



RHODES UNIVERSITY
FACULTY OF LAW

Life Partnerships



Course Outline
2024

Ms Y Ndamase
y.ndamase@ru.ac.za

1. Introduction

The Law of Life Partnerships is a compulsory 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 Three major in the Faculty of Humanities, Science and Commerce.

It is an introductory course on the law affecting intimate relationships in South Africa. The Law of Life Partnerships forms part of private law. It deals with the traditional laws of husband and wife, as well as the evolution of traditional concepts in recent years under the influence of the Constitution to accommodate customary, Muslim and same-sex partnerships. In particular, this course deals with the consequences of marriage, civil unions and other marriage-like relationships.

1.1. How to use this document

This outline will guide you through the course content and the various sources you will work with. In order to keep track of what is discussed in class and also to plan ahead for the semester, you are expected first to read this outline at least twice and to refer to this outline throughout the semester.

1.2. National Qualification Framework Level (NQF)

This course is pegged at NQF Level 7. The South African National Qualifications Authority describes the level as providing a scaffold from which outcomes can be derived, depending on the context of the course.

For your interest, see the appendix for the description of this level.

1.3. Credit Value

The course carries 10 credits. This translates into 10 hours to be spent on this course per week, including the time spent online (lectures, forums, quizzes etc).

Lecturer's contact details

| | Name | Room no. and Building | email address |
|--|------------|-------------------------------|--|
| Lecturer | Ms Ndamase | 2nd Floor Office S2 Law | y.ndamase@ru.ac.za |
| <p>Please allow the lecturer 24 hours to respond to your email with a confirmation of the appointment date and time. The lecturer's availability may be affected by administrative meetings.</p> | | | |

2. Assumptions of prior learning

In order to successfully complete this course, students should:

- Communicate coherently in both written and spoken English;
- Be familiar with basic legal concepts and terminology;
- Be familiar with core Constitutional values and ideas;
- Be capable of accessing resources (including books, law reports and statutes) in the Law Library and online;
- Be capable of critically analysing and extracting relevant legal principles from law reports and other material;
- Be able to identify principles and apply them to a set of facts;
- Be able to understand and apply the referencing techniques prescribed by the Faculty of Law;

3. Critical Outcomes

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

- Identify and solve practical legal problems;
- Organise and manage their workload;
- Collect, analyse and evaluate information;
- Communicate effectively (both orally, in zoom meetings where possible, and in written assignments and tests);
- Use technology in accessing prescribed material and researching assignments.

4. Specific Outcomes

Students successfully completing this course should be able to:

- Understand and appreciate the influence of Constitutional principles on the Law of Life Partnerships, and how the courts have harmonised these with common law principles;
- Understand and explain the recent development of South African law relating to religious marriages, domestic partnerships and civil unions;
- Understand and explain the statutory and common law principles which govern engagement and marriage in South Africa;
- Apply the knowledge gained during this course to solve practical problems.

5. Teaching Method

The course will be taught by way of a discussion and critical analysis of legal rules and principles as contained in the prescribed textbooks. Students are expected to participate actively in class. In order to be able to participate, students are advised to prepare for each lecture in advance. Hypothetical scenarios may be used to explain and assess student learning in this course. Students are expected to read ahead of the next lecture so that they may participate in the lecture and solve legal problems either individually or in groups.

Students should watch out for information on problem-solving sessions in lecture venues from the third week of term. Prof Glover, as course coordinator, will advise students of the structure and nature of these sessions asap.

6. Student Assessment

| Specific Outcomes | Assessment Criteria | Assessment Tasks |
|--|---|--|
| Understand and appreciate the influence of Constitutional principles on the Law of Life Partnerships, and how the courts have harmonised these with common law principles. | <ul style="list-style-type: none"> - Critically discuss recent statutory and case law aimed at harmonising common law principles with Constitutional law principles. - Analyse adequacy of measures taken. | <ul style="list-style-type: none"> - Theory and problem questions in exam. - Class assignment. |
| Understand and explain the recent development of South African law relating to customary marriages, religious marriages, domestic | <ul style="list-style-type: none"> - Critically discuss the recent changes to the South African law relating to intimate relationships. - Analyse the adequacy of these changes in light of the Constitution. | <ul style="list-style-type: none"> - Theory and problem questions in exam. |

| | | |
|--|--|--|
| partnerships and civil unions. | - Demonstrate an understanding of the court decisions in which this area of the law has been developed. | |
| Understand and explain the statutory and common law principles which govern engagement and marriage in South Africa. | <ul style="list-style-type: none"> - Discuss the law relating to engagement and the termination thereof. - Identify and explain the requirements for a valid marriage. - Explain when a marriage may be void or voidable and the effects that this shall have on the marriage. - Explain the requirements for and consequences of a putative marriage. - Discuss the invariable consequences of a valid marriage. - Discuss the various matrimonial property systems that exist in South Africa. - Explain the consequences of the death of one spouse. - Discuss the South African law pertaining to divorce and the consequences thereof. - Demonstrate an understanding of the court decisions relating to the statutory and common law principles which govern engagement and marriage in South Africa. | <ul style="list-style-type: none"> - Theory and problem questions in exam. - Class assignment. |
| Apply the knowledge gained during this course to solve practical legal problems. | - Apply the relevant law and precedents to a set of facts. | <ul style="list-style-type: none"> - Problem solving exercises. - Problem questions in exam. |

7. Assessment strategy

Assessment weighing

The final mark of the course is comprised of the following

Classwork: 30 marks [Test & Assignment]

Examination: 70 marks

Total: 100 marks

You are encouraged to make proper use of all these assessment opportunities below as each will contribute to your final mark. Failure to complete the class work assessment timeously will result in the removal of your DP for the course. Please consult the Faculty Handbook re: DP requirements.

June Examinations

The June examinations will be sit-down exams. The examination is compulsory. Students can expect both theory and problem-type questions in this exam. The exam

will count 70% towards final mark. An external examiner will assess the quality of both examination and students' answers

Assessment Dates

Test: Thursday, 14 March 2024, Great Hall @6pm

Assignment Due Date: TBC

8. Evaluation

Students will be required to complete evaluation questionnaires according to the Law Faculty's evaluation cycle. As a result, students will be required to participate in a course evaluation at the end of the 1st term. 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.

At the end of the 2nd term, students will be requested to complete an evaluation questionnaire in which they reflect on how the course has evolved since the first evaluation.

Students are highly encouraged to use these two platforms to express their concerns, and even suggest ways in which the course can improve.

9. Course Content

1. Introduction
2. The Constitution and Life Partnerships
3. Engagement
4. Civil Marriage
 - a. Legal Requirements for a Civil Marriage
 - b. Void and Voidable Civil Marriages
 - c. The Invariable consequences of Civil Marriage
 - d. The Variable Consequence of Civil Marriage
 - e. The Dissolution of Civil Marriage by Death or Divorce
 - f. Patrimonial Consequences of Divorce
 - g. Maintenance of Spouse after Divorce
 - h. Interest of Children of Divorcing Parents
5. Civil Unions
6. Customary Marriages & Religious Marriages
 - a. Muslim Marriages
 - b. Hindu Marriages
7. Different Matrimonial Property Regimes
8. Life Partnerships

10. Study Material



The prescribed texts for this course are:

[J Heaton & H Kruger *South African Family Law* 4 ed \(2015\) LexisNexis: Durban](#)

[J Heaton & H Kruger *Casebook on South African Family Law* 4 ed \(2015\) LexisNexis: Durban](#)

Copies of other important family law texts can be found in the Law Library on short loan:

A Barratt (ed) *Law of Persons and the Family* 2 ed (2017) Pearson: Cape Town
J Heaton (ed) *The Law of Divorce and Dissolution of Life Partnerships in South Africa* (2014) Juta: Cape Town.

B Clark (ed) *Family Law Service* Butterworths: Durban (available online on LexisNexis)

A Skelton (ed) *Family Law in South Africa* (2010) Oxford University Press: Cape Town.

On occasion, students may also be referred to journal articles on aspects of the course content. These may be found in the library (where indicated, students will be able to access journal articles electronically). Students are encouraged to use all the available library resources and to familiarise themselves with the relevant texts on the Law of Life Partnerships visiting electronic resources such as Hein-on-Line and SA e-Publications.

Yolani Ndamase 2024