

GENERAL INFORMATION



UNIVERSITY *of the*
WESTERN CAPE

FACULTY OF LAW 2015

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INTRODUCTION

This handbook contains lots of information about your rights and responsibilities as a student in the Law Faculty. It has been written to improve communication between the staff and the students, and to clarify expectations. Please read it through at the beginning of the year, and refer to it throughout the year.

Please note that this handbook is intended to supplement and not replace the general university rules, most of which are set out in the University's Calendar.

You will notice that this handbook contains a large section dealing with writing, researching, referencing and plagiarism. As a law student, you will have to research, write and submit many assignments for credit. Assignment writing is a problem for many students, either because they plagiarise or because they do not reference their work correctly. Please read the sections on referencing and plagiarism very carefully and always refer to them when doing your assignments.

Writing and research skills are key components of a law student's education. They are also essential for practising law. You cannot become a good lawyer if you cannot research the law and write the necessary legal documents. You will not be able to provide your clients with high quality legal services if you are unable to express their arguments precisely in language which is clear, correct and convincing. Therefore, you must try and master the art of researching and writing the law as soon as possible.

Remember always that **words and their correct usage** are, as Lord Denning put it, '**a lawyer's tools of trade**'. Other professionals have specialised instruments or machines or tools to enable them to do their jobs. Lawyers have **nothing but words** as their tools! Other people's lives or livelihood may well depend on your ability to use words correctly and effectively. Therefore, you must aim to become a **wordsmith** as quickly as possible.

Use this handbook as a companion to your law studies. The law is a weird and wonderful world. We hope that this handbook gives you some of the help you will need as you wind your way through it.

Read the following quotations carefully:

WS Gilbert (1836 - 1911)

*'The law is the true embodiment
Of everything that's excellent
It has no kind of fault or flaw,
And I, my Lords, embody the Law.'*

Eighteenth-century English Rhyme

*'The law condemns the man or woman
Who steals the goose from off the common
But leaves the greater felon loose
Who steals the common from the goose.'*

Each of these quotations says something very important about the nature and meaning of law. Meditate upon as you proceed through your law studies. Think about them carefully and critically as you grapple with the many legal issues which you will encounter both as a student and as a professional.

In the meantime, the Law Faculty wishes you all a very enjoyable, productive and successful 2015!

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January 2015

Dear Student,

A warm welcome to the Faculty of Law at UWC or UDUBS as it is fondly known among us. You have made a great choice of partner to help you develop your potential and open the door to your future.

Your choice of our Faculty is a good one because our Alumni (our graduates, members and former members of the Faculty) occupy leading positions in all walks of professional life in our country: some are Judges and Magistrates, some have become Ministers of State, others helped shape our democratic Constitution right here on this Campus, some are leading figures in the attorneys and advocates professions and others provide the legal and administrative backbone of our local, provincial and national government. The Faculty's proud history shows that we can train people for service at the highest level, and that includes you– if you work with



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us. We are proud of our achievements, but we are not complacent and intend to stay at the top: our goal is to justifiably claim the title of “Cradle of Africa’s legal talent”.

The first sentence of this welcome congratulates you on choosing us as a partner: we see our relationship with you as a partnership. You are the junior partner, but no longer a child who must be spoon-fed and sheltered from the realities of life: you are adult who is *responsible* for working with the Faculty Staff in building a successful career. Partners are responsible for themselves and each other: our achievements prove that the Faculty is responsible – you have to prove that you are, and have the opportunity, and our support in doing so. The word “Staff” was chosen deliberately as words are very important to lawyers – it is not only the academic staff that you must cooperate with, but the administrative staff as well. Every member of Staff must be treated with respect and courtesy because the contribution of each and every one is essential to the success of the Faculty.

You are not the only one who has made a choice – the Faculty has also chosen you. We have chosen you because we believe in your ability to succeed academically, PROVIDED you take your responsibility seriously! You are standing facing the first step of the academic ladder – your knowledge has to be built up from scratch by means hard work on your part. You have to master the comprehension, reasoning and writing skills you need for success; but hard work does not mean no enjoyment. You can find much pleasure in gaining new knowledge: if this was not true, student numbers would not be growing as they are.



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This new phase of your life does not only involve study. There are a host of new things to which you have to adapt one of the most important is the freedom you have: many promising students destroy their academic careers in their first year because they abuse their freedom to decide by playing far too much and working far too little. It is important that you also take part in the other social and cultural activities that contribute to the rich student experience which we know UDUBS can provide – our beach volleyball and creative arts choir won national competitions during 2013! You are not only studying for a degree, but are probably cultivating intellectual and professional habits which you will carry through life.

The Faculty Staff is here to help and encourage you, but you must do the work. We wish you everything of the best in your future: do yourself proud, do your supporters proud and do UDUBS proud! God bless.

Professor BSC Martin



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ABSENTEEISM

A. Lectures

You **must** attend lectures.

UWC is a residential university and lectures constitute the core of its academic programme. In fact, according to the university's rules you may not be absent from lectures without permission.

Therefore, you are advised strongly to **attend all lectures** for all your modules.

The bulk of what you will learn as a law student you will learn in lectures. Reading a text-book is no substitute for lecture attendance.

Do not believe that you can make up absence easily by copying notes of friends. The notes of friends more often than not create problems of their own. What may be self-explanatory to your friend may be obscure to you; he/she will not emphasise or even write down that which you would have considered important had you attended class and vice versa.

Attend lectures! It is an indisputable fact that students who perform poorly are invariably the students who do not attend lectures.

In order to foster a culture of academic excellence as well as to enhance the teaching and learning experience of lectures and students, all students are kindly requested to adhere to the following rules when attending lectures:

- Students must be present in the lecture venue at the time designated for the commencement of a lecture.
- Students may not leave prior to the conclusion of a lecture.
- Students must switch off cellular phones before entering a lecture venue.
- Students must refrain from chatting to other students during a lecture.

B. Tests

Absenteeism from tests is dealt with on a module-by-module basis.

Some modules make provision for **sick/special tests**. In such a case, you will have to apply for a sick/special test, if you have a good enough reason (medical or special circumstances) for having missed the original test. You must also provide documentary evidence which proves that you have a *bona fide* excuse. There is a **prescribed form**, available from the Faculty Office Helpdesk, which you have to complete when applying for a sick/special test.

Other modules make provision for **optional tests**. In such a case, you have the right to (and probably will have to) make up for the test you missed by writing the optional or deferred test. Here no application is necessary and no explanation for your having missed the original test is usually expected. Please note that there are **no sick tests on optional tests**.

ACADEMIC EXCLUSION

An academic exclusion means that you are **not allowed to renew your registration** in the Faculty because you have not made sufficient academic progress in your study programme.

According to Rule A.3.2.3 of the University's rules:

- a **student who is not in final year** will be excluded academically after **failing the same year twice**;
- a **final-year student** will be excluded academically after **failing that year three times**.

This rule applies to **all law students**, both full-time and part-time. Academic exclusions happen automatically, according to the provisions of Rule A.3.2.3.

If you have been academically excluded from the Faculty, you will receive a letter from the Registrar advising you of the exclusion. You may apply in writing to the Faculty for permission to re-register. Such application **must** be made by **Friday, 9 January 2015**, published in the University Calendar and indicated in the letter from the Registrar.

If your application to re-register in the Law Faculty fails, you may apply to another faculty to register for a different degree. The new faculty to which you have applied will then decide whether to accept you or not.

ADDING AND DELETING MODULES

Once you have registered, you will have to obtain **written permission** from the Faculty to make **any amendments** to your registration.

The procedure is as follows:

- Approach a student adviser.
- Discuss your proposed amendments with the student adviser.
- If the student adviser approves the amendments, he/she will complete the relevant form with you.
- The student adviser will hand the completed form to you.
- You then have to submit the form at the Faculty Office Helpdesk.
- Obtain proof from the Faculty Office Helpdesk that you have submitted your application.

Please note the module amendment process exists:

- to **correct errors** in your enrolment; or
- to add modules **if you have credits to spare**

The module amendment process is **not** to be used as a means of exceeding your credit limits.

It is **not** a way of shortening your degree or of catching up time you may have already have lost because of a failure to promote.

The student adviser dealing with your application will assess it on academic grounds. Be advised that only in **really exceptional circumstances** will a student who has failed a

year be allowed to register for more than the maximum number of credits.

Be advised further that you will **not** be allowed to add modules in the second semester simply because you have passed your first-semester modules.

Please note the following important dates:

Type of Module	Last Date for Amendments
Year module	Monday 9 February 2015
First Semester module	Monday 9 February 2015
Second Semester module	Monday 20 July 2015

Please note that you will not be allowed to cancel or delete modules after this period and that you will not be able to cancel modules before the final examinations if you have not attained the required continuous assessment results.

PLEASE CONSULT THE NOTICE BOARDS AS THE FACULTY WILL NOTIFY YOU OF THE SPECIFIC DAYS FOR COURSE AMENDMENTS.

ASSOCIATE STUDENTS

You may become an associate student in a module **this year** if you failed the module **last year** but obtained:

- a continuous assessment mark of at least 50%; **and**
- an examination mark of at least 30%.

As an associate student, you:

- keep last year's continuous assessment mark;
- do not write tests or submit assignments this year; and
- may not attend lectures.

You only have to write the final examination in the module.

Please note that you may become an associate student for modules to a:

- maximum of 30 credits per year; and a
- minimum of 5 credits per year.

Please note further that you **cannot** become an associate student this year in a module that you did not do last year.

The closing dates for applications to become an associate student are given in the table below:

Type of Module	Closing Date
Year Modules	9 January 2015
First Semester Modules	9 January 2015
Second Semester Modules	9 January 2015

ASSIGNMENTS

All assignments, unless alternative instructions have been issued by your lecturer, should be **handed to your GLA personally**. When handing in your assignment, you must **sign a register** as proof that you have submitted the assignment.

Your GLA or lecturer will advise you when and where to submit, and will be available to receive your assignment at the appointed place and time.

Please keep a copy (on a flash drive, at least) of every assignment which you submit.

Before handing in your assignment, ensure that you have:

- understood the assignment question or topic;
- answered the question posed;
- consulted the relevant literature;
- used research techniques acceptable in and applicable to law studies
- evaluated and interpreted your findings in a balanced manner;
- presented an assignment which is grammatically and technically correct;
- not plagiarised.

In addition, you must take note of the following general points, all of which have a significant influence upon the mark which you are awarded for an assignment:

- Your assignment must have a **clear structure** (introduction, arguments, conclusion).
- **Use of authority** is very important. Only refer to authority that you have personally consulted. Always acknowledge sources. Remember that **plagiarism** is the worst of academic sins!
- **Coherence and integration** are crucial. There must be a **golden thread** that runs through the assignment. Identify the issue/problem to be answered, systematically explore the problem, and arrive at a final answer.
- **Spelling and grammar** matter in everything you write. In assignments, spelling and grammar form part of the grade which you earn. **Numerous spelling and grammar mistakes** can easily result in a failing grade. Always edit your work for such errors before submitting. You can eliminate most mistakes by running a computer spelling and grammar check. It is a good idea to ask a student mentor or other senior student to help check your drafts.

An assignment which is **well-structured, well-researched, well-written** and **well-presented** will impress any marker, and ensure that you receive a good passing grade.

If you experience serious difficulties with assignment writing, please consult the **Writing Centre**. Its staff members are trained to help you solve any problems which you have. You should ensure that you have an appointment with the Writing Centre and that you have completed your assignment timeously in order benefit from the consultation.

APPEALING AGAINST A UNIVERSITY DECISION

You may appeal against any decision taken by a Faculty Committee or by a Senate Committee.

The appeal procedure is set out in Rule A.1.1.4:

- An appeal must be lodged in writing within 14 days of the publication of the decision in question.
- The ground(s) of appeal must be specified in the appeal document.
- An appeal against a Faculty Committee decision must be submitted to the Dean.
- An appeal against a Senate Committee decision must be submitted to the Registrar.
- The Dean or Registrar must ensure that Faculty or Senate Committee which made the original decision also deals with the appeal.
- Once it has considered the appeal, the Faculty or Senate Committee will then refer the matter, with its comment and recommendation, to the Senate Executive Committee (SEC) for a final decision on behalf of Senate.

If you are unhappy about the decision taken by the Senate Executive you have a right of further appeal to Senate.

CONTINUOUS ASSESSMENT

Continuous assessment occurs in all law modules throughout the academic year. It usually constitutes 50% of the value of a module.

It is crucial, therefore, that you work consistently to accumulate a high continuous assessment mark. There is usually a direct relationship between a student's continuous assessment mark and his or her final mark for a module.

Your continuous assessment mark will be calculated on the basis of your tests and assignments, according to a predetermined formula. In some modules, tutorial attendance and participation also contribute to the continuous assessment mark.

Details of the worth and composition of the continuous assessment mark will usually be explained to you by your lecturer at the beginning of the module.

They will be published also in the relevant module outline which will be made available by your lecturer at the beginning of the module.

Please note that in order to qualify for the final examination you require a **continuous assessment mark of at least 40%**. See the item titled 'Duly Performed' for further details.

COPING WITH YOUR WORK LOAD

Studying law is demanding. If you find it difficult to cope with your studies, it is very important that you seek help as soon as possible. The best person to help you is your lecturer. Please consult your lecturer timeously. Too many students approach lecturers just before the final examinations, by which time it is far too late to remedy the problem. At

university level, if you have a problem it is your responsibility to do something about it quickly.

Law is in many ways like mathematics. You generally progress from simpler ideas to more and more complicated ones. So if you approach your lecturer just before the final examination and say that you do not understand what you studied in the first month of the module, the problem is likely to be bigger than you imagined. It is like going to write matric mathematics and realising that you have never really understood multiplication! So please do not leave your problems until it is too late! Do not be afraid of appearing to be ignorant - the really ignorant student is the one who knows there is a problem and does nothing to fix it!

Lecturers are very willing to spend time with students who genuinely are having difficulty with the work and truly are prepared to put in the time and effort to solve the problem. But please do not wait until things have become hopeless. A problem confronted quickly is a problem solved quickly, whereas a problem left unfronted is a problem which may quickly become unsolvable.

The university also runs an Institute for Counselling which offers help to students who, *inter alia*, feel that they cannot cope. This feeling often arises not as a result of a lack of ability or effort but as a result of inadequate study methods, reading or language problems or some other problem which can be remedied if tackled timeously. Again, if you think you need to consult a Student Counsellor, do so as soon as possible. Delay simply aggravates the problem.

COLLECTING TESTS AND ASSIGNMENTS

Lecturers will tell their students when test scripts will be available and where they may be collected. In most cases, tests should be collected from the **Script Room** which is located below the Law Students' Resources Centre. You may collect your test whenever the Script Room is open. The hours of opening are posted on the door of the room.

In order to prevent test scripts going missing, no tests or assignments will be given to any student other than the one whose name and student number appears on the cover. So please collect your own scripts! In order to get your script or assignment, you will be required to show your student card, and to sign an acknowledgement of receipt.

Marked assignments will usually be returned by your GLA during tutorials or during his/her consultation hours.

COMPLAINTS

If you have a grievance against either a lecturer or a member of the administrative staff, it is advisable that you first mention your problem to him or her directly so that the two of you can try and resolve it.

If this does not produce a solution, please approach the Head of the Department in

question, if it is a departmental administrator, or the Dean, if the problem concerns one of the other administrative staff.

Your complaints should be made in writing and, again, please confine your complaints to professional rather than personal issues.

Please first approach the lecturer him- or herself directly with your problem. Lecturers are usually more than happy to help out if they are aware that there is a general problem – they usually welcome feedback (positive as well as negative!) from their students.

For example, a lecturer may be speaking too softly, or proceeding too quickly or too slowly, or not speaking clearly, but will probably not be aware that there is any such difficulty unless and until he or she is informed of it!

If you feel too shy to approach the lecturer yourself, please speak to your class representative, who can raise the problem on your behalf.

If your lecturer teaches something in a particular way which you find helpful, please also let him or her know - it helps lecturers to improve their lectures and teaching methods if they are made aware of what they are doing right as well as what they are doing wrong!

If there is a more serious problem and you, the lecturer and the class representative cannot sort it out, please approach the head of the academic department concerned.

CONCURRENT REGISTRATION

Concurrent registrations are usually are **not** allowed.

As a UWC law student, you are required to complete all your modules at UWC. Concurrent registration at UNISA or any other institution therefore will be allowed **only in exceptional circumstances**.

If you wish to enrol for a module at UNISA, you will have to make a formal application on the prescribed form (obtainable from the Faculty Office Helpdesk). Your application **must** include a **full motivation** as to why you are an exceptional case and why you should be allowed to register at UNISA. Applications which are not properly motivated will not be considered.

Please note that the fact that you have failed a course at UWC does not constitute a good basis for applying to do it at another institution. Also, the fact that the UNISA course may be cheaper than the UWC course is not a good reason for applying to do it at UNISA.

You will receive written notification of the outcome of your application. If your application is successful, you must complete the UNISA module within the current academic year, and you must then apply to UWC for recognition of the module.

Please note that:

- you may **not** register concurrently at UNISA or any other university without prior written permission from the Faculty;

- such permission does **not** entitle you to any indulgences or concessions from UWC in respect of your studies at UNISA or any other university.
- in the event of any timetable clashes between your UWC courses and your outside studies, **your obligations to UWC always take precedence.**

CONDONED PASSES

Senate may grant a student a condoned pass in a module on the recommendation of the Faculty Assessment Committee and/or the Senate Assessment Committee.

Law Faculty Assessment Committee may grant a condoned pass under the following provisions:

- Condoned passes must be granted by the Faculty Assessment Committee based on the student's overall performance.
- Condoned passes shall be permitted for the purposes of graduation in one of the programme's modules only; they should preferably only be permitted in elective modules rather than core modules.
- A condoned pass permits a student to gain credit for a completed module, which s/he failed where the final mark for the module is no less than 45% and a sub-minimum of 40% in the examination or final assessment has been achieved.
- A condoned pass may not be granted if there has already been an upward mark adjustment for the purpose of a pass in the same year.
- A condoned pass must be reflected as 50% on the student's academic record, provided that an inscription will indicate that it is a condoned pass.
- The Senate Assessment committee should be notified of all condoned passes granted.

CREDITS

You may obtain credit for both internal modules (completed at UWC) and external modules (completed at another university), provided they are deemed to be equivalent to current UWC modules.

Whether or not a module completed at UWC or at another university is equivalent to a current UWC module is decided by the academic department which presents and administers the module in question.

You have to complete the application form for recognition of internal and external credits (obtainable from the Faculty Office Helpdesk). If the modules are accepted as equivalent to the UWC modules, you have to pay a prescribed fee to have them officially recognised.

The recognition or transfer fee is R400 for an external module and R230 for an internal module.

Please note that you must pay the fee before your credits will be recognized and transferred to your current degree or diploma. If you do not pay the fee and transfer the credit(s), you are deemed not to have completed the module(s) in question. Many students fail the year and some are even refused re-admission to the University because they delay in paying the recognition fee. It is therefore in your best interests to pay the fee

as soon as you have confirmation that your credits will be recognised.

The closing date for credit applications is **Monday, 9 February 2015**

CUM LAUDE

Graduating *cum laude* means that you have done so well in your studies that the University will confer the degree upon you **'with praise'**.

To graduate *cum laude*, you must obtain:

- a **weighted average** of at least **70% across all the LLB modules**; and
- a **weighted average** of at least **75% across all the final-year modules**.

It is also possible to graduate *summa cum laude*. This means that you obtain your LLB **'with highest praise'**.

To graduate *summa cum laude*, you must obtain:

- a **weighted average** of at least **75% across all the LLB modules**; and
- a **weighted average** of at least **75% across all the final-year modules**.

Note: A **weighted average** is an average which takes into account the individual credit value of each module for which a student is registered. Thus, for example, a 20-credit module will weigh double a 10-credit module. Similarly, a 15-credit module will weigh 1½ times a 10-credit module. The weighted average thus equalises modules which have different credit values.

DEAN'S MERIT LIST

The Dean's Merit List is the record of our top performers in every programme in every year of study.

It is a great honour to appear on the list and every student should aim to earn a place on it every year as a law student.

To qualify for the dean's merit list you **must** meet the following **three requirements**:

- you must have been enrolled for the **full credit load** prescribed for your year of study;
- you must have **passed all the modules** for which you were enrolled;
- you must have obtained a **weighted average** of **at least 70%** for the year.

Every student who qualifies for the list receives a congratulatory letter from the Dean, as well as a certificate, confirming his or her achievement.

A place on the list puts you in the upper academic echelons of the Faculty and is an excellent recommendation in anybody's *curriculum vitae*.

DULY PERFORMED (DP)

'Duly performed' or DP signifies whether or not you have performed well enough during

the semester or year to earn the right to sit for the final examination in any module.

The DP is determined by your continuous assessment mark.

Rule A.5.2.3 prescribes that you may not write the final examination in a module unless you have earned a continuous assessment mark of **at least 40%** in that module.

Thus, you have **earned a DP** if your continuous assessment mark is **40% or more**. In this case you **may** write the final examination.

You have **not earned a DP** if your continuous assessment mark is **less than 40%**. In this case, you may **not** write the final examination.

It has emerged that an increasing number of students who do not have a DP are writing the examination anyway.

Please be advised that you cannot bypass university requirements simply by ignoring them.

Unfortunately, if you write an examination for which you have not qualified, your script will not be marked. And you will have wasted valuable time and energy which you could have spent more productively on modules in which do have a DP.

Note: Only first-semester modules in the first year of the LLB do **not** require a DP of 40%. All other LLB modules **require** the DP for entrance to the examination.

EXAMINATION RESULTS

Your results in the **mid-year examinations** will be posted on the notice boards in the A-Block as soon as they have been finalised.

Your **year-end examination** results will be posted to you at home provided that you have paid your fees.

Please note that the rules of the University prohibit any staff member of the Law Faculty from making these results known to students in any circumstances.

Hence do not try and obtain your results from your lecturer or from a departmental administrator. Only the central Examination Office is entitled to issue year-end results.

FIFTY PERCENT RULE

This is a rule used by virtually all universities, both in South Africa and other countries.

It is a rule which governs the **number of credits** a student may be granted for modules completed **earlier or elsewhere**. In simple terms it says that a student must complete at least 50% of the modules in a degree at the university which confers the degree upon him or her.

This means that if you are doing an LLB at UWC, you may not get credit for more than 50% of the modules prescribed for the LLB. In other words, regardless of the number of

modules you may have completed already, at UWC or elsewhere, in order to graduate with an LLB from UWC you must complete at least half of the modules prescribed for LLB, that is, 245 out of the prescribed 490 credits.

The rule also governs the **time** which a student must spend registered at UWC in order to qualify for a UWC degree. Basically, it requires a student to be registered for at least 50% of the time allocated for the completion of the degree. This means that if you are an LLB student with credits from another degree or another university, you must be registered for at least 2 years of the 4 years in order to qualify for the degree.

The fifty percent rule thus has two components:

- at least 50% of the credits for the LLB (at least 245 credits); and
- at least 50% of the time for the LLB (at least 2 years).

This rule applies to all LLB students, including students who have already completed a different law degree (for example, BProc or Bluris) at UWC.

GRADUATE LECTURING ASSISTANTS

The primary role of the GLA is to conduct tutorials. This means that the GLA leads and facilitates the discussion of the tutorial questions or topics set by the lecturer.

GLAs are appointed because they have done well in the subject and can offer students many insights into the structure of the module and about how to deal with the content of the module. They are usually eager to share what they know and to help students overcome difficulties which they may experience.

However, please remember that the GLA is **not** a lecturer. He or she will be prepared for the tutorial and will be able to answer most of your questions regarding the tutorial topic, but is not in a position to replace the lecturer as far as overall and expert knowledge of the subject goes. Although GLAs will be as helpful as possible, it is probably unfair to expect them to know offhand the answers to questions which do not concern the specific tutorial topic being discussed or debated.

GLAs also mark some or all of the tutorial assignments which you have to complete. This is done under the guidance and supervision of the lecturer.

You will be able to consult your GLA during his or her advertised consultation hours. These will be given to you by the GLA and posted on the door of his/her office.

During these consultation times GLAs are available to assist with some of your academic difficulties and guide you to solutions. But do not expect answers to forthcoming assignments or tips for forthcoming tests or examinations from your GLA!

If your GLA cannot assist you with an academic matter, he or she will refer you to the lecturer.

Please stick to your GLA's advertised consultation hours. Bear in mind that GLAs are themselves students and will be busy all the time doing work for their own modules in

addition to tutoring.

If you have a legitimate complaint, please first approach the GLA him- or herself with your problem.

If this does not solve the problem, please approach the lecturer in charge of the module.

Examples of legitimate complaints would be that: your GLA does not come to a tutorial, or consistently arrives late, or is unprepared for the tutorial, or has not marked your assignment in good time.

However, the fact that you merely do not like your GLA normally would not be regarded as a legitimate complaint. It is inevitable and unavoidable that there are sometimes personality clashes between students and GLAs, as indeed there will be between students and other students or between students and lecturers. It would be almost impossible to ensure that every student liked each and every one of his or her GLAs. If, however, there is such personal animosity that it interferes with the academic process, please talk to your lecturer about the problem.

LAW STUDENTS' RESOURCES CENTRE (LSRC)

The LSRC is a special institution dedicated to the provision of resources and services required by law students during their studies.

It is housed on the first floor of the Legal Aid Building (next to the Law Faculty).

The LSRC is very important in the academic lives of most law students. It is the place where, besides the Law Library, you most likely will spend large amounts of your time while you are on campus.

You are therefore advised to get to know the LSRC and what it can offer you as quickly as possible.

The business hours of the LSRC are:

Day	Opening Time	Closing Time
Monday	09h00	17h30
Tuesday	09h00	17h30
Wednesday	09h00	17h30
Thursday	09h00	17h30
Friday	09h00	12h00

LEAVE OF ABSENCE

If you need to take a year off your studies, for example, to study abroad, you should fill in

the necessary application form (available at the Admissions Office at Students' Registration) and if the University grants your application you will be guaranteed re-admission the following year.

Please note that this applies to an absence of only one year.

If you do not apply for leave of absence or your application is turned down, you will have to apply for re-admission. In such a case, there is obviously no guarantee that you will be re-admitted to the Faculty or the University.

LECTURERS

The lecturer fulfils a dual function in his/her relationship with students, namely, that of teacher and that of examiner.

As teacher, the lecturer not only imparts knowledge but also motivates and stimulates independent thought. Student and lecturer are teamed together, under the leadership of the lecturer, in pursuit of certain common goals, important amongst which is success at the end of the academic year. The student who recognises this will participate fully, posing questions and identifying problems about the subject. Such initiative will benefit not only the student himself but, often, also the class as a whole: there may be other students with the same or a similar problem or idea but who are unwilling to speak. Student participation also helps the lecturer, especially in a big class, where difficulties experienced by individual students sometimes go undetected until it is too late. In this way maximum benefit is derived of the services of the lecturer.

Just a word of advice to students in this regard: some of you may feel inhibited, for whatever reason, to speak in the classroom. However, it must be remembered that you have chosen a field of study which will qualify you to enter a profession where verbal skills will, at one time or another, have to be exercised. What better place, then, to practise than in the classroom? More importantly, a thought shared will serve to enrich the entire class. However, should you still feel reluctant to speak in the classroom please do not hesitate to consult your lecturer.

As examiner, the lecturer has to set and maintain both the standards of his/her discipline and of the university: in doing so the lecturer has to ensure that only those students are credited with having passed the module who have earned it by satisfying the minimum requirements in this regard. The lecturer owes this duty to the student, the University, the community at large including the professions, and in the final instance to himself / herself.

You can approach your lecturer immediately after a class for a brief consultation to clear up any issue about the lecture or about a forthcoming tutorial or assignment. Sometimes a brief consultation is also possible before the lecture commences.

If you need to speak to your lecturer about a more important matter and need more time, then you should do so during his/her consultation hours. Every lecturer posts his / her consultation hours on his/her door. These are also available from the relevant departmental administrator.

Please consult your lecturer only during these times. Lecturers have many other

administrative tasks and academic duties to perform and cannot be available to students all the time. You are urged, therefore, to use your lecturer's services, inside and outside of the classroom, with due consideration for the needs of other students and for the lecturer's other commitments.

If you need academic assistance from your lecturer, please go prepared. In other words, try and identify your problem and apply your mind to the matter before approaching your lecturer. Your consultation will then be rewarding.

LLB RESEARCH PAPER

The LLB is an elective available to final-year law students.

This is how you go about registering for a research paper:

- Choose a topic or area in which you are interested and approach a lecturer (who has knowledge of the area) to be your supervisor.
- Finalise the proposal for the research paper in consultation with the lecturer.
- Submit the proposal to the Faculty Office for approval by Faculty Board Executive (FBE).
- The final proposal should be submitted to the Faculty Office by Thursday, **30 April 2015** for submission to FBE.

If your proposal is accepted, it is your responsibility to do the research and write up the paper, under the guidance of your supervisor.

The completed research paper must be submitted for marking before or on the last day of lectures, which is **Friday, 23 October 2015**.

MARKS

A. Mark Incorrectly Recorded

If your marks have been recorded incorrectly, you should take the test or assignment to the person who marked it and ask him or her to correct it.

Check carefully that the corrected mark is reflected in the continuous assessment mark at the end of the semester.

Make sure that you keep all your test scripts and marked assignments. In the case of a dispute, they are the best and only proof you have that you have done the work.

First, carefully check the calculation. Check also that all your marks have been correctly entered.

Make sure that you understand and can use the formula by means of which the continuous assessment mark has been calculated.

If, after checking, you remain convinced that there has been a mistake, please go and see the lecturer who is in charge of the marks for that module as soon as possible.

Lecturers will usually advertise a specific date by which mistakes in the calculation of continuous assessment marks must be reported. Please take your concerns to the lecturer before the deadline.

Please also take with you all the assignments and tests which you have done as part of the module.

Many students come with queries about marks which are in fact correct, so please make sure that there is in fact a mistake before approaching the lecturer. It is obviously a waste of everybody's time to have to deal with a non-existent 'mistake'.

B. Querying a Mark

The lecturer who has marked your test or the GLA who has marked your assignment will discuss the answers ('memo') to the test or the assignment in class. If you take the time to compare your answers to the memo you will usually understand why you were given a particular mark.

Students regularly say that they have 'written well' and cannot understand why they have performed badly. In this regard, please note that there is often a very big difference between what you **think** is the correct answer and the actual correct answer to a question.

Remember also that you are given credit only for the correctness and quality of your answers. You do not get credit for the effort you have put into the piece of work – at university hard work is assumed!

Please also note that your mark is determined crucially by whether you have answered the question as it is posed, and how well you have done so. Many students tend to write down everything they know about a topic instead of choosing the aspects which are relevant to answering the question. The result is that often their answers contain lots of irrelevant information and superfluous material, which devalue their work.

You **must** learn to identify what a question is about and answer it as pertinently and clearly as possible. Relevance is fundamental also to the practice of law. Legal practitioners know that they cannot waste their clients' time and money on side issues. Unless they are able to get to the point smartly and quickly, their clients will move on to different lawyers smartly and quickly!

If, after you have compared your work to the 'memo', you still do not understand why you got a particular mark for a test or assignment, please consult the person (lecturer or GLA) who marked it. That person will be able to explain his/her decision to you clearly.

MODULE OUTLINES

A module outline sets out in systematic way the work which is to be taught in the course during the current academic year. It usually lists the cases, statutes and other items to be read by students. And it contains details of the way in which students will be assessed.

The module outline is an indispensable gateway to a course and every student must ensure that he/she acquires a copy of the module outline as soon as it becomes available.

Some modules outlines have to be purchased for a nominal fee from the relevant departmental administrator.

Some modules outlines may be available on the Faculty website.

Your lecturer will usually announce in class when and where his/her module outline will be available.

Too many students frantically search for module outlines just before the final examination. Do **not** become one of them!

PASSING A MODULE

According to Rule A.5.2.5, the requirements to pass a module are as follows:

- a final mark of at least 50% (based proportionally on the continuous assessment mark and the examination mark); **and**
- a mark of at least 40% in the examination.

Rule A.5.2.6, as read with Rule A.5.2.5 (above), means that you will pass a module only if you have earned:

- an overall or final mark of at least 50%; and
- a continuous assessment mark of at least 40%; and
- an examination mark of at least 40%.

Please note, however, that it is **entirely possible to fail a module even if your final mark is 50% or more**. This may happen if you have a high continuous assessment mark but scored less than 40% in the examination itself! For example, a student with a continuous assessment mark of 70% and an examination mark of 36% will earn a final mark of 53%. Yet, the student will **fail** the module because the examination mark is less than 40%.

Never aim merely to pass!
Always aim to pass well!

PLAGARISM

A. What is Plagiarism?

The Oxford English Dictionary (8ed) 1990 defines the verb 'to plagiarise' as follows:

- 1 *take and use (the thoughts, writings, inventions, etc. of another person) as one's own.*
- 2 *pass off the thoughts etc. of (another person) as one's own.'*

In an academic context plagiarism refers to copying, **and thereby stealing**, someone else's ideas or words, whether that 'someone else' is another student or the writer of a book, article, judgment, statute or any other published work.

To copy out someone else's words in an essay, even if they are just describing the law, also amounts to plagiarism. You know that copying the essay of one of your classmates is wrong. It is no less immoral to copy an academic's or a judge's or a legislator's words just because you do not know him or her.

Plagiarism is considered to be the **worst academic crime** and the penalties for a plagiarist can be very severe. The University's rules tell us that plagiarism is a form of **academic dishonesty** and that a student who attempts to obtain credit in a module through dishonest means commits a **serious disciplinary offence**.

Rule 3.5.1.1.2 of the Student Disciplinary Rules defines plagiarism as:

'the appropriation of any other person's work and the unacknowledged incorporation of that work in one's own work offered for credit. This would include, but is not limited to:

- *appropriation of work from a textbook, journal, report or similar document written by someone else without acknowledging the author(s) or source,*
- *appropriation of work from someone else's assignment, thesis, test, or research paper without acknowledging this other person.'*

In terms of Rule 3.6 and Rule 3.8, students suspected of committing plagiarism will be reported to the Proctor who will refer the matter to a Student Disciplinary Court which will then institute an enquiry into the matter. The possible penalties which such Court may impose are listed in Rule 3.8.4.2, and include exclusion from residence or the University, expulsion from the University, and forfeiting of your degree or diploma.

The Law Faculty enforces the rules against plagiarism **rigorously**.

Plagiarism is a very serious offence.

Do not plagiarise!!

Ever!!

B. Why is Plagiarism a Serious Offence?

To create or produce a work involves time and effort, often lots of both. It is considered to be unfair and illegal to take the products of someone else's work without paying for these products or for the work, whether the products are physical property or intellectual property (ie ideas).

Where these products are physical (eg a pair of shoes, a jar of jam, a car), taking them without paying for them or the work which produced them is easily recognisable as theft.

It is not difficult to understand that taking someone's ideas, or intellectual property, without payment or at least acknowledgment, is also a form of stealing and is just as unfair and illegal.

C. How can Plagiarism be Avoided?

The answer is simple: **refer to and acknowledge your sources!**

Always!!

1. Direct Quotation

If you use the exact words of another, you are quoting directly or *verbatim*.

Whenever you use any series of words composed by somebody else, put it in **quotation**

marks (inverted commas). Then use a **footnote** to indicate the source of the quoted words.

Quotation marks and footnotes separate your own words from the words of other authors. If there is no clear distinction between your own words and the words of other authors, then you are going to stand accused as a plagiarist. Forgetting to refer to and acknowledge your sources is no defence against a charge of plagiarism. The only way to avoid all accusations of plagiarism is always to ensure that you differentiate clearly between what you have composed and what another person has composed.

Consider the following sentence:

'There is no central legislative body in international law with the power to enact rules binding upon all states.'

The sentence was composed by John Dugard, a famous international lawyer. It is to be found on page 3 of the second edition of his book entitled *International Law: A South African Perspective*, published by Juta & Co in 2000.

If you wish to use this sentence in an essay, you **must** acknowledge and identify it clearly as the composition of Dugard, **by quoting it and footnoting it**.

You may **not** use the sentence in **any** of the following ways:

- *There is no central legislative body in international law with the power to enact rules binding upon all states. Not even the UN can enact such binding rules.*
- *In my opinion there is no central legislative body in international law with the power to enact rules binding upon all states.*
- *In international law there is no central legislative body with the power to enact rules binding upon all states.'*
- *It is a well-known fact that in international law there is no central legislative body with the power to enact rules binding upon all states.*
- *There is no central legislative body in international law with the power to enact rules binding upon all states.¹*

¹ Dugard (2000: 3).

All five of the above usages of the sentence composed by Dugard amount to plagiarism. Be sure that you understand fully why they are all acts of plagiarism.

Note that even the last usage is unacceptable because although the sentence is footnoted correctly, Dugard's words have not been placed in quotation marks. This omission gives the impression that although the idea is Dugard's, the words are your own. That is obviously false. Both the idea and the words are Dugard's and you must indicate this fact clearly by using **both quotation marks and footnoting**.

2. Indirect Quotation

If you do not use the exact words of another author, but rewrite the concept or idea which borrow in your own words (paraphrasing or summarising), then use you are quoting indirectly.

Quotation marks are not used for indirect quotation (since it is your own composition).

However, it is necessarily still to use footnoting to indicating that you are using somebody else's idea or concept (even though you are not quoting the idea or concept *verbatim*).

Consider the following sentence:

'Feminist scholarship uniformly rejects the positivist characterisation of law as a science of rules which can be understood apart from its historical origins and from the political, social and economic conditions which have given it form and shape.'

This sentence was composed by Sandra Berns and is to be found on page 120 of her book entitled *Jurisprudence*, published by The Federation Press in 1993.

If I wish to quote Berns indirectly, I would do it along the following lines:

*Feminist jurisprudence is anti-positivist, rejecting the idea that the rules of law can be separated from their historical, socio-economic and political context.*¹

¹ See Berns (1993: 120).

Note the following:

- I have reformulated Berns's sentence in my own words.
- I have not used quotation marks, because they are my own words.
- But I have used a footnote indicating clearly that the source of my formulation is Berns

If you follow the **Rules of Referencing** (found at the end of this handbook as an appendix), you are allowed to 'borrow' another person's words and ideas - this is acceptable because you are not pretending that they are your own.

Please read the appendix on the Rules of Referencing carefully.

Please apply the Rules of Referencing whenever you are writing an assignment or an essay!!!

If you do, you will **never** be accused of plagiarism.

D. Plagiarism Declaration

All law students are required to attach the Faculty's prescribed **Plagiarism Declaration** to all their assignments, essays and take-home tests.

It is a document in which you declare, essentially, that the work you are submitting is your own and that you have not plagiarised.

An assignment, essay or take-home test which is not accompanied by the prescribed **Plagiarism Declaration** will not be marked.

An example of the **Plagiarism Declaration** is attached to this handbook as an appendix.

The official **Plagiarism Declaration** may be downloaded from the Faculty web-page at: http://www.uwc.ac.za/portal/faculty/law/student_forms.htm.

E. Turnitin

The University has acquired plagiarism detection software called **Turnitin**. It is freely available to all UWC students and staff.

The programme allows you to submit your work for a 'plagiarism test'. It will compare your work to a large number of other works in the field and warn you about all those parts of your essay or assignment which contain plagiarised material. You will then have the opportunity to remove all plagiarism before submitting your work for assessment.

Although it is new at UWC, **Turnitin** has been in use in many other universities all over the world for some time now. It appears to be an excellent means of detecting and preventing plagiarism. All students are encouraged to check their work via **Turnitin** to ensure that they do not stand accused of plagiarism.

Note

Lecturers can identify plagiarised work very easily. They are trained to spot the difference between the writing of a student and the writing of a professional.

Also, they would have read the cases, articles and other materials which you use in your work, and will usually be able to identify exactly what you have plagiarised from whom. And when you are caught plagiarising, the consequences will be severe.

In fact, very few cases of plagiarism go undetected. If you get away with plagiarism once, you are lucky, not clever. But remember, luck always runs out. Sooner or later, every plagiarist is exposed and humiliated.

Avoid humiliating exposure!

Do not plagiarise!!

PROMOTION

Faculty rules require a student to have earned a minimum number of credits in an academic year in order to be promoted.

Example

In the 4-year full-time LLB, usually you will need to have earned 100 out of the prescribed 130 credits to promote from one year to the next, provided you have also passed all the modules prescribed for all previous years.

So if you are in LLB II, you will promote to LLB III **if and only if**:

- you have passed all your LLB I modules; **and**
- you have earned at least 90 of the 120 credits for LLB II.

Note that even if you pass all your LLB II modules, you will not promote to LLB III if you have any outstanding LLB I modules.

It is therefore essential that law modules are completed in their prescribed sequence. If you have failed a module, repeat it in the next year. If you leave it over for some later year, your chances of promotion are reduced significantly. There is even the danger that you may be excluded academically.

Please note that **anticipated modules** from higher academic years **do not count for promotion purposes**.

Please note further that internal and/or external credits cannot be counted for promotion purposes **unless and until they have been paid for and formally transferred** to your LLB.

REGISTRATION

Most law students follow a prescribed curriculum. All the details of modules are contained in Part 7 of the University Calendar which should be read carefully. Any queries about compulsory modules should be directed to the Faculty Office Helpdesk or to the student advisers at registration.

In addition to their compulsory modules, final-year students have to do seven elective modules. Details of all the electives are contained in the Law Faculty calendar. If you require additional information about the content of an elective, you should consult the lecturer who will be presenting the module in which you have an interest.

RESEARCH FACILITIES

Your main research resource is the **Law Library**, housed on Level 9 of University Library.

All university students are expected to and need to spend large amounts of their free time in the library.

You are encouraged, therefore, to get to know the Law Library quickly and thoroughly. Often, success in a module will be linked directly to your ability to use the Library correctly and efficiently.

Other useful research facilities are:

- The **Community Law Centre**, a research centre within the Faculty of Law, has a substantial collection on human rights and constitutional law.
- The **Social Law Project**, a research and outreach unit within the Faculty of Law, has a collection of materials on South African and comparative labour and social.
- The **University of Cape Town** and **Stellenbosch University** libraries.

RE-EVALUATION

Rule A.5.2.6 makes provision for re-evaluation or supplementary examinations.

Firstly, you must have written the final examination and failed. You cannot get a re-evaluation examination if you have not written the final examination.

Secondly, you must have obtained:

- a final mark of at least 45%; or
- a continuous assessment mark of at least 50% and an examination mark of at least 30%; or
- a final mark of at least 50% but an examination mark less than 40%.

Please note that the purpose of supplementary examinations is to give a second chance to those students who perhaps had a bad day when they wrote the original examination; it should not be seen as something to be aimed for or relied upon. One should rather regard every test or examination as an opportunity to do one's best.

Students often ask lecturers to put them on the re-evaluation list. In this regard, please note that a lecturer **does not have the power to give you a re-evaluation examination for which you have not qualified**. The only way to get onto the re-evaluation list is to qualify according to the criteria prescribed by the university. Thus, do **not** ask lecturers to give you a re-evaluation examination. You are asking them, in effect, to break the rules, which they will **not** do!

RE-MARKING

If you believe that the mark which you receive in an examination is too low, you may apply to have your examination script re-marked by an external examiner.

You have to apply in writing to the Student Administration Department and pay the prescribed fee in advance.

Please note the following deadlines for re-mark applications:

Examination	Deadline
November 2014	Friday, 30 January 2015
June 2015	Friday, 14 August 2015

The re-marking process operates as follows:

- If your application is made in time, the Student Administration Department will obtain the examination script from the lecturer.
- Once the lecturer delivers the script to the Student Administration Department, he or she has no further role in the re-marking process.
- The Student Administration Department will then send the examination script to an external examiner for re-marking.
- The external examiner will return the re-marked script to the Student Administration Department.
- The external examiner may raise, lower or leave the mark as is. Whatever mark is allocated by the external examiner becomes your new examination mark.

If you are successful and the external examiner awards you a pass mark, the prescribed fee will be refunded to you.

Rule A.5.2.18 says that the university does not guarantee any fixed period of time for remarking.

It depends on the availability of the external examiner and upon the number of scripts he or she has to remark.

If the external examiner is available immediately and has only one or two scripts to remark, the process can be completed very quickly. However, if the external examiner is not immediately available and/or has a large number of scripts to remark, long delays may be unavoidable.

SPECIAL EXAMINATIONS

If you have missed an examination, you should go to the Faculty Office Helpdesk and ask for the relevant form.

This must be completed and returned to the same office **within 5 working days of the day on which the examination was written.**

You have to provide **documentary evidence** which will prove that you had good reason(s) for missing the examination and which will convince the Faculty to give you permission to write an examination at a later date.

Special examinations may be applied for on two grounds only:

- Special circumstances
- Medical reasons

A. Special Examinations within the Official Examination Period (White Form)

1. Special Circumstances

Students who have missed an examination due to special circumstances **must** submit the following:

- a duly completed **white** application form;
- supporting **documentation** (eg if the special circumstance is the death of a close relative, a copy of the death certificate must be submitted);
- a **covering letter** and a **formally deposed affidavit** explaining fully the special circumstances upon which you are relying.

2. Medical Reasons

Students who have missed an examination due to medical reasons **must** submit the following:

- a duly completed **white** application form;
- the **Faculty's official medical certificate** on the reverse side of the application

form, duly completed **by the medical practitioner** who examined you.

Please note that **only this medical certificate is acceptable**.

An application based on medical grounds is invalid if the Faculty's official medical certificate has not been properly completed.

B. Special Examinations outside the Official Examination Period (Yellow Form)

The procedure is identical to that set out above.

There are, however, **two additional steps** here:

- These applications will be considered by the Faculty and then submitted to the **Senate Assessment Committee** with an appropriate recommendation. In other words, the final decision is taken by the Senate and not by the Faculty.
- Should this application be approved by the Senate, an examination fee of R560 per examination is payable.

Your application for a special examination will be considered **if and only if** you have **completed the application form in full** and submitted the **relevant documentation** within the **prescribed period of 5 working days!!**

NB NB NB NB
Incomplete applications are invalid and will not be considered.
Late applications are invalid and will not be considered.

Please note that a student writing a special examination **cannot** qualify for a re-evaluation or supplementary examination.

STUDENT CARDS

Your student card gives you access to the university and its facilities. A valid student card is crucial to your life as a student.

It is your responsibility to ensure that you are in possession of a valid student card at all times, **as required by the University's rules**. You are obliged to produce your student card whenever a university official asks to see it.

Please note that you will not be allowed to sit for tests or examinations if you are unable to produce your student card.

Also note that your missing a test or examination because you could not produce your student card is **not** a valid ground for being granted a special test or examination.

You are not a complete student without your student card.

Form a (good!) habit of keeping it with you and keeping it safe!

If you lose your student card, please report the problem immediately to the Student Administration Office, where you will be issued with a replacement card for a stipulated fee.

STUDYING ABROAD

Being able to spend time in another country, and thus encountering a different culture, meeting students from other parts of the world, as well as graduating from a foreign university, is an invaluable experience.

Fortunately, many opportunities to do so now exist because the Law Faculty has formal exchange agreements with the following universities:

- Aix-Marseilles III (France)
- Humboldt University (Berlin, Germany)
- Howard University (Washington DC)
- University of Buffalo (New York)
- University of Missouri (USA)
- Leiden University (The Netherlands)
- University of Utrecht (The Netherlands)
- University of Reunion (the island of Reunion, France)
- Leuven University, University of Gent (Belgium)

The Faculty is also negotiating agreements with several other universities.

These agreements usually allow for the exchange of students at both undergraduate and postgraduate levels. Undergraduate exchanges usually allow a UWC student to obtain credits for the modules studied and passed abroad. Postgraduate exchanges are usually for full degree purposes.

Unfortunately, many of these opportunities go to waste as students do not take advantage of them. It is important for a student to take full consideration of these opportunities as bursaries and grants from the Governments of Partner Universities are available.

If you are interested in overseas studies, you should commence or continue with the study of a foreign language (German, French, Dutch) as a non-legal module in your first year already.

If you have a good academic record and are interested in studying abroad, please consult the notice boards for any new information. Details of any of the exchange agreements may be obtained from the lecturer in charge of the International Relations portfolio in the Faculty.

TERMINATION OF STUDIES

Students who wish to discontinue completely their studies (ie to cancel their registration) must give written notice of their decision to the Student Administration Office and deliver such notice personally.

All outstanding university fees become payable as soon as you terminate your studies. Please note that the deadline for termination is **Friday, 8 May 2015**.

If you de-register before or on the deadline, the year will not count as a failed year.

If you de-register after the deadline, the year will count as a failed year.

If you wish to return to UWC in the future, you **must apply** to do so before the official closing date for applications.

TESTIMONIALS

If you apply for a bursary, a new programme of study or a job, you may be asked to provide a testimonial or reference. Who should you approach in this regard?

Lecturers write testimonials for students regularly. However, there is little point in asking for a testimonial from somebody who does not know you, so it would be preferable if you would please approach lecturers with whom you have had some contact (eg those whom you have consulted about legal academic problems).

It also makes sense to approach a lecturer in whose subject you have done well rather than one whose subject you have failed once or twice, as you want your testimonial to present you in your best possible light!

A lecturer with whom you have worked well as a research assistant or as a GLA usually will be happy to provide you with a testimonial.

TIMETABLES

It is **your responsibility** to ensure that you obtain the correct timetable information for all your lectures, tests and examinations.

All such information is easily available in the timetables published from time to time by the faculty or the university and posted on the notice boards.

Ensure that you read all notices posted on the notice boards regularly and carefully.

Please note that a student's **misreading** of a test or examination timetable is **never** accepted as a justification for granting such student a special test or examination.

TIMETABLE CLASHES

The university's computers are programmed to detect timetable clashes, so they ought not to occur other than in exceptional circumstances.

If you do have a clash, please see the lecturer in charge of your module as soon as you become aware of the problem. The lecturer should be able to sort out the problem relatively easily - provided that he or she is made aware of it timeously.

TUTORIALS

The tutorials form an integral part of the lectures as well as of the continuous evaluation programme.

You are expected to attend and participate in all tutorials.

The tutorials will be run by Graduate Lecturing Assistants (GLAs) under the supervision of your lecturers. You have to finalise the time of your tutorial with your GLA.

Students will be required to complete and submit tutorial assignments.

Tutorial attendance and tutorial assignments have a direct bearing on your continuous assessment mark and ultimately play a vital role in your final mark. Details about the tutorial assignments will be given in class.

VENUES, DATES AND TIMES

If you wish to establish the **venue** for a lecture, test or examination, **consult the notice boards!**

The same applies to the **date** and **time** of a test or examination.

In an effort to improve communication between staff and students, the Law Faculty has arranged to use the **notice boards in the A-Block** (in addition to the notice boards outside the Law Faculty Building). The A-Block remains open after-hours so that part-time students also have access to the notice boards.

It is very important that you have a look at the notice boards on a regular basis. Postings on the notice boards are the only way that the staff can communicate quickly with you between lectures.

Most lecturers also post test venues and other important information on their doors.

At the back of this handbook you will find the lecture timetable for 2014.

The venues are given in brackets, eg A1, C3, GH3.5, etc.

You will find the same information on the notice boards outside the Faculty Office and in the A-Block.

Please make sure that you locate all your lecture venues before the start of your lectures in each module.

You will start your year off badly if you miss lectures because you do not know where you are supposed to be!

Please note that it is **your responsibility** to consult the notice boards to establish the information which you require to sit for a test or examination. Please do **not** telephone or e-mail lecturers or administrative staff for such information. It is not their job to provide you with information which is freely and easily available in official faculty or university

timetables posted on the notice boards or lecturers' doors.

Please note further that any information about test and examination dates, times and venues given to you verbally or otherwise by an academic or administrative staff member is given **without prejudice**. If you choose to rely upon such information, you do so **at your own risk**. If the information is wrong, you will not be allowed to blame the staff member concerned for any prejudice which you may suffer. And you will not be allowed to use such prejudice to obtain any indulgences (such as a special test or examination) from the faculty or university.

WINTER SCHOOL

The Faculty of Law (UWC), in conjunction with the University of Missouri and Howard University, offers a selected number final year LLB students, an opportunity to enroll in a number of courses during the June holidays.

The courses that have been offered in the past include:

Courses offered jointly by Missouri/UWC

- Comparative Criminal Justice
- Alternative Dispute Resolution

Courses offered jointly by Howard University/UWC

- Comparative Constitutional Law
- International Human Rights
- International Business Transactions
- International Environmental Law

Students wishing to take part in the winter school must take note of two important things:

- 1) The **requirements** and **procedure** for applying for these courses; and
- 2) The process for getting these courses credited to your academic record

Students interest in taking part in any of these courses should fill in the application form available at the Faculty Office and hand it either to Ms C Davids (Room 24) for the Missouri/UWC courses and Ms O Xako (Room 122) for the Howard/UWC courses. Information regarding eligibility for these courses can also be requested from Mesdames Davids and Xako.

Students selected for the Missouri/UWC courses **MUST** register through UWC in order to have the courses credited to their academic record. Students wishing to take *Comparative Criminal Justice* must register for *Advanced Criminal Justice 431* while those wishing to take *Alternative Dispute Resolution* must register for *Alternative Dispute Resolution 431*.

Students selected for the Howard/UWC courses only apply to have the courses credited to their academic record once they have passed the course. Students must therefore apply before the **25 September 2014** to have this course put onto their record.

APPENDICES

FORMATTING RULES

All assignments and essays submitted for credit in the Law Faculty must comply with the following formatting requirements:

1. Typing

All assignments, essays, research papers, mini-theses and theses must be typed. No hand-written pieces will be accepted or marked.

The following formatting requirements are **compulsory**:

Font type	Times New Roman or Arial
Font size for text	12 point
Font size for footnotes	10 point
Line Spacing	Double
Paragraphs	Indented
Margins (No binding)	Normal all round (2,54cm or 1 inch)
Margins (Binding)	Normal except LHS 4cm
Justification	LHS justified; RHS not justified
Page Numbers	12 point; Top RHS of page

Assignments and essays which do not comply with these guidelines will not be accepted or marked.

2. Cover Page

Every assignment or essay must have a **cover page** containing the following information:

- Surname
- First Name(s)
- Student Number
- Name of Module
- Title of Assignment or Essay (if applicable)
- Number of assignment or essay (if applicable)
- Date of Submission
- Name of Lecturer
- Name of GLA (if applicable)
- Tutorial Group (if applicable)

3. Sections and Subsections

Longer written pieces will usually need to be divided into sections, subsections and even sub-subsections. Distinguish between section and subsections by using an **ascending numbering system**, as illustrated in the **following example**.

Example

Chapter One: Criminal Conduct	1
1.1 Defining Criminal Conduct	1
1.2 Forms of Criminal Conduct	4
1.2.1 Commissions	7
1.2.2 Omissions	10
1.3 Voluntary Conduct	13
1.3.1 Volition	14
1.3.2 Unconsciousness	18
1.3.3 Superior Force	21
1.4 Liability for Omissions	26
Chapter Two: Causation	32
2.1 Introduction	32
2.1.1 Consequence Crimes	34
2.1.2 Factual Causation	37
2.1.3 Legal Causation	42
2.2 Determining Factual Causation	46
2.2.1 <i>Conditio Sine Qua Non</i>	47
2.2.2 <i>Conditio Cum Qua Non</i>	50
2.3 Determining Legal Causation	54
2.3.1 Public Policy	55
2.3.2 Theories of Legal Causation	59
2.3.2.1 Proximate Cause	60
2.3.2.2 Foreseeability	62
2.3.2.3 Novus Actus Interveniens	65
2.3.2.4 Adequate Cause	68
2.4 Conclusion	70

4. Bibliography

Every assignment or essay must have a **bibliography** which contains full details of sources consulted.

Distinguish the sources (whether paper or electronic) as follows:

- Books, Chapters from Books and Articles
- Case Law
- Legislation and Regulations
- Official Publications (*eg* White Papers; Government Gazettes)

List all items **alphabetically** under each heading, according to the **Rules of Referencing**.

5. Plagiarism Declaration

Each submitted assignment must have attached to it the prescribed **Plagiarism Declaration** which you have completed and signed.

The **Plagiarism Declaration** may be downloaded from the Faculty web-page at: http://www.uwc.ac.za/portal/faculty/law/student_forms.htm.

5. **Page Order**

The order of the pages in your assignment or essay should be:

- Cover Page
- Plagiarism Declaration
- Text with Footnotes
- Bibliography

RULES OF REFERENCING

In order to avoid confusion, there are certain conventional ways of indicating sources. Some of these rules might seem a little petty and picky, but you can imagine the confusion which would prevail if they did not exist!

If, in referring to a particular case for example, you wrote out the page number, the volume number, the year, etc in just any old order, how would the reader know which of the string of numbers refer to the page, the volume and so forth? What if I felt like putting the defendant's name first because I felt that he should have won the case, and cited the case in court in this back-to-front way? I do not think that the judge would be amused.

You can see, therefore, that it is quite important always to put these pieces of information in the same order.

A generally accepted referencing style is outlined below. No advice as to how to refer to foreign legal sources is given, but this information and other details may be obtained by looking at the inside cover of an unbound copy of the South African Law Journal, or at the footnotes in one of the articles. Alternatively, you could consult the chapter entitled 'A bibliographical guide for the perplexed or pathways through the jungle of case law and legal literature' in Kahn *et al Contract and Mercantile Law through the Cases Volume II* 2ed 1985 xxv.

Please note that you should use only one method of referencing consistently throughout your work.

1. Quotation Marks

If you are **quoting** you must indicate that you are doing so by putting a **single quotation mark or inverted comma** at the beginning of the quoted words and one at the end of the quotation, like this: *'Time is of the essence.'*

Long quotations should be **indented**, like this:

'Whilst there are many similarities between crimes and delicts, there are nevertheless also fundamental differences between the two. It is precisely when a crime is compared with a delict that a crime's fundamental characteristics come to the fore.'

If you change a capital to a small letter or vice versa, or if you change or insert a word (called interpolation), you should indicate this by using **square brackets** around the altered or inserted letter or word: *'[F]or the sake of the [law].'*

If you leave out a word or several words (called ellipsis), you must show that you have done so by putting **three little dots** in the gap: *'Possession is ... the law.'*

If, however, the omitted part falls at the end of a sentence, you add an **extra dot** (ie there will now be four) as a full-stop! I told you that the rules were finicky!

The general idea is that you must tell your reader whether you are changing the quotation in any way.

Note that single quotation marks/inverted commas are always used, except where there is a **quotation within a quotation** or within the title of an article, in which case the 'inner' quotation is indicated by means of double quotation marks: According to Gaius, *[m]ost writers refer to this as the "teleological approach"...*

2. **Punctuation and Abbreviations**

The modern convention is **not** to indicate abbreviations by using full-stops. It is old-fashioned to abbreviate *for example* as *e.g.* Today *eg* is sufficient.

Provided that you give correct references, it is never necessary to use the abbreviation *p* for *page* - the number alone is sufficient. Please note that *p* is **not** used in any of the examples given below.

If you want to refer to a page and the one which immediately follows it, eg *page 45 and page 46*, simply say 45-46.

When immediately followed by the relevant number, the following abbreviations may be used **when referring to statutes**:

Item	Abbreviation
Section	s
Paragraph	para
Article	art
Regulation	reg
Proclamation	proc
Schedule	sched

If the word is **not** followed by a number, it should **not** be abbreviated.

The following abbreviations are used after judges' names:

Item	Abbreviation	Example
Judge	J	Smith J
Judges	JJ	Mokoena and Smith JJ
Judge of Appeal	JA	Sithole JA
Judges of Appeal	JJA	Sithole and Jansen JJA
Acting Judge	AJ	Jones AJ
Acting Judge of Appeal	AJA	Moosa AJA

3. Bibliography and Footnotes

- Bibliography

You should supply a list of all the books, articles, cases and other sources to which you have referred (and *only* those to which you have referred - you should not include anything else, even if you have read it!).

This is called a bibliography and appears at the very end of the assignment, essay or take-home test.

Please note that it is **not** acceptable to give references to **lecture notes** which you have taken down yourself in class.

- Footnotes

Whether you are quoting directly or indirectly, you **must** acknowledge the writer and you **must** indicate to the reader the source of the quotation or the idea you are using.

You do this usually in a footnote, that is, a numbered reference at the bottom of the page on which the quotation appears.

4. Citation of Sources

- Cases

For the sake of brevity, only the main South African law reports are dealt with below.

How you refer to a case depends on when it was decided.

In South Africa, the magical date is **1947**: before then, each province had its own law reports.

Post-1947 Cases are cited as follows:

Names of parties in italics; year; volume; SA (to indicate that it comes from the South African law reports); page; court:

***X v Y* 1949 (4) SA 1036 (A)**
***S v Joe Bloggs* 1998 (1) SA 123 (C)**

If you quote from a case, you should also indicate the page and paragraph from which the quotation is taken. The paragraph is identified by the letters in the margin. Thus a **footnote** reference to a case would look as follows:

***S v Joe Bloggs* 1998 (1) SA 123 (C) at 145 A-D**

Pre-1947 Cases are cited as follows:

Names of parties; year; volume number if there is one; court or name of law reports or their abbreviations (eg WLD = Witwatersrand Local Division; SAR = South African Republic Reports). If the case has a volume number, the date should be placed between round brackets.

***A v B* (1890) 1 SAR 41**
***S v Tarzan* 1945 WLD 127**

- **Books**

In your **bibliography**, you must provide the author's surname and initials, year of publication, the title (italicised), the edition (if not the first), publisher, and place of publication, in that order:

Example: Burchell J (2005) *Principles of Criminal law (3ed)* Juta and Company Ltd: Cape Town.

In **footnotes**, it is necessary only to give the author's surname, the year of publication and the page from which the quotation or idea is taken:

Example: Burchell (2005: 27).

- **Chapters from Books**

Bibliographic citations of chapters from books follow essentially the same pattern as for complete books, with minor adjustments.

Example: Smart C (1991) 'Feminist Jurisprudence' in Fitzpatrick P (ed) *Dangerous Supplements: Resistance and Renewal in Jurisprudence* Pluto Press: London.

To **footnote** a reference to this chapter:

Example: Smart (1991: 148).

- **Journal Articles**

For **bibliography**: Author's surname and initials; title of article (in single inverted commas, not underlined, with only the first letter of each word in the title capitalised); year of publication; volume number/issue number (if there is one); title of journal (in italics); page on which the article begins.

It is acceptable to abbreviate the title of some journals eg *South African Law Journal (SALJ)*; *Tydskrif vir Hedendaagse Romeins-Hollandse Reg (THRHR)*; *Annual Survey (AS)*, and so on.

Example: Bekker P (1996) 'Plea Bargaining in the United States of America and South Africa' 29(1) *Comparative and International Law Journal of South Africa* 168.

For **footnotes**: author; year of publication; page number from which the quotation or idea is taken

Example: Bekker (1996: 173).

- **Web sites**

For **bibliography**: Author's surname and initials; title of article in inverted commas; the web address between < > and underlined; and the date the web site was accessed between square brackets [].

Example: Camerer L (1997) 'Crime, Violence and Punishment – Putting Victims of the Agenda'
<<http://www.iss.co.za/Monographs/no3/victimmovement.html>>
[accessed on 19 April 2009].

For **footnotes**: as for books, chapters and journal articles

Example: Camerer (1997: 24-25).

- **Statutes and Regulations**

For **bibliography**: the name, the number and the year, in that order:

Examples: Criminal Procedure Act 51 of 1977
Regulation 1182, dated 9 September 1997, published in GG 26825 of 9 September 1997

For **footnotes**: name of statute/regulation and section(s) quoted:

Examples: Criminal Procedure Act, s 48(1)
Regulation 1182, ss 3-5

PLAGIARISM DECLARATION

Students are required to complete this Declaration and include it after the Cover Page of every assignment, essay and take-home test submitted for credit in the Law Faculty.

An assignment, essay or take-home test submitted without a completed Declaration will not be evaluated.

I hereby declare and warrant that	√	x
I have read and understood the relevant sections in the <i>Law Students' Handbook</i> relating to plagiarism, citation and referencing.		
I understand what plagiarism means and that it the worst academic sin.		
I have acknowledged all quotations which I have used in my assignment, essay or take-home test.		
I have acknowledged all the ideas of others which I have used in my assignment , essay or take-home test.		
I have acknowledged all my sources in accordance with the referencing rules found in the <i>Law Students' Handbook</i> .		
I have included a bibliography of all my sources.		
I have not copied anyone else's assignment, essay or take-home test or any part thereof.		
I have not permitted anyone else to copy my assignment, essay or take-home test or any part thereof.		
I have not plagiarised.		

Surname:

First Names(s):

Student Number:

Signature:

Date:

PRIZES, SCHOLARSHIPS AND BURSARIES

The following prizes, scholarships and bursaries may be won by law students:

- ***Leigh Day Scholarship (London, UK)***

The scholarship covers full tuition fees for the first year of the LLB and is renewable for the remaining three years of the LLB as well as for the LLM year where applicable.

Criteria:

1. Financial need;
2. Academic merit - based on first semester results in the first year of study.

- ***The Sonnenberg, Hoffmann and Galombik Prize***

This firm of attorneys in Cape Town, offers a bursary of R1250.00 to the best final-year LLB student on the basis of results obtained in the previous year's examinations.

- ***The Hofmeyr-Herbstein-Gihwala Medal***

This is the most prestigious academic award in the Faculty of Law. It is awarded to the student who has obtained the best academic results in the course of studies for the LLB degree.

- ***The Juta Book Prize*** is awarded to the best LLB graduate.

- ***The Butterworth Prize*** is awarded to the best Research Paper by an LLB student.

- ***The Tygerberg Attorneys' Association Bursary*** is available to two LLB students

- ***Raymond & McCreath Award*** is presented annually to the best student in the Law of Civil Procedure.

- ***The Adams & Adams Prize*** is awarded annually to the best student in Intellectual Property Law.

- ***The South African Society for Labour Law (SASLAW) Prize*** is awarded annually to the best student in Labour Law.

- ***Other Bursaries and Loans***

Students are advised to consult websites of the various law firms which periodically list bursaries for LLB students.

UNIVERSITY TERMS AND SEMESTERS

Monday 2 February 2015	Start of First Term Start of First Semester
Friday 27 March 2015	End of First Term
VACATION	
Tuesday 7 April 2015	Start of Second Term
Thursday 18 June 2015	End of Second Term End of First Semester
VACATION	
Monday 13 July 2015	Start of Third Term Start of Second Semester
Friday 28 August 2015	End of Third Term
VACATION	
Monday 7 September 2015	Start of Fourth Term
Wednesday 25 November 2015	End of Fourth Term End of Second Semester
VACATION	

IMPORTANT DATES: 2015

Friday 15 May 2015	Publication of first-semester coursework marks
Friday 23 October 2015	Publication of second-semester coursework marks

FACULTY OFFICE HOURS

MONDAYS, WEDNESDAYS AND FRIDAYS

10:30 – 16:30

TUESDAYS AND THURSDAYS

9:30 – 14:00