



Tutorial Letter 301/4/2018

General tutorial letter to all LLB students LLBALLF

Semester 1 & 2 and year modules

School of Law

This tutorial letter contains important information
about the School of Law and your LLB studies.

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Dear Student

1 INTRODUCTION

Welcome to the College of Law (CLAW). The CLAW consists of two schools, namely the School of Law (housed in the Cas van Vuuren Building on the main campus of Unisa in Pretoria and on Brooklyn campus, Veale Street, Brooklyn) and the School of Criminal Justice (housed on Brooklyn campus in Pretoria). Together the two schools consist of eight departments (five in the School of Law and three in the School of Criminal Justice). Further, the CLAW houses the Institute for Dispute Resolution in Africa (IDRA), the Centres for Business Law, Criminological Sciences, Indigenous Law, Public Law Studies, and Applied Criminal Justice. A further unit of the CLAW is the Unisa Law Clinic.

A distinctive feature of the CLAW is the fact that it is the only college of law (or law faculty) in the country that has both a comprehensive School of Law and a School of Criminal Justice. The advantage of the combination of law and criminal justice is that the College boasts expertise in various areas of both law and criminal justice. The latter includes experts in criminology, policing, security risk management and correctional services. Another unique characteristic of CLAW is the fact that it is the largest college or faculty of law in South Africa and on the African continent. It offers an interesting combination of both academic and career-focused programmes, which, together with a vast range of articulation possibilities, presents students with a wide range of career path options. Consequently, it is able to provide access to education to a wider reach of students in the fields of law and criminal justice (such as law enforcement, corrections, and the private security industry).

This tutorial letter is, however, addressed specifically to students studying for the LLB degree in the School of Law. Tutorial letters dealing with the other offerings of CLAW will be addressed to students in the other fields indicated above.

1.1 A word of welcome from the Executive Dean of the College of Law

As the Dean of the CLAW, I take pleasure in welcoming you to the CLAW whether you are a new student starting your LLB journey or a returning student working towards attaining your LLB. LLB graduates contribute to the South African society and the global arena in various ways and I am, therefore, pleased that you have chosen this field of study. I hope that you will complete your studies successfully and find them relevant to your chosen career. I further trust that your learning experience at Unisa will be both enjoyable and inspiring.

This tutorial letter contains important information that will assist you in your studies for the LLB degree. It sets out various study techniques and guidelines, and provides an overview of the LLB degree as it is currently presented from NQF levels 5 to 8. It is important to familiarise yourself with its contents before embarking on your studies in the various modules offered by the different departments. This tutorial letter also contains the School of Law reference or citation guide, which you are expected to apply in all your modules in order to avoid plagiarism.

At the outset, I want to remind you that you must read all the tutorial letters you receive during the semester immediately and carefully, whether they are module-specific or general School of Law tutorial letters. The information they contain is always important and may well be urgent. They often contain additional study material or information about recent developments in the law that form part of the learning material and may be assessed. They also provide general feedback on the assignments and comments on the examination.

Enjoy your studies. I wish you all the best.
Executive Dean: College of Law

1.2 Vision and mission of the College of Law

The vision of the CLAW is “towards becoming a leading College of Law and Justice in Africa” which affirms Unisa’s institutional vision.

The vision of the College in terms of teaching and learning is “[t]o increase through-put and the success rates of our students through the provision of high quality study materials, socially relevant content, well-trained and qualified academics, extensive student support and the appropriate use of technologies”.

The mission of CLAW: The **College of Law** provides comprehensive open distance learning in a socially responsible and distinctive manner that produces excellent scholarship and research, provides quality tuition and fosters active community engagement.

We take cognisance of the fact that we are an open distance learning institution and for this reason, we have adopted the blended tuition approach to inform curriculum design. In addition, our students come from diverse backgrounds and the majority of our students are mature and work full-time.

Thus, we are guided by the principles of lifelong learning, student-centredness, innovation and stakeholder engagement within the African and global arena.

1.3 Origins of the College of Law

The CLAW is the largest open distance law school in Africa. It traces its roots back to 1873, when the Board of Public Examiners was replaced by the University of the Cape of Good Hope (UCGH), Unisa’s forerunner, and when the Certificates in Law and Jurisprudence offered by the Board were replaced by the UCGH’s Certificate of Proficiency in Law and Jurisprudence and the LLB degree (Bachelor of Laws). The University of the Cape of Good Hope was the first institution in South Africa, which conferred degrees.

Unisa’s first law degrees, under the deanship of Advocate W Pittman, were awarded on 2 April 1919. The Unisa Faculty of Law as a teaching faculty began to blossom only after the establishment of a division for external studies at Unisa in 1946. This propelled the University from a predominantly examining body to a teaching institution for higher learning.

The first person to be appointed as lecturer in the Law Faculty was Dr HL Swanepoel who was soon followed by Advocate Dawid de Villiers, who has been described as the architect of the School of Law. Around 1960 the single department in the Faculty of Law was divided into the Departments of Roman-Dutch Law and Mercantile Law. Further divisions followed and more lecturers joined the Faculty. Amongst the deans who expanded the Faculty were Proffs Willem Joubert, Alan Copeling, Willy Hosten, Johann Neethling, David Ailola, Rita Maré, Nqosa Mahao, and Rushiella Songca.

During the latter part of the previous century, the Law Faculty undertook a comprehensive restructuring of the LLB degree, converting it from a five-year to a four-year degree programme that commenced in 1998. In March 2001, the Department of Education released the government’s National Plan for Higher Education, which provided for the establishment of a single distance education institution through the merger of Unisa, Technikon South Africa (TSA) and the Vista University Distance Education Centre (Vudec). As a result, the Faculty underwent comprehensive transformation and expansion and was eventually transformed into the current College of Law comprising two schools: the School of Law and the School of Criminal Justice. The two schools house eight departments: Public, Constitutional and International Law; Criminal and Procedural Law; Jurisprudence; Mercantile Law; Private Law; Criminology and Security Science; Corrections Management; and Police Practice.

In the long list of outstanding graduates of the School of Law, none stands taller than former President Nelson Mandela who obtained his LLB degree from the College and was honoured by the University with an LLD (*hc*).

Currently, the CLAW has approximately 28 000 students from different parts of the world.

1.4 College management and structure

The College management consists of the Acting Executive Dean, Deputy Executive Dean; the Directors of the two Schools; the Head: Post-Graduate Studies and Research, and finally the Head: Tuition and Facilitation of Learning.

The extended management of the College comprises the chairs of departments (CoDs) in the two Schools, the Head of the Law Clinic, and heads of institutes, such as the Institute for Dispute Resolution in Africa (IDRA).

1.5 Students' Charter of Rights and Responsibilities

The Student's Charter of Rights and Responsibilities, as approved by Council, guides CLAW. The Students' Charter of Rights and Responsibilities is attached to this document and labelled Addendum A.

2 MANAGEMENT STRUCTURE

2.1 CLAW Management

CLAW is managed through the following portfolios with the College.

Position
Executive Dean
Deputy Executive Dean
Head of Postgraduate Studies
Tuition Manager
School of Criminal Justice (Director)
Chair of Department: Criminology and Security Science
Chair of Department: Police Practice
Chair of Department: Corrections Management
School of Law (Director)
Chair of Department: Private Law
Chair of Department: Jurisprudence
Chair of Department: Mercantile Law
Chair of Department: Public, Constitutional, & International Law
Chair of Department: Criminal & Procedural Law
Centre Manager: Centre for Applied Criminal Justice
Centre Manager: Centre for Business Law
Centre Manager: Centre for Criminological Sciences
Centre Manager: Centre for Indigenous Law
Centre Manager: Centre for Law and Medicine
Centre Manager: Centre for Public Law Studies
Director: Institute for Dispute Resolution in Africa (IDRA)
Director: Unisa Law Clinic

2.2 ACADEMIC DEPARTMENTAL STAFF OF THE SCHOOL OF LAW

2.2.1 *Department of Criminal and Procedural Law*

The staff profile for the Department of Criminal and Procedural Law can be found on the following link:

<http://www.unisa.ac.za/sites/corporate/default/Colleges/Law/Schools,-departments,-centres-&-institute/School-of-Law/Department-of-Criminal-and-Procedural-Law/Staff-members>

2.2.2 *Department of Mercantile Law*

The staff profile for the Department of Mercantile Law can be found on the following link:

<http://www.unisa.ac.za/sites/corporate/default/Colleges/Law/Schools,-departments,-centres-&-institute/School-of-Law/Department-of-Mercantile-Law/Staff-members>

2.2.3 *Department of Jurisprudence*

The staff profile for the Department of Jurisprudence can be found on the following link:

<http://www.unisa.ac.za/sites/corporate/default/Colleges/Law/Schools,-departments,-centres-&-institute/School-of-Law/Department-of-Jurisprudence/Staff-members>

2.2.4 *Department of Private Law*

The staff profile for the Department of Private Law can be found on the following link:

<http://www.unisa.ac.za/sites/corporate/default/Colleges/Law/Schools,-departments,-centres-&-institute/School-of-Law/Department-of-Private-Law/Staff-members>

2.2.5 *Department of Public, Constitutional and International Law*

The staff profile for the Department of Public, Constitutional and International Law can be found on the following link:

<https://www.unisa.ac.za/sites/corporate/default/Colleges/Law/Schools,-departments,-centre-&-institute/School-of-Law/Department-of-Public,-Constitutional-and-International-Law/Staff-members>

2.3 ADMINISTRATIVE DEPARTMENTAL STAFF OF THE SCHOOL OF LAW

2.3.1 Department of Criminal and Procedural Law

- Ms J Mathebe – 012 429 8444
- Ms K Rosin – 012 429 8397
- Mrs C Mabotja – 012 429 4995

2.3.2 Department of Mercantile Law

- Me N Nage – 012 429 8460
- Ms M Roux – 012 429 4931
- Me S Mothibedi – 012 429 8579
- Me P Mofokeng – 012 429 8774
- Mr J Skhosana – 012 429 4348

2.3.3 Department of Jurisprudence

- Me L Mkhomazi – 012 433 9480
- Ms C Cromhout – 012 433 9479
- Ms P Makakaba – 012 433 9524

2.3.4 Department of Private Law

- Me T Mapokgole – 012 429 8418
- Ms L Monnakgotla – 012 429 8434
- Ms HD Mabena – 012 429 8906

2.3.5 Department of Public, Constitutional and International Law

- Me M Matlala – 012 429 8339
- Ms R Pretorius – 012 429 4149

The staff of the various departments in the School of Law use an Open Distance Learning approach to teaching the various subjects in the LLB degree programme.

3 ORIENTATION TO OPEN DISTANCE LEARNING IN CLAW

3.1 The nature of ODL

Unisa is a provider of quality distance education programmes and one of its main objectives is to be a leading Open and Distance Learning institution. The term *open distance learning* is commonly used in the higher education context and the Unisa Council approved the Open Distance Learning Policy in which *open distance learning* is defined as

a multi-dimensional concept aimed at bridging the time, geographical, economic, social, educational and communication distance between student and institution, student and academics, student and courseware and student and peers. Open distance learning focuses on removing barriers to access learning, flexibility of learning provision, student-centredness, supporting students and constructing learning programmes with the expectation that students can succeed.¹

¹ "Unisa Open Distance Learning Policy"
http://staffcmsys.unisa.ac.za/cmsys/staff/contents/departments/tuition_policies/docs/OpenDistanceLearning_Council3Oct08.pdf (Date of use: 17 October 2017).

A number of crucial components are necessary to define open distance learning at Unisa and to implement the policy. These components are the following:

- open learning
- courses and curricula
- learning material and resources
- student support
- communication
- student and staff management systems

Open learning

Open learning consists of two components, namely open access and open learning. The term “open access” implies a lack of formal entry requirements, open admissions and no entrance examinations. It suggests policies and practices that permit entry to learning with no or the minimum of barriers with respect to age, gender or time constraints and with recognition of prior learning. Open learning is an approach to learning that gives students flexibility and choice in what, when, where, at what pace, and how they learn.

Courses and curricula

It must be noted that although open distance learning is not necessarily inexpensive, the fact that open distance learning may lower the cost of education is seen as one of its advantages. In the South African context, it is also a specific policy objective, namely to provide access to previously disadvantaged communities. In that sense there is an imperative to provide affordable courses, and curricula and economies of scale play an important role in achieving it.

Learning material and resources

Learning material, also referred to as study material or tutorial matter, is an essential component in all open distance learning systems. It is the clearest manifestation of developing **ODL pedagogy** and is the single most important element in ensuring the successful roll-out of ODL. Comprehensive, well-designed materials stimulate self-directed learning and impact on the quality of the system as a whole. The design, development and production of materials are, therefore, extremely important in an open distance learning system.

Student support

Providing student support is one of the most critical aspects in becoming an ODL institution. It is the differentiating factor between a correspondence institution and a modern ODL institution. Student support may be defined as some kind of direct interaction between the learner and teacher or mentor/facilitator. Historically interaction was face to face (eg group discussion classes) but in a technologically driven world interaction will increasingly be by means of electronic communication (eg e-tutors).

Communication

In an ODL institution, a clear strategy is required to facilitate communication between students and the institution (academic and support staff). Communication provides a way to deliver learning materials and resources and enables academics and students to interact. An ODL institution can, therefore, not function without a fully functioning learning management system.

Student and staff management systems

In an ODL context, the academic support systems must be well defined to ensure that learning is effective. Learning takes place at a distance and without effective management systems, delivery becomes ineffective and the academic process is compromised. The academic support systems include, for example, admission and assessment systems.

3.2 A shift towards an ODeL model

The ODeL model sees a complete shift to open, distance and, ultimately, e-learning at Unisa with corresponding implications for all operations and support systems. This model transforms the entire institution's transactional environment with external and internal stakeholders so that all aspects of that environment are fully digitised and thus underpinned by robust, effective and integrated ICT applications.

The model does not mean that Unisa will become a fully online University because face-to-face interactions, experiential learning and practical modules associated with distance education will still be offered. Thus, the e in ODeL means an increased use of the affordances of ICTs, but not a wholesale e-learning approach for all courses at all levels in all colleges.

Unisa will offer support to undergraduate and postgraduate students through a menu of high quality technology-enhanced services (including tutorial and e-learning support services) continuously to improve student success and throughput.

You might have been given access to the University because of its open nature. In some cases, this may mean that you do not have the necessary skills to cope at a residential university because you have been, for example, out of the education system for a long time. But these skills can be developed and an ODL context is perfectly suited for this type of development. It also means that you will rely on a variety of sources to ensure successful completion of your chosen study path. Now that you are registered, you will have access to resources that will help you to make a success of your studies such as study guides, assignments, the library, lecturers, tutors, literacy centres, counsellors to assist with study skills, peer groups, the online learning management system myUnisa, and so on. These resources support an ODL environment and aim to lessen the distance between student and university.

Distance education provides an independent study package for all modules. Many people are not used to studying completely in isolation from the institution, their lecturers and fellow students. Many distance education students feel isolated in the learning experience and, unfortunately, many do not complete their studies. With the use of the myUnisa platform there is, however, no longer a disconnect between the institution, the student, the lecturer and peers. Consult the *Study @ Unisa* brochure for the specifics of myUnisa and ensure that you use it to support your learning experience at Unisa. The CLAW staff rely heavily on this platform to interact with their students and in a technologically advanced world distance is no longer a barrier to quality learning and teaching. In our experience (and statistical data proves it) students who regularly interact on myUnisa achieve much higher results than those who do not.

3.2 What the CLAW expects of you

In the CLAW we expect students who register for the LLB to be able to:

- learn from predominantly written material
- communicate what they have learnt comprehensibly in the medium of instruction
- with guided support, take responsibility for their own progress
- identify and understand the role of the law in everyday life

- think critically and analytically within a contextual framework
- solve complex legal problems
- engage with legal text
- enter a career in law based on their academic knowledge and skills
- advance legal scholarship in a regional and global context
- act responsibly in their chosen career
- contribute to the realisation of a just society based on a legal democracy

We also expect students to plan, monitor (including adapt) and evaluate their learning and their strategies. Asking questions is one way of taking control of your own learning:

- i. **Planning:** What do I already know that will help me to do this activity? What should I do first? How much time do I have and how much time do I need to learn this? What resources do I have and where can I go for help?
- ii. **Doing:** What steps do I need to take to implement my planning? What resources do I need to effectively implement my planning strategies to achieve my goals?
- iii. **Monitoring:** Am I on the right track? How am I doing in respect of time? Do I need to speed up? Do I need to slow down? Do I need to (re)prioritise? What must I do if I don't understand? How can I revise my plan if it isn't working?
- iv. **Evaluating and amending:** What could I have done differently? How well did I do? What did I learn that I could use in other tasks? How long did this take me? Could I have done it in less time? How?

With regard to the above, we strongly recommend that you visit the online platform for Counselling and Career Development, which can be found on the Unisa corporate website (<http://www.unisa.ac.za/sites/corporate/default/About/Service-departments/Counselling-and-Career-Development>) if you wish to develop your skills in this area.

We further encourage you to take full advantage of the ShadowMatch system:

ASSESS YOURSELF

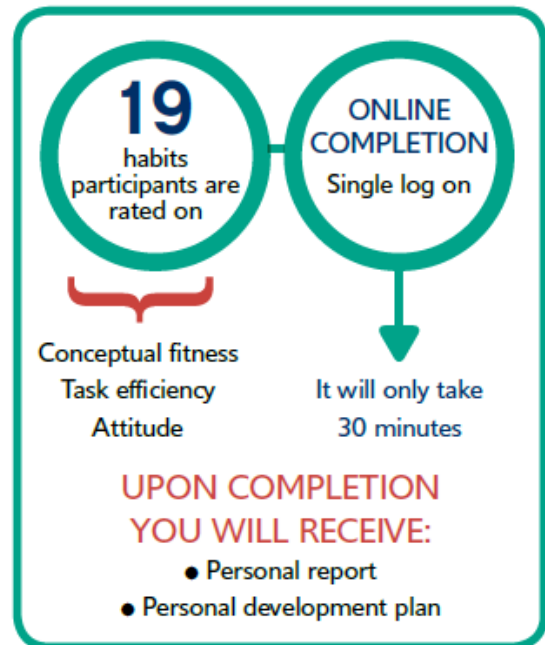
SHADOWMATCH®

Unisa uses a system called Shadowmatch® to give you information on the habits and behaviours that will contribute to your study success. Once you have completed the assessment, you will receive a report comparing your habits to those of the top-performing students in your area of study (the benchmark/shadow). If your habits and behaviours do not match the benchmark of top performers in their area of study, it may be more difficult for you to perform to your full potential and this may influence your success in your chosen qualification. You will also receive a personal development plan to help you improve the habits which contribute to success in your chosen field of study.

For more information about Shadowmatch, visit <http://bit.ly/1HiT03e>

WHAT IT MEANS FOR YOU

Successful students in various qualifications are asked to participate in the assessment in order to establish a benchmark or "shadow".



3.3 What you can expect from the CLAW

You can expect:

- up-to-date study guides that help you to
 - prioritise the important information presented in a specific module
 - understand the main ideas and debates in the area of study
 - learn the terms and concepts important to your chosen field
 - apply what you learn to relevant contexts
 - integrate other media such as the textbooks, myUnisa, CDs, et cetera
- tutorial assistance at learning centres or online
- library orientation and services
- career and study skills counselling
- assistance with literacy and numeracy problems
- opportunities to submit assignments and receive constructive feedback before the examination

This tutorial letter is aimed specifically at students currently enrolled for the LLB degree at the School of Law and thus we discuss the degree programme below.

4 BACHELOR OF LAWS

4.1 Introduction

During the late 1990s numerous discussions on the LLB programme culminated in the current four-year LLB programme. The following decade saw further discussions, notably the 2010 LLB Curriculum Research Project, tasked by the Council on Higher Education to, amongst others, assess the extent and commonality of views about the effectiveness of the LLB curriculum in preparing graduates for the various career paths. Concerns continuously raised by various stakeholders including the legal profession, centred around the quality of the four-year LLB curriculum; the quality of law graduates; the maturity of students; their lack of a broader world view; their poor writing, research and numeracy competencies, as well as ethical issues pertaining to the legal profession and legal education. Following these debates and continuous efforts by colleges/law faculties to reflect on whether their *Baccalaureus Legum* (LLB) programmes achieve their intended purposes and are aligned to national imperatives, the National LLB Summit was held on 29 May 2013. It was hosted by the Southern African Law Deans Association (SALDA). The Summit afforded the legal professions and other stakeholders the opportunity to critically assess these issues and to engage with some of the criticisms levelled against the LLB programme.

The LLB Summit was soon followed by the development and later adoption by SALDA of the National LLB Qualification Standards (LLB Standards), a process facilitated by the Council on Higher Education (CHE). Consequent to the development of the National Standards, the CHE instituted the national review of LLB programmes which was based on peer evaluation. All law faculties were required to undergo a review of their LLB qualifications.

In 2017 the College of Law's LLB degree underwent a national review under the auspices and duties of the Council on Higher Education. As a result of the review findings, certain changes were made to the structure of the LLB in order to accommodate the recommendations made in their report. These changes included, inter alia, the introduction of non-law modules, the re-introduction of pre-requisites and a few other incidental changes arising from the above. Below we present the structure of the LLB per NQF level which was the result of the review findings. The LLB starts on NQF level 5 and exits on NQF level 8 which is comparative to year 1 to 4 or level 1 to 4.

The current structure of the LLB programme at the CLAW is intended to serve the purpose of the degree:

The primary purpose of the qualification is to produce lawyers with graduate-level knowledge, specific skills and applied competence:

- to practice as attorneys, advocates, et cetera
- to enter into the public sector as prosecutors, public defenders, directors of public prosecutions, legal advisors, and so on
- to assume office as magistrates, judges, et cetera
- to enter related professions as legal advisors, mediators, arbitrators, law consultants, and so forth

A second purpose of the qualification is to provide South Africa with significant numbers of law graduates to ensure that the leadership base of innovative and knowledge-based economic and scholarly activity is broadened.

A third purpose of the qualification is to provide the South African and the global community with lawyers who are empowered to accept their responsibility towards the realisation of a just society based on constitutional democracy within a world legal order.

Before we overview the LLB curriculum, we wish to point out that the rules that applied to the pre-2018 curriculum continue to apply and they are supplemented by the 2018 rules which are discussed below.

For your information, the pre-2018 rules, as they relate to the LLB, follow below:

- i. Students who, between 2002 and 2006, passed accepted language modules in Afrikaans and English at NQF Level 5 will retain credit towards the completion of the LLB and need not register for the Skills Course for Law Students (SCL1501).
- ii. Students who have passed ENN106J may not register for SCL1502.
- iii. Students who have passed CRW101U or EUP1501 do not need to register for SJD1501. This arrangement, however, does not mean that these modules are equivalent.
- iv. Students who have passed only one language module must register for the Skills Course for Law Students (SCL1501).
- v. Students who passed only IND201V or IND202W retain credit for the module passed and must not register for IND2601 but must register for FAC1503.
- vi. Students who passed ILW1014 and ILW1025 as well as IND201V and IND202W must not register for FAC1503.
- vii. Students must take Introduction to Law (ILW1501) and Skills Course for Law Students (SCL1501) in their first year of registration.

The minimum duration of the LLB is four years.

4.2 LLB Credits

The Unisa LLB is a 480-credits degree. Unisa students must complete 40 modules of 12 credits each in order to graduate and 120 of these credits (or 10 modules) must be taken on the fourth-year level – in other words, you must complete 10 NQF level-8 modules as part of the 40 modules in the LLB programme. Each module is 12 credits (or 120 notional hours) but this does not indicate that the modules are all of equal complexity because they are all 12 credits (this point is elaborated on later in this document). Since 2018 the LLB consists of 37 compulsory modules and 3 elective modules.

4.3 LLB Curriculum from 2018

See next page.

From 2018 the LLB curriculum at the School of Law, Unisa follows the structure below:

College:		COLLEGE OF LAW				
Programme:		Bachelor of Laws (LLB)		Programme Code:	98680	
NQF Exit Level:		8		Total Credits:	480	
Module code	Credits	Semester/ Year	NQF level	Module Title	Compulsory/Elective	Pre-requisites/ Co-requisite or Recommendation
NQF LEVEL 5						
HFL1501	12	S	5	The History of the Foundations of South African Law	C	None
FAC1503	12	S	5	Financial Accounting Principles for Law Practitioners	C	None
ILW1501	12	S	5	Introduction to Law	C	None
PVL1501	12	S	5	Law of Persons	C	None
SCL1501	12	S	5	Skills Course for Law Students	C	None
SJD1501	12	S	5	Social Dimensions of Justice	C	None
PLS1502	12	S	5	Introduction to African Philosophy	C	None
AFL1501	12	S	5	Language through an African lens	C	None
IRM1501	12	S	5	Introduction to research methodology for law and criminal justice	C	None
NON-LAW MODULE SELECTION : Select ONE of the following non-law modules at NQF level 5						
LIN1502	12	S	5	Multilingualism: the role of language in the South African context	E	None
CMY1501	12	S	5	Introduction to criminology: crime criminals and criminal behaviour	E	None
CMY1502	12	S	5	Introduction to criminology: victims and reduction of crime and reaction to crime	E	None
TOTAL CREDIT ON NQF LEVEL 5 = 120 CREDITS						

RULES ON NQF LEVEL 5 FROM 2018:

1. HFL1501, PLS1502, CMY1501, IRM1501, LIN1502, AFL1501, CMY1502 are offered from 2018.
2. Students who have previously passed SCL1502 are exempted from IRM1501.
3. SCL1502 will not be offered from 2018.
4. FLS1501 and FLS1502 will not be offered from 2018.
5. Students who have previously passed FLS1501 **AND** FLS1502 are exempted from HFL1501 and PLS1502.
6. Students who have passed either FLS1501 **OR** FLS1502 must register for HFL1501.
7. New first-level registrations from 2018 onwards (where the above rules do not apply to your situation) must follow the above adjusted curriculum composition at the first level and it is strongly recommended that subjects are registered in the following order:

LEVEL 1 – SUGGESTED SEQUENCE OF REGISTRATION

1st semester	HFL1501: The History of the Foundations of South African Law SJD1501: Social Dimensions of Justice ILW1501: Introduction to Law PVL1502: Law of Persons SCL1501: Skills Course for Law Students
2nd semester	FAC1503: Financial Accounting Principles for Law Practitioners PLS1502: Introduction to African philosophy AFL1501: Language through an African lens IRM1501: Introduction to research methodology for law and criminal justice LIN1502 Multilingualism: the role of language in the South African context OR CMY1501 Introduction to criminology: crime, criminals and criminal behaviour OR CMY1502: Introduction to criminology: victims and reduction of crime and reaction to crime

Module code	Credits	Semester/ Year	NQF level	Module Title	Compulsory/ Elective	Prerequisites/ Corequisite or Recommendation
NQF LEVEL 6						
ADL2601	12	S	6	Administrative Law	C	Prerequisites: ILW1501, SJD1501
CRW2601	12	S	6	General Principles of Criminal Law	C	Prerequisites: ILW1501, SJD1501
CRW2602	12	S	6	Criminal Law: Specific Crimes	C	Prerequisites: ILW1501, SJD1501
CSL2601	12	S	6	Constitutional Law	C	Prerequisites: ILW1501, PLS1502
FUR2601	12	S	6	Fundamental Rights	C	Prerequisites: ILW1501, PLS1502
IND2601	12	S	6	African Customary Law	C	Prerequisites: ILW1501, PLS1502
IOS2601	12	S	6	Interpretation of Statutes	C	Prerequisite: ILW1501
MRL2601	12	S	6	Entrepreneurial Law	C	Prerequisite: ILW1501
PVL2601	12	S	6	Family Law	C	Prerequisites: ILW1501, PVL1501
PVL2602	12	S	6	Law of Succession	C	Prerequisites: ILW1501, PVL1501

TOTAL CREDIT AT NQF 6 = 120 CREDITS

RULES ON NQF LEVEL 6 FROM 2018:

1. Students MUST consider the implications of prerequisites when registering.
2. Exemption for modules that were passed more than three (3) years ago in pursuance of a qualification that has not been completed as yet is not granted automatically. A curriculum vitae setting out to what extent the applicant has remained in touch with legal developments in the relevant module(s) should accompany the application for such exemptions.
3. CIP2601 will not be offered from 2018.
4. Students who have previously passed CIP2601 will retain credit for the module but must refer to the rules at the third level with regard to CIP3701.
5. CMP2601 will not be offered from 2018.
6. Students who have previously passed CMP2601 will retain credit for the module but must refer to the rules at the third level with regard to CMP3701.

7. Registrations from 2018 onwards (where the above rules do not apply) must follow the above adjusted curriculum at the second level and it is strongly recommended that subjects are registered in the following order:

LEVEL 2 – SUGGESTED SEQUENCE OF REGISTRATION

1st semester	ADL2601: Administrative Law CRW2601: General Principles of Criminal Law CSL2601: Constitutional Law IND2601: African Customary Law MRL2601: Entrepreneurial Law
2nd semester	CRW2602: Criminal Law: Specific Crimes FUR2601: Fundamental Rights IOS2601: Interpretation of Statutes PVL2601: Family Law PVL2602: Law of Succession

Module code	Credits	Semester/ Year	NQF level	Module Title	Compulsory/ Elective	Prerequisites/ Corequisite or Recommendation
NQF LEVEL 7						
MRL3701	12	S	7	Insolvency Law	C	Prerequisite: MRL2601
MRL3702	12	S	7	Labour Law	C	Prerequisite: ADL2601
PVL3701	12	S	7	Law of Property	C	Prerequisites: PVL2601, PVL2602
PVL3702	12	S	7	Law of Contract	C	Prerequisites: PVL2601, PVL2602
PVL3703	12	S	7	Law of Delict	C	Prerequisites: PVL2601, PVL2602
PVL3704	12	S	7	Enrichment, Liability and Estoppel	C	Prerequisites: PVL2601, PVL2602
CIV3701	12	S	7	Civil Procedure	C	Prerequisites: SJD1501, ADL2601
LEV3701	12	S	7	Law of Evidence	C	Prerequisites: SJD1501, CRW2601
CPR3701	12	S	7	Criminal Procedure	C	Prerequisites: SJD1501, PLS1502, CSL2601
LME3701	12	S	7	Legal Research Methodology	C	Prerequisites: IRM1501, CSL2601, FUR2601

TOTAL PROPOSED CREDIT AT NQF7 = 120

RULES ON NQF LEVEL 7:

1. Students MUST consider the implications of prerequisites when registering.
2. Exemption for modules that were passed more than three (3) years ago in pursuance of a qualification that has not been completed as yet is not granted automatically. A curriculum vitae setting out to what extent the applicant has remained in touch with legal developments in the relevant modules should accompany the application for such exemptions.
3. CIV3701, LEV3701, CPR3701 and LME3701 are offered from 2018.
4. CMP3701, CIP3701, EVI3701 and EVI3702 will not be offered from 2018.
5. Students who have previously passed CIP2601 **AND** CIP3701 are exempted from CIV3701 and TLI4801. Students who have passed either CIP2601 **OR** CIP3701 must register for CIV3701.

6. Students who have passed previously CMP2601 **AND** CMP3701 are exempted from CPR3701 and TLI4801. Students who have passed either CMP2601 **OR** CMP3701 must register for CPR3701.
7. Students who have previously passed EVI3701 **AND** EVI3702 are exempted from LEV3701 and TLI4801. Students who have passed EVI3701 **OR** EVI3702 must register for LEV3701.
8. Students who have previously passed HMLLB80 are exempted from LME3701.
9. Registrations from 2018 onwards (where the above rules do not apply) must follow the above adjusted curriculum at the third level and it is strongly recommended that subjects are registered in the following order:

LEVEL 3 – SUGGESTED SEQUENCE OF REGISTRATION

1st semester	MRL3701: Insolvency Law MRL3702: Labour Law PVL3701: Law of Property PVL3702: Law of Contract PVL3703: Law of Delict
2nd semester	PVL3704: Enrichment, Liability and Estoppel CIV3701: Civil Procedure CPR3701: Criminal Procedure LEV3701: Law of Evidence LME3701: Legal Research Methodology

Module code	Credits	Semester/ Year	NQF level	Module Title	Compulsory/ Elective	Prerequisites/ Corequisite or Recommendation
NQF LEVEL 8						
COMPULSORY MODULES (8 MODULES ARE COMPULSORY ON THE FINAL LEVEL)						
LCP4801	12	S	8	International Law	C	Prerequisites: CSL2601, LME3701
LJU4801	12	S	8	Legal Philosophy	C	Prerequisites: CSL2601, LME3701
LJU4802	12	S	8	Professional Ethics	C	Prerequisite: LME3701
LML4806	12	S	8	Company Law	C	Prerequisites: LME3701 MRL2601, PVL3702, PVL3703
LCP4804	12	S	8	Advanced Indigenous Law	C	Prerequisites: LME3701, IND2601
LPL4802	12	S	8	Law of Damages	C	Prerequisites: LME3701 PVL3702, PVL3703
RRLB81	12	S	8	LLB Research Report	C	Prerequisite: LME3701
TLI4801	12	S	8	Techniques in trial and litigation	C	Prerequisites: CIV3701, LEV3701, CPR3701
ELECTIVE MODULE SELECTION : Select TWO of the following modules at NQF level 8						
LCP4805	12	S	8	Environmental Law	E	Prerequisites: CSL2601, ADL2601, PVL3703
LCP4807	12	S	8	International Human Rights Law	E	Prerequisites: FUR2601, LME3701
LCP4809	12	S	8	Education Law	E	Prerequisites: CSL2601, ADL2601, FUR2601, LME3701
LCR4802	12	S	8	Medical Law	E	Prerequisites: CRW2601 PVL3702, PVL3703
LCR4803	12	S	8	Media Law	E	Prerequisites: CSL2601, PVL3703
LCR4805	12	S	8	Selected Private and Criminal Law Principles of the Internet	E	Prerequisites: CRW2601, CRW2602, LEV3701
LJU4804	12	S	8	Private International Law	E	Prerequisites: CSL2601, PVL3702
LML4801	12	S	8	Patent and Copyright Law	E	Prerequisite: PVL3703
LML4802	12	S	8	Law of Competition and Trademarks	E	Prerequisite: PLV3703

LML4804	12	S	8	Tax Law	E	Prerequisites: PVL3702 , PVL3703
LML4805	12	S	8	Insurance Law	E	Prerequisites: PVL3702, PVL3703
LML4807	12	S	8	Banking Law and Usage	E	Prerequisites: MRL2601 , PVL3702
LML4810	12	S	8	Legal aspects of electronic commerce	E	Prerequisite: PVL3702
LPL4801	12	S	8	Law of Sale and Lease	E	Prerequisite: PVL3702
LPL4804	12	S	8	Conveyancing	E	Prerequisite: PVL3701
LPL4805	12	S	8	Notarial Practice	E	Prerequisite: PVL3701

TOTAL CREDIT AT NQF 8 = 120 CREDITS

RULES ON NQF LEVEL 8:

1. In order to complete the qualification, students must comply with the 480 (40 module) credit requirement.
2. Students must complete at least 120 credits at exit level (NQF level 8) to complete the degree. In other words, students must complete at least ten modules on the fourth level.
3. Students MUST consider the implications of prerequisites when registering.
4. Exemption for modules that were passed more than three (3) years ago in pursuance of a qualification that has not been completed as yet is not granted automatically. A curriculum vitae setting out to what extent the applicant has remained in touch with legal developments in the relevant modules should accompany the application for such exemptions.
5. RRLLB81 and TLI4801 are offered from 2018.
6. Students who have previously passed HMLLB80 are not allowed to register for RRLLB81 but are required to take another elective on the fourth-year level if needed to meet the 480-credit requirement for the degree and/or the 120-credit requirement on exit level (NQF level 8).
7. Students who have previously passed MRL4801 are exempted from LML4806.
8. MRL4801 will not be offered from 2018.
9. LCP4802, LCP4803, LCP4806, LCP4808, LCR4801, LJU4803, LML4808 will not be offered from 2018.
10. Registrations from 2018 onwards (where the above rules do not apply) must follow the above adjusted curriculum at the fourth level and it is strongly recommended that subjects are registered in the following order:

LEVEL 4 – SUGGESTED SEQUENCE OF REGISTRATION

1st semester	LCP4801: International Law LJU4801: Legal Philosophy LJU4802: Professional Ethics LML4806: Company Law LCP4804: Advanced Indigenous Law
2nd semester	LPL4802: Law of Damages RRLB81: LLB Research Report TLI4801: Techniques in trial and litigation Elective 1: Select from subjects listed Elective 2: Select from subjects listed

4.4 Overview of module purpose per level in the LLB

LLB LEVEL ONE (ALSO CALLED YEAR 1 OR 1ST YEAR)

MODULE	PURPOSE
HFL1501	The History of the Foundations of South African Law: The purpose of this module is to provide students with an outline of the origins of the South African legal system focussing on the indigenous African, Western and the human-rights traditions. It addresses the contribution made by liberation movements in problematising apartheid policies and laws and their contributions in shaping South African law. Aspects of transformative constitutionalism are addressed. The module gives an overview of: the foundations of indigenous law; the civil-law foundations of the law of property and obligations; and the influence of the Constitution on their development. Students who complete this module will be able to illustrate the importance of the continuous development of South African law in line with the values of the Constitution. The module is appropriate for students who wish to pursue a career as legal practitioners, paralegals, politicians, academics and historians. It will enable graduates to enter other professions and occupations and to equip them to meet broader socio-cultural needs.
FAC1503	Financial Accounting Principles for Law Practitioners: The purpose of this module is to equip students with the fundamental concepts, standards and principles of financial accounting; to provide an informed understanding of the collection, processing and recording of relevant financial accounting data of an entity. To ensure students gain knowledge and an understanding of and insight into the financial accounting treatment and disclosure of non-current assets and current assets, non-current liabilities and current liabilities, and the specific financial accounting aspects for law practitioners, as well as financial analysis of financial statements and the accounting concepts of practice management in a law practice
ILW1501	Introduction to Law: The purpose of this module is for students to gain basic knowledge, insight and skills for the analysis and solution of elementary problems relating to some of the underlying principles of South African law in general and to provide students with a basic knowledge of the nature, role and implications of transformative constitutionalism within South African law. Students accredited with this module can distinguish basic legal concepts and correctly identify and apply suitable legal rules and principles to basic legal problems.

PVL1501	Law of Persons: To equip students with knowledge, skills and attitudes to analyse and solve well-defined problems relating to the law of persons (including the beginning and end of legal personality and factors that affect a person's status) in South Africa. The module incorporates aspects of transformative constitutionalism, Ubuntu, social responsibility, graduateness and humanisation within the context of the law of persons.
SCL1501	Skills Course for Law Students: The main purpose of this module is to introduce students to the concept of law, the function of law and importance of skills. An overriding aspect with regard to the objective and approach of the module is to help students to develop important skills that we believe are crucial when they interact with the law from a student's point of view. We are mindful of the fact that this will also help them fit in easily in the world of practice, especially as candidate legal practitioners or simply a new entrant to the profession. The module is motivated by the realisation that the main purpose for studying law is not merely to absorb information and know the rules and procedures involved. Students accredited with this module should be able to apply the law in a practical situation when required.
SJD1501	Social Dimensions of Justice: In this module, students will be introduced to the South African context in which they will have to perform as future legal and criminal justice functionaries. They will develop an understanding of what shapes our legal system, the nature of the South African law and criminal justice system and how it is applied and administered. They will also develop an awareness of how they can, as legal and criminal justice functionaries, contribute towards building a safer and more just society in conformity with the South African Constitution.
PLS1502	Introduction to African Philosophy: To introduce students to metaphysical, epistemological, ethical and political problems in cross-cultural discourse about the nature and identity of African philosophy
AFL1501	Language through an African lens: This module will be useful to students who want to develop competencies in interacting successfully in a multicultural society. These competencies include the ability to demonstrate their sensitivity to their own language usage and that of others and interact across cultures with knowledge and respect.
IRM1501	Introduction to research methodology for law and criminal justice: The purpose of this module is to provide students with basic skills and knowledge of research and how to conduct research on various sources of law and criminal justice by using diverse research database tools. Furthermore, it aims to empower students with knowledge, and research skills that are applicable both in the studies of law and criminal justice. Additionally, students will be taught how to infuse principles of transformative constitutionalism and social justice in their research findings. Students who are accredited with this module will be able to apply the relevant law in given scenarios following the correct or suitable method of referencing in law and criminal justice.
LIN1502	Multilingualism: the role of language in the South African context: This module introduces you to language use in multilingual societies and equips you with the knowledge to deal with actual language issues that you may come across in the South African context. This module is intended to provide insight into the way in which language can either separate or unite communities. It covers topics such as children's acquisition of first and additional languages, bilingual schooling, language variation, language planning and cross-cultural interaction.
CMY1501	Introduction to criminology: crime criminals and criminal behaviour: To equip students with knowledge about the crime problem, offenders and criminal behaviour.
CMY1502	Introduction to criminology: victims and the reduction of crime and reaction to crime: To equip students with knowledge about victims of crime and criminal behaviour.

LLB LEVEL TWO (ALSO CALLED YEAR 2 OR 2ND YEAR)

MODULE	PURPOSE
ADL2601	Administrative Law: The module will equip students with the knowledge, skills, attitudes and competencies to analyse and critically evaluate legal material (in light of the right to just administrative action and the broader mandate of transformative constitutionalism) to formulate legal arguments and to apply their knowledge to practical problems that arise due to requirements for just administrative action. The module is based on the practice of law, current research, legislation and case law with the emphasis on the transformation imperative embedded in the Constitution. Students accredited with this module will be able to apply the principles of administrative law to solve disputes.
CRW2601	General Principles of Criminal Law: The purpose of this module is to enable students to gain knowledge, skills and competencies to analyse and critically evaluate current general principles of criminal law. A further aim is that the student will be able to formulate legal arguments and apply his or her knowledge to solve practical problems relating to general principles of criminal law. This module seeks to provide the South African and the global community with empowered lawyers who accept their responsibility towards the realisation of an inclusive and just society based on a constitutional democracy within a world legal order by infusing curriculum transformation and transformative principles of constitutionalism.
CRW2602	Criminal Law: Specific Crimes: The purpose of this module is for students to gain knowledge, skills, attitudes and competencies to analyse and solve problems relating to selected topics of criminal law and specific offences. This module seeks to provide the South African and global community with empowered lawyers who accept their responsibility towards the realisation of an inclusive and just society based on a constitutional democracy within a world legal order by infusing curriculum transformation and transformative principles of constitutionalism. Students accredited with this module can analyse and apply concrete elements of selected specific crimes relevant to South African law.
CSL2601	Constitutional Law: The purpose of this module is to enable students to gain knowledge, develop skills and competencies so that they can analyse and critically evaluate legal material (the Constitution, legislation, case law and academic opinion) pertaining to the institutional framework within which state power is exercised). The module imparts detailed knowledge, understanding and appreciation of the transformative nature of the Constitution through critical engagement with Constitutional Court jurisprudence. Social justice is an inherent component of the module due to the reference to freedom, equality and dignity that are the foundational values upon which the Constitution (and society) is premised. The paradigm within which the module is taught develops students' awareness of constitutional imperatives. Students accredited with this module can formulate legal arguments and apply their knowledge to practical problems (reflecting real-life scenarios) that may arise in a constitutional state and the structures created by the Constitution.
FUR2601	Fundamental Rights: This is one of the most important legal subjects and addresses the issue of fundamental rights and their constitutional protection. The purpose of this module is for students to gain sufficient knowledge, skills, attitudes and competencies to analyse and critically evaluate fundamental rights and to apply their knowledge to practical problems. The module imparts detailed knowledge, an understanding of the transformative nature of the Constitution through the manner in which the courts enforce the founding values of human dignity, equality and freedom when interpreting the Bill of Rights. The module, therefore, empowers students to comprehend the Bill of rights litigation and to have a thorough understanding of some of the selected rights.
IND2601	African Customary Law: This module seeks to expose students to constitutionally transformative principles of customary law. More specifically, the module aims to equip students with valuable knowledge and skills as well as competencies to enable them to analyse legal material directly pertaining to customary law (in particular the law regulating family relationships and the institutional framework within which traditional leadership exercise its power) and to formulate legal arguments and to apply their knowledge to practical problems that may arise when applying the law to those affected by it. In teaching this module, the transformative Constitutional values are infused in interpreting and fostering reform of some customary law principles not aligned with such values to reflect the living realities of the people affected by this law. Whilst the module seeks to incorporate ideas and values of the people affected by customary law, it will foster the values of humanness and graduateness in the application of this law.
IOS2601	Interpretation of Statutes: The purpose of this module is for students to gain sufficient knowledge, skills, attitudes and competencies to analyse and critically evaluate legal material (the Constitution, legislation, case law and academic opinions) which relates to the interpretation of legislation and the Constitution; to formulate legal arguments; and to apply their knowledge to practical problems that may arise where legislation has to be interpreted and applied. In line with the purpose statement for the LLB degree, this module places a strong emphasis on the interpretation of statutes in line with the values of Constitution, and also contains a section on Ubuntu. Students accredited with this module will be able to use the principles of interpretation in formulating legal arguments.

MRL2601	Entrepreneurial Law: The purpose of the module is to provide a well-rounded, broad understanding of the law relating to various business enterprises as well as the constitutional principles and policy considerations (including African values and globalisation) impacting on or reflected in such law. It equips students with the knowledge base, theory and methodology to deal with practical problems that may present themselves, conduct research and demonstrate initiative and responsibility in an academic context. It emphasises general principles, theory and procedural knowledge in order to provide students with a thorough grounding in the knowledge, theory, principles and skills that they will require in their future academic, professional or career contexts. Students accredited with this module as part of their law degree can practice as attorneys, advocates, magistrates, judges, legal advisors, corporate secretaries, corporate directors, corporate governance analysts, law consultants and the like.
PVL2601	Family Law: The purpose of this module is to equip students with knowledge, skills, attitudes and competencies to analyse and critically evaluate legal material (the Constitution, legislation, case law and academic opinion) relating to family law in order to formulate legal arguments and to apply their knowledge to practical problems that simulate real-life situations. The module incorporates the pluralism of family laws and aspects of Africanisation and indigenisation of family law. The module also incorporates principles relating to transformative constitutionalism, Ubuntu, social responsibility, graduateness, and humanisation in the context of family law.
PVL2602	Law of Succession: To equip students with knowledge, skills, attitudes and competencies to analyse and critically evaluate legal material (the Constitution, legislation, case law and academic opinion) relating to law of succession in order to formulate legal arguments and to apply their knowledge to practical problems.
LLB LEVEL THREE (ALSO CALLED YEAR 3 OR 3RD YEAR)	
MODULE	PURPOSE
MRL3701	Insolvency Law: The purpose of this module is for students to gain introductory knowledge, research skills, and applied competence in the law relating to insolvency and selected aspects of winding-up and business rescue, for continued personal intellectual growth, gainful economic activity and valuable contributions to society. Additionally, the module teaches insolvency law that is aligned with South African transformative Constitutionalism principles, Africanisation and Ubuntu. Students can also apply the relevant law on behalf of their clients (whether the latter are debtors or creditors) or as state officials playing an important role in the process of insolvency, winding-up and business rescue. Students accredited with the module can practise as attorneys, advocates and legal practitioners generally and enter into all spheres of legal practice and professions.
MRL3702	Labour Law: The purpose of this module is to equip learners with a well-rounded and systematic knowledge, skills and competencies to analyse and solve legal problems relating to labour law in general. The module provides an understanding of South African Labour Law principles relating to the contract of employment, Basic Conditions of Employment Act, the Employment Equity Act, unfair labour practices, the law of dismissal, collective labour law and industrial action. Aspects of transformative constitutionalism are also addressed. The module is appropriate for students who wish to pursue a career in law and other professions such as legal practitioners, paralegals, arbitrators, mediators, consultants, legal advisors, trade unionists and academics. Students accredited with this module will be able to contribute towards the broader leadership base of an innovative and knowledge-based economic and scholarly activity which is responsive to the needs of a just society based on constitutional democracy.
PVL3701	Law of Property: The purpose of this module is for students to gain knowledge, skills, attitudes and competencies to analyse and solve problems relating to the general principles of the law of property, as well as basic research skills in the practice of law. The module incorporates principles relating to transformative constitutionalism, Ubuntu, social responsibility, graduateness and humanisation within the context of the law of property.
PVL3702	Law of Contract: The purpose of this module is to equip students with knowledge, insight and competencies to analyse and solve problems relating to the general principles of the law of contract and selected aspects of the law of obligations as well as basic research skills in the practice of law. The module also incorporates principles or aspects relating to transformative constitutionalism, Ubuntu, social responsibility, graduateness, and humanisation in the context of contract law.
PVL3703	Law of Delict: The purpose of this module is for students to gain knowledge, skills, attitudes and competencies to analyse and solve problems relating to the general principles of the law of delict and specific forms of delict, as well as basic research skills in the practice of law. This module seeks to incorporate aspects of Constitutional transformation and Ubuntu. It also encourages and promotes engagement with critical core delictual principles from a constitutional perspective.
PVL3704	Enrichment, Liability and Estoppel: The purpose of this module is to equip students with knowledge of and insight into the law of unjustified enrichment and estoppel to enable them to solve problems relating to unjustified enrichment and estoppel within the broader context of the law of obligations, as well as basic research skills in the practice of law.

CIV3701	Civil Procedure: The purpose of the learning is to introduce students to basic civil procedure in the superior and lower courts (Magistrate's Courts and High Courts). Students will gain the necessary knowledge, skills, and competence to identify, analyse and solve problems to civil suits through the application of the general principles of the law of civil procedure, with specific reference to court-annexed mediation, causes of action and jurisdiction in the superior and lower courts (High Courts and the magistrates' courts, in particular). Students will also be able apply the principles of transformative constitutionalism in the context of civil procedure and remedies. This module gives students a thorough grounding in the techniques of litigation taught at fourth-year level (TLI4801). Students accredited with this module will be able to critically assess the application of Civil Procedure rules in both superior and lower courts.
LEV3701	Law of Evidence: The purpose of this module is for students to gain a well-rounded and systematic knowledge base and competencies in order to analyse and solve unfamiliar concrete as well as abstract problems in a given context in the practice of the law of evidence in South Africa. Students accredited with this module will be able to apply the general concepts and sources of the law of evidence, effect the presentation of evidence, and analyse the admissibility of evidence and also its assessment.
CPR3701	Criminal Procedure: The purpose of this module is to provide a professional development programme in the legal field. Specifically, it equips students with the values, knowledge, skills and aptitudes required to apply rules of criminal procedure in a variety of professional capacities related to the legal field. Secondly, it demonstrates how related knowledge such as the law of evidence and criminal law work as co-functionaries to criminal procedure in successful criminal prosecution or defence. It incorporates African epistemology and the indigenisation of criminal law practice and associated research. It recognises the Constitution of the Republic of South Africa, 1996 as the basis for all legal action founded on the Bill of Rights principles of Ubuntu, fair trial, equality, justice and the humanisation of law. Students accredited with this module will be able to critically apply pre-trial, trial and post-trial criminal procedure in South African criminal courts.
LME3701	Legal Research Methodology: The purpose of this module is to provide professional development curricula in the sub-field of legal research. Specifically, it equips students with the values and knowledge necessary to apply legal research skills, methodologies, techniques and technologies which contribute to the design and production of evidence-based research in a variety of legal professional capacities. It incorporates African epistemology and the indigenisation of research processes by recognising that the Constitution of the Republic of South Africa, 1996 is the basis for all legal action and that the Bill of Rights advocates the principles of Ubuntu, fairness, openness, responsiveness, social responsibility, and the humanisation of law. LME3701 serves as a foundation for RRLB81 at the fourth level of the Bachelor of Law. The student who has been accredited with this module will be able to compile, analyse, criticise and evaluate evidence-based knowledge and produce research products such as research reports, advice on evidence, legal opinion or case-based knowledge required to solve practical work problems in a legal context.
LLB LEVEL FOUR (ALSO CALLED YEAR 4 OR 4TH YEAR)	
MODULE	PURPOSE
LCP4801	International Law: The purpose of this module is to equip students with advanced knowledge, skills and attitudes to analyse and solve problems relating to international law. Upon completion of this module, students should be able to demonstrate a clear understanding of the history and theoretical framework of international law, the most pressing and prevalent issues regarding the general principles of international law, including the place and role of international law within the South African legal system as provided for in the Constitution, 1996. They will also be able to use appropriate methods, skills, and research to apply the principles relating to international law in a variety of contexts which are typical of the standards set for students at the fourth-year level of the LLB degree. The module will further enable them to do research in order to produce critical legal arguments and, with guided support, take responsibility for the legal opinions that they advance.
LJU4801	Legal Philosophy: This module aims to provide a thorough grounding in and a broad perspective on theories and applications in legal philosophy. Although the focus is on knowledge of philosophy, it is based on broader goals of transformative constitutionalism, graduateness and Africanisation. The module is compulsory for the LLB degree, but is also for those who wish to acquire advanced knowledge of philosophy in the field of law. It is primarily intended for students who want to pursue a career in the legal field in South Africa. The module will also teach critical thinking skills in the context of different knowledge forms and epistemologies. Students accredited with this module can demonstrate knowledge of philosophy and apply it to real-life scenarios relevant to the legal field.
LJU4802	Professional Ethics: The purpose of this module is for students to gain professional theoretical and applied competence for ethical decision-making in all matters relating to the practice of law. To this end, the module will focus on a variety of real-life studies to help students develop an ethically responsible decision-making process. The work in this module is based on the practice of law, current research and case law. Ideally, students who take this module should be those who are in the fourth-year of their LLB degree. Students accredited with this module will be able to apply ethical principles to professional practice in law and related fields.

LML4806	Company Law: The purpose of this module is to equip students with knowledge of and insight into company law and basic research skills in the practice of law. Students learn to integrate transformative constitutionalism and Africanisation in respect of the law governing companies. Students credited with this module will be able to identify, analyse and solve practical legal problems in a given context by using their acquired knowledge and skills in a critical and creative manner.
LCP4804	Advanced Indigenous Law: The purpose of this module is to equip students with an advanced understanding and knowledge of the norms and principles of indigenous law. Additionally, this module seeks to expose students to a critical evaluation and theoretical analysis of concepts through an advanced study of cases, statutes and textbooks on the transformation of indigenous law under the Bill of Rights. Consequently, students who complete this module will be equipped with the knowledge, skills, attitudes and competencies to theorise, analyse and critically evaluate legal material and to formulate relevant legal arguments on the application of indigenous law and its normative values in a constitutional democracy. The module also gives students, lecturers, legal practitioners, communities and judges insight into the harmonisation of indigenous law as the warehouse of Ubuntu and the Western component of South African law by promoting the integration of the values of inclusiveness, group solidarity, compassion, respect, humanity and conformity to basic humanitarian norms into the South African legal system.
LPL4802	Law of Damages: To equip students with knowledge of and insight into the law of damages ranging from the conceptualisation of loss to the award of damages. A secondary purpose, and not less important, is to equip students with basic research skills in the practice of law.
RRLB81	LLB Research Report: The purpose of this module is to provide professional development curricula in the sub-field of legal research. It equips students with the values, knowledge, and skills required to apply legal research skills, methodologies, techniques and technologies which contribute to the design and production of evidence-based research in a variety of legal professional capacities. It incorporates African epistemology and the indigenisation of research processes by recognising that the Constitution of the Republic of South Africa, 1996 is the basis for all legal action and by acknowledging that the Bill of Rights advocates the principles of Ubuntu, fairness, openness, responsiveness, social responsibility, and the humanisation of law. RRLB81 is the practical culmination of the theoretical knowledge obtained from LME3701 on the third level of the Bachelor of Law. Students who have been accredited with this module will be able to write up research results and deliver a theory-driven legal argument in written format which complies with the conventions of legal research.
TLI4801	Techniques in trial and litigation: This capstone module concentrates on applied skills and competencies arising from the laws of civil procedure, criminal procedure and evidence. The purpose is to equip aspirant practitioners (not limited to attorneys, advocates, prosecutors, and legal advisors) with skills, techniques and aptitudes in litigation necessary to represent clients in various legal causes, motions and actions. It ranks technique above theory, which is assumed to be in place from earlier studies. It imbues students with skills for confident litigation and premises these skills on the values of competent representation, justice, fairness and ethical professional conduct. The module explores legal representation and the impact of multicultural diversity and diversification of the legal profession in South Africa. Students accredited with this module will be able to apply litigation conventions in the civil and criminal courts of the Republic.
LCP4805	Environmental Law: The module is designed to cover the principles of environmental law and to equip students with skills, knowledge and attitudes to apply the law relating to the environment in practice and to solve problems relating to environmental law. The module is informed by transformative teaching and learning principles and incorporates various transformation values including equity, access, participation, social justice and responsibility based on a constitutional democracy, equipping students to accept their responsibility towards the realisation of a just society. The module is aimed at those employed in the public sector and in private practice (legal advisors, government officials and legal practitioners) who are involved with the conservation, protection and management of the environment.
LCP4807	International Human Rights Law: In line with the primary purpose of the qualification, this module's aim is to produce lawyers and legal researchers with graduate level knowledge, specific skills and applied competence in the promotion and protection of human rights at international, regional and national level. Furthermore, the module equips students with extensive knowledge of international human rights law and its application in international and municipal law. It also provides an advanced conceptual understanding of international law on the promotion and protection of human rights. It will also introduce students to the appropriate methods, skills and research to apply the principles regarding selected advanced aspects of international human rights in a variety of contexts. The curriculum places equal emphasis on the substance of human rights law, its implementation and research. Completing students will also be able to undertake research in order to produce critical legal arguments from the relevant readings and, with guided support, take responsibility for the legal opinions that they advance.
LCP4809	Education Law: The purpose of this module is that students gain a well-rounded, systematic knowledge base to analyse and evaluate legislation, case law, policy and practical situations pertaining to education law in South Africa. The content of the module conscientises students about the challenges facing the state with regard to the provision of basic education and social injustice that pervades education in South Africa. Students are required to critically examine the role of race, religion, the choice of a language of instruction, access to and the provision of quality education or any other disadvantages that affect the right of learners to basic education. The module requires students to come up with innovative ways to remedy social injustice and by so doing empowering themselves to become lawyers who accept their responsibility towards the realisation of a just society based on constitutional democracy in the world legal order. Students accredited with this module can enter legal practice or related fields and implement the principles of education law.

LCR4802	Medical Law: The purpose of this module is to equip students with knowledge of and insight into the law pertaining to the medical and health care professions (including hospital practice) and basic research skills in the practice of law. Furthermore, the module provides the South African and the global community with medical lawyers who are aware of the challenges of providing quality healthcare in an equitable way and who are equipped to accept their responsibility towards the realisation of a just and inclusive society based on constitutional democracy within a world legal order. Students accredited with this module can identify, analyse and apply the principles of medical law.
LCR4803	Media Law: The purpose of this module is to introduce students to freedom of speech as the cornerstone of media law. Besides other constitutional values and common law and statutory principles that impact on the press, broadcasting, telecommunications and other forms of media, basic research skills in the practice of law are taught. This module provides lawyers with specialised knowledge and equip them to advise on and address challenges posed by the press, broadcasting and telecommunications in an ever-changing media landscape. Students accredited with this module can identify, analyse and apply the principles of media law.
LCR4805	Selected private and criminal law principles of the internet: The purpose of this module is to equip students with a sound knowledge of and insight into internet law with specific reference to certain private and criminal law aspects of Internet law and with basic research skills in the practice of law. Another purpose of this module is to provide the South African and global community with lawyers who are empowered to deal with the challenges of internet law in an equitable way and who are equipped to accept their responsibility towards the realisation of a just and inclusive society based on constitutional democracy within a world legal order. This module will be suited for students who intend to pursue a career as attorneys, advocates or legal practitioners in the private and public sector where knowledge of freedom of speech on social media and other online environments, invasion of privacy and data protection, cybercrime and the principles surrounding electronic evidence is necessary.
LJU4804	Private International Law: The module enables students to gain advanced knowledge, insight and skills required for the analysis and solution of problems relating to South African private international law and selected aspects of international trade law. The content is based on the practice of law, current research and case law. This module would be useful to all legal practitioners faced with cases involving a foreign element. Students credited with this module are able to: demonstrate an advanced knowledge of private international law and related aspects of international trade law and its role in legal disputes; analyse theoretical and practical aspects underlying private international law and selected aspects of international trade law; do research and produce critical legal arguments and, with guided support, take responsibility for the legal opinions that they advance; apply theory to practice in the context of private international law and international trade law in their day-to-day environment; solve complex legal problems relating to private international law and selected aspects of international trade law.
LML4801	Patent and copyright law: The primary purpose of this module is to equip students with graduate-level knowledge, skills, applied competence and insight into patent and copyright law. Furthermore, the module ensures that the leadership base of innovative and knowledge-based economic and scholarly activity in patent and copyright law is broadened. Both the South African and the global community will be provided with lawyers who are empowered to accept their responsibility to use and develop the patent and copyright law systems towards the realisation of a just society based on constitutional democracy within a world legal order. Students will be able to apply the knowledge and skills they acquired through this module when they practise as attorneys, advocates, legal advisors, patent examiners, magistrates, judges, mediators and arbitrators.
LML4802	Law of competition and trademarks: The primary purpose of this module is to equip students with graduate-level knowledge, specific skills, applied competence to execute this knowledge, and insight into the law of competition and trademarks. The module ensures that the leadership base of innovative and knowledge-based economic and scholarly activity in trade mark and competition law is broadened. Students can practise as attorneys or advocates, legal advisors, trade mark examiners, magistrates, judges, mediators, and arbitrators. Finally, the module aims to provide both the South African and the global community with lawyers who are empowered to accept their responsibility to use and develop the trade mark and competition law systems towards the realisation of a just society based on constitutional democracy within a world legal order.
LML4804	Tax law: The primary purpose of the module is to develop and equip lawyers with graduate level knowledge, skills and applied competence to practise as attorneys and advocates. They should be able to enter the public sector as prosecutors, public defenders, directors of public prosecution, legal advisors, tax consultants, legislators or assume office as magistrates and judges or to enter related professions as legal advisors, mediators, arbitrators, law consultants and tax consultants. Furthermore, the purpose of this module is to provide South Africa with significant numbers of law graduates to ensure that the leadership base of innovative and knowledge-based economic and scholarly activity is broadened. Students accredited with this module must be able to create a culture of African constitutionalism based on equity, fairness, legality, and neutrality.

LML4805	Insurance law: The purpose is to equip students with knowledge of and insight into insurance law. Students can identify and investigate the role of insurance in current South African law and everyday life; demonstrate a critical understanding of the history and theoretical framework of insurance law and the most pressing prevalent issues regarding insurance law; and apply the principles of insurance law in practical situations and solve multi-dimensional legal problems associated with insurance. Aspects of transformative constitutionalism and social justice and their influence on the development of insurance law are addressed. The module is appropriate for students who wish to pursue careers as legal practitioners, advisors and consultants with specialisation in insurance law. It will enable graduates to enter other professions and occupations in leadership positions and it will equip them to accept responsibility in a society based on constitutional democracy.
LML4807	Banking law and usage: The purpose of this module is to equip students with knowledge of and insight into selected aspects of banking law and also provide basic research skills in the practice of law with regard to the concept of transformative constitutionalism. Students who complete this module will be able to illustrate the importance of banking law within both a legal and social context. This module will be suited for students who intend to pursue a career as attorneys, advocates or legal practitioners in the private and public sector where knowledge of banking law is required.
LML4810	Legal aspects of electronic commerce: The purpose of this module is to equip students with comprehensive knowledge of and insight into the legal aspects of electronic commerce. This will be done through practical online experiences to master both the research and the digital aspects of legal research in the practice of commercial law in electronic environments. This module is in line with the curriculum transformation principles and legal instruments from the African region. In order to expose students to the changing landscape of e-commerce, instruments from this region are prescribed, including that of the African Union (AU) and its RECs, namely SADC and COMESA. These instruments are part of Africa's project to harmonise its ICT and cyber laws. Upon completion, students will not only be able to conduct e-commerce transactions, but also be in a position to provide legal advice to the public, companies and government departments on issues pertaining to e-commerce.
LPL4801	Law of sale and lease: The purpose of this module is for students to gain knowledge, insight and competencies to analyse and solve problems relating to the law of sale and lease as well as to do basic research in the practice of law. This module contains aspects of transformative constitutionalism as expressed in legislation such as the Consumer Protection Act 68 of 2008, the National Credit Act 34 of 2005, and the Rental Housing Act 50 of 1999.
LPL4804	Conveyancing: The purpose is to equip students with professional competence and research skills in conveyancing law relating to the drafting, evaluation and registration of conventional deeds required for the lawful creation and transfer of ownership and other real rights in land in South Africa.
LPL4805	Notarial practice: This module equips students with knowledge, skills and competencies to analyse and solve problems relating to, and basic research skills in selected aspects of notarial practice in South Africa.

The application and registration procedures for the LLB (and the associated entrance requirements) are available on the Unisa corporate website. In the next part of this document, we discuss strategies of learning which you may find helpful during your studies.

5 LEARNING STRATEGIES

You will encounter learning strategies in the module: Skills Course for Law Students (SCL1501). This section of the tutorial letter will provide those of you who have not yet completed SCL1501 with generic guidelines for allocating your time and for planning and goal setting by using effective learning strategies and approaches to written and multiple-choice assignments:

5.1 Allocating your time

Students often register for more modules than they can handle. Each CLAW module requires 120 hours of study spread across different activities in that particular module. For a semester of twelve to fifteen weeks you must have about eight to ten hours a week available for each module for which you are registered. The more accurate your calculation of your available time, the more realistic you can be about the number of modules you can register for in a semester. Please remember that Unisa permits only five modules per semester.

Calculate the number of hours in a week you have already committed to the following activities: sleeping, household chores, employment, travelling, errands, socialising, and so on. Subtract the number of hours you have already committed from the potential 168 hours available in one week. Divide the total by 10. Now you can estimate the maximum number of modules that you could take in a semester if you consider that you need 120 hours per module in a semester of twelve to fifteen weeks. One of the biggest dangers of distance education is that a crisis such as a sudden illness, can throw you off track. If such a crisis occurs, be flexible and recalculate your time so that you can catch up. This is easier to do if you were on track before the crisis. Consult your lecturer for advice immediately if you fall behind. Once you have estimated your time, set short and long-term goals to ensure that you manage your work efficiently.

5.2 Reading for understanding

You need to read your study packages so that you can navigate your way around them successfully. Check the title of every document you receive in the study package for each module. This tutorial letter and Tutorial Letter 101 for all modules in CLAW have the instruction READ NOW which shows their importance. Your study guide is also important. Start with the table of contents which gives the high-level headings and will orientate you to the scope and content of the module.

Students have different reading speeds and abilities. How good a reader are you? You need to develop your reading skills until you can read about 250 words a minute to manage the reading load for each module. You can easily establish your current reading speed by taking a textbook or study guide and getting someone to time you for a minute while you read. Then count how many words you have read in that minute.

One way to read more efficiently is to skim the text first by reading only high-level headings, the first sentence of every paragraph and looking at diagrams to get overall general sense of the content. You can write a summary based on this strategy. Once you have the big picture or main ideas, you will understand the detail more easily. Other effective reading strategies are to self-question, re-read, paraphrase to understand, link to prior knowledge, look for topic sentences, make outlines and draw diagrams, form study groups, and flag to ask a lecturer.

5.3 Making your own glossary

A glossary is like a dictionary: it gives you the meaning of a word or phrase. You should start to compile an alphabetical list of new terms that are explained in the study guide or textbook and add examples to make the meaning even clearer. You might even wish to write an explanation in your own language if you use English as an additional language. This is very important because each sub-field of law has its own jargon.

5.4 Re-using effective learning strategies

Some learning strategies work and add to your success; others make you feel that you will never understand the work and, therefore, you memorise and reproduce information. But memorisation itself is also a learning strategy. If memorisation is your main strategy and you keep failing, you need to realise that it does not work. If compiling your own glossary helps you to learn, use it in all your modules. If skimming helps you to learn more successfully, use it on all your texts. Keep a note of strategies that work for you so that you can re-use them directly or in an adapted format.

5.5 Assignments

5.5.1 *The value of assignments*

The importance of assignments cannot be over-emphasised. Assignments, like the activities in the study guide, form an extremely important part of the learning in a module. Assignments are important since they allow you to determine the standard that the College sets for its students and the quality of work it expects. Comments on assignments are usually detailed. If you read these comments and relate them to what you wrote in your assignment, you will benefit when you revise work for examination purposes. Assignments also prepare you for the examinations by giving you a chance to practise for final assessment.

Assignments and examinations have different purposes. An assignment helps you to learn and it often focuses on only one or two outcomes whereas an examination tests your mastery of all the learning outcomes for the module. Your assignments also contribute to examination admission and your year mark. Each module has different exam/assignment weightings and different methods of formative assessment. Consult Tutorial Letter 101 for each of your modules to ensure that you comply with its specific requirements.

The purposes of the assignments (and the activities in the study guide, online discussion forums, etc.) are as follows:

- i. We want you to engage actively and learn through doing and receiving feedback.
- ii. We want to motivate you to work through all the study material and achieve all the outcomes.
- iii. You need to learn the reading and writing skills expected of a future professional.
- iv. We want you to practise synthesising from various sources; that is, combining different ideas and arguments in a single answer.
- v. You need to practise gathering material and presenting ideas/arguments in a logical, ordered fashion using convincing arguments (merely copying the study material is not acceptable).

- vi. You need to learn to use assessment criteria and feedback on assignments to increase your ability to self-assess. When you enter the world of work, you will have to evaluate your own arguments and submissions and you should, therefore, acquire this skill as soon as possible.

In the School of Law, we require you to present and structure your essay type assignments according to a particular method. This tutorial letter (301) helps you to do this correctly. It should, however, be studied in conjunction with Tutorial Letter 101 for each module which you have registered for in 2018.

Your assignment answers must satisfy certain requirements for scientific and academic writing. It is, therefore, important that you read this tutorial letter before attempting to write an assignment answer. As you progress with your studies, you will have to become increasingly meticulous in the application of the scientific method for writing assignments. Please note that you will be penalised if your assignment answers do not comply with these requirements. Read this tutorial letter again when you receive a marked assignment from us so that you can understand the lecturer's comments better.

5.5.2 Understanding the assignment

This section deals with the interpretation of the assignment topic. The problem statement proceeds from the interpretation of the topic.

5.5.3 Read the assignment

It is very important that you read the assignment carefully and make sure that you understand what is required. Read it several times so that you do not misinterpret it. Look up any unfamiliar words in a dictionary. Important subject terms are defined in your study guide and prescribed textbook and it is important to consult these as well.

Crucial information is conveyed in the way in which the assignment is worded as well as through the instructions, assessment criteria and guidelines provided with the assignment.

5.5.4 Find the keywords

What is the function of a key? It helps you to unlock and open a door. Similarly, a keyword helps you to open up ideas. Therefore, the next step is to identify exactly what the subject is and what aspects of this subject are covered by the assignment topic. To do this, you must find the keywords in the assignment topic. They enable you to understand what the assignment wants you to do.

Keywords can provide you with more information on the topic. The reason why you should identify keywords is that they guide you when you read about the topic and gather information on the central theme. However, the fact that you have identified keywords does not mean that you should look at each word separately and say something about each in your assignment answer.

The question words in assignments indicate the kind of answer that is required. The following are examples of question words that are usually found in assignments. These words enable you to decide on the focus of the assignment.

Based on the list below, use the question words in the assignment to understand what you are expected to do:

- **Enumerate** Mention items or points one by one. No detail is required and the result of an enumeration is a list of things or aspects.
- **Indicate** State briefly, in broad outline, without detail. An indication gives the reader the gist of the matter.
- **Analyse** Divide into sections or elements and discuss in full.
- **Define** State the precise meaning of a term as you use it in your assignment answer. The definition should ensure that the term has only one meaning and that it cannot be confused with other terms. This often means that you will have to read a number of definitions before arriving at a substantiated decision on the precise meaning you will attach to the term in the relevant assignment.
- **Distinguish** Provide definitions but also indicate similarities and differences.
- **Describe** Give an account of the characteristics or properties of a matter in such a way that your reader can recognise it and not confuse it with anything else. A description tells you "what it is like". You can be asked for physical descriptions or descriptions of processes, for instance.
- **Explain** Write about the topic in such a way that the reader gains a better understanding of the important underlying facts. An explanation tells the reader "why a thing is the way it is".
- **Compare** Set out how things differ from one another and in what ways they are similar. A good comparison also says "why it is so".
- **Discuss** This implies that there are various explanations of or opinions about the topic you have to discuss. You must state what these are and show how and why they may correspond or differ. "Discuss" often involves weighing up arguments for and against something.
- **Evaluate** Assess or determine the value of something. This means that you should have criteria against which you can measure something and the end result should be the formulation of your **own informed opinion** of the matter. You may prove, disprove or suggest a modification of whatever you have to evaluate. Evaluation usually implies comparison and should always be **substantiated**, that is, based on soundly formulated reasons.
- **Examine** Look at, observe, identify the problem or the characteristics, describe what you have observed, and then critically discuss a topic in terms of definite criteria or guidelines and possibly suggest solutions.
- **Offer comments** Give your own informed opinion on the matter which should be grounded in the knowledge base of your discipline or field of study.
- **Point out** Direct attention to, for instance, a premise by means of thorough logical reasoning, priorities within a field or discrepancies in an argument.
- **Summarise** Give the key aspects of a topic.
- **Illustrate** Give examples or draw a diagram to make a particular topic or subject clearer.
- **Interpret** Specific information is given and you have to say what it means in a particular context or according to certain criteria. Your explanation should be as practical as possible.
- **Criticise** Academic criticism looks at both good and bad characteristics. Identify these characteristics and give your opinion after considering all the facts, applying what you have learnt or after looking at given criteria. The instructions given with each assignment should make it quite clear what is required.

If you do not understand an assignment, contact your lecturer or tutor who will gladly help you to solve any problems you may have. However, do not do this until you have read extensively on the assignment topic because an assignment topic often becomes clearer once you have done some reading.

5.5.5 *Compile a list of things to establish*

After you have read the assignment, compile a list of things to establish. Ask yourself questions. This will help you to concentrate on the most relevant aspects of the topic and will ensure that you do not leave out important points.

5.5.6 *Researching the assignment topic(s)*

5.5.6.1 *Finding the information*

5.5.6.1.1 *Study guide and prescribed textbook*

Read the relevant sections in your study guide and prescribed textbook if one has been prescribed. This will give you a broad outline of the important aspects of the topic. Subject terms with which you are unfamiliar will usually be defined in the study guide, prescribed textbook and recommended sources.

5.5.6.1.2 *Other recommended sources*

Once you have a general idea of the topic, you should consult some of the other recommended sources if any are listed in Tutorial Letter 101 for the assignment topic. Use the tables of contents and indexes in books to find the relevant sections. A **table of contents** is at the beginning of the book and gives the headings and subheadings of each chapter. This will guide you as to which chapters are likely to be relevant. The **index** is at the back of the book and is an alphabetical list of topics with page numbers indicating where in the book each topic is discussed.

In order to understand the content and meaning of the text, bear the following in mind:

- Headings and sub-headings indicate what the text is about. These will help you to anticipate which aspects are dealt with in a particular section and to select the sections of a book or article that are relevant to your topic.
- Try to find the key sentence of each paragraph in order to identify the main points. (**Do not underline or write in library books.**) The key sentence opens up the meaning of the rest of the paragraph. It is often but not always the first sentence of a paragraph. If you skim a text – that is, read only the first sentence of each paragraph – you should have a good idea of the broad outline of a source.

5.5.6.2 *Selecting relevant information*

Once you have decided that a source will be useful for a particular assignment, you can set about collecting the relevant information. This means you must select information that relates specifically to the assignment question(s). As you read, make notes on sheets of paper.

Bear in mind that the author of the book or article may not necessarily concentrate on your particular topic. S/he may include too much detail on matters that are not directly relevant to your requirements. When reading, you must select and write down only the information that is relevant to the assignment topic. This information will help you to substantiate (ie support) your point of view about the topic. Leave out all matters that do not contribute directly to the subject of your assignment.

5.5.6.2.1 How to make notes

Here are a few hints on how to make notes on the information obtained from literature:

Step 1: Put together all the information sources you have obtained for writing the assignment including the study guide, articles, case law and the prescribed textbook. First, read the relevant sections in the study guide, articles, case law and prescribed textbook and then the recommended works and any other sources that you may have obtained.

Step 2: Identify the aspects of the information that are relevant to the assignment topic(s) and note them down as follows:

- Use a separate sheet of paper for each aspect that you think should be considered. Write down a suitable heading for each particular issue at the top of each sheet.

Step 3: Draw **two** parallel margins on the left side of each sheet of paper to create two columns. Give these columns the following headings: "Source": for the column on the left, and "Page number" for the one next to it.

Step 4: Start making notes as you read your information sources. For instance, if you have a definition of research on page 4 of the recommended book, take the sheet of paper bearing the heading "Definitions: research". Write down "Recommended book" in the column on the left, and "4" in the column next to it. Then note down the essence of the definition that you have found in the book. If you have also found a definition for research on page 18 of an article, return to the sheet with the heading "Definitions: research". Write down the author(s) of the article in the left-hand column, and "18" in the one next to it. Write down the essence of the particular author's definition. Once you have completed your reading, the sheet with the heading "Definitions: research" may contain quite a number of definitions by various authors.

- Remember that if you copy a sentence or passage word for word from any information source, you must put it in quotation marks even when merely taking notes. (A sentence or passage which is copied word for word from a source is called a verbatim quotation.) More information on the proper citation and reference methods will be provided later in this tutorial letter.

Step 5: Once you have completed your note taking, look at the information noted down on all the sheets. Let us again take the sheet with the heading "Definitions: research" as an example. Study all the definitions you have gathered and see whether some differ from others. One author may, for instance, emphasise a particular point in his or her definition which is not mentioned by another or may offer a completely different definition. These points should be noted on the sheet of paper. (If you indicate such differences in your assignment answer and use them as a basis for formulating your own definition, you show that you are capable of critical thinking which will earn you higher marks.) You will compile your assignment answer from these notes. It is therefore important that you write down the name of the source and the page numbers correctly.

5.5.6.3 Assessing sources

When you do your reading, do not automatically accept everything the author states as true. You must be alert to the difference between a fact and an opinion. A fact is a generally accepted truth, such as "Unisa was founded in 1873". An opinion is a deduction made by an individual author, for example, "Unisa is the best university". Facts are objective; opinions are subjective. Authors often view issues from different perspectives and, as a result, have different opinions. Do not let this confuse you. Refer to different sources and compare them. Decide which opinions are the best supported or the most logically argued and hence the most valid. You are not required to decide whether a viewpoint is right or wrong. It is more important that you notice these differences of opinion and point them out in your assignment answer. You might also need to choose a perspective most appropriate to a particular context.

If you agree with a particular author's viewpoint, you may say so in your assignment answer as long as you indicate that you have considered other interpretations and explain why you have accepted a particular point of view. If you include your own opinions, you must therefore substantiate (give reasons for) them. For example, it is not enough to say "Censorship is bad". You must also state **why** you hold this viewpoint: "Censorship is bad because it violates one of the basic principles of information science, namely that information should be freely available to all".

5.5.7 Answering the assignment

You have now read the assignment carefully and understand what is required in your answer. You have also read various sources and made notes. Now you can begin to write your assignment answer. There are several stages to completing an essay type assignment:

- planning your assignment answer;
- drafting an assignment answer;
- evaluating this draft yourself based on the given assessment criteria;
- redrafting the answer for submission to the lecturer.

5.5.7.1 Planning your assignment answer

Before you start writing your assignment answer, you need to plan how you are going to turn your notes into a scientific and academic discussion. The following suggestions may help.

Firstly:

- Read the assignment topic again to refresh your memory.
- Look at the headings, subheadings and other details you wrote in your notes and consider whether these will help you to compile an answer. If not, you need to return to your sources to find more information.

Secondly:

- Now you are ready to work out your rough plan. Write the heading "Introduction" at the top of a page, leave a few lines open, write the heading "Main discussion" and then leave most of the sheet empty. A few lines from the bottom of the page, write the heading "Conclusion".
- Every assignment answer consists of these three main sections: an introduction, a main discussion and a conclusion.
- You will now fill the spaces under these three main headings by transferring the ideas in your notes onto this planning sheet.
- Read through your notes carefully. Start placing headings and subheadings from your notes in a logical order.
- Write these headings in a logical order under the heading "Main discussion" on your planning sheet. (Only write the headings and subheadings, not your notes and references.)
- By arranging these headings in a logical order, you have worked out a framework according to which you will write the discussion part of the assignment.

Thirdly:

- Consider whether these headings and subheadings are sufficient for and/or appropriate to a discussion of the assignment topic.

5.5.7.2 Writing your assignment answer

You will now use your plan and your notes to write your assignment answer. Write down the number and topic of the assignment as they appear in Tutorial Letter 101 before starting with the introduction.

5.5.7.2.1 Introduction

Start the introduction with an interpretation of the topic (a short explanation **in your own words** of your understanding of the field of study of the assignment: that is, the task that must be executed). A mere repetition or paraphrase of the topic as it appears in **Tutorial Letter 101** would, therefore, provide no indication of **your own understanding** of the topic.

The reason why you must interpret the topic is to make sure that you understand exactly what you have to do so that while you gather information and make notes, you will be certain that you are concentrating on matters which are relevant to the topic.

A good interpretation:

- outlines the main field of study of the topic;
- focuses directly on the assignment topic.

The introduction could include a problem statement. The purpose of the problem statement is to

- put the topic in proper context;
- state what the central point of dispute is;
- indicate the steps to be followed in the investigation or discussion of the topic.

5.5.7.2.2 Main discussion

The main discussion forms the biggest part of your assignment answer. The problems that you have identified in the problem statement are discussed here. It is here that you will develop your main argument and give reasons for your answer. The main discussion of your assignment answer should be divided into sections according to the headings and subheadings that you have already identified in your rough plan. (Do not use "main discussion" as a heading in your essay.) For each main point you should have a heading and, if necessary, subheadings.

Headings and subheadings must be numbered. Use Arabic numbers (1, 2, 3, etc.) and decimal points for numbering subheadings (1.1, 1.2, etc.). Your discussion under each heading must be divided into paragraphs. A good paragraph

- deals with one main idea or topic, preferably stated in the first sentence;
- contains all the explanations, details and examples that support the main idea;
- shows how the information is linked to the assignment topic;
- does not contain irrelevant information and does not repeat information.

Do not copy word for word from your sources, although you may use short, fully referenced quotations within your essay ("short" being defined as between a phrase of two or three words up to about three lines). Unless you use your own words, we cannot judge whether you have understood your sources. It is not possible to obtain a pass mark for an answer in which too much use has been made of passages copied from sources, even if the copied passages are correctly acknowledged by means of references. (How to acknowledge work consulted is explained later in this tutorial letter). A verbatim (word-for-word) quotation is only used when you want to emphasise a point that you have made in your assignment answer.

The quotation must then be enclosed between quotation marks. However, keep direct quotations to the minimum and always ensure that you acknowledge your source **even if you are not quoting from it directly**. If you quote the **title** of an information source in your text, you must underline the title in a written text and put it in italics in a computer-generated document.

5.5.7.2.3 Conclusion

The conclusion is the last paragraph of your essay. It should relate to the topic(s) of the assignment.

The main points of the assignment answer may be summarised here but **no new information should be included in the conclusion**. Here you should also state the impressions you have gained and the conclusions you have arrived at on the strength of the preceding discussion.

A good conclusion

- summarises the main argument and content of your essay
- comments on the problem statement
- provides your own informed impressions or the outcomes of your research

From our experience:

Good assignment answers are ones which:

- are clear in what they say
- keep to the point and are well reasoned
- are organised into separate paragraphs
- apply the law appropriately to the facts or clearly demonstrate the application of the law to the facts
- have good evidence to back up assertions

Poorer answers typically contain some or all of the following faults. They:

- have no paragraph structure – ideas just run on in a continuous flow
- present ideas in an illogical order
- have a great deal of general theory with no specific information
- are cut and pasted without acknowledgement of the sources
- make numerous assertions without any evidence to support them
- are clearly written/typed in a hurry and are disorganised
- miss the point in question and waste a great deal of space on irrelevant material

6 FORMAL REQUIREMENTS

The following formal requirements apply to ALL typed assignments, research papers, research proposals, dissertations and theses in CLAW. For the sake of brevity, these are all referred to as documents.

- i. The text of all documents must be typed in font type Arial and font size 12 with 1.5 line spacing.
- ii. Footnotes must also be in Arial, but in font size 10 with single line spacing.
- iii. All footnotes must be indented 1 cm from the footnote number.
- iv. The text of the document must be justified.
- v. Footnotes must be justified, in single spacing with no spaces after each footnote. It must also have a "hanging indent" of 1 cm.
- vi. All margins must be set to normal margin spacing on WORD.
- vii. All headings must be aligned left, in Arial font 12 and numbered numerically (i.e. 1, 1.1, 1.1.1, etc.). Main heading are in bold, secondary headings in italics and thereafter in ordinary script. The title of the document can be centred with ALL letters in CAPS.
- viii. Quotations that are less than one sentence are included in the text in inverted commas and in italics. Quotations longer than a sentence are removed from the main text, indented 1 cm on both sides, not in inverted commas and in italics.
- ix. All documents must be provided with a bibliography. The bibliography must meet the requirements of the prescribed style of referencing.

- x. All documents must be supplied with a title page. The title page must include the title of the research paper, the name and student number of the student, and the name of the supervisor.
- xi. All assignments and research papers must be submitted electronically via myUnisa unless otherwise specified.

6.1 Editing/formatting tips

- Write the number and topic of the assignment down on the first page and ensure that your assignment answer contains the following:
 - a table of contents
 - an introduction
 - a conclusion
 - a bibliography
- Check your grammar. If you use a computer, use its grammar and spellchecker.
- Try to write short sentences as far as possible (twenty words maximum).
- Make use of commas to separate ideas.
- Write complete sentences.
- Start each sentence with a capital letter and end it with a full stop.
- Check your spelling, especially that of names.
- Use headings and sub-headings in your text.
- Divide your essay into paragraphs.
 - Ensure that each paragraph has a main idea.
 - Ensure that each main idea is supported by examples, arguments, data, et cetera.
- Acknowledge your sources.
- Please ensure that your name, address, student number, module code and assignment number appear on the cover of the assignment and at the top of the first page of your answer; **this information must be correct**. Every successive page should show at least your student number and the module code.
- Number your pages.
- Ensure that the pages of your answer are stapled together properly. Do not staple answers to different assignments together.
- **Foreign language expressions** must be underlined in italics.
- We restrict the length of assignment answers to teach you to write concise and logical arguments. It is easy to write a long, rambling answer but it will not earn you good marks. You must learn to summarise your research findings so that you can answer a question in a factually correct, concise and logical manner.
- Please do **NOT** write on both sides of the page.
- Answers to all the questions in the assignment should be submitted simultaneously.
- It is wise to **make a copy of the assignment** before submitting it and to keep proof of submission of all assignments submitted via myUnisa.

NOTE: Students often find it rewarding to work in a group when preparing an assignment. Unisa encourages you to work together as it can improve learning. Please note though that you must give your **own interpretation** of what you have learnt in the group when completing your assignments. **Identical assignments** by different members of a group are **not acceptable**. **This amounts to plagiarism and none of these assignments will be marked. Furthermore, these students may be penalised or subjected to the University's disciplinary proceedings.**

6.2 How to approach multiple-choice questions

See the publication *Study @ Unisa* for instructions on how to complete a mark-reading sheet for multiple-choice questions. Please read through the following remarks on answering multiple-choice questions and think about them. Of course, you don't need to learn them but please make sure that you understand what is required.

A multiple-choice question is a type of short question that gives students alternative answers from which they must choose. The following is a simple example of a multiple-choice question:

Legal capacity can be defined as the capacity to

- [1] perform valid juristic acts
- [2] appear in a court of law
- [3] have rights and duties
- [4] be accountable for crimes

The multiple-choice question consists of the following:

➤ **Problem statement or question**

Legal capacity can be defined as the capacity to ...

➤ **Distractors/Alternatives**

- (1) the capacity to perform valid juristic acts
- (2) the capacity to appear in a court of law
- (3) the capacity to have rights and duties → **correct answer**
- (4) the capacity to be accountable for crimes

The problem statement or question provides the perspective from which or the context within which you have to work to find the most correct alternative. It gives an indication of how to approach the question. Therefore, always read and consider the problem statement carefully. It is the function of the problem statement to ensure that one alternative is more correct than another.

What is the perspective from which or the context within which you have to work to find the most correct alternative or answer to the question in the above example?

The key words are **legal capacity** and **defined**.

It is important to consider **all** the alternatives from the perspective provided by the problem statement or question. Sometimes students choose one of the first alternatives without even looking at the rest. Bear in mind that the distractors in a multiple-choice question are not necessarily completely wrong.

They are called "distractors" because they often contain some appropriate information. So it is easy to make a wrong choice if you do not know the subject well or if you do not read all the alternatives carefully before you choose your answer.

For example, the distractor may indicate that a particular option is incorrect and provide the reason why it is incorrect. You should then make sure not only that the distractor correctly states that the option is incorrect, but also that the distractor provides the correct reason why the option is incorrect. You must choose the **most correct** alternative.

Note that an incorrect answer does not mean that a mark or a fraction of a mark will be subtracted from the number of correct answers, but merely that no mark is awarded for that answer.

6.3 Preparing for the examination

6.3.1 *Planning and revising*

Planning is of the essence when preparing for the examination. Keeping good notes, doing all the assignments and sticking to your study programme contribute to success in the examination. Work back from the examination date and plan your study time prior to the examination. If you study more than one module, decide whether you will study a part of both each day or if you will study them on separate days.

Prioritise your studies by asking yourself a series of questions:

- What do I already clearly understand?
- What am I uncertain about?
- What don't I understand?
- How am I going to address my lack of understanding?
- Study the guide/textbook again and take more notes.
- Work through the assignments and feedback again.
- Ask the tutor/ lecturer.

It goes without saying that, in any examination, there is no substitute for a sound knowledge of the subject. Subject knowledge can be attained only by making a thorough study of the study guide and other prescribed material; interacting with other students in person or online; interacting with tutors; using the library and other resources; completing assignments; and taking note of feedback.

6.3.2 *In the examination venue*

Our experience has been that students who apparently have a good knowledge of the subject sometimes fail to obtain a pass mark. Every year we come across scripts which indicate that students devoted far too much time to the first few questions (for which they earned good marks) and were unable to answer the entire paper because time caught up with them.

It is a good idea to read carefully through the paper, note the marks allotted to each question and then to decide on the amount of time that should be devoted to each question.

Do make sure that you stick to the **relevant** points for each question. Our experience is that students add information that is not really relevant to a particular question in the hope that they will somehow earn marks. It does not work that way. Our questions are very specific and no marks can be earned by throwing in additional material that is not required.

We try to ensure that examination papers are not too long. However, at the risk of repetition, we wish to emphasise that proper time planning is of great importance in writing an examination.

In dealing with a problem question (i.e. a question setting out a hypothetical factual situation to which you must provide a solution), it is inadvisable to go directly to the solution. It is better to first make sure of the principles that are relevant in seeking a solution, to describe these briefly and then to state your ideas on the solution of the problem. Even if your conclusion is not correct, your statement of principles (if done correctly) will earn valuable marks. If the solution is also correct, you will obviously be rewarded for that as well.

When you are required to **define** certain concepts or **state** certain principles or criteria, you should be brief and to the point. It will not be necessary to discuss or comment in detail on these, unless you are specifically asked to do so.

Please structure your answers into short paragraphs. It is difficult for us to read through pages and pages of unbroken text. If you have begun your answer and are moving on to a new point or aspect, please make use of a new paragraph. Some of you actually number specific points and paragraphs which is very helpful. Subheadings and underlining can be equally helpful in marking scripts. If you quote decided cases or the names of authors of books or articles, do underline their names. (Please note: We will never require you to know the reference of a case, such as: 1957 (3) SA 710 (T).)

Please use a pen that will produce a bold and legible script. Sometimes the script produced by an overused ballpoint pen is barely legible. Our endeavour at all times is to set a paper that will test your knowledge in a fair and proper manner and to maintain sound standards. Students who have obtained a degree from this University may take pride in their achievement.

6.3.3 *Supplementary/Aegrotat examinations*

Please note that should the University grant you a **supplementary examination, your year mark will not count towards your final mark**. In other words, your supplementary examination will count 100% of your final mark and you will have to achieve a mark of at least 50% in the supplementary examination to pass the module.

This arrangement does **not** affect students who write the **aegrotat examination** (that is, an examination given to people who were ill and whose condition is supported by a medical certificate). Their year mark will count towards their final mark if they had obtained a year mark before the aegrotat was consented to.

7 ETHICAL BEHAVIOUR AS A STUDENT

All research (including assignment research) in all disciplines must be based on integrity, quality and rigour. All work must meet the ideal of academic integrity. Academic integrity can be defined as the meaningful and concerted effort to ensure honesty, trust, fairness, respect and responsibility in research. All research in the School of Law, whether a first-year assignment or a doctoral thesis, should be guided by this ideal.

The opposite of academic integrity is academic dishonesty. In line with Unisa's policies, the following activities are forms of academic dishonesty and can result in disciplinary action being taken.

- Copying/cut-and-paste/patch writing: This type of dishonesty involves just copying someone else's work either word for word or changing it slightly without indicating that it is copied by, for example, putting it in inverted commas or brackets.
- Absence of references: This involves using someone else's ideas, thoughts, insights or data without acknowledging that they are not your own.
- Cheating/falsifying information: This is the manufacturing of data which does not exist or leaving out contradictory evidence, also sometimes called cherry-picking.
- Padding: This refers to the practice of referring to sources that were not consulted, but which makes the footnotes and/or bibliography seem more impressive.
- Too many quotes: This form of dishonesty is one where more than 15% of the work consists of quotes.
- Incorrect referencing: Incorrect referencing shows a lack of rigour and of disciplinary expertise.
- Helping someone cheat: This might range from the innocuous (allowing someone to copy from you) to the more severe (providing someone with the means to cheat). It is the reason why students are not allowed to hand in the same assignment, even if they worked in a group.

To a large extent, we rely on the honesty of our students when doing assignment work. However, we do require that all documents are accompanied by a declaration of honesty. The template for this declaration is provided on the next page. You are required to copy it and complete it electronically to attach to your document before submission.

ACADEMIC HONESTY DECLARATION

Declaration:

- i. I understand what academic dishonesty entails and am aware of Unisa’s policies in this regard.
- ii. I declare that this assignment is my own, original work. Where I have used someone else’s work, I have indicated this by using the prescribed style of referencing. Every contribution to, and quotation in, this assignment from the work or works of other people has been referenced according to this style.
- iii. I have not allowed, and will not allow, anyone to copy my work with the intention of passing it off as his or her own work.
- iv. I did not make use of another student’s work and submit it as my own.

NAME:

SIGNATURE:

STUDENT NUMBER:

MODULE CODE:

DATE:

8 PRESCRIBED STYLE OF REFERENCING

The most important way to ensure that your work passes the test of academic integrity is to indicate where you found your information. This shows that what you say is not your own idea and that you read it somewhere. Conversely, anything without a reference is regarded as a claim that this is your own idea. Therefore, if you make a statement that is not your own idea and do not give any reference, you commit plagiarism. That is why it is so important to get this right! It is technically the most challenging part of your studies and it is important that you adhere to the rules set out below.

8.1 Basic rules of referencing in the School of Law

- a) The method of referencing set out below is applicable to ALL documents produced for work in the School of Law. Deviation from this is allowed only in exceptional circumstances and then the deviation must be consistent throughout the document.
- b) The School of Law does not use the Harvard method of referencing where the source is given in the text, such as (Harrison 2004:360). This is because references are usually long and would interrupt the argument.
- c) The School of Law does not use the method of referring to *ibid*, *id*, *supra*, *infra* and so forth. Nor does it use the method of referring by using [note 13 above] as this makes it almost impossible to keep track of footnotes.
- d) All references must be in footnotes and not in endnotes.
- e) A footnote is always followed by a full stop.
- f) When citing your sources in footnotes, provide the full reference to the source the first time you refer to that source and then use only the shortened version.
- g) Your work must be supplied with a bibliography in which you give both the shortened and the complete reference to the sources you cited.
- h) The footnote number is always in superscript and follows the full stop and not the other way around.

8.2 Specific rules for different types of sources

8.2.1 Books and contributions in books

The basic form of reference to a book is:

Smith C *The law of insolvency* 3rd ed (Butterworths Durban 1988) 3. The shortened form would be: Smith *Insolvency* 3.

Note the following:

- a) There are no commas, full stops, colons or semi-colons anywhere.
- b) The surname is given first and then the initial(s). This is followed by the title of the book in italics, the edition and then the publisher, place of publication and date of publication. The last number is the page of the book you consulted.
- c) As a general rule always use the **latest edition** of a book unless there is a good reason to refer to an older edition.²
- d) A certain form is used for one author and another for more than one author. See the examples below.
- e) Normal capitalisation is used in the titles of books and contributions in books.

Examples:

Below we provide a table with examples of various kinds and permutations of books and contributions in books. **Please note** that while these are presented in a table here, you cannot use such a table in your work. It is merely for ease of reference.

FULL REFERENCE	SHORTENED VERSION
One author	
Smith C <i>The law of insolvency</i> 3 rd ed (Butterworths Durban 1988) 3.	Smith <i>Insolvency</i> 3.
Two or three authors	
Church J, Schulze C and Strydom H <i>Human rights from a comparative and international law perspective</i> (Unisa Press Pretoria 2007) 237.	Church, Schulze and Strydom <i>Human Rights</i> 237.
More than three authors	
Corbett MM <i>et al The law of succession in South Africa</i> (Juta Cape Town 1980) 225.	Corbett <i>et al Succession</i> 225.
Contribution/chapter in book³	
Pound R "The passing of mainstreetism" in Sythoff AW (ed) <i>XXth Century comparative and conflicts law</i> (Brill Leyden 1961) 3-14.	Pound <i>Mainstreetism</i> 12.
Contribution/chapter in book where the author is also the editor	
Zweigert K "Rechtsvergleichung" in <i>Rechtsvergleichung</i> (Darmstadter Verlagsanstalt Darmstadt 1978) 1-9.	Zweigert in <i>Rechtsvergleichung</i> 6.

² For example, in legal historical research the oldest available edition of the work should be consulted.

³ In the long form, the page numbers of the whole contribution are given; in the short version, only the page(s) consulted.

Translated books	
Kelsen H <i>General theory of norms</i> (translated from the original German by Hartney M) (Clarendon Press Oxford 1991) 114.	Kelsen <i>Norms</i> 114.
Published contribution at a conference	
Kahn E "Crime" in <i>Criminal law</i> (Papers delivered at the Third Annual Congress of the South African Association of Criminologists 21-26 July 1961 Juta Cape Town) 221-228.	Kahn "Crime" 224.
Dissertations and theses	
Kindiki K <i>Humanitarian intervention: the role of intergovernmental organisations</i> (LLD thesis University of Pretoria 2002) 209.	Kindiki <i>Humanitarian intervention</i> 209.
Later editions of a book written by new authors	
Scott TJ and Scott S <i>Wille's Law of mortgage and pledge in South Africa</i> 3 rd ed (Juta Cape Town 1987) 334.	Scott and Scott <i>Wille's Mortgage and pledge</i> 334.

8.2.2 Journal articles

The basic form of reference to a journal article is:

Stander AL "Die eienaar van die bates van die insolvente boedel" 1996 *THRHR* 388-399

The shortened version is: Stander 1996 *THRHR* 388. Note the following:

- The **title of the article** is not italicised, is in **lower case** (except where capital letters must be used) and is followed by the date of the journal.
- The **titles of journals** are, wherever possible, **abbreviated** with an explanatory list of abbreviations supplied. The abbreviation is italicised.
- Newspaper reports** are cited similarly to contributions in law journals except that the exact date of the newspaper is given. For example: Ngqiyaza B "Socio-economic rights must be enforced in South Africa – Pityana" 1997-09-19 *Business Day* 4. The shortened form is: Ngqiyaza 1997-09-19 *Business Day* 4.

8.2.3 Old authorities

There are specific ways of referring to old Roman and Roman-Dutch sources. If you do this type of specialised research, please consult with your promoter on the correct method.

8.2.4 Internet sources

The basic form of reference to an internet source is:

Mamoepa B "The Act on Higher Education" <http://www.star.hsrc.ac.za/nche.html>
(Date of use: 16 November 1997) The short version is:

Mamoepa <http://www.star.hsrc.ac.za/nche.html> (Date of use: 16 November 1997)

Note the following:

- a) If the author is not clear or if there is no author (such as with institutional websites), the full reference is merely the URL and the date of use. For example: <http://www.nipccreport.org/> (Date of use: 17 September 2015). This will also be the short version.
- b) Legal academic journals that are published on the internet, such as the *Potchefstroom Electronic Law Journal*, are cited in the same manner as normal journal articles and not as an internet source.

8.2.5 Law reports

The full version of a reference to a court case is as follows:

Hoffmann v South African Airways 2001 1 SA 201 (CC) [23].

There is no shortened version for case law, but see the notes below. Note the following:

- a) If the work makes repeated reference to a case, a shortened form can be used. However, it must be clearly stated that this is the abbreviated form that will be used, for example: *Hoffmann v South African Airways* 2001 1 SA 1 (CC) (hereinafter the *Hoffmann* case).
- b) Specific **sections** of a case are referred to with reference to either the page(s), for example 263H, where it is indicated in the reported volume or a paragraph(s) of the judgment (as has become customary in judgements). The paragraph is identified by way of square brackets, for example [137].
- c) In all cases the reference to the court will be the one used in the specific law report.
- d) Foreign case law and regional or international case law must be referenced in the manner in which the specific law report states.

8.2.6 Legislation

The basic form of reference is:

Patents Act 57 of 1978.

There is no shortened form for legislation, but see the notes below. **The correct form of reference to the constitution is:** Constitution of the Republic of South Africa, 1996.³

Note the following:

- a) If the work makes repeated references to an act, a shortened form can be used. However, it must be clearly stated that this is how it will be used. For example: Patents Act 57 of 1978 (hereinafter referred to as the Patents Act).
- b) If the work only deals with one act in some detail, the reference would be: Patents Act 57 of 1978 (hereinafter referred to as the Act).
- c) This is particularly true if the Constitution will be dealt with in any depth. For example: Constitution of the Republic of South Africa, 1996 (hereinafter referred to as the Constitution).

8.2.7 International/regional documents/instruments

Note the following:

- a) The most important international and regional documents may be found on the official websites of international and regional organisations. The *PULP Guide* also provides internet websites where international treaties and documents can be accessed.
- b) The *United Nations Documents: Research Guide* on the official website of the United Nations (<http://www.un.org/Depts/dhl/resguide/>) gives an overview of the different types of documents and publications issued by the United Nations and provides guidance to researchers how to work with these documents.
- c) *International Legal Materials (ILM)* is a bimonthly publication of the American Society of International Law and each issue *inter alia* contains the full texts of treaties, judicial and arbitral decisions and documents of international and regional organisations.
- d) There are also some other useful works that contain the texts of international and/or regional documents, for example: Mtshaulana, PM, Dugard J and Botha N (eds) *Documents on International Law: Handbook for Law Students and Constitutional Lawyers* (Juta Kenwyn 1996); Heyns C and Killander M (eds) *Compendium of Key Human Rights Documents of the African Union* 2nd ed (PULP Pretoria 2006).

9 FREQUENTLY-ASKED QUESTIONS

We receive many calls from students asking the same questions repeatedly. We have therefore decided to include these frequently-asked questions in this tutorial letter. Please do not make an unnecessary telephone call asking one of the following questions:

9.1 What is Tutorial Letter 101 (Tut 101)?

You will receive a Tut 101 for every module for which you are registered. The Tut 101 contains essential information on administrative matters, assignment details such as submission dates and the actual assignment questions, as well as the prescribed sources for that specific module. **It is essential that you read carefully through the Tut 101 for each module.**

9.2 Are there assignments that I need to complete? Do I have to submit the assignments?

Each module has at least two assignments that you need to complete and submit by the due dates mentioned in your Tut 101. Please check carefully under the assignment section of your Tut 101 how many assignment(s) you need to complete, what kind of assignments they are and what the submission dates are.

As explained in your Tut 101, no extensions whatsoever will be granted for the submission of the assignments by the School of Law and you are requested not to apply for extensions under any circumstances.

In cases where modules require online submission of assignments, you can ONLY submit them online. Postal (or hard-copy) assignments will not be accepted. NO assignment may be submitted by email or fax.

9.3 Do I have to buy any prescribed textbooks? Can you recommend any further reading material?

If you are required to buy any textbook(s) for your module, particulars will be given in the section "Study material" in Tut1 01. The same applies to recommended reading(s).

9.4 What do I do if I experience problems with the content of the study material?

Contact your tutor (if applicable) or one of the lecturers responsible for the module immediately. Please do not hesitate to contact us. You can **phone** any of the lecturers, **make an appointment to come and see us personally**, write a **letter** or send an **e-mail**. Tutors are available in person at Regional Learning Centres on most Saturday mornings. You need to register at the centre to attend tutorials.

9.5 I have not yet received my study material. Can you send it to me?

No, unfortunately **the study material is kept at a different department**. Consult the brochure *Study @ Unisa* for information on how to deal with outstanding study material.

9.6 When do classes start at Unisa?

Unisa is a university that offers **distance learning** and is **not a residential university**. We do not, therefore, offer classes to our students on a daily basis. We do, however, offer tutorial classes for high-risk modules on a weekly basis at Unisa Learning Centres throughout the country. Be wise and find out more about these tutorial classes. Refer to Tut 101 for more information.

9.7 Do I have group discussions (that is, visits from lecturers at various venues)?

Information concerning group discussions for any module will be provided in Tut 101 and/or follow-up tutorial letters that you will receive during the course of the semester. Group discussions will also be announced and scheduled on myUnisa if they are offered in specific modules.

9.8 When and where am I writing the examination?

Should you have any enquiries about the examination date, time and venue for a specific module consult the brochure *Study @ Unisa*. When you register, select an examination centre that is convenient to you. If you need to change venues, inform the Directorate: Student Assessment Administration in good time so that they can make provision for you at the other centre.

9.9 When will the examination results be released?

Consult the brochure *Study @ Unisa* in this regard.

9.10 Where do I find my examination results?

You will be able to obtain your results on the day on which the examination results are released:

- A hard copy of your official results will be **posted** to you. **Please note that examination results may not be made available by e-mail or telephone.**
- MyUnisa

9.11 What do I do if I am not happy with my results?

- You may apply for a remark only if you obtained between 35% and 49% and 68% and 74% in the examination.
- You may apply for a recheck with any mark obtained.
- You may also purchase a script.

Refer to the **back page** of your **official results** (that you **will receive by post**) for the **different options**. Also consult the brochure *Study @ Unisa* which you received as part of your study package.

9.12 When do the supplementary examination/aegrotat examinations take place?

Please consult the brochure *Study @ Unisa* in this regard.

9.13 For which modules do I have to register next?

Please refer to the brochure *myRegistration College of Law*. If you require assistance, please contact the Directorate of Student Admissions and Registrations (jus@unisa.ac.za/ 012 441 5703). Please also see the earlier part of this study guide which contains a general breakdown of the LLB degree

programme offered in CLAW which suggests the sequence in which modules should be registered for taking into account pre- and co-requisites.

9.14 What is myUnisa?

The myUnisa learner management system is Unisa's virtual campus that helps students to communicate with their lecturers, with other students and with the administrative departments of Unisa – all through the computer and the internet. To go to the myUnisa website, start at the main Unisa website, <http://www.unisa.ac.za>, and then click on the About myUnisa option listed under myUnisa on the screen. Here you will find more information about myUnisa and how to log onto myUnisa. Please consult the publication *Study @ Unisa*, which you received with your study material for more information on myUnisa.

9.15 What is satellite delivery?

At Unisa satellite transmission is used for the live presentation of lectures, tutorials or training programmes to students using a television screen at Unisa regional centres. You will be informed by SMS about satellite broadcasts for modules for which you are registered that make use of these methods of delivery.

9.16 What is RPL?

Recognition of prior learning (RPL) is the recognition by Unisa of any non-accredited learning at tertiary level related to a Unisa discipline which occurred before you decided to register for an academic qualification.

- The RPL programme at Unisa enables you to gain recognition and credit for what you already know and are able to do at a level equivalent to university study.
- You receive credit for what you have learned from experience, training courses, et cetera. For example, if you have worked as a police official for ten years, you will have learned a vast number of skills, such as how to effect an arrest, how to write a statement, and how to negotiate. If you have started up and run your own successful business, you will be experienced in budgeting, stocktaking and preparing proposals for clients. If you have done research and written research reports, you could request credits in the field of research. RPL makes it possible for you to earn credits towards a UNISA qualification, thereby shortening your study time, and decreasing your study fees. Applications or enquiries can be directed to mlewis@unisa.ac.za

9.17 What can a tutor do for me?

See the brochure *Study @ Unisa* for details on tutorial services.

9.18 I want to work with other students. How can I do this?

The brochure *Study @ Unisa* contains information on study groups.

9.19 What can I do if I am not a confident reader or writer?

The Directorate Counselling, Career and Academic Development offers literacy support at many of the regional learning centres. They can also assist you to improve your study skills.

9.20 What if I have received a CD or DVD and I don't have the equipment to play it?

Many regional learning centres have computers that students may use. Regional offices can also give you details of Multi-Purpose Community Centres that might have equipment that you can use.

9.21 How much contact can I expect?

Distance education relies on independent self-study. So your study package on its own should enable you to complete the module successfully. However, the University also offers some forms of contact besides letters, phone calls, e-mails or visits to lecturers in their offices. In some modules, lecturers visit the various regions once a semester.

Students are alerted to these visits in a tutorial letter. Many first-year modules offer tutorial classes once a week at regional learning centres.

Some modules use video-conferencing or satellite classes to regional centres that have these facilities. In addition, myUnisa offers discussion forums. The Directorate for Counselling, Career and Academic Development has counsellors, literacy centres, peer collaborative learning facilitators, et cetera. See your brochure *Study @ Unisa*.

9.22 How do I access the library resources off campus?

For brief information, go to www.unisa.ac.za/brochures/studies

For detailed information, go to <http://www.unisa.ac.za/library>. For research support and services of personal librarians, click on "Research support".

The library has compiled a number of library guides:

- finding recommended reading in the print collection and e-reserves – <http://libguides.unisa.ac.za/request/undergrad>
- requesting material – <http://libguides.unisa.ac.za/request/request>
- postgraduate information services – <http://libguides.unisa.ac.za/request/postgrad>
- finding, obtaining and using library resources and tools to assist in doing research – http://libguides.unisa.ac.za/Research_Skills
- how to contact the Library/finding us on social media/frequently asked questions – <http://libguides.unisa.ac.za/ask>

9.23 What is an FI Concession?

A final-year (undergraduate) student who has one or two modules outstanding to complete a qualification may qualify for assistance and potentially an alternative assessment opportunity. Most students are granted a maximum of two assessment opportunities without being required to re-register for the module. If both assessment opportunities have been utilised, you will be required to re-register for the module at full cost. Modules selected as NDP (non-degree purposes) modules are not considered for the concession. The outstanding modules are the modules required to complete the qualification. Students must have written and failed the modules at the last available examination opportunity. Note that not all modules are considered for the FI concession. Since the University grants the FI concession opportunity based on the requirements met by the student, you are not able to apply to the university to be considered for such an assessment opportunity.

9.24 How do I request a testimonial letter from CLAW?

- Testimonial letter requests should be sent via lawdeanery@unisa.ac.za
- Students must provide the Information Centre with their student number and the purpose of their request.
- The turnaround time is 5 working days.
- All letters will be e-mailed to students once they have been signed by the Dean.
- The office contact number for assistance is 012 429 3253/6166.

10 IMPORTANT CONTACTS

All general contacts for student inquiries can be found on the following link:
<http://www.unisa.ac.za/sites/corporate/default/Contact-us/Student-enquiries>

There are two other important contacts for direct queries to the College of Law:

LLBinquiries@unisa.ac.za

- The email address provided above should be used to direct queries with regard to the LLB and in particular issues relating to the 2018 curriculum.
- NOTE: The administrator cannot assist with issues relating to application, registration, finance, myUnisa, myLife, credits and exemptions, RPL, assignment administration or examination administration. Queries of this nature can be directed to the central contact details to be found at <http://www.unisa.ac.za/sites/corporate/default/Contact-us/Student-enquiries>
- Where your specific query cannot be accommodated the administrator will direct the mail to the correct department.
- Note that the turnaround time on this address is between 5 and 7 days.

CLAWinquiries@unisa.ac.za

- The email address provided above should be used to direct all queries with regard to formal programmes offered in the College of Law as well as all administrative queries that are not handled by the University Central Administration.
- Where your specific query cannot be accommodated the administrator will direct the mail to the correct department.
- Note that the turnaround time on this address is between 5 and 7 days.

Another important contact in the CLAW is the Head: Tuition. The head of tuition handles all tuition related queries for the CLAW and/or escalates them to the Dean, School Director or relevant Chair of Department for assistance. The Head: Tuition can be contacted at JKriel@unisa.ac.za

College specific inquiries can be directed to Ms Mei at meim@unisa.ac.za or 012 429 6166/3253/6406.

ADDENDUM A



STUDENTS' CHARTER OF RIGHTS AND RESPONSIBILITIES

1. GUIDING PRINCIPLES

- 1.1 Adherence to the Bill of Rights and the relevant founding values of the Constitution of the Republic of South Africa, 1996, in particular human dignity, the advancement of human rights and freedoms and the pursuit of equality, irrespective of race, creed, gender, sexual orientation, class, age, disability, social or cultural background.
- 1.2 Commitment to uphold UNISA's vision (Towards the African university in the service of humanity) and the national mission to advance the cause of the African Renaissance and to give effect to the New Partnership for Africa's Development (NEPAD).
- 1.3 Commitment to translate the goals as set out in UNISA's Agenda for Transformation by 2015, especially objective 6.6, namely to create a nurturing environment to promote student well-being, to foster a sense of belonging to UNISA and to mobilise alumni in the service of the University.
- 1.4 Students are a central constitutive component of UNISA and are at the same time responsible clients and customers of UNISA's academic, management and other support services employees.
- 1.5 Students bear the primary responsibility to be diligent in learning and carrying out research with a view to [exiting with](#) the required qualifications within reasonable timelines.
- 1.6 Students and employees of the University are expected to treat each other with respect and to make every effort to uphold the image of the University.
- 1.7 Employees of the University are obligated to adopt the principles of ***Batho Pele*** in all relations with students and, consequently, upholding and realising the ***Baithuti-Pele*** principles according to which student satisfaction comes first.
- 1.8 Appropriate sanctions will be meted out to those who undermine the letter and spirit of this Charter, subject to upholding the principles of just administrative action according to law.

2. BUILDING A NEW INSTITUTIONAL CULTURE

- 2.1 Now that the new UNISA has finally been established, the challenge is the cultivation of a new institutional culture that is cognisant of the need to shade away aspects of the old institutional cultures of the merged institutions.
- 2.2 Part of the new culture is that the University must compete for and attract a share of students of high quality, while retaining its policy of providing access to and remedial programmes for those with marginal qualifications to enable them to exit with high standards of achievement. In addition, the University will strive to create an enabling environment so that students with disabilities can participate fully and enjoy equal opportunities.
- 2.3 The processing of enrolment and registration should be revamped.

- 2.4 Better tuition should be provided and there should be a maximum turnaround time of three weeks for the marking of student assignments and the preparation of research reports.
- 2.5 Enhanced and mutually respectful communication between employees and students will be encouraged, taking into consideration the University's new policy of multilingualism.
- 2.6 The University's premises will be smoke-free and no weapons whatsoever will be allowed on such premises, except as authorised by law.
- 2.7 The University should endeavour to improve sporting and recreational facilities for students.

3. RIGHTS TO SERVICE EXCELLENCE

- 3.1 Every student has the right to service excellence commensurate with the University's new institutional culture.
- 3.2 Academic freedom, freedom to conduct research and freedom of expression and intellectual engagement apply to all students.
- 3.3 Students have the right to offerings based on curricula that are transformed to reflect the African character and location of the University. Furthermore, students with disabilities not only have the right to the conversion from traditional to non-traditional material, but also the right not to be disadvantaged by the time taken for conversion.
- 3.4 Research students have the right to institutional support, including priority access to scientific conferences organised by the University in fields relevant to their research.
- 3.5 Prospective students are entitled to the transparent and timeous assessment of pre-registration records or portfolios for recognition of prior learning where applicable. In the event that the portfolio is judged to be insufficient for granting admission, written reasons should be given.
- 3.6 Students (both current and prospective) are entitled to apply for financial assistance to further their studies where means of paying tuition fees are not accessible and to know the criteria that is used when allocating funds.
- 3.7 Students are entitled to know the procedures and deadlines (ie closing dates) and documents needed in support of their applications for financial aid. Where an application is approved, a contract form is signed by the student and where the application is rejected, reasons for rejection should be provided in writing.
- 3.8 International students seeking accommodation should be advised and assisted with relevant information.
- 3.9 Prospective post-graduate students with non-South African qualifications will not be required to have post graduate honours degrees as a prerequisite for admission to master's and doctoral studies in line with the general and college-specific requirements of the admission policy.
- 3.10 Students are entitled to lodge complaints with the University's Ombudsman against any University employee or structure for poor service – to this end, the University has established a toll free number accessible to students on a 24-hour, seven-days-a-week basis.
- 3.11 Current and prospective students have a right to timeous information regarding all aspects of financial support administered by the University.

4. STUDENT OBLIGATIONS

- 4.1 All rights correlate with obligations, responsibilities and duties to other rights bearers and society as a whole.
- 4.2 Reasonable and justifiable limitations on rights and freedoms are constitutionally permissible.
- 4.3 Students should specifically be obliged to honour human rights in their dealings with each other and with the academic employees or University.
- 4.4 Human rights should also be honoured in terms of gender and other equity issues.
- 4.5 Students are part of this University and thus have responsibilities regarding the achievement of the objectives for 2015.
- 4.6 Students are expected to take overall responsibility for their designated programme of study.
- 4.7 All procedures and policies are to be respected in all their dealings with fellow students and Unisa employees.
- 4.8 Students are obliged to inquire about how financial assistance is allocated, how much was awarded, to know the terms and conditions as outlined in the contract and to repay the loan for the sustainability of the scheme.

5. INSTITUTIONAL MEASURES TO ENFORCE AND MONITOR THE CHARTER

- 5.1 The Student Affairs portfolio undertakes to enhance student support and service and to ensure the provision of a student's voice through the establishment of a duly elected Students' Representative Council – in line with the values of a world-class African university.
- 5.2 An external Ombudsman will be appointed.
- 5.3 Whistleblowers will be effectively used.
- 5.4 Internal disciplinary systems will be utilised.
- 5.5 Student complaints will be effectively managed of and feedback ensured.
- 5.6 Effective quality assurance systems will be implemented.
- 5.7 The services provided to students will be constantly reviewed for relevance, impact and the satisfaction of students.
- 5.8 The Customer Care Committee (CCC) will annually review the Students' Charter to ensure due compliance from the employees on promised services.
- 5.9 Each college is to publish a comprehensive list detailing a menu of services accessible to students.
- 5.10 Similarly, all support services such as the Office of the Dean of Students, the Examinations Department, Despatch, Counselling Services, Learner and Tutor support, the Digital Contact Centre, et cetera, are to publish a list of portfolio-specific services.
- 5.11 All entities are to enter into Service Level Agreements which will be authorised by College Boards and relevant committees and ratified by Council.

6. IMPLEMENTATION OF CHARTER

Related charters of the former institutions that were in force prior to the commencement of this Charter are replaced with effect from the date on which Council approves this Charter.