



RHODES UNIVERSITY

Where leaders learn



“Who I am at different stages of my life has an impact on how the law identifies my capacity to act.”

TN Mashinini

Law of Persons

Course Outline 2018

1. INTRODUCTION

1.1 General Information

	Name	Room no. and Building	Telephone no. and email address
Lecturer	Ms Mashinini	Law F6A	046 603 8433 t.mashinini@ru.ac.za
Consultation Hours	Mondays 10:30 - 13:30 Tuesdays 11:30 - 15:30 Wednesdays 12:30 - 16:30 <i>Students who cannot consult the lecturer during the abovementioned timeslots must set an appointment with the lecturer and allow 24 hours for response to emails in this regard</i>		

1.2 Purpose of course

The Law of Persons is a stand-alone semester course that counts as a credit in the Faculty of Law for LLB2, as well as comprising one of the six component courses for the Legal Theory 2 major in the Faculty of Humanities, Sciences and Commerce.

The Law of Persons forms part of private law, and is concerned with the determination of legal subjectivity, the rights and duties associated with legal personality, and issues of legal status. Therefore the purpose of this course is:

- to provide students with insight into the content, development and scope of the Law of Persons;
- to familiarise students with the concept of legal personality, how it begins and ends, what it entails, and the rights and duties associated with legal personality;
- to introduce students to the legal principles that affect legal status, such as domicile, age and insanity etc...
- to examine the influence and impact of the Constitution of the Republic of South Africa, 1996 has on the Law of Persons;
- to introduce students to the sources of the Law of Persons and to assist students in extracting principles from these sources;
- to assist students with the legal concepts and terminology commonly encountered in the Law of Persons.

1.3 Credit Value

This course is worth 10 credits, which translates to 10 hours must be spent on this course per week, including the time spent in lectures.

1.4 Assumptions of Prior Learning

In order to successfully complete this course, students should:

- be capable of communicating competently in written and spoken English;
- be able to work/study independently by reading, extracting and analysing relevant information from various sources of law;
- access resources, especially the library and electronic resources;
- apply legal problem-solving techniques;
- follow appropriate legal referencing conventions in written work.

2. OUTCOMES

2.1 Critical Cross-Field Outcomes

It is intended that students will be able to:

- a) identify and solve legal problems
- b) organize and manage themselves effectively
- c) collect, analyse and evaluate information
- d) communicate effectively, both in class and in written work
- e) develop independent research skills, including the use of technology for legal research
- f) recognize problem solving contexts involving Law of Persons
- g) participate as a responsible citizen
- h) be culturally and aesthetically sensitive

2.2 Specific Intended Outcomes

It is intended that at the end of this course, students will be able to:

- a) Show an in-depth understanding of the basic principles that underlie the Law of Persons, such as the beginning and end of legal subjectivity, the implications of various factors affecting a legal subject's status;
- b) understand and appreciate the influence of Constitutional principles on the Law of Persons, and how the courts have harmonized these common law principles;
- c) explain the utility of the Law of Persons as a basis for creating rights and obligations;
- d) evaluate the laws governing the Law of Persons;
- e) Apply the knowledge gained during the course to solve practical problems arising from personality rights

3. TEACHING METHODS

As a point of departure, the course will be taught by way of a discussion and critical analysis of legal rules and principles as contained in the prescribed textbook. Students are expected to actively participate in class and tutorial discussions. In order to be able to participate, students are advised to prepare for each lecture in advance. In both the class sessions and tutorial sessions, hypothetical scenarios will be used to explain and assess student learning in this course. Students are highly encouraged to use both classes and tutorials to enrich their understanding of the course content and also explore how other areas of law may be influenced by the Law of Persons.

Various methodologies of teaching and teaching tools will be used throughout the semester. Amongst others, PowerPoint slides, Google Apps, peer assessment, group discussion and other academic technologies will be employed to accommodate different learning preferences.

4. RESOURCES

Prescribed textbooks

- J Heaton *The South African Law of Persons* 5th ed (2017) Durban: LexisNexis
- J Heaton *Casebook on the South African Law of Persons* 5th ed (2017) Durban: LexisNexis

Recommended sources:

Recommended readings are not compulsory for assessment purposes but they serve as a useful tool for understanding challenging concepts and principles. These readings further give one a broader view of the operation of certain legal rules as different authors express different views on legal principles and case decisions. The following readings are recommended but are not exhaustive:

- A Barratt (ed) *Law of Persons and the family* 2nd ed (2017) Pearson: Cape Town
- T Boezaart *Law of Persons: Sourcebook* 6th ed (2016) Claremont: Juta

PLEASE BE ADVISED THAT THE PRESCRIBED MATERIAL IS SUBJECT TO CHANGE, AS IS THE LAW, AND THAT I RESERVE THE RIGHT TO ADD/REPLACE STUDY MATERIAL DURING THE COURSE OF THE SEMESTER.

ANNOUNCEMENTS IN THIS RESPECT WILL BE MADE DURING CLASS / ON RUCONNECTED AND STUDENTS ARE EXPECTED TO REMAIN UP TO DATE.

5. STUDENT ASSESSMENT

Specific Outcomes	Assessment Criteria	Assessment Tasks
<i>Students are expected to develop:</i>	<i>Students must provide evidence of competency in the following ways:</i>	<i>Students may be expected to:</i>
1 Show an in-depth understanding of the basic principles that underlie the Law of Persons.	Identify, explain and critically analyse the basic principles of the Law of Persons.	Class discussion Problem and theory questions in class work and examination
2 Understand and appreciate the influence of the Constitution on the Law of Persons	Identify key constitutional provisions that affect the Law of Persons Explain the implications and effects of these provisions Analyse current constitutional reforms in the Law of Persons	Class discussion Problem and theory questions in class work and examination
3 Explain the utility of the Law of Persons	Identify the role of Law of Persons and explain its importance in everyday life	Class discussion Problem and theory questions in class work and examination
4 Evaluate the laws governing the Law of Persons	Identify and find relevant texts, judicial decisions, journal writings and other resources relevant to the Law of Persons. Explain these laws and analyse their adequacy. Identify shortfalls and make suggestions for law reform.	Class discussion Problem and theory questions in class work and examination
5 Apply the knowledge gained during the course to solve practical problems arising from personality rights	Synthesise and integrate the knowledge gained in order to propose practical solutions to problems associated with the Law of Persons, and advise accordingly.	Class discussion Problem and theory questions in class work and examination

Assessment strategy

The final mark for the course is made up of the following components:

Test	(10)	}	30
Assignment	(10)		
Tutorial Participation	(10)		
Exam	(70)		

Total:	<u>100</u>		

6. COURSE CONTENT

Theme 1: Introduction

Heaton *The South African Law of Persons* Chapter 1 (p 1-6)

Theme 2: Beginning and end of legal personality

Heaton *The South African Law of Persons* Chapter 2 (p 7-33)

Theme 3: Status

Heaton *The South African Law of Persons* Chapter 3 (p 35-37)

Theme 4: Domicile

Heaton *The South African Law of Persons* Chapter 4 (p 39-46)

Theme 5: Children of unmarried parents

Heaton *The South African Law of Persons* Chapter 5 (p 47-77)

Theme 6: Minority

Heaton *The South African Law of Persons* Chapter 6 (p 79-111)

Theme 7: Mental Illness

Heaton *The South African Law of Persons* Chapter 7 (p 113-125)

Theme 8: Inability to administer affairs owing to reasons other than mental illness

Heaton *The South African Law of Persons* Chapter 8 (p 127-130)

Theme 9: Influence of alcohol and drugs

Heaton *The South African Law of Persons* Chapter 9 (p 131)

Theme 10: Prodigality

Heaton *The South African Law of Persons* Chapter 10 (p 133-138)

Theme 11: Insolvency

Heaton *The South African Law of Persons* Chapter 11 (p 139-142)

7. STUDENT FEEDBACK / EVALUATION

The manner in which students experience the course, the lecturer's approach to the course and assessments tasks is an important part of teaching and learning. As a result, students will be required to participate in a course evaluation at the end of the 3rd term which will be coordinated by CHERTL. The purpose of this evaluation is to give students a platform to express and reflect on how they experience the course as a whole and provide suggestions for improvement. It is important for this evaluation to take place in the middle of the semester to promptly address any legitimate concerns that students may have about the course and their performance in the course. At the end of the 4th term, students will be requested to complete an evaluation questionnaire in which they will reflect and comment on the course and reflect on how the course has evolved since the first evaluation. Students are highly encouraged to use these two platforms to express their concerns, challenges and even suggest possible ways in which the course can improve.