a student a half semester credit towards a degree. A half credit in one course is not contingent upon passing the other course.

A student will obtain a credit for Commercial Law 2 according to the following rules:

1. A credit will be given if a student has passed both courses irrespective of the year of examination in which they were passed.

2. An aggregated credit (ACR) will be given if a student has an aggregated mark of at least 50% for both courses (i.e. COL 201 and COL 202) and has obtained at least 45% in the course failed.

3. Aggregation may only take place in respect of examinations written in the same academic year.

4. After the completion of the November examinations, the Dean of Law may recommend to the Deans of Humanities, Commerce and Science that a student with an overall aggregation average of 49% be raised to 50% to enable the student to pass with an ACR or NCR. Overall aggregation averages below 49% (i.e. less than 98 out of 200) will NOT be rounded up to 50% for this purpose.

3.3 Supplementary examinations

Students in COL 201 and COL 202 may be granted a January/February supplementary examination, provided that they obtain at least 40% in the June/November examination, and provided that they otherwise qualify for a supplementary examination in the Faculty in which they have been registered.
TUTORIALS AND ACADEMIC DEVELOPMENT

The Law Faculty at Rhodes offers all students an integrated academic development programme aimed at bridging the gap between school and university and assisting students in realising their full academic potential. The programme takes three forms:

1 TUTORIALS

All students who register for Legal Theory 1, Legal Theory 2 and Commercial Law 1 are required to attend tutorial sessions, in addition to the lecture programme. Attendance at Tutorials is compulsory (a DP requirement) and forms an integral component of the Legal Theory 1, Legal Theory 2 and Commercial Law 1 courses.

The Tutorial programme is aimed at the development of research and writing skills and basic computer literacy. In so far as the Legal Theory 1 programme is concerned, there is also emphasis on the development of oral skills and writing skills.

For Legal Theory 3 there are weekly tutorials which are voluntary and which are designed to supplement and provide extra support for the lecture programme.

2 SUPPLEMENTAL INSTRUCTION

Supplemental Instruction (SI) is a free, voluntary, student-driven programme designed to support courses that have a reputation for being academically demanding. SI is offered to students registered for Legal Theory 1.

SI enables students to master course content while developing effective learning and study strategies. SI is for all students, and statistics show that students who regularly attend SI sessions tend to get better results than those who do not.

3 ACADEMIC DEVELOPMENT

The ADP programme is a voluntary programme designed for all students to assist them to realise their full academic potential and to assist with the academic transition from school to university. The programme takes the form of voluntary group tutorial sessions and/or individual consultations with an Academic development Specialist Lecturer. The ADP programme is only offered to Legal Theory 1 students.
INTERNATIONAL EXCHANGE PROGRAMMES

The Faculty of Law believes that there is great value in exchange programmes. There are currently two exchange programmes in place, one with Leicester University and the other with Utrecht University. Bearing in mind the need for reciprocity, no further exchange programmes are envisaged at present. However, students are free to make their own arrangements outside the formal exchange programme structures and should discuss the recognition of courses to be done elsewhere with the Deputy Dean.

1 EXCHANGE PROGRAMMES GENERALLY

Credits obtained at other universities, including some law credits, could be counted towards your Rhodes LLB degree or towards Legal Theory 1, 2 and 3. Credits that count towards Legal Theory 1, 2 and 3 do not automatically count towards LLB. A separate application must be made for the purpose of LLB credits being granted. This separate application may be made at the same time as the application for credits towards Legal Theory 1, 2 and 3. For more details, contact Ms Helen Pienaar at the International Office or visit: http://www.ru.ac.za/international/

2 LEICESTER EXCHANGE PROGRAMME

The Leicester exchange programme is designed specifically for law students who follow the five-year route and are willing to add an additional honours year to their studies and gain international experience in the process.

In terms of an agreement between Rhodes University and the University of Leicester, senior law students from Rhodes, having paid Rhodes fees, may attend courses at the University of Leicester and receive credits towards their Rhodes LLB degrees. Rhodes hosts Leicester students in return. The exchange programme enables successful candidates from both universities to study in an international academic environment.

There are a number of ways in which this could be done, but the preferred option is to spend six months at Leicester as part of an Honours programme and then to return to Rhodes to continue with the LLB degree. See the Deputy Dean for details. You can also obtain further information at: http://www.ru.ac.za/international/

3 UTRECHT EXCHANGE PROGRAMME

The Faculty has a staff and student exchange agreement with the Faculty of Law at Utrecht University in the Netherlands. The system is similar to the Leicester programme described above.

The Utrecht programme offers a second option – a short-term exchange for three months from November to February. Students will be able to obtain some LLB credits in this way. (The Utrecht courses run over a three-month period, whereas our equivalents are taken over six months.)

See the Deputy Dean and the International Office for details.
SECTION D: ADMINISTRATIVE ISSUES

ESSAYS, ASSIGNMENTS AND OTHER COURSE WORK

1. ASSIGNMENT COVER PAGE

The Law Faculty has a cover page that must be utilised when essays and assignments are submitted. Work submitted without this cover page will not be marked. It can be accessed as follows:

Click on Start
Click on Run
Type in \jackal\user\home\dept\lawr
Open Essay Cover

Or visit http://www.ru.ac.za/law/studentinterests/plagiarism

You will see from the Essay Cover that the following information must appear on the cover page: Name, Student number, Subject, Lecturer/Tutor, Due Date and the Assignment Topic.

In addition you have to sign the following declaration:

- I know that “plagiarism” means using another person’s work and ideas without proper acknowledgement, and pretending that it is one’s own. I know that plagiarism not only includes verbatim copying, but also the extensive (albeit paraphrased) use of another person’s ideas without proper acknowledgement. I know that plagiarism covers this sort of use of material found in court judgments, textbooks, journal articles AND on the Internet.

- I am aware of the University and the Law Faculty’s policies on plagiarism as set out in the Faculty’s Survival Guide.

- I acknowledge and understand that plagiarism is wrong, and that it constitutes academic theft.

- I understand that my research must be accurately referenced. I have followed the rules and conventions concerning referencing as set out in the Law Faculty’s Survival Guide. I accept that merely putting a reference next to the copied words of others is not sufficient to avoid a charge of plagiarism, and that I understand the writing conventions applicable to using direct quotes and quotation marks.

- This assignment is my own work, or the unique work of a group, if a group assignment.

- I have not allowed, nor will I in the future allow, anyone to copy my work with the intention of passing it off as his or her own work. I also accept that submitting identical work to someone else (a syndicate essay) constitutes a form of plagiarism.

The plagiarism and referencing information is set out in Section E below.
2. PENALTIES FOR LATE SUBMISSION OF WORK

2.1 Assignments

Assignments are due on the date and at the time stipulated by the lecturer for the course. Late assignments shall be subject to a penalty of 20% per day, or part of a day.

For example: an assignment is due at 8am on 17 February 2014.

- Student A submits his/her assignment at 8.30am on that date. S/he would have received 75% for the assignment had s/he submitted on time, but because it was submitted after 8am on the due date, but less than 24 hours after the due date, student A will instead receive 55% for the assignment on his/her course record.
- Student B submits his/her assignment for the same course at 4pm on 18 February 2014, and would have received 57% for the assignment if it had been submitted on time. In these circumstances, s/he will receive 17% for the assignment on his/her course record.

Please note: these penalties will be strictly enforced. Assignments that arrive only a few minutes after the time at which they are due are liable to receive the 20% penalty. It is therefore in your interests to manage your time effectively and not to leave your printing until the last minute.

Only an LOA which is valid for the due date of the assignment will negate the penalty for late submission. Where a student has a valid LOA for the due date of the assignment, that student’s assignment shall be due 24 hours following the expiration of the LOA. Late submission after this date shall be subject to the 20% per day penalty as outlined above.

2.2 Tests

Attendance at class tests is compulsory for DP purposes. A make-up test in the form of either a written test or an oral (to be decided by the lecturer concerned) will be offered to students who miss the scheduled test with a valid LOA. No other students will be permitted to do a make-up test.

Students who have a valid LOA for the make-up test will not be granted a further make-up test; rather, the test will no longer count towards the calculation of the course record for that course, and the course record will be based only upon the other course work normally assessed for the purpose of the course record. Accordingly the exam mark of the student will count more i.e. If the test counted 10% of the course mark of 30%, the exam will then count 80% instead of 70%.
CALCULATION OF COURSE RECORDS

The course record mark is incorporated into the calculation of the final result. Unless Senate agrees otherwise, a course record may not contribute more than 30% towards the final result. Where a course record forms 30% of the final mark, one cannot then use any other.

A student wishing to challenge a course record mark as incorrect must do so by the first Friday of the first and third terms in respect of the November and June examinations respectively.

Administrative Law (Year course) Course record (50%)
Alternative Dispute Resolution Course record (10%)
Journal (20%)
Practical exam (20%)

Civil Procedure A Course record (30%)
Civil Procedure B Course record (30%)
Commercial Law 101 Course record (30%)
Commercial Law 102 Course record (30%)
Commercial Law 201 Course record (30%)
Commercial Law 202 Course record (30%)
Company Law A Course record (30%)
Company Law B Course record (30%)
Competition Law Course record (30%)
Constitutional Law A Course record (30%)
Constitutional Law B Course record (30%)
Constitutional Litigation Course record (40%)
Copyright and Trade Marks Course record (30%)

Criminal Law A Course record (30%)
Criminal Law B Course record (30%)
Criminal Procedure A Course record (30%)
Criminal Procedure B Course record (30%)

Environmental Law Course record (30%)
Ethics and Professional Responsibility Course record (40%)
Foundations of Law Course record (30%)
International Human Rights and Humanitarian Law Course record (40%)
International Trade Law Course record (30%)
Introduction to Conveyancing Course record (30%)
Introduction to Law Course record (30%)

IsiXhosa Practical component (100%)

Jurisprudence Course record (40%)
Labour Law Course record (30%)
Law of Agency and Insurance Course record (30%)
Law of Banking and Payments Course record (30%)
Law of Contract A Course record (30%)
Law of Contract B Course record (30%)

Law of Delict (Year course) Course record (50%)
Law of Evidence A Course record (30%)
Law of Evidence B Course record (30%)
Law of Life Partnerships Course record (30%)
DP REQUIREMENTS AND LEAVE OF ABSENCE

1 DP REQUIREMENTS

1.1 Introduction

A Duly Performed (DP) certificate is a certification that a student has met the minimum attendance and work requirements for a particular course. Students who do not obtain a DP certificate are normally not allowed to write the examinations that are set for that course. In effect, a DP certificate constitutes permission to write the examination.

In the Law Faculty, a designated member of the academic staff administers DPs. This person is obliged to administer the DP system in terms of the rules. Every year there are students who plead in vain for their DP certificates not to be removed in spite of the fact that they have clearly not met the DP requirements. Make sure that you comply with the DP rules.

Students are given an opportunity to make submissions before their DP certificates are removed. This is an opportunity for students to show that they have indeed complied with the DP requirements – not an opportunity for students to plead that the DP rules should be ignored. If your DP has been refused, you may apply, with motivation, to the Dean for it to be reinstated. Should the Dean refuse your application, then you may appeal to the Vice-Chancellor as a last resort. Examinations may not be written without a DP certificate.

1.2 Extended DPs

Students who do not return to the University may apply for an extension of their DP certificates for a period of one year. This will allow the student to write the examination without having to earn a new DP certificate. Normally an extended DP is only granted in the year immediately following the year in which the original DP was granted.
Normally a returning student will not be granted an extended DP. Only in exceptional instances, e.g. unavoidable timetable clashes, will extended DPs be considered for returning students. Where an extended DP is granted, there is no coursework component for the course, and the examination counts for 100% of the final mark.

A DP certificate for a particular course may not be extended more than once.

Please note: One cannot get an extended DP in a case where a DP has been refused the previous year.

1.3 University requirements

According to the University Calendar, in order to be admitted to an examination, a student must have (a) satisfactorily attended the class meetings for the course under examination, and (b) satisfactorily performed the work of the class (General Rules G.19).

1.4 Faculty requirements

Attending lectures and tutorials is regarded as an inherent part of law courses. In the same way that students must obtain a minimum number of marks in an exam, they must attend a minimum number of lectures. Save in exceptional circumstances students who are absent from lectures more frequently than allowed will not be awarded DP certificates, regardless of whether LOAs are obtained. Students are strongly advised not to miss lectures unless they have no choice, because they may later be forced to be absent for good reason and yet lose their DP certificates on account of having missed more than the permitted maximum number of lectures. LOAs are particularly relevant in the case of tutorials/lectures/tests that are missed and essays that are late.

The general DP Requirements applicable in the Faculty of Law, except where otherwise stated, are that:

- Attendance at lectures is compulsory in all Legal Theory and LLB courses. A student may miss no more than 6 (six) lectures per semester course.
- A double lecture in any course is regarded as 2 (two) lectures.
- Students are required to do all the work of the class. The written work includes tests, tutorial assignments and essays scheduled during the year.

In respect of Legal Practice a student may not miss more than 3 (three) lectures per semester course, unless properly excused. In respect of Arbitration and Negotiation and Mediation 100% attendance is required, unless properly excused. In respect of Foundations of Law and Introduction to Law the general Faculty DP requirements, set out above, apply.

Commercial Law 1 and 2 students are not required to attend lectures for DP purposes.

- Students are required to do all the work of the class. The written work includes tutorial assignments (Commercial Law 1 only), essays and tests scheduled during the year.
- Tutorial attendance is compulsory.

Students in Legal Theory 1, 2 and 3 and Commercial Law 1 and 2 must comply with the DP requirements in respect of each component of the course.
All students in their Final Year of study must participate satisfactorily in at least one moot for that year. Students who in the opinion of the adjudicator(s) did not perform satisfactorily will be required to participate in additional moots until the proper level of performance has been reached. For penultimate year students Moots are part of the Legal Skills course.

These requirements will be applied strictly and the onus is on each student to ensure that s/he signs the class register.

2 LEAVE OF ABSENCE (LOA)

The University has a uniform LOA policy which can be found on the University website:

http://www.ru.ac.za/media/rhodesuniversity/content/institutionalplanning/documents/Leave%20of%20Absence%20Policy%20for%20Students.pdf

The Faculty policy set out hereunder supplements that general policy.

If you miss a lecture or tutorial for good reason, you may apply for a leave of absence (LOA). Application forms can be obtained from the secretaries in the Administration Office.

Grounds for granting leave of absence (LOA) as per the University current policy are as follows: "absence from class meetings, for whatever reason, must count against a student’s entitlement to a DP Certificate and, except in cases of leave of absence granted for approved sporting or cultural commitments, illness or on compassionate grounds, there should be no concession in this regard."

NB: Separate LOAs must be fully completed for each course with a copy of supporting documentation attached to each LOA. Incomplete applications will be rejected.

NB: LOAs must be submitted within five (5) days, excluding Saturdays, Sundays and public holidays. Late LOA applications will not be taken into account.

Work missed through absence at any time, for any reason, is the responsibility of the individual student. Formal “Leave of Absence” does not remove this responsibility.

A medical certificate should be attached if applicable.

Students must consult the DP policy to determine which rules apply to them.

It is vital for students to retain proof of reasons for absence for each lecture missed (medical certificates, sports administration letters, letters from parents concerning weddings, funerals, etc). Such proof will enhance the chances of students being able to show exceptional circumstances.

The Secretarial and Administrative staff do not guarantee leave of absence. The granting of leave of absence remains the prerogative of the designated member of staff.
EXAMINATIONS

1 JUNE AND NOVEMBER EXAMINATIONS

The standard method of assessment for the majority of the courses in the Faculty is a two-hour written examination at the end of the semester in which the subject is taught. The mark in this examination normally contributes 70% towards the final mark for the course, but there are exceptions to this (see the section “Calculation of Course Records” above).

2 SUPPLEMENTARY EXAMINATIONS

Students who fail courses in the June and/or November examinations may qualify for a supplementary examination in some instances. Normally a supplementary examination will not be granted to a candidate who has obtained a result of less than 40% (Rule L.11.1). Exceptions will be made in the following circumstances only:

(a) Where a student has failed one course only; or
(b) Where a student has failed more than one course and a supplementary examination would provide an opportunity for that student to meet the requirements for the degree.

Maximum number of supplementary examinations: 4 semester courses or their equivalent (L.11.2).

In order to qualify for supplementary examinations students must have passed at least 4 semester courses in the academic year (L. 11.2). This rule does not cover the situation of students who have nearly completed their studies but for a few outstanding courses.

Supplementary examinations will not be granted to persons who are excluded from the University on academic grounds.

Further, supplementary examinations are not available for Legal Practice and Legal Skills (Rule L.11.3).

3 AEGROTAT EXAMINATIONS

An aegrotat is a certification that one obtains if one is unable to attend an examination because of genuine ill-health, or for some other serious reason, such as the death of a member of one’s family. The aegrotat then allows one to write another (equivalent) examination later, known as an aegrotat examination. Applications to sit such examinations must be made in writing and before the examination to the Registrar’s Division and must be supported by doctor’s certificates or other proof that the request is genuine and well-founded. Aegrotat examinations are not available for Legal Practice and Legal Skills (Rule L.11.3)

Final Year students granted an aegrotat examination will be given the option of completing the aegrotat examination by way of an oral examination in December.
4 RE-WRITE EXAMINATIONS (Legal Theory 1 and Commercial Law 1 only)

If a student fails a first-year semester course in the June examination, s/he may be granted an opportunity to rewrite the examination at a later stage. This is not a supplementary examination, where the improved result is recorded simply as a pass, irrespective of the mark obtained. In a rewrite examination, the classification of the result will reflect the actual mark.

Students in Foundations of Law may be granted rewrite examinations, to be written in January/February, provided that they obtain at least 35% in their first examination in June. The mark obtained in the second examination is recorded as the final mark, except in those instances in which a student has an ACR or an NCR and wishes to obtain a credit in the course failed.

Students in COL 101 may rewrite the subject in November, provided that they obtain at least 35% in the June examination. In such cases the mark obtained in November shall be the final result for that course, except in those instances in which a student has an ACR or an NCR and wishes to obtain a credit in the course failed. No further supplementary examinations will be written in January/February.

5 ORAL EXAMINATIONS FOR LAST OUTSTANDING CREDITS
(Final Year LLB students only)

Rule L.13 provides for oral examinations in the Faculty of Law. The procedure applies to Final Year LLB students only. Its purpose is to allow students to complete their LLB degrees in the November examination session so as to enable them to enter the job market at the beginning of January and to prevent them from suffering economic and other disadvantages. An oral examination will be granted only in respect of courses that are outstanding for completion of the degree. Oral examinations will not be granted for additional courses taken for non-degree purposes.

Final Year students who fail a course and meet the requirements set out below, will be informed that they may submit themselves for an oral examination in that course on a specific date, which will be before the last Faculty Board meeting of the year. The oral examination will be a special examination to determine whether the student’s examination mark in that course (obtained either in June or in November) should be adjusted to 50%. It is not a supplementary examination: it forms part of the original examination. A student may elect not to attend the oral examination, in which event the mark obtained in the written examination stands.

Either the final mark or the internal examiner’s mark (whichever is available) will be used to determine whether a student qualifies for an oral examination. To qualify a student must not have failed more than two semester courses or their equivalent and must have obtained a mark of at least 35% in the course/s concerned. The only exception to this rule may arise where a mark lower than 35% is directly attributable to a student’s misreading of an examination question. In such event, the Dean of Law may, after consultation with the Deputy Dean and the lecturer involved, permit a student to take an oral examination.

Notification of orals will take place soon after the last examination is written, but at least two days before the oral examination. All orals will be conducted on the same day, even if a student has more than one oral.
Normally a panel consisting of three persons will conduct the oral examination. The panel will consist of the Dean (or Deputy Dean), who will chair the panel, the internal examiner(s) for the course and an external examiner. If for any reason the panel cannot be constituted as above, the Dean will designate a suitable alternate. A decision to adjust the original mark must be unanimous.

The only function of the panel is to determine whether the examination mark should be adjusted to 50%. It cannot substitute a higher mark. If it decides that the student’s mark ought not to be adjusted, then the written examination mark will remain. Candidates should be assessed on their performance in the oral examination only: the mark in the written examination should not be considered in assessing whether the student is worthy of a pass mark. If the candidate passes the oral, then s/he passes the course with a mark of 50%.

A student who fails the oral examination fails the June/November examination. However, s/he may still qualify for a supplementary examination, according to Faculty rules.

The following procedure will apply:

At the end of the November examination period students who qualify for an oral will be notified that they may present themselves for an oral in a particular course. The date for the oral examinations will have been set already, but students must be given at least two days’ notice. Students will be informed by means of a notice on the Faculty notice board. The onus will be on students to acquaint themselves with its contents.

Notice will normally be given on the strength of the final mark, but if that is not available, on the internal mark. Where only internal results are available, the scripts will still be sent to the external examiner in the ordinary course. If the external changes the internal mark, the usual rules for adjusting the mark will apply. If the student passes the written examination, then the need for an oral disappears and a failed oral will not affect the written examination result; if a student who passed on the internal mark fails, then s/he will be entitled to an oral examination, provided that the external result is available in time. In the event of the external result not being received in time, then, if a student requests an oral examination, it may be held at a later date which is suitable to all parties.

Final Year students granted an aegrotat examination will be given the option of completing the aegrotat examination by way of an oral examination in December.

Oral examinations are not available for Legal Practice and Legal Skills in which no examination is written.

6 RE-COUNTS AND RE-MARKS

A student who feels that the mark achieved in an examination might not be accurate may, on payment of a prescribed fee, apply for either a re-count of the marks or a re-mark of the examination paper. The fee is refunded if the re-count or re-mark results in a change to the classification of the student’s result that is to the student’s advantage, e.g. from an F1 to a Third, or F2 to F1. Students who wish to have their scripts re-scrutinised must do so in accordance with Rule G.27 and G.28 of the Calendar.

Note that the mark awarded in the re-count or re-mark process supersedes the original mark. So if a lower mark is awarded, that mark becomes the official result and a student
may thus forfeit any benefit, such as a supplementary examination, that might have been derived from the original mark.

7 DISCUSSION OF EXAMINATION SCRIPTS

A student wishing to discuss an examination script with a lecturer in order to obtain feedback on his/her examination and to learn from the examination must do in terms of Rule G.27 and G.28 of the Calendar.

PROCESSING EXAMINATION RESULTS (LLB)

1 EXAMINATION RESULTS

The Dean may raise a candidate’s mark by one per cent prior to the results being recorded in the following instances: 29%, 34%, 39%, 44%, 49%, 59%, 69% and 74% (Faculty policy).

Where the Dean has not raised a candidate’s marks, Faculty may raise the candidate’s classification on the grounds of overall performance in the following instances:

(a) 49% to 50% if the candidate’s average for the other subjects is above 55%;
(b) 48% to 50% if the candidate’s average for the other subjects is above 58%.

2 TO PROCEED TO THE FOLLOWING YEAR

2nd to Penultimate Year: Must pass all courses except 3 semester credits or their equivalent.

Penultimate to Final Year: Must pass all courses except 4 semester credits or their equivalent.

3 TO GRADUATE

Must pass all compulsory courses and 4 electives.

If a maximum of 4 semester courses or their equivalent are outstanding, the candidate:

(a) may be granted extended DPs for such courses; or
(b) may register for substantially similar courses at another university (Rule L.12).
4 ACADEMIC PROBATION

4.1 Situation A

If registered for 14 semester courses or more: Probation if the candidate fails/DNW (Did not write) more than six courses.

If registered for 10-13 semester courses: Probation if the candidate fails/DNW more than five courses.

If registered for 6-9 semester courses: Probation if the candidate fails/DNW more than 3 courses.

If registered for 5 semester courses or fewer: Probation if the candidate fails/DNW more than half of the courses.

Terms of probation: To pass at least 75% of all courses for which the candidate has been registered in the June examination of the following academic year, provided that the candidate does not fall foul of the exclusion criteria.

4.2 Situation B

A candidate will be placed on probation if s/he has a DNW/DPR (DP refused) in two or more courses.

Terms of probation: To obtain a DP and write every course for which s/he is registered in the following academic year.

4.3 Situation C

A candidate will receive a warning if s/he is in danger of exclusion on the ground of effluxion of time.

Terms of probation: To obtain sufficient credits in the following academic year to complete the degree in the prescribed maximum time allowed.

4.4 The effect of the passing of supplementary exams on probation

In the event that a candidate should pass a sufficient number of courses in the supplementary examinations following the year in question, academic probation will be lifted.

4.5 The effect of failure to fulfil the terms of probation

Failure to fulfil the terms of probation will result in summary exclusion.
5 EXCLUSION

5.1 Four-year programme

A candidate will be excluded if s/he fails 75% or more of the courses for which s/he has been registered in that academic year, irrespective of the number of credits thus far obtained towards the degree. This rule does not apply to students who have nearly completed their degrees but for a few courses that they are repeating.

If the candidate fails less than 75% of the courses for which s/he has been registered in that academic year, the following consideration applies: Is it possible for the candidate to complete the entire LLB degree programme within a six-year period from date of first registration? If not, then the candidate will be excluded (i.e., maximum of 6 years in total, including any years registered for another degree, irrespective of the order of registration).

5.2 Five-year programme, i.e. a two-year LLB after an initial degree

A candidate will be excluded if s/he fails 75% or more of the courses for which s/he has been registered in that academic year, irrespective of the number of credits thus far obtained towards the degree. This rule does not apply to students who have nearly completed their degrees but for a few courses that they are repeating.

If the candidate fails less than 75% of the courses for which s/he has been registered in that academic year, the following consideration applies: Is it possible for the candidate to complete the entire LLB degree programme within a four-year period? If not, then the candidate will be excluded (i.e., maximum of first degree plus 4 LLB years, irrespective of the order of registration).

5.3 Six-year programme, i.e. a three-year LLB after an initial degree

A candidate will be excluded if s/he fails 75% or more of the courses for which s/he has been registered in that academic year, irrespective of the number of credits thus far obtained towards the degree. This rule does not apply to students who have nearly completed their degrees but for a few courses that they are repeating.

If the candidate fails less than 75% of the courses for which s/he has been registered in that academic year, the following consideration applies: Is it possible for the candidate to complete the entire LLB degree programme within a five-year period? If not, then the candidate will be excluded (i.e., maximum of first degree plus 5 LLB years, irrespective of the order of registration).

5.4 Where candidates change from one degree programme to another

A candidate will be excluded if s/he fails 75% or more of the courses for which s/he has been registered in that academic year, irrespective of the number of credits thus far obtained towards the degree.

If the candidate fails less than 75% of the courses for which s/he has been registered in that academic year, the following consideration applies: Is it possible for the candidate to complete the entire LLB degree programme within seven years from the candidate’s initial registration? If not, then the candidate will be excluded.
1 GUIDELINES

Final Year LLB Candidates are permitted to complete a research essay in a topic of their choice, subject to the availability of a Supervisor and the approval of the Dean, which counts for two of their elective half courses. The essay should be analytical, rather than merely expository. Students who register for the Research Essay as one of their electives must note that they will under no circumstances qualify for supplementary or aegrotat examinations, nor for oral examinations.

Because of the high academic standards expected of the work, and the lack of availability of supplementary and oral examinations for this elective, only students who have an average of over 60% in Penultimate year will normally be considered for registration. The Dean will consider relaxing this guideline only in exceptional circumstances, and on good cause shown.

Please note the following guidelines:

- These guidelines refer specifically to writing up a researched paper as an elective. For those who may be in a position to write up their moot court experiences as a research paper in terms of Faculty Rule L.6, there are separate guidelines which may be obtained from the Research Essay Co-ordinator.
- The length of the essay shall be approximately 10 000 – 12 000 words (or approximately 40 pages), including footnotes.
- The essay is expected to be of a standard fit for publication in an academic law journal. The general Faculty Guidelines with regard to preparation, referencing and plagiarism will apply to the essay.
- The schedule for completion of the essay shall be as follows:

  (a) The proposed topic should be discussed with the prospective Supervisor by the middle of October in the year preceding registration (ie when the student is still in his or her Penultimate year of study). A prospective candidate will be required to complete a pre-registration form (to be signed by the prospective supervisor) and which will have to be submitted to the Research Essay Co-ordinator by the middle of October, to facilitate the registration process. The Research Essay Co-ordinator will make these forms available to interested candidates. The student will be required to make progress on the work during the course of the long Christmas vacation. In the light of the fact that the elective counts for two semester credits, students who have not indicated their intention to register for a research paper by mid-October will normally not be able to register for this elective in their final year. This requirement will not apply to those who wish to register to undertake a research paper on their work for a moot competition approved by the Faculty in which a student has participated.

  (b) The student should, at the beginning of the final year, officially register for the elective (provided that the student still wishes to do the elective), and should inform the Supervisor that the registration has been confirmed. The progress made over the vacation should be discussed with the Supervisor.
(c) A short written proposal (at least 2–3 pages long), approved by the Supervisor, should be submitted to the Research Essay Co-ordinator by the end of the second week after registration. The proposal should include a provisional title, and should describe the nature of the research problem to be investigated and the provisional goals of the research.

(d) Candidates shall meet with their supervisors on a regular basis, but at least once a month. The research essay co-ordinator shall, in addition, be entitled to call ad hoc meetings of all candidates for the purpose of discussing issues relating to research and research methodology, and to assess the candidates’ progress.

(e) At the end of the first and second terms, candidates must submit, via their Supervisors, updates on the progress they have made with their research. Should the Research Co-ordinator consider such progress to be unsatisfactory, he or she shall place the matter before the Dean, who may, after considering any representations from the candidate and the Supervisor, withdraw the candidate's DP certificate.

(f) Students will be required to present their work-in-progress orally, in seminar form, in the second week of the third term. The seminars will be arranged by the Research Essay Co-ordinator, and are a DP requirement. Any interested persons will be entitled to attend the seminar, and to contribute to any discussion about the paper. The idea is not for the candidate to produce a “perfect” paper. Rather, the candidate can use this as an opportunity to test her or his work thus far, and to raise points of difficulty for discussion and comment. The seminar is designed to aid the candidate’s research progress.

(g) A complete written draft of the essay shall be submitted to the Supervisor by the last Friday of the third term.

(h) The supervisor shall review the draft and return it by the end of the first week of the fourth term. If, in the opinion of the Supervisor, any revision is necessary, the candidate shall be given a further fourteen days to attend to any matters raised by the Supervisor.

(i) The candidate shall submit the completed essay to the Supervisor by the third Friday of the 4th term.

(j) Save in exceptional circumstances no extension of any of the time limits will be entertained.

- The Research Essay shall be submitted on A4 paper and the lines one-and-a-half spaced, with footnotes, according to the Faculty’s referencing style.
- The candidate must submit four (4) ring-bound copies of the Research Essay to the Faculty Manager: Administration on the due date. One copy will be assessed by the supervisor and an external examiner, and will constitute the “exam script” to be retained by the Faculty for record purposes. The second copy will be lodged in the Law Library at the completion of the examinations process in December, as a record of the research done. The third copy will be for the external examiner. The fourth copy will be for your supervisor to keep. The comments with regard to assessment made by the supervisor and external examiner will be made available to the student after the exam results have been released, upon request of the student.
- As far as the assessment of the Research Essay is concerned, the final mark will normally be based on content and quality of the essay alone, according to specific assessment criteria that have been developed by the Faculty. These are available from the research Essay Co-ordinator. Like any examination, each research essay will be examined by an external examiner. In addition, the Supervisor may call on the candidate to defend the essay orally, if he or she so decides.
2 CREDIT FOR PARTICIPATION IN INTERNATIONAL MOOT COMPETITIONS

Those students who represent Rhodes at an international mooting competition are also able to choose to write up the experience for one elective credit in portfolio form. See rule L6.1 of the Faculty’s rules, which may be found in the University Calendar. A candidate may obtain only one elective credit for participating in a moot competition, irrespective of the number of times a candidate participates in such competitions. Since this option is only open to a very small number of students each year, all the details are not set out in this guide. The Deputy Dean or Moot Co-ordinator can be approached for the necessary details.
SECTION E: PROBLEM-SOLVING, REFERENCING AND PLAGIARISM

PROBLEM-SOLVING FOR LAW STUDENTS

INTRODUCTION

What is a “problem”? Problem questions are frequently used in teaching law and generally follow the format of asking students to discuss the legal consequences of a particular set of facts – often in the style of advising one or more of the parties as to their legal position on the basis of what has happened. Problem questions exercise, and test, a student’s ability to identify what the problem is about, to demonstrate their understanding of the legal principles in an area of the law, to apply principles to new facts and to present an answer logically and clearly.

Why are “problems” a common feature of assessment in law? Any student studying law will regularly be assessed by means of having to solve problems. The reason is simple: this is what lawyers do every single day! No client is ever going to walk into your office one day and ask you: “Please will you write an essay for me on …” or “Please will you give me the correct answers to this set of multiple choice answers on …”. Instead, the client will provide you with an (often garbled) version of some event that has occurred, and the client will want to know what his or her legal position is. The lawyer will have to work out what the problem is, and then give the client some sort of legal solution.

Since problem-solving is the life-blood of being a lawyer, it only makes sense that law students must be trained in the general process of problem solving, and that they are assessed on their ability to solve problems. It is authentic preparation for real life.

Would you be able to be a good tennis player or guitar player simply by reading a theoretical book on the topic? Obviously not! The process requires years of involvement, practice and experience. A lawyer’s skills are no different. Your time at University is your opportunity not only to learn about the “rules of the game” (the law) in theory, but to hone and practise the skills of lawyering, the most important of which is the ability to answer problems.

The purpose of this document

The purpose of this document is to provide some basic guidelines as to the process which should be followed by a student answering a problem question. It must be emphasised that these guidelines must not be interpreted as some rigid formula – they are intended only as a guide, to help you to develop your own problem-solving techniques. Solving a human problem is not the same as solving a quadratic equation in mathematics.

These guidelines, while useful starting points, are no substitute for experience of answering problems yourselves: ie by practising, practising, practising.
GUIDELINES TO PROBLEM-SOLVING

Note that these guidelines apply both to research tasks and tests/exams: the way in which they will apply will just be slightly different from one context to the other.

The three pillars of problem solving

At Rhodes, we identify THREE phases of the problem-solving process:

READING  PLANNING  WRITING

PHASE ONE: THE READING PROCESS

1. Read the question carefully

This may seem obvious, but it is surprising how many students do not do it, particularly in the pressure of an examination or test. If you only “skim-read” the question, you run the risk of either missing crucial facts or latching onto some key-word, but without understanding its context. This will distort the problem analysis, and often results in you giving an inappropriate answer.

So: read the question slowly and with attention. You pick up most of the factual nuances of the question when you read it the first time, and you should note these as you are reading. Try not to be too critical when you read the question — read for information rather than trying to work out what all the legal issues are. Your goal in undertaking the first reading should be “Do I have a good grasp of the facts?”

2. Read the question again!

This may also seem obvious, but again, very few people do this. Make it an essential step in the process, and you will never, ever regret it. Once again, read the question slowly and with attention. But because you are familiar with the facts from the first reading, you need to start thinking about what the question is asking you to do. On your second read, you thus need to start looking at the question critically. You may find it helpful to use a highlighter or some other marking device to assist you in undertaking the second reading process. The second read is about gradually starting to formulate a strategy for unpacking and answering the question.

PHASE TWO: ALWAYS PLAN YOUR ANSWER

Never start writing until you have thought out your answer. All too often, the student launches feverishly into writing and then realises half way through that he or she is on the wrong track, or, towards the end of the answer, contradicts an assertion made at the outset. You simply cannot afford to waste time like this in an examination.

Time spent on planning is never wasted. Once you have worked out your plan you will in most cases also have worked out your answer. Your only remaining task will be to write it out adding the necessary detailed elaboration.
1. Where and how to plan?

You are encouraged to plan on a separate piece of paper, or on a separate page of an answer book, should you have been provided with one. In so far as “how to plan” is concerned, that is really up to personal preference. Some people prefer a linear method; others use spider diagrams; others use short lists. Some use more thorough plans, and others need merely to establish a skeleton for themselves. The more you practise, the more you will find a method that suits you.

2. The “easing-in” phase: preliminary planning questions

At this stage, there are certain preliminary questions that you should be asking and considering:

(a) Who are the parties, and which one is my client?

This is important both to understand the factual matrix and to confirm that you know which of the parties is seeking your advice.

TIP: Draw a diagram or picture of the parties, and how they connect up. A pictorial representation allows both hemispheres of the brain to be involved in the process of trying to break down and understand the problem, as opposed to the “logical/reasoning” side of the brain alone. Two hemispheres are better than one!

(b) Which facts appear to be material, and which, not?

When someone draws up a problem question, some facts are simply there to make the story more readable or understandable, and others are legally material or significant. So, you need to distinguish the former from the latter. For example: if, in the facts of the problem, you are told a child is eight years old, you would ask: “Why have I been told this? What is the legal significance of this fact in the context of the question?” Sometimes it may be material, and sometimes, not.

(c) Which general area of law is being implicated by these facts?

In general courses (eg Intro to Law), this is a very important question, as the question could be referring to any one of a number of areas of law you have been taught. But even where your course is dedicated to a specific area of law (eg the Law of Evidence) that area has some form of general structure to promote its organisation and understanding. At this stage, you should be asking yourself: “Which general area is this problem about?”

Setting up your desktop

The process of working out what general area of law the question is about is really encouraging you to “set up your computer’s desk top”. Many students seem to go into a test or examination with the weight of all the information they have learnt on their minds. This can result in a sense of brain-overload or mental paralysis, as all you can think about is a swirling mass of tiny bits of information. Avoid this, and
instead let your brain systematise what you have learnt in the fashion of the Windows desktop on your computer. Imagine the general areas of your course as icons on your desktop. As soon as you know the general one that you need to open, mentally click on that; and so on and so on until you find the window with the specific information you need on it. This is how the brain actually organises the information you have learnt, and is how Bill Gates developed the idea for Windows!

3. Identify and define the issues

Once you have determined the general area relevant to the question, you need to determine the precise legal issue that is raised by the problem. This may require preliminary research or, to continue the metaphor of the box above, this involves you “clicking on” the relevant icons in your brain until you get to the specific area of law to which the problem refers. It is often a good idea to formulate your issue in the form of a question: eg “Is the contract voidable for undue influence, and if so, what remedies does my client have?” The calibre of your answer (and indeed whether you answer the question correctly at all) depends on a precise appreciation of the legal issue(s) to which the question gives rise. You will invariably score more marks if you show a clear understanding of what the legal issues are than if you indulge in vague generalisations which suggest, for example, that you realise the question has "something to do with" the creation of a legitimate contract.

How does one identify the issue?

It is difficult to give tips as to how to go about identifying the issue. It is a complex process of analysis that depends on numerous factors, including your research/preparation skills, your knowledge of the law, your comprehension skills, your skills of reasoning and analysis, and your experience. But two complementary factors need to be in place. First, you need to know your law. But secondly, you need to understand those legal rules and principles you have studied. Those students who try to study by “learning things off by heart” like parrots are generally bad problem solvers. For them, information is like a list of telephone numbers in a telephone book – mere information, but no more. So, to enhance your ability to solve problems, you should always be asking, when you are reading/learning: “Do I understand this legal rule/principle?” and “Can I imagine how it would work in its application?”

TIP 1: When reading and learning, try to imagine a problem scenario of your own, to allow you to “see” how the rule or principle might apply to it. In that way, you create your own basic problem to solve, and you will soon see if you understand the issues raised by that specific area of law.

TIP 2: One of the easiest ways to comply with Tip 1 is to see the rule/principle operate through the cases we ask you to read! We don't give you cases to read just to appear nasty or because we want to ruin your fun. Cases serve a critical purpose, as each case is an example of a judicial officer having to solve a problem about a specific legal issue on a given set of facts.
4. Identify the appropriate law and authorities

Knowing your relevant sources of law, and the law they articulate, is going to be very important, as in any answer you will have to do some planning about which legal rules and principles you need to explain, and provide authority for where these rules/principles come from. To some extent, the process of identifying case and statute law relevant to the question overlaps with the previous step. To crystallise the issue(s) posed by the question it is necessary to know not only what authorities bear on the specific problem but also precisely in what way they do so. Again, in a research assignment this process requires research, but in a test or exam you will have to rely on your knowledge.

At this point, many students will be tempted just to write out a string of authorities (either statutes or cases) or a string of elements that they know fall under that area of law. That might be a helpful start, but you can’t stop there! If you do stop there, it is likely that your written answer will end up looking the same: just a string of undifferentiated cases or a list of legal rules.

So: you need to do some planning about how you are going to use these authorities, or which one of the elements or rules is the one upon which you are going to have to focus because it is the nub of the problem in your case. Due to constraints of either time or the specificity of the question, you will not be able to write down absolutely everything you know about each and every aspect of the law or authority remotely relevant to the issue under discussion.

You will have to be selective and discerning. Which are the most appropriate legal elements or authorities for this particular problem? If statute law applies, which parts, and how should it be explained? If case law, how much of the case should you use in your explanation? All these questions depend on the nature of the problem and the time available, but in your planning you have to consider carefully which of these authorities are relevant and appropriate, and how much detail you ought to go into when discussing them.

### Some tips about planning for your statement of law and authorities

1. Think of the selection process in the following way: imagine that you have been invited away for the weekend, and you know you only have a small bag in which to pack clothes suitable for the nature and purpose of your weekend trip, be it to the mountains, the sea etc. You have to stand in front of your wardrobe and cupboards and make some careful and important choices, because you simply cannot take every item of clothing you have. Selecting which law you are going to describe, which authorities you are going to cite to support your legal statements, and then planning how to use them is a very similar exercise. You have to think and plan ahead.

2. Always caution yourself that you are going to be using an authority to explain a legal rule or principle, and NOT to tell a story. This is especially true of case law. You should be planning to use the facts of a case only for illustrative purposes, if this is necessary to guide your argument. In so far as case law is concerned, you should be thinking about the following questions: what were the reasons for the court coming to its decision? What legal rules or principles did the court rely on in coming to its conclusion, and how did it apply those? In turn, how will I use that to reason out a solution to my set of facts?
3. How much you use of an authority depends on how relevant it is to the problem. If you have a problem that is very similar to an authority you have studied, then you will probably have to plan to explore that authority in some depth, including some of its facts. However, if your question is a general one, covering a whole lot of legal factors or elements, then your use of authority is likely to hone in on the principle or rule articulated by the authority, and the name of the authority will simply back that up. This becomes easier with experience.

5. Apply the law and authorities to the facts

Once you have, in your planning phase, identified the legal issues which arise on the facts, and have identified the relevant law and authorities to which you will refer in your answer, the next step is to think about how the law is going to apply to the facts. This is a critical phase of your planning process, because this is really where you start answering the question! Surprisingly, many students do not take this vital step when answering problem questions. They offer textbook-like dissertations, perhaps give a list of cases, and leave their examiners to draw their own inferences about what the answer might be. To do this is obviously not to answer the question at all.

Instead, you must consider how the law/authorities apply to the facts that you have been given. In simple terms, on these facts, on which side of the line does your client fall (guilty/not guilty; liable/not liable etc) and why? This requires you to adopt a reasoning process. How best can you use the law and authorities available to you in order to develop an argument that indicates quite clearly where your client stands. Sometimes this may simply be a matter of exploring a number of elemental requirements, and showing where they are satisfied, or are deficient. Other times, it will be a more complicated process, especially where there could be a number of possible arguments. But the key at this stage is planning how you are going to get to your ultimate conclusion, and what that conclusion is likely to be.

Do not think there will always be one absolute answer to the problem. Once again, law is not like maths: there may be numerous ways of solving the problem, and which use any of the authorities you might know. Think about real life: if there was always an absolute, perfect answer, why would anyone ever litigate?

Building an argument

Planning and building an argument is very similar to constructing a building. Do you have the right materials? Do you have a good foundation? Does everything fit together seamlessly, layer by layer? Does it all culminate in a tidy finished product? Think about it by analogy again. Would you start building a house by building the roof first? Would you jump around from level to level indiscriminately, or would you build one level after another in sequence? Again, building an argument is a similar exercise.
PHASE THREE: WRITE OUT YOUR ANSWER

To re-cap: only once you have done good planning are you in a position to start writing your answer. Those who start writing straight away tend to produce bad answers, and get bad marks. However, those who have planned carefully will now simply be in a position to write out the answer in a largely seamless fashion. Most of the hard work will have been done in the planning phase!

1. How to start your written answer

In writing an answer, clarity, conciseness and good organisation are all important. First impressions are significant. A bad, sloppy or vague start to an answer is indicative of a lack of planning, or someone who is confused or unsure what to say.

So: You are encouraged to start your answer with something like:

“The issue in this question is whether ….”

If you do this, you immediately begin in a focused fashion. It is also a good test of how effective your planning phase has been. You cannot go any further than the word “whether” unless you have actually gone and done your planning properly, since you will have nothing further to say!

DO NOT:

- Start your written answer by re-writing the facts. This is a complete waste of time, and you will get no marks at all for this. In fact, you simply make your marker irritable.
- Start your answer with a conclusion, or use words like, “it is obvious that …” or “it is clear that …”. This means you are starting your construction of the house with the roof, to go back to the last analogy. It generally ends in disaster because you start arranging your thought backwards, or assume things because they seem self-evident to you, because you have already revealed your view. It also often leads to contradiction: half way through your answer, you change your mind, and then it all makes no sense at the end.

2. The “argument” phase: articulating your law and application

Cut to the chase and answer the question by explaining your argument!

Once again, this depends on good planning. If your plan is in place, it just means setting it down in clear language. You now need to go about explaining your law and authorities, and showing how these apply to the facts of your case. Once again, your focus is on building an argument. You want to set everything out in such a fashion that you lead your reader by the hand and take that reader with you every step of the way – so that ultimately he or she cannot but agree with what you have said. Your skills in the use of language are very important here, and are an important part of how you will be assessed. All the tips that are set out in the section on planning need to be applied here with respect to use of case law or statutory material.
In setting down your argument DO NOT:

- Try to state all the law in the abstract first, and then try to apply it to the facts under a separate heading. First, this results in a disjointed answer that tends to be repetitive, because all the law tends to be explained twice: once to show you know it, and twice to join it up to the facts. Secondly, it leads to people trying to write down absolutely everything they know, rather than being selective and building an argument. Finally, it leads to assumptions, or no application at all: people think that just because they have stated the law, the application is obvious – when that is the real test of skill, where the real big marks come from! The best answers integrate the statement of a principle, the reference to an authority, and an application to the facts, and then move on to the next relevant issue.

- Tell stories! For the same reasons as indicated in the planning section, your task is not to tell stories from the case law, but to explain rules and principles, and how they apply to a given set of facts. I repeat the guidelines with regard to case law in particular that were set out earlier: what were the reasons for the court coming to its decision? What legal rules or principles did the court rely on in coming to its conclusion, and how did it apply those? In turn, how will I use that to reason out a solution to my set of facts?

- Ramble or waffle. Stick to your plan. If you are told to drive from Grahamstown to Port Elizabeth, would you go via Cape Town? No! So don’t do this sort of thing in an answer by going on tangents, getting distracted, or writing down irrelevant information just for the sake of filling space.

3. The conclusion phase

At the end you will need to conclude your answer by advising your client what his or her legal position is, and what remedies or recourse he or she might have in law. This is very important – if you don’t do this, the rest of your answer will have little value. This is the crux of your answer: it must explain to the client simply and clearly what the legal consequences are, on the basis of your analysis of law and fact.

4. The checking phase

Wherever possible, try to check your answer, to see if it makes sense, needs correction, or is deficient in any way. This may be more difficult in a test or an exam, but can still be valuable in that sort of pressurised environment. Too often one sees a student finish an answer, close the answer book, and stare into space. Upon marking the script, one finds many silly errors that could easily have been fixed.

Where the checking process is most significant is where your problem-solving task is a research task like an assignment. Many of your research assignments will be problem-solving tasks. Here, checking is critical, as there is much less tolerance for sloppy mistakes than in an exam situation. It is not good practice to be printing out your answer a minute before the deadline. It is critical to give yourself good time for checking, and even re-drafting, of answers to such problem questions.

Good luck, and keep practising!
1 INTRODUCTION

Please note that the approach to academic referencing in the Law Faculty is different from what one finds in other academic disciplines. If uncertain about what to do, please look at the examples given in this guide.

As far as layout is concerned, please follow the style that is used in this referencing guide. Please note that the margins are justified, both in the text and the footnotes.¹

2 REFERENCING IN THE TEXT

2.1 Structural approaches to referencing within an essay

2.1.1 Footnotes

Footnotes are made by placing a number in superscript next to the relevant word in the body of the text, and where applicable, after a full stop or comma, e.g.,¹⁰ or¹⁰ not¹⁰, or¹⁰. A corresponding number appears at the bottom of the page and the reference is inserted after the number, at the bottom of the page. Remember: a full stop must appear at the end of each footnote and the footnote must be justified. This is the Faculty’s preferred referencing method.

2.1.2 Endnotes

Endnotes are similar to footnotes, except that the reference corresponding to the number appears on a separate page at the end of the text. Remember: a full stop must appear at the end of each endnote.

2.1.3 Brackets

One may include each reference in brackets, within the body of the text, at the appropriate point. This is acceptable, but it can clutter the essay and make it difficult to read. We do not recommend this method.

2.2 Basic issues of style and punctuation

2.2.1 Quotations

Quotation marks are used where you quote the direct words of other authors, and indicate that the passage you have quoted is not your own words. Double quotation marks should be used (“ ”). Single quotation marks should only be used inside a quotation, where the original author has in turn quoted a passage. Quotations should correspond exactly with the original. Any changes or insertions should be indicated by using square brackets [ ]. Quotations that are three lines or longer in length should be separated from the text by being indented, and placed in a separate paragraph. Footnote numbers should come at the end of the quotation, after the quotation marks. For example:

¹ The only time that a footnote need not be justified is when a long Internet reference is used. Note further that the font size of the footnotes differs from that of the main text.
Fagan said the following:

“[I]f a parliamentarian acts without wrongfulness, it cannot therefore be because he acts reasonably, but must be because there is a reason for the courts to refrain from imposing liability upon him, notwithstanding the unreasonableness of his conduct. The reason, as others say, is ‘one of policy’.”¹

Note that the quotation marks in this instance come after the full stop ("."). The quotation marks should be placed before the full stop (".") only when the quotation forms part of the sentence, eg: The reason, as others say, is “one of policy”.

If some text in a quotation is left out then three dots must be inserted in lieu of the missing text, eg “… because there is a reason … to refrain from imposing liability….” Note the spacing on either side of the dots, and note also that a full stop is added to the dots at the end. So don’t do this: “…because there is a reason…to refrain from imposing liability…”

2.2.2 “Foreign” words and expressions

Words and expressions in Latin, or in any language other than English, should be italicised, eg: culpa, bona fides, Grundnorm, ikhazi.

2.2.3 Capitalisation

Proper nouns and titles of books or journals must be correctly capitalised, eg: The Law of Contract in South Africa; Die Onregmatige Daad in die Suid-Afrikaanse Reg; Judge President; Chief Justice. Headings may either be capitalised (eg: “Basic Issues of Style and Punctuation”) or set out, as in this referencing guide, without capitalisation. Choose a method and apply it consistently throughout the essay.

2.2.4 Abbreviations

Standard abbreviations should be used, eg: section (s); sections (ss); subsection (subsec); regulation (reg); regulations (regs); paragraph (para); paragraphs (paras); second edition (2 ed); Judge (J); Acting Judge (AJ); Chief Justice (CJ); chapter (ch); compare (cf); following (ff). Note that full stops are not used, ie not para. or A.J.

2.2.5 Page numbers

“Page” “p” or “pp” should not precede page references. In references to cases, Acts, textbooks and journals, consecutive page numbers should be referenced fully, eg: 165-169, not 165-9 or 165-69 or pp165-169.
2.3 What to include in a reference

2.3.1 Textbooks

2.3.1.1 When an author’s work is cited for the first time, the following information must be supplied in full: Author’s initials and surname Title of Book edition (date of publication) page where the information was found. No “at” or “p” or “pp” or “page” is required. For example: AJ Kerr General Principles of the Law of Contract 6 ed (2002) 456.2

Note:3

(a) If a book is in its first edition, one not need to say so – it will be implied.

(b) Where there are two authors cite both, eg: JC van der Walt and JR Midgley Principles of Delict 3 ed (2005) para 46. Do not use “et al” (which means “and others”) in such instances, ie do not cite this work as “Van der Walt et al”.

(c) Where a work has several co-authors list the main author (usually the first author named on the spine) and write et al after his/her name.4

(d) Some works are compiled by a general editor, but comprise chapters or volumes written by different authors. The classic example would be the LAWSA collection. In such an instance, use the following format: Author’s initials Surname of the particular author consulted “Title of the chapter or volume of the book” in editor’s initials editor’s surname (ed) Title of book/series Volume of series [if applicable] (year of publication) and the paragraph containing the information. For example: RH Christie “Contract” in WA Joubert (ed) LAWSA Vol 5(1) (1994) para 123.

2.3.1.2 When one refers to a textbook for the second, or a subsequent time, there is no need to rewrite all the information contained in the first reference. In such instances, write the author’s surname, an abbreviated title of the work (remember, it must be italicised!), and the precise page or paragraph at which the information was obtained. For example: Kerr Contract 471; Van der Merwe et al Contract 345; Christie LAWSA Vol 5(1) para 23.

2.3.2 Journal articles

2.3.2.1 When a journal article is referred to for the first time, provide the following information: Author’s initials and surname “title of the article” year Title of journal page where article starts, followed by the exact page from where the information was obtained. No “p” or “pp” or “page” is required. For example: E Fagan “The Longest Erratum Note in History” (1996) 12 SAJHR 79 at 81-83.

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2 Note that there are no full stops after the initials, ie AJ Kerr, not A.J. Kerr.
3 Note that the numbering below has changed to (a), (b), etc. Do not continue with numbers beyond four digits: 2.3.1.1 is the limit in this instance.
4 The full list of names must be cited in the bibliography.
Note:

(a) Journal titles always appear in *italics*.

(b) Article titles always appear in quotation marks (" "); they are **NOT** underlined or italicised.

(c) Where there is a volume and a year number, the year is placed in brackets, followed by the journal number, eg: (2002) 119 SALJ 79. In cases where there is no volume listed on the spine, cite only the year, eg: 1995 *Acta Juridica* 66.

(d) It is standard practice to abbreviate the names of well-known journals. For example:

- SALJ – *South African Law Journal*
- THRHR – *Tydskrif vir Hedendaagse Romeins-Hollandse Reg*
- SAJHR – *South African Journal on Human Rights*
- TSAR – *Tydskrif vir die Suid-Afrikaanse Reg*
- CILSA – *Comparative and International Law Journal of Southern Africa*

A more detailed list of abbreviations is reproduced below.⁵

(e) Some journals are **never** abbreviated, eg the *Acta Juridica* journal, or *Speculum Juris*.

(f) The word “at” should be inserted between the reference to the initial page of the article and the actual page where the information is found, eg, as in the above example: 79 at 81-83.⁶

2.3.2.2 An abbreviated reference is used when an article is referred to for a **second or subsequent time**. Cite the surname of the author, the date and **abbreviated name of the publication** (in *italics*), and the precise page from whence the information was obtained. For example: Fagan 1996 *SAJHR* 84.

**Note:**

(a) In this instance there is no need to cite the initial page, nor to use the word “at”.

(b) Do not use the words “*op cit*” or “*loc cit*”, or similar terms. The word “*ibid*” is used only when reference is made to the exact page in the footnote immediately above.

2.3.3 Citation of cases

2.3.3.1 The Faculty’s preferred option is the SALJ style of citation – 1967 (2) SA 456 (N); 1996 (3) All SA 345 (T); [1999] 11 BCLR 777 (D)⁷ – but whichever style is

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⁵ See para 4.

⁶ This is the only instance in which the word “at” is inserted, the reason being to avoid confusion by separating the numbers.

⁷ As a general rule of thumb, Butterworths reports (except for the Constitutional Law Reports) have square brackets around the year [1995] and Juta reports have round brackets around the volume. For example: Butterworths Constitutional Law Reports = 2004 (2) BCLR 102 (CC); The All South Africa Law Reports =
adopted, be consistent throughout the essay. If there is a reported citation, this should be used in preference to a neutral (or SAFLII) citation (eg [2013] ZASCA 34). The SAFLII website does contain any law report citations there may be for a case you find with a neutral citation, so it is not difficult to source the official law report citation, if one exists. Use neutral citations only if there is no law report citation. See the list of abbreviations for SAFLII references in 6 below.

2.3.3.2 The names of the reports are not italicised, ie BCLR not BCLR.

2.3.3.3 Specific page references should not be preceded by an “at”: 1978 (3) SA 234 (A) 237D-G.

2.3.3.4 If paragraphs are referred to, simply say “para 34”: 1999 (2) SA 199 (CC) para 34.

2.3.3.5 When a case is referred to for the first time in the text, give it its full title in italics (eg James v John). The words “and Another”, or “and Others” in the title of the case should be omitted. The full citation, excluding the title, should then appear in a footnote. For example: The leading case is Anglo Carpets (Pty) Ltd v Snyman.8

2.3.3.6 When a case is referred to for a second or subsequent time, simply give the title or abbreviated title of the case, and the precise place from whence the information was obtained. There is no need to use the words “supra” or “op cit” in such instances. For example: In Anglo Carpets v Snyman9 Coleman J also said...

2.3.3.7 Where a case is not mentioned in the main text, include all the relevant information (case title and case citation) in the footnote. Again, there is no need to use the words “supra” or “op cit”. For example: A number of authorities support this proposition.10

2.3.4 Citation of statutes, bills, law reform commission reports, regulations and Rules of Court

2.3.4.1 Acts of Parliament are referred to by their name, number and year. The title of the Act11 must not be italicised, eg: Magistrates’ Courts Act 32 of 1944 or Criminal Procedure Act 51 of 1977.

2.3.4.2 When an Act is mentioned for the first time, give it its full title, and cite the number and year in the footnote. For example: According to s 23(b) of the Magistrates’ Courts Act,12 applications must be in writing.... Note that the

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8 1978 (3) SA 582 (T) 589J.
9 590B. Note that although the case name is italicised in the main text, the footnote number in the main text is not italicised.
10 See Jones v Sithole 2000 (4) SA 234 (SCA) para 25; Anglo Carpets v Snyman 590B.
11 Note that the word is capitalised: “Act” not “act”.
12 Act 32 of 1944.
Constitution is cited as “The Constitution of the Republic of South Africa, 1996”. (Since 2005 it is incorrect to refer to the Constitution as “Act 108 of 1996”: see the Citation of Constitutional Laws Act 5 of 2005.)

2.3.4.3 For every subsequent reference, simply give the name of the Act, without any further detail. There is no need to refer to the number and year again. References can be confined to the relevant section (s) or sub-section (subsec) under discussion. For example: Later, the Magistrates’ Courts Act also provides that...

2.3.4.4 Bills before Parliament which have not yet been passed into law as Acts are referred to in a similar fashion to Acts; ie by name, number and year. The convention is to refer to the Bill in the format of the following example: The Rhodes University (Private) Bill B-09 of 2008.

2.4.4.5 Reports of the Law Reform Commission should be cited by number of project, title of project; page. For example: South African Law Reform Commission Project 190: Report on Gun Control in Rural Areas 45. If the document is not the final Report, but is a Working Paper or a Discussion Paper, replace “Report” with either “Working Paper” or “Discussion Paper” in the title. No author needs to be named or identified.

2.3.4.6 A set of regulations is cited as follows: name of set of regulations, notice type, notice number, Government Gazette number and date of the notice’s publication. For example: Labour Relations Regulations, GN R1442, Government Gazette 25515, 10 October 2003.

2.3.4.7 Where Rules of Court are referred to, state the set of rules, the Act under which they were published and the rule number. For example: Rule 7 of the Uniform Rules of Court, Supreme Court Act 59 of 1959.

2.3.5 Referencing information from the Internet

The Internet is a research tool just like a textbook or a journal and one is expected to reference Internet material. Author’s initials and surname “Title of the article or page” the web-site where the information was found [accessed on a certain date]. For example JY Mokgoro “Ubuntu and the Law in South Africa” (1998) 1 Potchefstroom Electronic Law Journal http://www.puk.ac.za/fakulteite/regte/per/issue98v1.html (accessed 20 November 2006) or P Frankel and R Rose “Is Trade Good or Bad for the Environment?” http://papers.nber.org/papers/w9201.pdf (accessed 23 November 2006). Subsequent references need simply refer to Mokgoro “Ubuntu” or Frankel and Rose “Is Trade Good or Bad for the Environment?”

Please note that it is not acceptable to simply refer to the database from which you got your information; eg “MyLexisNexis” or “Hein-on-line”. A proper reference to the appropriate source (whether it was a book, journal article, case, statute or regulation) that you found IN that database must be given. You should give the standard textual reference

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13 s 31(1).
14 The word is capitalised: “Internet”, not “internet”.
15 Most contraventions of the University’s plagiarism policy involve Internet sources, so please ensure that both the Faculty Reference Guide and the Faculty Plagiarism Policy are adhered to.
16 Where the author is not mentioned, refer to the author as “Anonymous”.

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or citation cases where you have read something from a database of cases or journals, and not a webpage reference.

2.3.6 Theses

Provide the author’s surname, the Title of the thesis (in italics), and then, in brackets, the type of thesis, the institution, and the date. Thereafter give the page from whence the information came. For example: WH Jansen The Undisclosed Principal (LLD thesis, RAU, 1997) 34. In subsequent references, simply say: Jansen The Undisclosed Principal 35.

2.3.7 Old authorities (Roman and Roman-Dutch law)

Consult 1985 THRHR 125 for the correct citations when old authorities such as Voet, Grotius, Van Leeuwen, Van der Linden etc are used. The Digest is generally referred to by its abbreviated title, plus the specific reference, eg: D 4.2.2.

2.3.8 Newspaper articles

Newspaper articles are generally referred to by the title of article, title of newspaper (in italics), date and page number (if available). For example: “Death Penalty Given the Boot” Sunday Times 12 April 1995. If the newspaper was sourced from the Internet, this should be reflected. For example: “Death Penalty Given the Boot” Sunday Times 12 April 1995 http://www.suntimes.co.za/articles/1241995.html (accessed 16 July 2005).

3 THE BIBLIOGRAPHY

3.1 Introduction

Every piece of written work must contain a bibliography. A bibliography is a list of all the works consulted for the essay or assignment and appears, separately, at the back of the essay. Every work consulted must appear in the bibliography – those referred to in the main body of the essay and also any other books consulted, even if not cited in the essay.

3.2 General requirements

The bibliography should contain all the textual sources to which referred in compiling the essay. This means textbooks, treatises and monographs, journal articles, Internet sources and newspaper articles. A Table of Cases and a Table of Statutes should not be included in the bibliography. It is sufficient to cite them in the text of the essay. All works must be listed in alphabetical order according to authors’ surnames, under the following headings:

3.2.1 Books


\[\text{See fn 4.}\]
\[\text{This differs from the way in which an author is cited in the main text and footnotes.}\]
Multiple authors are cited as they appear in the book, not alphabetically. For example: S van der Merwe, LF van Huyssteen, MFB Reineke, GF Lubbe and JG Lotz Contract General Principles 2 ed (2003) Juta: Cape Town. Note that the bibliography style differs from the citation method in the text. In the bibliography, all the authors are cited, with their initials, and the publisher and the place of publication are added.

3.2.2 Journal articles

Author’s initials Author’s surname “Full title of the article” year of publication of the journal (in brackets) volume of the journal Title of the journal [in italics] starting page number of the article. For example: JR Harker “The Mandement van Spolie in Private and Public Law” (1988) 105 SALJ 186. Note that the bibliography style differs from the citation method in the text. In the bibliography, all the authors are cited, with their initials.

3.2.3 Internet sources, theses, old authorities and newspaper articles

The same referencing style as that used in the text should be adopted. If available, the initials of the author should be inserted in the bibliographical entry, for the sake of consistency with other entries.

4 ABBREVIATIONS

AD Appellate Division Reports
AN Administrator’s Notice
All SA The All South African Law Reports
BALR Butterworths Arbitration Law Reports
BCLR Butterworths Constitutional Law Reports
BIP Burrell’s Intellectual Property Law Reports
BLLR Butterworths Labour Law Reports
BN Board Notice
BP Burrell’s Patent Law Reports
CC Constitutional Court
CCC Canadian Criminal Cases
CCMA Commission for Conciliation, Mediation and Arbitration
CTR Cape Times Reports (SA)
CILSA Comparative and International Law Journal of Southern Africa
CL,SA Current Law
CP Court of the Commissioner of Patents
CPD Cape of Good Hope Provincial Division Reports
De Jure De Jure
DR De Rebus
E Decision of the Eastern Cape Provincial Division
EA East African Reports
EDC Eastern Districts Court Reports
EDL Eastern Districts Local Division Reports (SA)
FC Decision of the Rhodesian Federal Court
GW Decision of the Griqualand West Local Division

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19 Note that full stops are not used after initials. One may, however, separate the initials with a space, if one prefers.
20 See para 2.3.1.
21 See para 2.3.2.
22 See paras 2.3.5, 2.3.6, 2.3.7 and 2.3.8.
5 NEW COURT NAMES AND ABBREVIATIONS

The abbreviations in 4 above refer inter alia to the traditional abbreviations of the names of the High Courts in South Africa. All court decisions reported and decided before February 2009 will continue to be referred to by the traditional abbreviations. However, on 23 February 2009, the Re-Naming of High Courts Act 30 of 2008 came into force. This has resulted in the names and abbreviations of all the High Court changing. Decisions handed down or reported after that date will be referred to by the following names and abbreviations:

<table>
<thead>
<tr>
<th>Name of new court (former name in brackets)</th>
<th>New abbreviation (former abbreviation in brackets)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eastern Cape High Court, Bhisho (Ciskei High Court)</td>
<td>ECB (Ck)</td>
</tr>
<tr>
<td>Eastern Cape High Court, Grahamstown (Eastern Cape Provincial Division)</td>
<td>ECG (E)</td>
</tr>
<tr>
<td>Eastern Cape High Court, Mthatha (Transkei High Court)</td>
<td>ECM (Tk)</td>
</tr>
<tr>
<td>Eastern Cape High Court, Port Elizabeth (South Eastern Cape Local Division)</td>
<td>ECP (SE)</td>
</tr>
<tr>
<td>Free State High Court, Bloemfontein (Orange Free State Provincial Division)</td>
<td>FB (O)</td>
</tr>
<tr>
<td>KwaZulu-Natal High Court, Durban (Durban and Coast Local Division)</td>
<td>KZD (D)</td>
</tr>
<tr>
<td>KwaZulu-Natal High Court, Pietermaritzburg (Natal Provincial Division)</td>
<td>KZP (N)</td>
</tr>
<tr>
<td>Limpopo High Court, Thohoyandou (Venda High Court)</td>
<td>LT (V)</td>
</tr>
<tr>
<td>North Gauteng High Court, Pretoria (Transvaal Provincial Division)</td>
<td>GNP (T) GP [2014 ff]</td>
</tr>
<tr>
<td>North West High Court, Mafikeng (Bophuthatswana High Court)</td>
<td>NWM (B)</td>
</tr>
<tr>
<td>Northern Cape High Court, Kimberley (Northern Cape Provincial Division)</td>
<td>NCK (NC)</td>
</tr>
<tr>
<td>South Gauteng High Court, Johannesburg (Witwatersrand Local Division)</td>
<td>GSJ (W) GJ [2014 ff]</td>
</tr>
<tr>
<td>Western Cape High Court, Cape Town (Cape Provincial Division)</td>
<td>WCC (C)</td>
</tr>
</tbody>
</table>

6 SAFLII ABBREVIATIONS

Researchers increasingly refer to court decisions by means of neutral citations, which become available at www.saflii.org before the case is reported in published law reports. The court abbreviations for the SAFLII neutral citations are as follows:

<table>
<thead>
<tr>
<th>Name of court</th>
<th>SAFLII abbreviation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Constitutional Court</td>
<td>ZACC</td>
</tr>
<tr>
<td>Supreme Court of Appeal</td>
<td>ZASCA</td>
</tr>
<tr>
<td>Eastern Cape High Court, Bhisho</td>
<td>ZAECBH</td>
</tr>
<tr>
<td>Eastern Cape High Court, Grahamstown</td>
<td>ZAECGH</td>
</tr>
<tr>
<td>Eastern Cape High Court, Mthatha</td>
<td>ZAECMH</td>
</tr>
<tr>
<td>Eastern Cape High Court, Port Elizabeth</td>
<td>ZAECPE</td>
</tr>
<tr>
<td>Free State High Court, Bloemfontein</td>
<td>ZAFSH</td>
</tr>
<tr>
<td>KwaZulu-Natal High Court, Durban</td>
<td>ZAKZD</td>
</tr>
<tr>
<td>KwaZulu-Natal High Court, Pietermaritzburg</td>
<td>ZAKZPH</td>
</tr>
<tr>
<td>Limpopo High Court, Thohoyandou</td>
<td>ZALMPH</td>
</tr>
<tr>
<td>North Gauteng High Court, Pretoria</td>
<td>ZAGPH</td>
</tr>
<tr>
<td>North West High Court, Mafikeng</td>
<td>ZANWH</td>
</tr>
<tr>
<td>Northern Cape High Court, Kimberley</td>
<td>ZANHC</td>
</tr>
<tr>
<td>South Gauteng High Court, Johannesburg</td>
<td>ZAGPJ</td>
</tr>
<tr>
<td>Western Cape High Court, Cape Town</td>
<td>ZAWCH</td>
</tr>
<tr>
<td>Competition Appeal Court</td>
<td>ZACAC</td>
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<tr>
<td>Electoral Court</td>
<td>ZAEC</td>
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<tr>
<td>Equality Court</td>
<td>ZAEQC</td>
</tr>
<tr>
<td>Labour Appeal Court</td>
<td>ZALAC</td>
</tr>
<tr>
<td>Land Claims Court</td>
<td>ZALCC</td>
</tr>
</tbody>
</table>
PLAGIARISM

The University’s policy on plagiarism can be found at http://www.ru.ac.za/rhodes/governance/ru_policies/ 

1 EXTRACTS FROM THE UNIVERSITY POLICY ON PLAGIARISM

1.1 Definition

Plagiarism, in an academic, university context, may be defined as taking and using the ideas, writings, works or inventions of another, from any textual or internet-based source, as if they were one’s own. This definition covers a wide range of misdemeanours such as: using the direct words of another without using quotation marks (even if the passage is referenced); the unacknowledged copying of a sentence or two of text; copying more extensive blocks of text; the syndication of a single piece of work by more than one student (unless the assignment task is a legitimate group assignment); the borrowing and using of another person’s assignment (with or without their knowledge and permission); stealing an entire essay from another student or from the Internet; or infringing copyright. For the purposes of this policy, the intention, negligence or innocence of the student is not relevant to the finding as to whether plagiarism, as a fact, has occurred. However, the state of mind of the student will be highly significant in determining how to deal with the case as far as taking remedial action or imposing a penalty is concerned.

1.2 Departmental responsibilities

An educational reality is that many of the current generation of students are not familiar with the academic conventions that lecturers expect of the work that students submit for assessment. This includes presentation conventions, referencing conventions and the duty not to plagiarise the works of others.

Departments need to acknowledge the importance of their own role in students’ acquisition of academic discourse and are responsible for taking active steps to provide students with an explanation as to why, as well as how, sources may be used and cited in building academic knowledge. It must be recognised that these standards need to be taught to students and that students from all educational backgrounds may need time to become familiar with them. In addition, because the nature of referencing and plagiarism may be context specific, individual Departments are responsible for ensuring that students fully understand the nature of legitimate academic practice, of what constitutes a illegitimate practice, and the potential consequences of such conduct, in that particular discipline.

In this regard, departments should ensure that:

- The departmental handbook includes general information about the nature of plagiarism, references to the University’s policy on plagiarism, and indicates that plagiarism is considered to be a serious academic transgression.
- The departmental handbook informs students as to how material from such sources as books, articles, the Internet and the work of other students, may and may not be used in the preparation of assignments. Departments are encouraged to refer students and staff to the very useful guide to information literacy to be found on the Library website at http://www.ru.ac.za/static/library/infolit/.
- Such information is referred to in the course material provided to students.
Dedicated training is undertaken in the formal procedures to be followed in the acknowledgement and citation of the source of material. It is not enough to expect students simply to read and to understand a lengthy and complicated handout or handbook. Such training could occur either in lectures or during the regular tutorial programme or in specialised sessions designed for this purpose.

Such training should not simply occur at the first year level, but must be reinforced at second and third year level, and also at the postgraduate level. Since students enter Rhodes at all academic levels, it cannot be taken for granted that such students will have received equivalent training, or will have experienced the usual first-year training that most departments offer.

Students are alerted to the nature of plagiarism, are informed that it constitutes a serious offence, and are informed about the disciplinary procedures that are in place for dealing with suspected cases.

Where it is appropriate (usually where a student is new to the university, or does not understand plagiarism), cases of plagiarism are dealt with sensitively and by means of counselling and education, rather than simply by imposing sanctions.

Guidelines as to the extent of the loss of marks and other penalties for plagiarism (where such are appropriate) are published by departments and are made available to the students in the departmental handbook. Such guidelines should be in accordance with the grid in Annexure D of the Senate Policy.

Students include an appropriate declaration in work that they submit indicating that it is their own work. (For a generic template that may be adapted by departments to suit their specific needs, see Annexure B of the Senate Policy.)

1.3 Disciplinary procedures

The various procedures applicable to dealing with suspected cases of plagiarism are as follows:

There are three graded categories of plagiarism – categories A, B and C. Where a member of staff is unsure (a) whether plagiarism has been committed at all, or (b) into which category a case of suspected plagiarism might fall, that staff member should consult the Head of Department (or his nominee) for assistance. It must be remembered that many assessors of student work are students themselves, and/or may be inexperienced and unsure of what plagiarism is, and how it should be dealt with.

Category A offences

Category A offences constitute first time, minor infringements, and are usually handled by the staff member who detects the offence. However, in circumstances where the assessor is a student tutor or demonstrator, it may be appropriate for the matter to be dealt with by the lecturer in charge of the course, or the course co-ordinator, to provide the necessary authority. In cases where the student is new to the University, and/or if it is apparent that the student has committed such plagiarism because of a lack of understanding of what is required, the student should usually be counselled by the staff member concerned: the problem should be explained, the correct practice should be encouraged, and the student should be warned of the serious consequences of committing plagiarism again. This practice would reflect the importance of our educative role as far as plagiarism is concerned. In some cases it might be appropriate to ask the student to re-do the work to demonstrate that he or she has learnt from the experience. Additionally, if it is appropriate, a mark penalty could be imposed. If a penalty is imposed, the relevant staff member...
should indicate the amount of the penalty and the reasons for this penalty on the assignment or assessment form.

If a student wishes to challenge the finding and the penalty for a category A offence, the student is entitled to appeal to the Head of Department, who must refer the matter to the Departmental Plagiarism Committee for a hearing. (For the procedures to be followed at the hearing, see below.) The student should be informed that the Departmental Plagiarism Committee will hear the matter afresh, and is entitled, in the event of finding that plagiarism has been committed, to impose its own penalty, which may be more onerous than that imposed by the lecturer.

**Category B offences**

Category B offences relate to repeated offences of a minor nature, or to relatively minor offences at a more senior academic level than first year, or to first time, more serious offences, where the offence would not attract a penalty of more than the loss of a DP certificate. Where a member of staff is uncertain as to whether an alleged case of plagiarism constitutes a category A or B offence, this matter should be discussed with the Head of Department, and a decision should be taken that is consistent with previous practice in the department. In large departments, Heads of Department may delegate this role to a senior member of staff.

If a category B offence is detected, the matter must be referred to the Head of Department or nominee, who must refer the matter to a Departmental Plagiarism Committee for a hearing.

**Category C offences**

These refer to extremely serious offences. See the Senate Policy for details.

2. **Examples of Plagiarism**

The University’s Policy on Plagiarism provides some general examples of forms of plagiarism, which any student may consult for guidance. What follows below are examples pertinent to law students, of what should and should not be done.


“In Roman times, the law of succession in the modern sense did not yet exist. The more intimate personal belongings of the deceased – his sword, shield, clothes and jewels – were burnt or buried with the body. Everything else passed to the eldest son, who as the new head of the family, stepped into the deceased’s shoes as regards rights and liabilities.”

Student 1 (Mr DP Removed) Foundations of Law Essay, 2009

In Roman times, the law of succession in the modern sense did not yet exist. The more intimate personal belongings of the deceased – his sword, shield, clothes and jewels – were burnt or buried with the body. Everything else passed to the eldest son, who as the new head of the family, stepped into the deceased’s shoes as regards rights and liabilities.
Comment: The passage is copied, word-for-word, from the original source, without acknowledgment. This is the classic example of plagiarism. If a student believes a passage is so elegantly written that it cannot be improved, the student is entitled to use it, provided it is placed in quotation marks and the author is correctly cited. However, such quotations (particularly lengthy ones such as this) should be used very sparingly.

Question: What happens if you put a correct reference at the end of this sentence above, but fail to put the words in quotation marks. Is this acceptable, or not?

Answer: NO, it is NOT acceptable just to copy someone’s words, as above, and then put a reference at the end, if you have not put the words you have borrowed in quotation marks. The reference will not rescue you. Wherever you use the direct words of others, quotation marks must be used to indicate that the words are in fact the work of others. The reference is not enough, as you would be suggesting that the mere idea alone (not the specific words) come from someone else – which, in this situation, would clearly be untrue. See 4.5 below.

Student 2 (Ms Lazy Writer) Foundations of Law Essay, 2010

In Roman ages, the law of succession in its developed sense did not yet exist. The personal belongings of the dead man – for example, sword, shield, clothing, jewels – were burnt or buried with the body. All other property passed to the eldest son, who, as the new head of the family, stepped into the dead man’s shoes as regards rights and liabilities.

Comment: Apart from a few cosmetic changes of words and punctuation, the passage, in content and structure, is clearly taken wholesale from the original source. This remains an example of plagiarism, although not as bad as that of Student 1. If a student wishes to use lengthy direct extracts from the original, again, the direct extracts should be placed in quotation marks, and the author must be correctly cited. It is preferable, of course, to put the material in one’s own words.

Student 3 (Ms Diligent Achiever) Foundations of Law Essay, 2008

During the classical period of Roman Law, the law of succession with which we are familiar today in South Africa had not yet evolved. As Hahlo and Kahn (The South African Legal System and its Background (1968) 350-351) point out, the approach adopted by the Romans was far more simple – a system of primogeniture prevailed, whereby all the deceased person’s property was handed down to the eldest son, and the son took upon himself all the assets, powers, rights and duties of his father. It was only the deceased’s highly personal belongings, such as, for example, his sword, that would be buried in the grave, or burnt on the funeral pyre, and would accompany the deceased on his journey to the underworld.

Comment: Almost nothing remains of the original text – the work is entirely recast in the student’s own words, and additional information is added. However, the student clearly used Hahlo and Kahn’s book as a research resource, and has therefore acknowledged the source of her information in the text, to show what her source was. This would be an example of how an essay should be produced.
3 The Law Faculty Plagiarism Committee

The Deputy Dean will be responsible for referring category B cases, and category A cases where the student requests a hearing, to a hearing within the Faculty. The Senate Policy requires that the investigation and hearing of the case must be completed within 15 days of the matter being reported. At the first administrative meeting of the year, the Faculty shall appoint a Plagiarism Panel, comprising four members of the academic staff (excluding the Dean and Deputy Dean). Each case shall be heard by a Plagiarism Committee comprising two of the members of this Panel. The Deputy Dean shall appoint the members of the Committee for each case of alleged plagiarism, and shall also determine which member of the panel will chair the hearing. The Deputy Dean should choose the Panel and the Chair on a rotational basis. A staff member who detects and reports the case of plagiarism may not sit on the Committee selected to deal with that particular offence. In the event that there are insufficient members of the Panel available to hear a particular case, the Deputy Dean shall appoint other member(s) of staff as temporary Panel member(s).

The Deputy Dean should inform the Faculty Administrator that a matter has been referred to a hearing, and who the Chair for the particular case is to be.

The Committee will hear plagiarism cases in terms of the guidelines laid down in the University Policy. The Chair of the Committee, once appointed, has the following responsibilities:

**Before the hearing, the Chair must:**

- arrange a hearing date and time in consultation with the staff member who reported the matter initially, and the student(s);
- formally notify the student(s) in question in writing of the allegation(s) and the date, time and place of the hearing;
- ensure that the student(s) are placed in possession of the necessary documentation, such as copies of the allegedly plagiarised work;
- ensure that the Faculty Administrator receives copies of the correspondence and the documentation to be provided to the student(s), for the Faculty’s records.

The Chair of the Committee is entitled to the assistance of the Administrative Staff for the purposes of having correspondence drawn up or documentation photocopied. The Chair may also request the Administrative Staff to contact the students, to collect correspondence and documentation, and to sign for such correspondence and documentation.

**At the time of the hearing, the Chair must:**

- chair the hearing of the Committee into the matter, in accordance with the procedures set down in the University’s Plagiarism Policy, and the rules of natural justice;
- inform the student of the findings made by the Committee.
After the hearing, the Chair must:

- write up the finding within two days of the hearing being concluded. The finding must be forwarded to the Faculty Administrator;
- produce an edited version of the findings, which is to be posted on noticeboards, to ensure that no sensitive or personal information is made public.

Responsibilities of the Faculty Administrator

The Faculty Administrator shall:

- format and date the original version of the finding, place it under a Faculty letterhead, have the document signed by the members of the Committee, and thereafter send it to the student(s) concerned;
- provide the Deputy Dean with a copy of the finding;
- provide the lecturer who reported the case with a copy of the finding;
- place a copy of the finding together with the earlier documentation in the Faculty’s file, as a record of proceedings;
- maintain an adequate filing system for record-keeping purposes;
- publish the edited findings on notice boards, for the information of the student body.

In cases where the plagiarism falls into category C, the Deputy Dean, in consultation with the Dean, must refer the matter to the Senate Standing Committee on Plagiarism, through the office of the Dean of Teaching and Learning.

3.1 Law Faculty Guidelines on the Consequences of Plagiarism

The Senate Policy adopts certain guidelines with respect to plagiarism cases. The Law Faculty adopts these as its guidelines. These guidelines will generally be followed unless there are clear indications that the application thereof will lead to injustice on the particular facts of the case, in which case the Committee has the discretion to depart from these guidelines.

It is not possible to replicate the entire grid of guidelines here. Please see Annexure D of the Senate Policy. The Guidelines will be published on the notice boards in the Law Faculty for the information of students, as well as on the Faculty website, the Jackal server and on RUConnected.

3.2 Copy and Paste Assignments: A reminder

“Copy and paste” assignments are NOT acceptable. Copy and paste assignments can occur in one of three ways:

1. The student copies the words of others, without any referencing, to suggest the work is his or her own. This is classic plagiarism, and will be firmly dealt with.

2. The second form of copy and paste essays occurs where the student (to a greater or lesser degree) has simply cobbled together a whole lot of referenced, but copied passages of others as the content of their assignment, but has not used quotation marks to indicate what has been copied from another source. This does amount to
plagiarism. This sort of conduct is unacceptable because the essay is (in significant parts, or entirely) not the student’s own work, but suggests in a misleading way that it is. A mere reference next to the copied words of others does not entitle a student to copy another person’s words. Quotation marks must be used where the direct words of others are used in an essay.

3. The third type of copy and paste essay is where the essay is simply comprised of an excessive number of passages that have been correctly quoted and referenced. This would not amount to plagiarism, but would still not be acceptable. The Essay must reflect the student’s own understanding of the issue, in the student’s own words. Lecturers cannot mark the words of others – they wish to see the student’s own understanding of the material. Please use direct quotes sparingly.
SECTION F: BURSARIES, AWARDS AND PRIZES

CRITERIA FOR ACADEMIC AWARDS

1  DEAN’S LIST

LLB students who have produced above-average academic performances will receive recognition for their efforts by being placed on “The Dean’s List”. No financial awards attach to this honour, but students will be presented with an appropriate certificate.

The criterion for placement is:

- 65% average in all the subjects taken in any one year of the LLB registration, provided that the student has results in at least 12 semester courses, or the equivalent, in that year. A candidate who has obtained an average of 64.5% or above will be regarded as having met the 65% standard.

2  LLB WITH DISTINCTION

- Class 1 in 12 semester courses or their equivalent for which a candidate was registered in the penultimate and final years of study; and

- An aggregate of at least 70% in all courses for which the candidates had been registered in the penultimate and final years of study. For the purposes of calculating the aggregate, the percentage of a full course shall carry double the weight of that of a semester course. A candidate who has obtained an average of 69.5% will be regarded as having met the 70% standard.

3  AWARD OF COLOURS

- For an award of Half Colours a candidate must have obtained first class passes in at least 6 semester courses or their equivalent in either the penultimate year of study or first class passes in at least 6 semester courses or their equivalent in the final year of study; and obtained an aggregate of at least 70% in all the courses in the academic year for which the candidate had been registered. A candidate who has obtained an average of 69.5% or above will be regarded as having met the 70% standard.

- For an award Colours a candidate must have been awarded the LLB degree with distinction.

4  AWARD OF HONOURS

- For an award of Honours a candidate must have been awarded the degree of LLB with distinction and have obtained an aggregate of at least 75% in all the penultimate and final year courses for which the candidate had been registered. A candidate who has obtained an average of 74.5% or above will be regarded as having met the 75% standard.
PRIZES, SCHOLARSHIPS AND BURSARIES

1  LEGAL THEORY 1

1.1  Baker and McKenzie Prize
Value: R10 000
Duration: 2013 to 2015

The object of the prize is to reward students for academic excellence. The Baker and McKenzie Prize for the BEST FIRST-YEAR STUDENT following a law curriculum will be awarded to the best first-year student following a law curriculum at Rhodes, irrespective of the degree for which s/he is registered.

Students who already hold an undergraduate degree, or who are not in their first year of registration at a university, are ineligible for this Prize.

The only criterion for the Prize is academic merit, to be assessed by looking at students’ academic performance in all the courses for which they are registered in that year. In addition, a student must have obtained an average of at least 70% in the courses that comprise Legal Theory 1 (Introduction to Law and Foundations of Law).

The selection process:

- The prizes are to be awarded by the Dean and Deputy Dean of Law in December of each year as soon as possible after the final faculty board meetings.
- The prizes are made subject to the condition that the winner registers for a course of study towards the completion of a law curriculum at Rhodes University within one year of the year which the winner receives the prize.
- The overriding criterion for the prizes is academic merit, although in the case of equally deserving candidates other factors such as service to the community, both intra and extramurally, and financial need could be taken into account.

1.2  Norton Rose Fulbright Prize
Value: R5 000
Duration: 2014-2016

Awarded to the best student in Legal Theory 1 (best average for Foundations of Law and Introduction to Law at first year level).

2  LEGAL THEORY 2

2.1  Baker and McKenzie Prize
Value: R10 000
Duration: 2013 to 2015

The object of the prize is to reward students for academic excellence. The Baker and McKenzie Prize for the BEST SECOND-YEAR STUDENT following a law curriculum will be awarded to the best second-year student following a law curriculum at Rhodes, irrespective of the degree for which s/he is registered.
The only criterion for the Prize is academic merit, to be assessed by looking at students' academic performance for all the courses for which they are registered in that year. In addition, a student must have obtained at least 70% in the courses that comprise Legal Theory 2 (i.e. Constitutional Law A, Constitutional Law B, Legal Interpretation and Law of Persons).

Students who already hold an undergraduate degree are ineligible for the award. The selection process:

- The prizes are to be awarded by the Dean and Deputy Dean of Law in December of each year as soon as possible after the final faculty board meetings.
- The prizes are made subject to the condition that the winner registers for a course of study towards the completion of a law curriculum at Rhodes University within one year of the year which the winner receives the prize.
- The overriding criterion for the prizes is academic merit, although in the case of equally deserving candidates other factors such as service to the community, both intra and extramurally, and financial need could be taken into account.

2.2 Adams and Adams Prize
Value: R3500

Awarded to the student with the best aggregated results across Legal Theory 1 (first year) and Legal Theory 2 (second year).

2.3 Cliffe Dekker Hofmeyr Prize
Value: R5 000

Awarded to the best student in Legal Theory 2.

2.4 Norton Rose Fulbright Prize
Value: R5 000
Duration: 2014 to 2016

Awarded to the best student in Legal Theory 2 – Constitutional Law (best average for Constitutional Law A and B at second year level).

3 LEGAL THEORY 3

3.1 Alastair Kerr Prize
Value: R750

Awarded to the best student, whether in Legal Theory 3 or LLB2, in the Law of Contract.

3.2 Baker and McKenzie Prize
Value: R10 000
Duration: 2013 to 2015

The object of the prize is to reward students for academic excellence. The Baker and McKenzie Prize for the best THIRD-YEAR STUDENT following a law curriculum will be awarded to the third-year law student at Rhodes who is not registered for the LLB degree.
The only criterion for the Prize is academic merit, to be assessed by looking at students’ academic performance in both major subjects for which they are registered. In addition, a student must have obtained at least 70% in the courses that comprise Legal Theory 3.

The selection process:

- The prizes are to be awarded by the Dean and Deputy Dean of Law in December of each year as soon as possible after the final faculty board meetings.
- The prizes are made subject to the condition that the winner registers for a course of study towards the completion of a law curriculum at Rhodes University within one year of the year which the winner receives the prize.
- The overriding criterion for the prizes is academic merit, although in the case of equally deserving candidates other factors such as service to the community, both intra and extramurally, and financial need could be taken into account.

3.3 Spilkin Prize
Value: R500

Awarded to the best student in Legal Theory 3, provided there is a student of sufficient merit.

4 SECOND YEAR LLB

4.1 Alastair Kerr Prize
Value: R750

Awarded to the best student, whether in Legal Theory 3 or LLB2, in the Law of Contract: see para 3.1, supra.

4.2 Law Alumni Bursary
Value: R5 000

The purpose of the bursary or bursaries is to assist needy students who are either registered or accepted for the LLB degree. The money can be allocated to returning students or to first-time entry students. The number of bursaries and the size of the award shall be determined by the Financial Aid Sub-Committee. Re-awards may be made.

The criteria for the award/s are:

- Recipients shall be either registered or accepted to register for the LLB degree.
- Proven financial need.
- A satisfactory academic record.

5 PENULTIMATE YEAR LLB

5.1 Lexis Nexis Book Prize
Value: (Variable)

Internal book prize for Moot winner(s) in the Penultimate Year.
5.2 Frances, Arnold and Esmé Clarke Bursaries  
Value: Variable, depending upon need

The bursaries are available to all LLB students in their Penultimate and Final Years at Rhodes University, except that students who already hold a Master’s degree are ineligible.

Preference will be given to students who are not in a position to meet their own costs. Access to other sources of funding does not preclude eligibility, but income from other sources, e.g. bursaries or prizes (but not loans), will be taken into account in determining financial need.

Academic merit is not a deciding factor, except that students who are unable to complete their LLB studies within one year of the regulation time are ineligible for an award.

A bursary is awarded for one year only. Re-award of bursaries is possible, but not guaranteed. Students will have to re-apply every year and the application will be considered afresh against the stipulated criteria and the needs of others in the pool of applicants in that particular year.

Bursary applications are to be made through the University’s Financial Aid Office in the Registrar’s Division. Applications close on 30 November in respect of bursaries to be awarded in the following year.

5.3 Fred Cooper Prize  
Value: R500

Awarded to the best LLB student in Company Law.

5.4 Grant and Marjorie McKerron Scholarship  
Value: R1 000

A one-year grant awarded to the best penultimate student who, in the subsequent year, registers for the final year of study. Awarded in February after registration.

5.5 Joe Levy Scholarship  
Value: R3 000

Awarded on the recommendation of the “Faculty Executive Committee” of Law to a student entering the first graduate year of study in the Faculty of Law, that is, the preliminary year (or penultimate year if the student has obtained exemption from a sufficient number of courses on account of credits obtained in his/her first degree). Graduates from other universities are also eligible for this award. Academic ability is the main criteria. The Scholarship may be withheld in any year if the Committee feels that there is no candidate of sufficient merit.

5.6 Judge Phillip Schock Foundation Bursary  
Value: R45 000

Awarded, by application, to a student in the penultimate year of study. While academic merit is important, financial need is emphasised. Posters advertising the scholarship will be distributed during registration.
5.7 **Law Alumni Bursary**  
Value: R5 000

The purpose of the bursary or bursaries is to assist needy students who are either registered or accepted for the LLB degree. The money can be allocated to returning students or to first-time entry students. The number of bursaries and the size of the award shall be determined by the Financial Aid Sub-Committee. Re-awards may be made.

The criteria for the award/s are:

- Recipients shall be either registered or accepted to register for the LLB degree.
- Proven financial need.
- A satisfactory academic record.

5.8 **Baker and McKenzie Prize**  
Value: R10 000 each  
Duration: 2013 to 2015

The object of the prize is to reward students for academic excellence. The Baker and McKenzie Prize for the BEST LLB STUDENT IN THE PENULTIMATE YEAR of study will be awarded to the best LLB student in his/her penultimate year of study.

The only criterion for the Prize is academic merit, to be assessed by looking at students' academic performance for all the courses for which they are registered in that year.

The Prize will not be awarded if candidates are not sufficiently meritorious. An average of 70% is considered to be the benchmark.

The selection process:

- The prizes are to be awarded by the Dean and Deputy Dean of Law in December of each year as soon as possible after the final faculty board meetings.
- The prizes are made subject to the condition that the winner registers for a course of study towards the completion of a law curriculum at Rhodes University within one year of the year which the winner receives the prize.
- The overriding criterion for the prizes is academic merit, although in the case of equally deserving candidates other factors such as service to the community, both intra and extramurally, and financial need could be taken into account.

5.9 **Shirley Ritchie Prize**  
Value: R1 000

The prize is normally awarded to the female student entering the final LLB year with the best aggregate result in the penultimate year of study. In the event of that student being the top student in the class, the prize is awarded to the female student who obtained the next-best aggregate result.
5.10 Bowman Gilfillan Prize
     Value: R5000

     The prize is awarded to the best penultimate year student in Corporate Law for the best aggregated result for Company Law A, Company Law B and Law of Partnerships and Trust.

5.11 R G McKerron Memorial Prize
     Value: R500

     Awarded to the best student in the Law of Delict.

5.12 Phatshoane Henney Inc Prize
     Value: R3 500
     Duration: 2015-2017

     Awarded to the best LLB student in Legal Skills.

6 FINAL YEAR LLB

6.1 Brian Peckham Memorial Prize
     Value: R1 000

     Awarded on the recommendation of the Faculty Executive Committee to the best student in Environmental Law.

6.2 Lexis Nexis Book Prize
     Value: (Variable)

     Internal book prize for Moot winner(s) in the Final Year.

6.3 Fasken Martineau Prize
     Value: R3 000-00
     Duration: 2013 to 2015

     Awarded to the best LLB student in Competition Law.

6.4 Frances, Arnold and Esmé Clarke Bursaries
     Value: Variable, depending upon need

     A number of bursaries are available to all LLB students in their Penultimate and Final Years at Rhodes University. Students who already hold a Master’s degree are ineligible.

     Preference will be given to students who are not in a position to meet their study costs. Access to other sources of funding does not preclude eligibility, but income from other sources, e.g. bursaries or prizes (but not loans), will be taken into account in determining financial need.

     Academic merit is not a deciding factor, except that students who are unable to complete their LLB studies within one year of the regulation time are ineligible for an award.
A bursary is awarded for one year only. Re-award of bursaries is possible, but not guaranteed. Students will have to re-apply every year and the application will be considered afresh against the stipulated criteria and the needs of others in the pool of applicants in that particular year.

Bursary applications are to be made through the University’s Financial Aid Office in the Registrar’s Division. Applications close on 30 November in respect of bursaries to be awarded in the following year.

6.5 Judge Phillip Schock Prize
Value: R20 000

Awarded on the recommendation of the Faculty Executive Committee of Law to the student obtaining the highest mark in the final year of LLB study.

6.6 Juta Law Prize
Value: (Variable)

Awarded annually by Juta and Company Ltd, on the recommendation of the Faculty Executive Committee of Law, to the best final year LLB student, taking into account the whole academic record for the degree.

6.7 Law Alumni Bursary
Value: R5 000

The purpose of the bursary or bursaries is to assist needy students who are either registered or accepted for the LLB degree. The money can be allocated to returning students or to first-time entry students. The number of bursaries and the size of the award shall be determined by the Financial Aid Sub-Committee. Re-awards may be made.

The criteria for the award/s are:
- Recipients shall be either registered or accepted to register for the LLB degree.
- Proven financial need.
- A satisfactory academic record.

6.8 Mtshali and Sukha Prize
Value: R1 500.00
Duration: 2013 to 2015

Awarded to the best LLB student in Legal Ethics and Professional Responsibility.

6.9 Spoor & Fisher Prize
Value: R2 500


6.10 Phatshoane Henney Incorporated medals
Awarded to students who obtain their LLB degrees with distinction.
7 TOMMY DATE CHONG AWARD  
Value: R500

This award is given to the student who makes the greatest contribution to the Law Clinic in their penultimate and final years of study at the University. The award is named after Tommy Date Chong, a student with a keen interest in the Law Clinic who was sadly killed in a car accident in the late 1980’s. The award is thus made to the student who shows the greatest commitment to the law clinic and passion for its work.

8 ROB AND TRISH MIDGLEY PRIZE  
Value: R500

Awarded to the student who has contributed substantially towards a holistic educational experience for law students at Rhodes University.

9 MASTER’S DEGREE SCHOLARSHIPS  
Value: R5 000 for 1st year of Master’s

Awarded for excellence in the honours degree examinations for study towards a full-time masters degree at Rhodes University in the discipline for which the award is given. A distinction in the honours level examination is a prerequisite. Students who have completed four-year degrees will also be considered for these awards. Law (LLB) and Pharmacy graduates, who obtain their degrees with distinction, will be considered.

10 DOCTORAL DEGREE SCHOLARSHIPS  
R5 000 for 1st year of PhD

Awarded for excellence in the Master's degree examinations for study towards a full-time PhD degree at Rhodes University in the discipline for which the award is given. A distinction in the Master's level examination is a prerequisite.