

# **MASTER OF PHILOSOPHY (Structured – 7871) / (Thesis – 7860)**

## **H.43 ADMISSION**

Unless Senate decides otherwise, candidates will be required to meet the following criteria to be enrolled for the programme: **Master of Philosophy – MPhil (as indicated in H.46.1)**

Candidates who have not obtained an LLB or equivalent qualification, but have a degree or diploma of the University or of another tertiary institution, which latter degree or diploma, in the opinion of the Faculty of Law and Senate, is of a comparable standard, or who have in any other manner attained a level of competence which, in the opinion of the Faculty of Law and Senate, is adequate for the purpose of admission, may be registered for the MPhil degree.

## **H.44 SELECTION**

As only a limited number of students can be admitted to the programme, applicants will be subject to a selection procedure.

## **H.45 DURATION**

Unless Senate decides otherwise the duration of the programme shall be one year full-time and two years part- time, with a maximum period of study of three years.

## **H.46 CURRICULUM**

**H.46.1** The Masters of Philosophy programme is offered in the following areas of specialisation:

- Comparative Labour Law
- Comparative Constitutional Law
- Disability Law (Not Offered)
- Environment Law
- Human Rights Protection
- Law, State and Multilevel Government
- Transnational Criminal Justice
- Mercantile Law

**H.46.2** A student registered for the MPhil degree in the Faculty of Law may follow any of the following Modes:

- MODE I: Four Modules and a Research Paper
- MODE II: Two Modules and a Mini-Thesis
- MODE III: Full Thesis

### **H.46.3 MODE I: Four Modules and a Research Paper (7871)**

#### **H.46.3.1 Comparative Labour Law**

<b>Module Name</b>	<b>Alpha Code</b>	<b>Cred</b>
<b>Compulsory</b>		
Research Paper (1st Enrolment)	LAB805	60
Research Paper (2nd Enrolment)	LAB806	
Law of Unfair Dismissal 812	LAB812	30
Dispute Resolution 811	DPR811	30
Labour Law in the New Global Market 811	LAB811	30
The Extension of Social Protection 811	ESP811	30
	<b>TOTAL</b>	<b>180</b>

### H.46.3.2 Comparative Constitutional Law

<b>Module Name</b>	<b>Alpha Code</b>	<b>Cred</b>
<b>Compulsory</b>		
Research Paper (1st Enrolment)	CLL805	60
Research Paper (2nd Enrolment)	CLL806	
Comparative Constitutional Law	CCL811	30
Constitutional Law, Politics and Theory	CIN811	30
Constitutional Design in Divided Societies	CDS811	30
Constitutional Rights Interpretation	CIN800	30
	<b>TOTAL</b>	<b>180</b>

### H.46.3.3 Law, State and Multilevel Government

<b>Module Name</b>	<b>Alpha Code</b>	<b>Cred</b>
<b>Compulsory</b>		
Research Paper (1st Enrolment)	MLG805	60
Research Paper (2nd Enrolment)	MLG806	
Multilevel Governance	CLL814	30
Rule of Law and Good Governance	LGG811	30
Local Government	LGL812	30
<b>Electives (select 1 module)</b>		
Constitutional Law Practice 811 (full-time only)	CLL811	30
Constitutional Design in Divided Societies	CDS811	30
	<b>TOTAL</b>	<b>180</b>

### H.46.3.4 Transnational Criminal Justice

<b>Module Name</b>	<b>Alpha Code</b>	<b>Cred</b>
<b>Compulsory</b>		
Research Paper (1st Enrolment)	TCJ805	60
Research Paper (2nd Enrolment)	TCJ806	
International Anti-Corruption Law	IAL812	30
International Criminal Law 811	IHR811	30
International Anti-Money Laundering Law 811	OML811	30
Transitional Justice 812	IHR812	30
	<b>TOTAL</b>	<b>180</b>

### H.46.3.5 Mercantile Law

<b>Module Name</b>	<b>Alpha Code</b>	<b>Cred</b>
<b>Compulsory</b>		
Research Paper (1st Enrolment)	MER805	60
Research Paper (2nd Enrolment)	MER806	
<b>Electives (select 4 modules)</b>		
Information and Communication Technology Law	CTL812	30
Dispute Settlement in International Transactions	SIT811	30
Comparative Regional Integration & Development	IHR813	30
Corporate Finance and Corporate Governance 811	CFG811	30
International Trade	ITB811	30
	<b>TOTAL</b>	<b>180</b>

## **H.46.4     MODE II: Two Modules and a Mini-Thesis (7871)**

### **H.46.4.1    Comparative Labour Law**

<b>Module Name</b>	<b>Alpha Code</b>	<b>Cred</b>
<b>Compulsory</b>		
Mini – Thesis (1st Enrolment)	LAB803	120
Mini – Thesis (2nd Enrolment)	LAB804	
<b>Electives (select 2 modules)</b>		
Dispute Resolution 811	DPR811	30
Law of Unfair Dismissal 812	LAB812	30
Labour Law in the New Global Market 811	LAB811	30
The Extension of Social Protection 811	ESP811	30
<b>TOTAL</b>		<b>180</b>

### **H.46.4.2    Comparative Constitutional Law**

<b>Module Name</b>	<b>Alpha Code</b>	<b>Cred</b>
<b>Compulsory</b>		
Mini – Thesis (1st Enrolment)	CLL803	120
Mini – Thesis (2nd Enrolment)	CLL804	
Comparative Constitutional Law 811	CCL811	30
<b>Electives (select 1 module)</b>		
Constitutional Design in Divided Societies	CDS811	30
Constitutional Law, Politics and Theory	CIN811	30
Constitutional Rights Interpretation	CIN800	30
<b>TOTAL</b>		<b>180</b>

### **H.46.4.3    Mercantile Law**

<b>Module Name</b>	<b>Alpha Code</b>	<b>Cred</b>
<b>Compulsory</b>		
Mini – Thesis (1st Enrolment)	MER803	120
Mini – Thesis (2nd Enrolment)	MER804	
<b>Electives (select 2 modules)</b>		
Information and Communication Technology Law 812	CTL812	30
Dispute Settlement in International Transactions 811	SIT811	30
Comparative Regional Integration & Development	IHR813	30
Corporate Finance and Corporate Governance 811	CFG811	30
International Trade	ITB811	30
<b>TOTAL</b>		<b>180</b>

### **H.46.4.4    Disability Law (Not Offered)**

<b>Module Name</b>	<b>Alpha Code</b>	<b>Cred</b>
<b>Compulsory</b>		
Mini – Thesis (1st Enrolment)	DSL803	120
Mini – Thesis (2nd Enrolment)	DSL804	
Introduction to Disability Law and Policy 811	DLP811	30
UN Disability Convention and Optional Protocol 812	DPC812	30
<b>TOTAL</b>		<b>180</b>

#### H.46.4.5 Environment Law

<b>Module Name</b>	<b>Alpha Code</b>	<b>Cred</b>
<b>Compulsory</b>		
Mini – Thesis (1st Enrolment)	IEL803	120
Mini – Thesis (2nd Enrolment)	IEL804	
International Environmental Law 811	IEL811	30
Advanced Environmental Law 812	IEL812	30
	<b>TOTAL</b>	<b>180</b>

#### H.46.4.6 Human Rights Protection

<b>Module Name</b>	<b>Alpha Code</b>	<b>Cred</b>
<b>Compulsory</b>		
Mini – Thesis (1st Enrolment)	IHR803	120
Mini – Thesis (2nd Enrolment)	IHR804	
International Protection of Human Rights Law 814	IHR814	30
International Humanitarian Law 815	IHR815	30
	<b>TOTAL</b>	<b>180</b>

#### H.46.5 MODE III: Full Thesis (7860)

<b>Module Name</b>	<b>Alpha Code</b>	<b>Cred</b>
Comparative Labour Law	LAB801/802	180
Comparative Constitutional Law	CLL801/802	180
Disability Law (Not Offered)	DSL801/802	180
Environment Law	IEL801/802	180
Human Rights Protection	IHR801/802	180
Law, State and Multilevel Government	MLG801/802	180
Transnational Criminal Justice	TCJ801/802	180
Mercantile Law	MER801/802	180
	<b>TOTAL</b>	<b>180</b>

#### H.47 ASSESSMENT

**H.47.1** Assessment is governed by Rule A.5 as stipulated in the University Calendar: General Information Part 1.

**H.47.2** Unless the Faculty Board otherwise decides, a candidate, in respect of modules enrolled for at this University, must:

**H.47.2.1** Submit at least one research essay of approximately five thousand words for every module or equivalent form of assessment of the candidate's research ability (which shall be submitted for assessment at least two calendar weeks before the dates scheduled for the examination referred to in Rule H.47.2.2) and

**H.47.2.2** Sit for an examination or final assessment in each module, the format which shall be determined by the relevant academic department.

**H.47.3** In respect of modules enrolled for at another University or Practical Legal School, a candidate must comply with the assessment requirements of that University or Practical Legal School.

#### H.48 PROGRESS RULES

Registration for the following year of study will be recommended by the supervisor if in his/her opinion adequate progress has been made during the current year (See Rule A.3.3).

## **H.49 RENEWAL OF REGISTRATION**

The renewal of registration will be governed by the Rule A.4, as stipulated in the University Calendar: General Information Part 1.

## **H.50 SPECIAL REQUIREMENTS FOR THE PROGRAMME**

### **H.50.1 MODE I**

**H.50.1.1** At least two modules listed in Rule H.46.3 must be chosen from this University.

**H.50.1.2** The two further modules may be chosen from the modules offered by any of the Universities listed in H.33.1.2, provided that the choice is approved by the relevant academic department.

**H.50.1.3** A candidate may choose as one of the two modules referred to in Rule H.50.1.2 above the full-time Practical Legal Training course offered by the Law Society of South Africa at any of the venues where it is offered.

### **H.50.1.4 Research Paper**

**H.50.1.4.1** A candidate must present a research paper of approximately 18 000 words which demonstrates the candidate's ability to conduct independent research and which is in a format suitable for publication.

**H.50.1.4.2** The topic of the research paper must be chosen by the candidate after consultation with and with the approval of the supervisor concerned.

**H.50.1.4.3** Unless extension of time has been granted by the Faculty Board, the research paper must be submitted for assessment within 3 calendar months after the candidate concerned has completed the last assessment in the four modules for which he/she has enrolled.

**H.50.1.4.4** No candidate may present a research paper for assessment unless he/she has successfully completed at least half of the modules required for the completion of the degree.

**H.50.1.4.5** A candidate may not be re-admitted to the programme if he/she has not presented his/her research paper for assessment within two years after completion of the coursework, unless an extension has been granted by Senate.

**H.50.1.4.6** A candidate must, for the purposes of assessment, submit two provisional copies of his/her research paper. The research paper must, as a rule, be typed in double spacing and shall be satisfactorily bound. After approval of the research paper and before the degree is conferred at least one further unbound copy and one CD of the research paper, shall be furnished. A summary of the research paper, not exceeding five hundred words, is also required.

**H.50.1.5** Candidates who have obtained a Postgraduate Diploma in Law may register for the following:

**H.50.1.5.1** Two modules other than the modules taken for the diploma, and a research paper.

**H.50.1.5.2** The two modules may be chosen from the modules offered by any of the Universities listed in H.33.1.2, provided that the choice is approved by the relevant academic department.

**H.50.1.5.3** A candidate may choose as one of the two modules referred to in Rule H.50.1.5.2 above the full-time Practical Legal Training Course offered by the Law Society of South Africa at any of the venues where it is offered.

## **H.50.2 MODE II**

**H.50.2.1** Modules must be chosen from the modules offered by the University of the Western Cape (See the Curriculum at H.46.4), provided further that the choice is approved by the relevant academic department.

### **H.50.2.2 Mini-thesis**

**H.50.2.2.1** A candidate must present a mini-thesis consisting of approximately 30 000 words which must be a satisfactory contribution to the knowledge of the subject.

**H.50.2.2.2** The topic of the mini-thesis must be chosen by the candidate after consultation with and with the approval of the supervisor concerned.

**H.50.2.2.3** The mini-thesis must be presented within twelve months after the end of the academic year in which the candidate completes his/her coursework unless the Faculty Board, on good cause shown, approves a longer period of time.

**H.50.2.2.4** A candidate may not be re-admitted to the programme without permission of Senate if, three years after the completion of the coursework, he/she has not submitted his/her mini-thesis.

**H.50.2.2.5** For the purposes of assessment, a candidate must submit two provisional copies of his/her mini-thesis. The mini-thesis must, as a rule, be typed in double spacing and shall be satisfactorily bound. After approval of the mini-thesis and before the degree is conferred, at least one further unbound copy and one CD of the mini-thesis shall be furnished. A summary of the mini-thesis, not exceeding five hundred words, is also required.

## **H.50.3 MODE III**

**H.50.3.1** A candidate registered for the MPhil (full thesis) programme undertakes supervised programmes of research of not less than one year's duration and must submit a thesis which usually will not exceed 50 000 words in length for examination.

**H.50.3.2** The title of the thesis together with the candidate's application for admission to the study for the degree, shall be submitted by him/her to the Senate for its approval.

**H.50.3.3** The title of the thesis shall be approved for a period of three years, after which period the candidate may apply for an extension.

**H.50.3.4** A candidate shall research and write his/her thesis under the guidance of a supervisor approved by Senate. The Senate may appoint a supervisor or co-supervisor from outside the University.

**H.50.3.5** The thesis shall be a satisfactory contribution to knowledge on a subject of legal interest.

**H.50.3.6** The candidate may be required to submit, together with his/her thesis, a copy of every mini-thesis or thesis previously submitted by him/her for another degree, whether it was accepted or not.

- H.50.3.7** Except with permission from Senate, no thesis shall be submitted unless it is accompanied by a written declaration from the supervisor and co-supervisor (if appointed) in which permission is granted for the assessment of the thesis. Such declaration shall not necessarily imply that the thesis is considered to be acceptable.
- H.50.3.8** For the purposes of assessment, a candidate must submit two provisional copies of his/her thesis. The thesis must, as a rule, be typed in double spacing and shall be satisfactorily bound. After approval of the thesis and before the degree is conferred, at least one further unbound copy and one CD of the thesis shall be furnished. A summary of the thesis, not exceeding five hundred words, is also required.
- H.50.3.9** The thesis shall be submitted not later than the dates stipulated in the University Calendar.
- H.50.3.10** No thesis which has previously been submitted for a degree at another university shall be accepted, but material taken from publications of the candidate may be incorporated therein.