



## LLB (Hons) [OUba029]

### 1. Aims of the Programme:

The aim of this programme is to offer the learners the opportunity to develop an advanced interdisciplinary understanding of the fundamental principles of law. It also addresses international legal issues.

This programme aims at allowing learners to master legal aspects pertaining to the hybrid nature of the Mauritian law. This programme is geared towards working learners or learners in the legal profession who would like to expand their knowledge of the legal field.

Hence, learners will also have the opportunity to develop an understanding of international laws and how it interacts with the domestic legal system.

### 2. Objectives:

At the end of the programme, learners are expected to:

- prepare for Bar exams both local and abroad.
- have the necessary legal/analytical skills to embrace a career in the legal profession.
- be able to discuss about the key aspects and concerns that have built up International Law.

### 3. General Entry Requirements:

Applicants should have at least three credits including a "Credit" in English Language and at least an "O" level "Pass" in French Language or a pass in the subjects mentioned at HSC/GCE "A" level, and

1. **EITHER** three "A" levels or two "A" levels (comprised of "A", "B" or "C") and two subjects at subsidiary level at Higher School Certificate (HSC)
2. **OR** an appropriate equivalent Diploma/Certificate/Foundation Courses approved by the Open University of Mauritius



3. **OR** for International learners, applicants will be required to seek an equivalence from the Higher Education Regulatory Body in order to comply with the previous entry requirements
4. **OR** for any learner withholding a previous degree in any field
5. **OR** for any mature candidate having one "A" Level (comprised of "A", "B" or "C") and a minimum of three years of working experience in legal institutions.

Please consult the *General Rules and Regulations* of the Open University of Mauritius (OU) for further details. Same is accessible on the OU website ([www.open.ac.mu](http://www.open.ac.mu)).

#### 4. **Programme Requirements**

Applicants are not required to have any prior knowledge of law. However, they must have a mastery of the English Language.

#### 5. **Minimum Requirements for Awards**

##### a) **Degree Award**

For the award of the degree, all modules of the programme, including work placement must be completed. A total of 110 credits will be required to be awarded the LLB (Hons) degree.

#### **N.B. This programme provides for one Exit point:**

Subject to the approval of the Board of Examiners and Council, learners having achieved between 30-59 credits within 4 years (maximum) may, upon application, be awarded a **Certificate**.

##### b) **Programme Duration**

LLB (Hons): from 3 (minimum) to 6 years (maximum)

##### c) **Credits per Year:**

Maximum 37 and minimum of 24 credits



**d) Assessment:**

All modules will be assessed on 100 marks except if stated otherwise. The weighting for the modules will be as follows:

*a) Continuous assessment: 50 %*

The aim of conducting continuous assessment is to proceed to a summative evaluation of the legal knowledge and understanding acquired by learners. By the end of the assessment, learners will have to ensure that they are knowledgeable enough on the chosen topic in order to carry out critical appraisal of the field of study.

**To note:**

- *A research based assignment is required as part of the fulfilment of assessment. In this connection, OU may assign compulsory seminars to ensure that learners get all the appropriate tools and materials to accomplish assigned tasks.*
- *The assigned Tutor may either conduct a class test or assign a presentation (where suitable).*
- *Weighting for continuous assessment is specified on module outline.*

*b) Exams: 50 %\**

Assessment will be based on a written examination of 2 or 3 hours' duration during which learners will be expected to analyse, apply and evaluate learnt principles. The critical thinking of the learner should be demonstrated.

In order to succeed in any undermentioned module by the end of semester, learners should be able to score:

- (i) at least 40% of the total for formative assessment
- (ii) at least 40% of the summative assessment.

Written examination is compulsory for all modules, except for the following ones:

- a) Legal Skills and Methodology*
- b) Law Clinic, (OU will provide learners with a supporting letter so that they can embark on WBL placement as part of the fulfilment of the programme.)*



- c) *Moot Competition (Students will be given the opportunity to participate in a moot competition as part of the fulfilment of the programme), and*
- d) *Dissertation*

All modules amount to three credits, excluding the following:

- a) *Legal Skills and Methodology (4 credits)*
- b) *Communication Strategies for Lawyers (4 credits)*
- c) *Constitutional Law and Administrative Law (6 credits)*
- d) *Criminal Law*
- e) *Labour Law and Industrial Relations Law (6 credits)*
- f) *Company Law (6 credits)*
- g) *Law of Evidence (6 credits)*
- h) *Dissertation (6 credits)*

Upon completion of the above programme, learners will be able to embark on further studies to call to the Bar in any Commonwealth country.

**e) Grading:**

<b>Marks (x) %</b>	<b>Description</b>	<b>Grade</b>	<b>Grade Point</b>
$x \geq 70$	Excellent	A	5
$60 \leq x < 70$	Very Good	B	4
$50 \leq x < 60$	Good	C	3
$40 \leq x < 50$	Satisfactory	D	2
$0 \leq x < 40$	Ungraded	U	0

*N.B. In order to give learners the opportunity to succeed in all modules, the last session will be scheduled as follows:*

- a) *1 hour of tutorial, and,*
- b) *1 hour of revision session.*



**f) Awards:**

The different awards will be as follows:

<b>1ST CLASS WITH HONOURS</b>	<b>CPA <math>\geq</math> 70</b>
<b>2ND CLASS 1ST DIVISION WITH HONOURS</b>	<b>60 <math>\leq</math> CPA &lt; 70</b>
<b>2ND CLASS 2ND DIVISION WITH HONOURS</b>	<b>50 <math>\leq</math> CPA &lt; 60</b>
<b>3RD CLASS</b>	<b>45 <math>\leq</math> CPA &lt; 50</b>
<b>PASS</b>	<b>40 <math>\leq</math> CPA &lt; 45</b>
<b>NO AWARD</b>	<b>CPA &lt; 40</b>

If the Cumulative Percentage Average (CPA) is < 40, the learner will have to repeat the entire academic year, and resit for the modules as and when offered.

However, s/he will not be required, if s/he so wishes, to resit for module(s) for which Grade C or above has been obtained. Learners are allowed to repeat twice the entire duration of the Programme of Studies.

**g) Programme Plan:**

The programme will be delivered on an open and distance learning mode with appropriate support provided to learners. *Learners are also informed that the number of face-to-face (F2F) sessions will vary from module to module and that the class test F2F is mandatory.*



<b>Code</b>	<b>Module name</b>	<b>F2F Contact Hrs</b>	<b>Credits</b>
	<b>Year 1</b>	<b>Semester 1</b>	
OUba029111	Foundations of Law and Foundation of Mauritian Legal System	12	3
OUba029112	Droit des Contrats and Droit des Contrats Spéciaux	12	3
OUba029113	Constitutional Law and Administrative Law	24	6
OUba029114	Communication Strategies for Lawyers	14	4
OUba029115	Civil Procedure	12	3
	<b>Year 1</b>	<b>Semester 2</b>	
OUba029121	Criminal Law	24	6
OUba029122	Environmental Law, or	12	3
OUba029123	Droit des Biens	12	3
OUba029124	Le Droit de la Responsabilité Civile Délictuelle	12	3
OUba029125	Fundamentals of Corporate Tax	12	3
OUba029126	International Economic Law	12	3
	<b>Year 2</b>	<b>Semester 1</b>	
OUba029211	Legal Skills and Methodology	12	3
OUba029212	Company Law	24	6
OUba029213	Human Rights	12	3
OUba029214	Droit International Privé	12	3
OUba029215	Criminology	12	3
	<b>Year 2</b>	<b>Semester 2</b>	
OUba029221	Public International Law (PIL)	12	3
OUba029222	Intellectual Property Law (IPR)	12	3
OUba029223	Law of Equity and Trust	12	3
Ouba029224	Droit des Personnes et Droit de la Famille	12	3
OUba029225	Legal Aspects of Finance	12	3
OUba029226	*Law Clinic		3



<b>Year 3</b>		<b>Semester 1</b>	
OUba029311	Alternative Dispute Resolution (ADR)	12	3
OUba029312	Maritime Law, or	12	3
OUba029313	Droit des Affaires	12	3
OUba029314	Legal Theory and Jurisprudence	12	3
OUba029315	Labour Law and Industrial Relations Law	24	6
OUba029316	Professional Ethics or	12	3
OUba029317	Droit Notarial	12	3
<b>Year 3</b>		<b>Semester 2</b>	
OUba029321	International Banking and Commercial Law	12	3
OUba029322	Law of Evidence	24	6
OUba029323	Moot Competition	12	3
OUba029324	Dissertation		6

- \**Law Clinic*: At least 60 hrs of work placement followed by the submission of a report of 2,000-2,500 words

### **Syllabus Outline:**

#### **Year 1 (Semester 1)**

##### **a) Foundation of Mauritian Legal System (OUba029111)**

**Aims:** This module focuses on the general principles of Mauritian law and the way they relate and apply to the Mauritian system. General introduction to Law will be given and reference will be made to the different fields of the law during the semester. Learners will hence be able to better relate learnt principles to modules.

##### ***Unit 1: General Introduction to Law***

Learners will be introduced to law and its importance in the Mauritian context. They will understand in which component to categorise law.



### ***Unit 2: Sources of Law***

Learners will study more about the hierarchy of laws.

### ***Unit 3: Constitutional Law and Fundamental Rights***

This Unit will lay emphasis on Constitutional Law as a means to enhance civil rights.

### ***Unit 4: Courts***

The importance of courts in a State will be pointed out before learners get an in-depth analysis of the court structure in Mauritius.

### ***Unit 5: Statutory Interpretations***

The Interpretation and General Clauses Act 1974 (Mauritius) will be analysed. Reference will also be made to various aids of interpretation, and maxims of interpretation.

### ***Unit 6: Branches of Law***

Emphasis will be placed on the different branches of law: local, national and international. As such, learners will be able to have an idea of the types of specialisation they would choose.

### ***Unit 7: Labour Law***

An introduction to labour law and industrial relations law as a societal concern. Here, learners will have an insight of the role, power, duties and enforcement measures applicable in this field of the law.

### ***Unit 8: Commercial Law***

A basic overview of the components of commercial law will be provided. Same will enhance the learners' knowledge and assessment of issues prevailing in both public and private law.

### ***Unit 9: Judicial Review***

Learners will be introduced to Judicial Review and analysis of UK Order 53. This Unit will also analyse Public Rights against a Public Statutory Body, an order of *certiorari*, the grounds for Judicial Review, the Supreme Court inherent jurisdiction and the 2-stages procedure.





### Learning Outcomes:

Learners should be able to:

- Better relate various branches of law regulating different situations in Mauritius
- Use acquired knowledge as asset for remaining modules

### Assessment Structure:

Mode	Percentage	Credits
Assignment (2,000- 2,500 words)	30 %	1
Class Test (1 hr)	20 %	
Exams (2 hrs)	50 %	2
Total	100	3

#### b) ***Droit des Contrats and Droit des Contrats Spéciaux (OUba029112)***

**Aims:** Within the domain of private law, the Mauritian judicial system uses as backbone the *Code Civil Mauricien* (CCM) to settle disputes in private litigations, so as to acquire legal skills about contractual issues which are essential. Learners will identify and apply learnt principles in *Droits des Contrats* to the various types of contract of the *Code Civil Mauricien* which will be dealt with later in *Droit des Contrats Spéciaux*.

#### **Droit des Contrats**

##### **Unit 1: La notion du contrat**

Introduction of *droit des contrats* as a common agreement between parties to a civil contract by laying much emphasis on Art 1102, among others.

##### **Unit 2: L'accord de volontés**

L'accord de volontés as one of the stepping stones for agreement, and its application to various types of contracts, inter alia, *unilatéral*, *synallagmatique*.

##### **Unit 3: La formation du contrat**

Learners will be able to familiarise themselves with Article 1108 CCM which elaborates on components of a contract such as *la bonne foi* (Art 1134 CCM).



#### **Unit 4: La situation contractuelle et l'effet obligatoire du contrat**

Analysis of the mutual obligations which arise and the consequences, if not observed.

#### **Unit 5: Les effets du contrat**

Analysis of the effects of a contract on the parties as well as the implication which might arise for third parties. As such, learners will be able to take stock of the available recourse in case the terms of the contract are not respected; be it *la nulité du contrat*, *la résiliation du contrat* or *la résolution du contrat*.

#### **Unit 6: La fin du contrat/Termination of Contract**

Analysis of arising factors once a contract comes to an end. This would allow learners to be able to differentiate between the termination and end of a contract, and to assess their implications to the different parties to a contract.

#### **Unit 7: La gestion d'affaire**

Analysis of the joint obligations pertaining to the *gestion d'affaire*.

#### **Unit 8: L'enrichissement sans cause**

Analysis of the various legal implications of *l'enrichissement sans cause*.

### **Droit des Contrats Spéciaux**

#### **Unit 9: Promesse et achat**

Insight into *la vente*. Learners will be analysing the characteristics and exigencies of such a type of contract.

#### **Unit 10: La garantie et le mandat**

Learners will be exposed to the guarantees and the period to which they apply; as well as prescriptions and delays, and the exceptions that prevails.

#### **Unit 11: Le Contrat de bail**

Analysis of the relationship between a tenant and the landlord. The learner should be able, by the end of this Unit, to conduct a critical study of *la jouissance d'une chose mobilière ou immobilière*.

#### **Unit 12: Louage**

An understanding of the *contrat de louage* whereby parties to a contract agree that one of them will enjoy the use of something for a period of time against payment. It is to be noted that the study will deal with *les choses* as well as *l'ouvrage*.



### **Unit 13: Le Prêt**

An analysis of the *contrat de prêt* whereby a party hands over *une chose* to another person. By so doing, articles 1875 and 1876 of the CCM will be considered.

### **Unit 14: Le Contrat de Travail**

Analysis of the contract as applied in Labour Law and its implications on the implied duties of the worker and the employer.

### **Learning Outcomes:**

Learners shall, by the end of this module:

- Be able to appraise a contract and its implications.
- Be knowledgeable about various forms of contracts.

### **Assessment Structure:**

<b>Mode</b>	<b>Percentage</b>	<b>Credits</b>
<i>Assignment (2,000- 2,500 words)</i>	30 %	1
<i>Class Test (1 hr)</i>	20 %	
<i>Exams (2 hrs)</i>	50 %	2
<i>Total</i>	100	3

### **c) Constitutional Law and Administrative Law (OUba29113)**

**Aims:** Analysis of Constitutional Law by referring to the various powers, roles and entities of the State to provide a study of the separation of powers. Additionally, the module shall carry out a comparative study with Administrative Law in Mauritius, a branch of public law which deals with the administrative decisions of the government, and other relevant public statutory bodies.

### **Unit 1: The Constitution and its Evolution in Mauritius**

An outline of the Constitution of Mauritius and its importance. The historical evolution will also be analysed here.



### ***Unit 2: The State and the Constitution***

Analysis of Mauritius as a State and the powers of key agents of Mauritius in implementing constitutionalism.

### ***Unit 3: Theories and Doctrine of the Constitution***

Insight into the theories regulating the application of the Constitution as a supreme law and reference to doctrine as a complementary mechanism.

### ***Unit 4: The Separation of Powers***

Assessment of the separation of powers and how the legislative, executive and judiciary are separated and are intertwined components at the same time.

### ***Unit 5: Administrative Law***

Analysis of Administrative Law as the body of laws that governs the activities of the administrative agencies of government.

### ***Unit 6: The Head of State and the President of the Republic of Mauritius***

Analysis of the duties and powers of the Head of State as opposed to the Prime Minister of the Republic of Mauritius in the enforcement of constitutional rights and administrative decisions.

### ***Unit 7: Parliamentary System in Mauritius***

Assessment of the Westminster Model and its application in Mauritius. A critical study of its role in implementing statutes/ Acts of Parliament will also be visited.

### ***Unit 8: Judicial Review***

Critical appraisal of the procedure by which an applicant can challenge an administrative decision to the Supreme Court and eventually to the Judicial Committee of the Privy Council.

### ***Unit 9: Election Petition***

Analysis of the administrative process during an election. Aspects pertaining to the procedure for challenging the result of the election will also be put in light.

### **Learning Outcomes:**

Learners should be able to:

- Differentiate between Constitutional Law and Administrative law
- Assess the intricacies of the above fields in Mauritius



### Assessment Structure:

Mode	Percentage	Credits
<i>Assignment (2,000- 2,500 words)</i>	30 %	1
<i>Class Test (1 hr)</i>	20 %	
<i>Exams (2 hrs)</i>	50 %	2
<i>Total</i>	100	3

#### d) **Communication Strategies for Lawyers (OUba029114)**

**Aims:** Very often, learners are unable to address an audience correctly when it comes to the argumentation of law. This module will hence provide learners with the basics of expected communication skills for lawyers. Learners will have to undergo some oral presentation assessment in class in order to set the basis for advocacy.

##### ***Unit 1: Introduction to Communication***

Communication as an essential tool for the lawyer will here be introduced. Thus, its definition and a brief insight into its importance for the lawyer will be discussed.

##### ***Unit 2 : Verbal and Non-Verbal Communication***

It is important to lay emphasis on verbal and non-verbal communication as a lot of information may be lost if the student does not understand the importance of non-verbal communication as opposed to the verbal one.

##### ***Unit 3: Types of Speeches***

Analysis of the various types of speeches, informative and special, among others, as a means to understand what to use and in which circumstance to use the appropriate type.

##### ***Unit 4: Perception and Listening Skills***

Analysis of the active mental, emotional and physical processing of messages that we receive during interpersonal communication.

##### ***Unit 5: Communication Strategies for Lawyers***

Elaboration of the specific communication strategies used by lawyers to communicate in society.



### **Unit 6 : La langue française dans le système juridique mauricien**

French language as a communication tool in the hybrid system of Mauritius will here be analysed. Additionally, its use and application in different circumstances will be referred to as well.

### **Unit 7: Challenging Situations Understanding and Conflict Management**

Learners will acquire the ability to recognise conflicts, understand their nature while challenging them through the legal process.

### **Unit 8: Planning a Face to Face and Virtual Facilitation Communication Strategy**

The way to proceed during a face-to-face interaction and virtual communication will be analysed.

#### **Assessment Structure:**

<b>Mode</b>	<b>Percentage</b>	<b>Credits</b>
<i>Assignment (2,000- 2,500 words)</i>	20 %	1
<i>Oral Presentation</i>	30 %	1
<i>Exams (2 hrs)</i>	50 %	2
<i>Total</i>	100 %	4

#### **Learning Outcomes:**

Learners should be able to:

- Master the different communication strategies used by lawyers.
- Juggle between the use of English and French languages as communication tools for lawyers.

#### **e) Civil Procedure (OUba029115)**

**Aims:** An insight into civil procedures, onus and quantum in civil cases. This module will analyse the application of law in regulating actions of private individuals based on the civil trial pertaining to concepts such as “on the balance of probabilities”.



### ***Unit 1: The Courts System***

Analysis of the various courts in Mauritius so that learners will be familiar with the court structure.

### ***Unit 2: Pleadings***

Analysis of a plaint with summons where learners will be introduced to the drafting of summons such as in the case of accidents. Furthermore, learners will have the opportunity to become familiar with the criteria for service and returnable day. Analysis of the particulars of plea with reference to aspects such as confession and avoidance, and counterclaim.

### ***Unit 3: Judgment and Execution of Judgment***

The reply and tender of evidence will also be studied. Based on this acquired knowledge, learners will study cross-judgment, writ of execution, the types of judgment and the step to follow in case of execution of judgment.

### ***Unit 4: Parties and Joinder***

Analysis of suing of non-existent or deceased party, suggestion of joinder of causes of action, mis-joinder or non-joinder of parties, just to name a few.

### ***Unit 5: Witness***

The *de bene esse* examination, the summoning of witnesses and drafting affidavits will be studied.

### ***Unit 6: Pre-Trial Procedure***

Analysis of foreign plaintiff and absent defendants where issues such as in divorce cases and the defendant being in Rodrigues will be analysed. Finally, the State of Mauritius as a defendant will be studied.

### ***Unit 7: Trial and New-Trial***

Analysis of *la descente des lieux*, *l'acquiescement* and forgery of public procedure. Furthermore, the learner will, among others, analyse the procedure for a new trial before the Supreme Court and the judgement of the Judge in Chambers.

### ***Unit 8: Les Actions***

Here, the learner will have to analyse various types of proceedings such as *l'action possessoire* and *l'action pétitoire* and their classifications.



### **Unit 9: Les types d'actions et les exceptions**

Analysis of the defences where issues such as *la suspension de l'instance*, *les renvois*, *les nulités*, *les exceptions dilatoires* and *la communication de pièce* will be carried out.

### **Unit 10: Injunction and Judicial Review**

An understanding of a writ of injunction by analysing the jurisdiction under English Law as opposed to French Law. At the same time, the various types of injunction will be analysed. As far as judicial review (JR) is concerned, aspects such as the main differences between an appeal and JR will be studied.

### **Learning Outcomes:**

Learners should be able to:

- Master the components of proceedings
- Be familiar with civil law proceedings in Mauritius

### **Assessment Structure:**

<b>Mode</b>	<b>Percentage</b>	<b>Credits</b>
<i>Assignment (2,000- 2,500 Words) and Class Test (1 hr)</i>	(30 % + 20 %)	1
<i>Exams (2 hrs)</i>	50 %	2
<i>Total</i>	100 %	3

### **Year 1 (Semester 2)**

#### **a) Criminal Law (OUba029121)**

**Aims:** This module focuses on the procedure related to criminal proceedings in Mauritius. It is expected that the manual, inter alia, introduces the substantive law, the burden of proof and its application on the prosecution, and the fundamental rights aspect. Additionally, learners will become familiar with the key components of the *Code Pénal* as applied in Mauritius.





### ***Unit 1: Introduction to Criminal Law***

Introduction to criminal law with reference to *délit* and offences. Learners will also be able to analyse the various aspects governing criminal law.

### ***Unit 2: Larceny***

Introduction to elements of an offence. Consequently, learners will be able to evaluate the relevance of basic concepts such as *remise par erreur*, *remise nécessaire*, *res nullius* and *res derelictae*.

### ***Unit 3: Swindling***

Analysis of the intricacies of the law of swindling.

### ***Unit 4: Embezzlement***

Study of the intricacies of offences in which there might be an *abus de confiance* in contracts for example.

### ***Unit 5: Rape & Sodomy***

This Unit will focus on areas pertaining to rape, chastity and sodomy. Learners will analyse the standard and burden of proof.

### ***Unit 6: Dangerous Drugs Offences***

Learners will be able to explore and analyse the various offences and the Dangerous Drugs Act, and related issues, inter alia as to accomplices and corroboration.

### ***Unit 7: Economic Crimes***

With the evolution of financial markets and white-collar crime, global failures and enacted legislations will be studied. Hence, learners will be able to take stock of the way that the Mauritian system is implementing preventive measures to be in line with international standards.

### ***Unit 8: Wounds and Blows, Homicide and Murder***

This Unit will deal primarily with the theory of homicide in the various sectors where it might pop up. Much emphasis will be laid on the burden of proof and proceedings.

### ***Unit 9: Accomplices***

By studying elements of the above-mentioned offence, learners will study the law of evidence as a cornerstone of the application of the Criminal Procedure Act and the Penal Code for example.



### **Unit 10: Conspiracy**

Analysis of the application of Common Law and its pertinence in conspiracy. Learners will be called to compare the meaning and justification of what is implied by a lawful act as opposed to an unlawful or harmful act.

### **Unit 11: Self-Defence and Excuses**

Analysis of the onus of proof and the effect of self-defence on an accused. *La présomption* will be analysed and will end by the consideration of matter of common sense.

### **Unit 12: Les infractions**

Analysis of the various types of *infraction* and how they are classified. Learners are expected to categorise them and assess the penalty attributed.

### **Unit 13: Forgery**

Analysis of the act of making, adapting, or imitating signatures, statistics, or documents with the intent to deceive for the sake of altering public documents.

### **Unit 14: Attempt**

Analysis of the defendant failing to commit the *actus reus* of the full offense, but having the direct and specific intent to commit that full offense.

### **Learning Outcomes:**

Learners should be able to:

- Understand how the criminal proceedings are dealt with in Mauritius.
- Understand the means available to contest a court judgment in the domain of criminal proceedings.

### **Assessment Structure:**

<b>Mode</b>	<b>Percentage</b>	<b>Credits</b>
<i>Class Test (1 hr)</i>	30 %	2
<i>Assignment (3,000- 3,500 Words)</i>	20%	2
<i>Exams (3 hrs)</i>	50 %	2
<i>Total</i>	100%	6



## **b) Environmental Law (OUba029122)**

**Aims:** Learners will study the legal regimes relating to pollution and environmental impact. Environmental Law, also known as natural resources law, will hence describe the network of treaties and statutes and their impact on human activity to preserve the environment.

### ***Unit 1: An Introduction to the History of Environmental Law***

Analysis of the various components of the environment requiring a legal framework. The learner will be called to analyse Environmental Law by studying its evolution, its sources and its application.

### ***Unit 2: International Environment Law***

Analysis of international norms and terms of the United Nations Conference on Environment and Development (UNCED).

### ***Unit 3: Climate Change, Policy-Making and Law***

Analysis of Treaties and Conventions; assessment of the difficulty of implementing policies and enacting statutes aligned to international norms.

### ***Unit 4: Sustainable Development and Law***

Analysis of Reports, their core concerns for a safe environment, treaties and signed agreements for the protection of the environment.

### ***Unit 5: Sources of Environmental Law in Mauritius***

A study of the sources of Environmental laws in ensuring the safeguard of the environment in Mauritius.

### ***Unit 6: Additional Laws related to the Protection of the Environment in Mauritius***

Analysis of additional laws enacted in Mauritius to safeguard the various spheres of the environment.

### ***Unit 7: Environmental Impact and Institutional Framework***

Assessment of the regulation put into practice in order to ensure the protection of natural resources.

### ***Unit 8: The Environmental Judicial Framework of Mauritius***

An understanding of the role of the institutions which maintain a safe environment in Mauritius. As such, emphasis will be laid on the application of the Environment Protection Act, the judiciary and its enforcing agencies.



### Learning Outcomes:

Learners should be able to:

- Show concern for environmental damages worldwide
- Understand the influence of international law and standards in our domestic legislation

### Assessment Structure:

Mode	Percentage	Credits
Assignment (2,000- 2,500 Words) and Class Test (1 hr)	(30 % + 20 %)	1
Exams (2 hrs)	50 %	2
Total	100 %	3

### c) *Droit des Biens* (OUba029313)

**Aims:** This module aims at allowing learners to gather much more information about *Droit des Biens* and hence ease their understanding of the prevailing relationship and exigencies between *les biens* and how to acquire/possess these properties.

#### **Unit 1: La Classification des Biens**

Introduction to *les biens* in order to allow learners to find the difference between *les biens meubles et immeubles* and *les droits réels et le droit personnel* for example.

#### **Unit 2: La Mitoyenneté**

Very often when it comes to property, the aspect of sharing some properties with different co-owners while having common benefits, becomes an issue. Hence, learners will be able to better understand *la mitoyenneté* and the exigencies of both parties in such cases.

#### **Unit 3: La Propriété et la Possession**

Analysis of *la propriété* and how can *un bien* be considered as being the property of its owner and how to acquire same by *possession*. An assessment of the extent to



which the notion of good and bad faith of the *possession* may be an issue will also be analysed.

#### **Unit 4: Les Servitudes**

Analysis of the different types of *servitudes*.

#### **Unit 5: L'Usufruit**

Analysis of *l'usufruit* as a mechanism developed by the French Civil Law in order to avoid any discrepancy while sharing *les biens* between *le propriétaire de la chose* and *le nu-propriétaire*.

#### **Unit 6: L'Occupation et l'Accession**

Analysis of how to acquire *des biens* par *l'occupation de la chose d'autrui*. Additionally *l'accession* both *mobilière* et *immobilière* will be taught.

#### **Unit 7: L'Action Possessoire et l'Action Pétitoire**

Analysis of how any *possesseur* may be sued by *une action possessoire* and *une action pétitoire* as per the Courts Act 1945.

#### **Unit 8: La Prescription**

Analysis of the right to acquire *des biens* by prescription; it being 10, 20 and 30 years.

#### **Unit 9: La Co-propriété des Immeubles bâtis par Étage et par Appartement**

This Unit will allow learners to better assess the extent to which law applies to *la co-propriété*, where different owners have the same rights on their premises. *Biens propres* and *biens communs* will also be differentiated.

#### **Learning Outcomes:**

This Module will allow learners to:

- Gather more information about *le droit des biens*.
- Apply learnt concepts to *le droit des biens* as a field of Law.

<b>Mode</b>	<b>Percentage</b>	<b>Credits</b>
<i>Assignment (2,000- 2,500 Words) and Class Test (1 hr)</i>	(30 % + 20 %)	1
<i>Exams (2 hrs)</i>	50 %	2
<i>Total</i>	100 %	3



#### **d) Le Droit de la Responsabilité Civile Délictuelle (OUba029124)**

**Aims:** To familiarise learners with the concept of *fait juridique* as opposed to *acte juridique*. By this, it means various components, be it *délit* and the conditions required for same, the *quasi-délit* and related aspects as well as *quasi-contrats* as per Art 1370 of the *Code Civil Mauricien*, will be brought to light.

##### **Unit 1: Les types de responsabilité**

An introduction to *responsabilité délictuelle* et *régime uniforme de responsabilité* ; *responsabilité générale et spéciale*.

##### **Unit 2: Les causes d'exonération**

An analysis of the application of the *causes d'exonération* as a means to escape proceedings.

##### **Unit 3: La responsabilité du fait personnel**

Analysis of the characteristics of *responsabilité du fait personnel* and when and where can Article 1382 be applied.

##### **Unit 4: La responsabilité du fait des choses**

The intricacies of article 1384 CCM will be studied with reference to the case-law *Jand'heur*.

##### **Unit 5: La responsabilité du fait d'autrui**

Analysis of the application of title to third parties such as *les apprentis*, among others.

##### **Unit 6: La responsabilité des Bâtiments en Ruine**

Analysis of Article 1386 CCM pertaining to buildings and accountable party.

##### **Unit 7: Les Quasi-Délits**

Brief insight into Article 1371 and analysis of *le paiement de l'indu*.

#### **Learning Outcomes:**

Learners should be able to:

- Understand according to which article to raise the *responsabilité civile délictuelle* and in what circumstance(s).
- Assess the circumstance in which *Quasi-Délits* may be argued.



### Assessment Structure:

Mode	Percentage	Credits
Assignment (2,000- 2,500 Words)	30 %	1
Class Test (1 hr)	20 %	
Exams (2 hrs)	50 %	2
Total	100	3

### e) Fundamentals of Corporate Tax (OUba029125)

**Aims:** Fundamentals of tax system for learners to get an insight into the field of Corporate Taxation. Learners will be requested to analyse domestic and cross-border transactional issues and develop a critical appraisal of the influence of regulatory bodies on tax.

#### ***Unit 1: An Introduction to Tax***

Basic introduction to tax as a legal duty.

#### ***Unit 2: Corporation Tax***

Assessment of direct tax imposed on the income or capital of corporations or analogous legal entities.

#### ***Unit 3: International Tax Law and Bilateral Treaties***

Introduction to bilateral treaties and their implementation on a worldwide basis.

#### ***Unit 4: Cross-Border Taxation Agreement***

An understanding of taxation agreements among countries and chargeable income.

#### ***Unit 5: Corporate Crimes and Criminal Behaviour***

Analysis of corporate crimes and criminal behaviour corporations have/may get involved.

#### ***Unit 6: International and Multilateral Principles***

Analysis of the various reports and enactments pertaining to tax. As such, OECD models will, among others, be considered.



### **Unit 7: The MRA**

Analysis of the role, duties, powers and responsibilities of the Mauritius Revenue Authority (MRA).

### **Unit 8: Statutes and Tax**

A study of the different statutes which are linked to the payment of tax in Mauritius and how entities cope with them.

### **Learning Outcomes:**

Learners should be able to:

- Apply knowledge acquired to the tax system and evasion.
- Understand tax as a component of law regulating enterprises.

### **Assessment Structure:**

<b>Mode</b>	<b>Percentage</b>	<b>Credits</b>
<i>Assignment (2,000- 2,500 Words)</i>	30 %	1
<i>Class Test (1 hr)</i>	20 %	
<i>Exams (2 hrs)</i>	50 %	2
<i>Total</i>	100	3

## **f) International Economic Law (OUba029126)**

**Aims:** Introduction to International Economic Law. As such, learners will be introduced to institutions regulating international economic relations, sustainable development and trade. Additionally, the context of globalisation and legal implication of trade will also be analysed.

### **Unit 1: International Economic Relations**

Introduction to International Economic Relations and assessment of globalisation, sustainable development and trade.





### ***Unit 2: Regional Trade and Regional Trade Agreements***

Analysis of preferential trade, the customs union and regional block agreements such as SADC and COMESA.

### ***Unit 3: International Economic Organisations***

Study of the various organisations put in place in order to promote trade. Same includes World Bank and IMF for example.

### ***Unit 4: International Contracts***

Analysis of means of finance of International Trade. As such, modes of payment such as Bill of Lading and Letters of Credit will be analysed.

### ***Unit 5: The World Trade Organisation***

Analysis of the WTO and mechanisms put in place in order to safeguard the international economic framework. As such, standards and interpretation of agreements will be analysed.

### ***Unit 6: Dispute Resolution Mechanism Pertaining to International and Regional Trade***

Analysis of procedures put in place to safeguard international trade.

### ***Unit 7: Mauritius and International Trade***

Analysis of the impact that regionalisation and globalisation had on Mauritius. As such, learners will be able to study special and differential treatment applicable to SIDS for example.

### **Learning Outcomes:**

Learners should be able to:

- Understand International Economic Trade and Relations.
- Understand the impact of agreement, protocols and international organisations.



## Assessment Structure:

Mode	Percentage	Credits
<i>Assignment (2,000- 2,500 Words)</i>	30 %	1
<i>Class Test (1 hr)</i>	20 %	
<i>Exams (2 hrs)</i>	50 %	2
<i>Total</i>	100	3

### Year 2 (Semester 1)

#### a) **Legal Skills and Methodology (OUba029211)**

**Aims:** This module will lay emphasis on the way to proceed in order to write a dissertation. Learners will understand the foundation skills which will enable them to identify, apply and analyse various legal sources coupled with primary to secondary data.

#### ***Unit 1: Planning a Legal Research***

Awareness of the steps to follow in order to draft a dissertation, and an analysis on how to proceed in the selection of a dissertation topic with reference to objectives and research questions.

#### ***Unit 2: Research Methods***

Explanation of the link among problems, theories and methods and how to align them to write the literature review.

#### ***Unit 3: Research Tools and Ethics***

In conducting a qualitative and/or quantitative analysis, this Unit will explain the various tools which are available and the ethical consideration for each of them.

#### ***Unit 4: The Writing Process***

Explanation of data analysis, the role of theory and critical evaluation in order to provide a body of chapters.

#### ***Unit 5: Referencing and Bibliography***

Explanation on means of referencing, theories and case laws, and how to mention them to avoid plagiarism.



## **Unit 6: Assessment and Feedback**

Explanation behind the reasoning of allocation of marks and what are the expectations for a successful dissertation.

### **Learning outcomes:**

Learners should be able to:

- Apply the methodology required to proceed to a legal research which will be used in dissertation writing.
- Differentiate between primary and secondary data as well as qualitative and quantitative research methods in the field of law so as to enhance critical thinking and writing.

### **Assessment Structure:**

<b>Mode</b>	<b>Percentage</b>	<b>Credits</b>
<i>Research Proposal (3,000- 3,500 Words)</i>	100 %	3

## **b) Company Law (OUbwa029212)**

**Aims:** This module deals with relevant legislations on company law. This module will also deal, inter alia with corporate veil, corporate crimes and aspects pertaining to duties and responsibilities of shareholders (majority and minority). Learners will be able to develop the aptitude to identify, in real life, particulars pertaining to each type of company.

### **Unit 1: Types of Companies**

General introduction to companies and the types of companies available.

### **Unit 2: The Incorporation Process**

Description of the incorporation process, underlying the essential criteria to meet in order to start a company. Additionally, the consequences of incorporation such as the corporate veil will be analysed.

### **Unit 3: The Constitution of a Company**

Analysis of the Constitution of a Company and the alteration, adoption and revocation process. Furthermore, the *ultra vires* aspect will be discussed.



#### ***Unit 4: Corporate Finance***

Analysis of corporate finance including shares and share capital. Types of shares, dividends, debentures, and floating and fixed charges, among others, will be studied here.

#### ***Unit 5: The Board of Directors and the Company Secretary***

Analysis of the role of the Board of Directors and the Company Secretary underlying their appointment, duties, powers and responsibilities.

#### ***Unit 6: Shareholders and the Company***

Analysis of the role of shareholders in a company, and assessment of majority (as opposed to minority shareholders). Additionally, company meetings, general assembly and insider dealings will be considered.

#### ***Unit 7: Insolvency***

Causes of corporate failure and analysis of the different types of winding up procedures.

#### ***Unit 8: Corporate Governance***

Analysis of the system of rules, practices and processes as an ultimate means by which a company is directed and controlled.

#### **Learning Outcomes:**

Learners should be able to:

- Explain the key components of The Companies Act 2001 and The Insolvency Act 2009 so as to demonstrate a critical approach in assignment and exams with reference to the United Kingdom.
- Assess the life of a company (from incorporation down to insolvency) so as to proceed to an in-depth analysis of the core aspects to be considered by company.



### Assessment Structure:

Mode	Percentage	Credits
Assignment (3,000- 3,500 Words)	25 %	2
Class Test (1 hr)	25%	2
Exams (3 hrs)	50 %	2
Total	100 %	6

#### c) Human Rights (OUba029213)

**Aims:** Explaining the development of human rights and the contributions of relevant conventions. Analysis of its application in Mauritius. This module will explore the UN Declaration of Human Rights (UDHR), 1948 and how it has inspired other regional conventions.

##### **Unit 1: Sources of Human Rights (To cater for Parts A and B)**

Study of conventions such as, *inter alia*, Bill of Rights, International Covenant on Civil and Political Rights, International Convention on Economic, Social and Cultural Rights and the Convention Against Torture. Other sources such as historical documents (Magna Carta (1215), Bill of Rights (1689)), the Mauritian Constitution (Chapter II), relevant legislations on Human Rights, implication of doctrine and jurisprudence.

##### **Unit 2: Social and Economic Rights**

An introduction to social and economic rights as means to ensure that the rights of citizens are observed in the promotion of societal welfare and economic sustainability. As such, learners will have a broad understanding of social and economic rights.

##### **Unit 3: Human Rights in Mauritius**

Study of the Human Rights and relevant legislations. Aspects such as the rights of suspect, migrant workers and the issues of refugees in Mauritius will be considered.

##### **Unit 4: Human Rights and Women**

Analysis of the rights of women, Convention on the Elimination of Discrimination Against Women (CEDAW), State's Obligation, and CEDAW Optional Protocol



and recourse mechanism. Additionally, institutions and statutes in force in Mauritius will be considered. Same could include statutes such as The Sex Discrimination Act and The Protection Against Domestic Violence Act.

***Unit 5: Human Rights and Child Welfare and Regulatory Institutions***

Analysis of children's rights by going through the Convention on the Rights of the Child. Additionally, referring to Mauritius, statutes such as The Child Protection Act and the Ombudsperson for Children Act will be studied. A knowledge of the main institutions protecting children's rights and its recourse mechanism available in case of violation of children's rights will also be brought to light.

***Unit 6: Africa and Human Rights***

Analysis of reports and recommendations based on the African Charter. Learners will also be able to assess the role of the African Commission of Human Rights, the African Court of Human Rights and their impact on Human Rights and human dignity in Africa.

***Unit 7: Human Rights and Health***

Analysis of Human Rights and health and security at the workplace (OSHA 2005). As such, special consideration will be given to persons suffering from HIV/AIDS and disabilities, for example.

**Learning outcomes:**

Learners should be able to:

- Categorise various rights and assess their importance in relation to individuals and government
- Analyse the relevance of regional and international laws in Mauritius as opposed to the Universal Declaration of Human Rights (UDHR)



## Assessment Structure:

Mode	Percentage	Credits
Assignment (2,000- 2,500 Words)	30 %	1
Class Test (1 hr)	20 %	
Exams (2 hrs)	50 %	2
Total	100	3

### a) Private International Law (OUba029221)

**Aims:** Studying the historical evolution in order to better understand the pillars underpinning PIL and the applicable laws and relevant international covenants. Consequently, learners will be able to assess conflict of laws arising among countries and their citizens. Learners will be able to evaluate the impact of international relations on different types of jurisdiction.

#### **Unit 1: Sources of Private International Law**

Insight into the different sources of private international law, from national legislations to International Conventions such as The Rome Convention and The Hague Convention.

#### **Unit 2: The Concept of Conflict of Laws**

Understanding of the set of rules of procedural law which determine the legal system and the law of jurisdiction applying to a given legal dispute including an in-depth study of *le principe de rattachement et le principe de qualification*.

#### **Unit 3: Law of Obligations in Private International Law**

Analysis of *les Actes Juridiques et les Faits Juridiques, le Droit des Contrats, les Quasi-Contrats* and *les Régimes Matrimoniaux*.

#### **Unit 4: Succession, régimes matrimoniaux, capacity and domicile**

Analysis of the components pertaining to matrimonial status, custody of children and disposal of properties and assets.

#### **Unit 5: Conflict Resolution: Choice of Law and Jurisdiction**

*La règle du for et renvoi au premier, deuxième ou troisième degré* according to precedents.



## **Unit 6: Alternative Dispute Resolution (ADR) and La Clause Compromissoire**

Assessment of the ADR mechanism usually applicable in private international disputes. Analysis of the recognition and enforcement of arbitral awards.

## **Unit 7: Mauritius and foreign law application**

Introduction to and analysis of conventions to which Mauritius is a signatory. Analysis of the enforcement of a State court judgment in a jurisdiction.

### **Learning outcomes:**

Learners should be in a position to:

- Explain the legal framework regulating PIL composed of conventions, protocols and model laws.  
Assess law regulating relationships between/among individuals in an international context so as to analyse conflict of laws as a rising issue.

### **Assessment Structure:**

<b>Mode</b>	<b>Percentage</b>	<b>Credits</b>
<i>Assignment (2,000- 2,500 Words)</i>	30 %	1
<i>Class Test (1 hr)</i>	20 %	
<i>Exams (2 hrs)</i>	50 %	2
<i>Total</i>	100	3

### **d) Criminology (OUba029215)**

**Aims:** Study of crimes and child abuse(es): their causes, and impacts on the society. The impact of law on criminology and its relationship with policy-making. This module shall also analyse the way sociology and psychology are relevant for a lawyer.





### **Unit 1: Introduction to Criminology**

This Unit will introduce the learner to criminology from a social perspective. The causes of crime, the social impact of crime, and how and why criminals are involved in crimes in our society will be discussed.

### ***Unit 2: Criminology and Social Justice***

Insight into the influence of policing and securities; prisoner education and resettlement; cybercrime; gender and crime; welfare practices; sexual violence and victimisation; transphobic hate crime; religion, race and domestic abuse; youth justice; and human rights and the law.

### ***Unit 3: Psychology and Criminology***

An attempt to study people where focus will be laid on their mindset, attitude and behaviour as a means to understand crime and deviance.

### ***Unit 4: Child and Youth Misbehaviour***

Child abuse and misbehaviour as a rising concern in our society will be assessed. It is expected that this unit takes stock of the difficulties that law experiences to remedy to the above.

### ***Unit 5: Crime Typologies and Profiling***

Analysis of the traits or forms of behaviour that are presumed to characterise them in a common social process.

### ***Unit 6: Dealing with juvenile delinquency***

An insight into the various mechanisms available in order to avoid or counterforce juvenile delinquency. This Unit will blend law to societal means currently available.

### ***Unit 7: Criminal Investigation***

Analysis of the science that involves the study of facts used to identify, locate and prove the guilt of an accused criminal.

### ***Unit 8: Evidence***

The available body of facts or information indicating whether a belief or proposition is true or valid will finally be dealt with.

### ***Unit 9: Institutions and Rehabilitation Centres***

Analysis of the role of institutions in the rehabilitation of criminals.



### Learning Outcomes:

Learners should be able to:

- Analyse criminology as a field of law.
- Apply criminological theories to case study.
- Explain criminological concepts and assess their application in Mauritius so as to analyse societal influence of criminology.

### Assessment Structure:

Mode	Percentage	Credits
<i>Assignment (2,000-2,500 Words) and Class Test (1 hr)</i>	(30 % + 20 %)	1
<i>Exams (2 hrs)</i>	50 %	2
<i>Total</i>	100 %	3

### Year 2 (Semester 2)

#### a) **Public International Law (PIL) (OUba029214)**

**Aims:** This module deals with the history of Public International Law and an analysis of the rules which are binding over the States. Learners will be able to understand the way obligations are observed by the Member Contracting States, and the principle of sovereignty. Learners will also have an idea of how treaties and conventions are signed, ratified and implemented by Member Contracting States.

#### ***Unit 1: Sources of Public International Law***

Introduction to treaties, international convention, regional convention, international customary law, general principles of public international law/*les principes généraux du droit*, jurisprudence of the International Court of Justice (ICJ), and doctrine.



### ***Unit 2: Law of Treaties***

Explanation of The Vienna Convention on the Law of Treaties (VCLT) - a treaty concerning the international law similar to treaties between Contracting States.

### ***Unit 3: The Concept of Self-Determination***

Analysis of free choice of States without external compulsion as opposed to the determination by the people of a territorial unit of their own future political status.

### ***Unit 4: Statehood and Recognition***

Analysis of the two main doctrinal views: being the declaratory as opposed to the constitutive theories of Statehood.

### ***Unit 5: International Agreements***

A treaty may also be studied together with international agreement, protocols, covenants, conventions, pact, or exchange of letters, among other terms.

### ***Unit 6: Non-State Actors***

Study of the individuals or organisations that have significant political influence but are not allied to any particular country or State and vice-versa.

### ***Unit 7: The International Court of Justice (ICJ)***

An understanding of the role of the ICJ in settling legal disputes submitted to it by States and providing advisory opinions on legal questions submitted to it by State Members to the United Nations.

### ***Unit 8: Relationship Between International Law and National law***

Assessment of the application of Convention and Treaties on International Law and its implementation in a country.

### ***Unit 9: International Humanitarian Law (IHL)***

Analysis of IHL with reference to its historical background, the Law of Conflicts, the Geneva Conventions 1949, the Rome Statute 1998 and the role and basic principles of the International Red Cross, just to name a few.

### **Learning Outcomes:**

Learners should be able to:

- Demonstrate an understanding of treaties and Conventions regulating international law and the basics of PIL



- Analyse the impact of PIL on States as well as international environment so as to assess the sovereignty of a country over international agreements

**Assessment Structure:**

<b>Mode</b>	<b>Percentage</b>	<b>Credits</b>
<i>Assignment (2,000- 2,500 words)</i>	30 %	1
<i>Class Test (1 hr)</i>	20 %	
<i>Exams (2 hrs)</i>	50 %	2
<i>Total</i>	100	3

**b) Intellectual Property Law (IPR) (OUba029222)**

**Aim:** Study of the various rules and regulations pertaining to patent, copyright, industrial designs, trademarks, trade secrets and passing-off. Thus, learners will be in a better position to have a knowledge of international legal instruments governing Intellectual Property Rights.

***Unit 1: The Historical Evolution of Intellectual Property Law and its Sources***

Basic introduction to the evolution of IPR since the 20<sup>th</sup> century and its implementation at domestic level (legislations, Copyright Act and Trademark Act), TRIPS, Doctrine and Jurisprudence.

***Unit 2: The WIPO and the TRIPS***

An understanding of the role and function of the WIPO and the TRIPS.

***Unit 3: Patent Law***

Elaboration on the exclusive rights granted by a sovereign State to an inventor or assignee for a limited period of time in exchange of detailed public disclosure of an invention. The Patents, Industrial Designs and Trademarks Act will here be developed.

***Unit 4: Copyright Law***

Analysis of law regulating works of authorship, fixed in a tangible medium; other intellectual works and passing-off. The Copyright Act will here be studied.



### ***Unit 5: Trademarks and Industrial Designs***

Analysis of trademarks as a unique difference that identifies and distinguishes the goods of one party from those of others. Effects of registration and unfair competition under the article 1382 of the CCM will be studied.

### ***Unit 6: Confidential Information and Breach of Confidentiality***

Analysis of “property” as a matter of law and its relation to breach of confidence in IP.

### ***Unit 7: Enforcement of IPR in Mauritius***

Analysis of the regulations pertaining to IPR in Mauritius including the role and functions of public institutions in Mauritius to regulate author’s rights.

### ***Unit 8: IPR and Confidentiality***

Analysis of IPR and confidentiality. By the means of case laws, light will be shed on the importance of confidentiality of information, unauthorised use of it and available remedies.

### **Learning Outcomes:**

Learners should be able to:

- Demonstrate an understanding of IP and IPR, assess the importance of IPR and measure the application of international organisations’ rules and regulations
- To assess the actualisation of law in real life and relate the various statutes implemented for the protection of IP in Mauritius

### **Assessment Structure:**

<b>Mode</b>	<b>Percentage</b>	<b>Credits</b>
<i>Assignment (2,000- 2,500 Words)</i>	30 %	1
<i>Class Test (1 hr)</i>	20 %	
<i>Exams (2 hrs)</i>	50 %	2
<i>Total</i>	100	3



### **c) Law of Equity and Trust (OUba29223)**

**Aims:** Historical background of equity and law of trust adopted in court. An analysis of the notion of trust that person places in another person or in a non-profitable institution to administer his assets, be it charitable or otherwise.

#### ***Unit 1: Types of Trust***

Analysis of the various types of Trust available –charitable, non-charitable and Islamic Waqf.

#### ***Unit 2: The Maxims of Equity***

Introduction to the Maxims of Equity developed by the Court of Chancery and their application in court.

#### ***Unit 3: Trust and its Basic Principles***

Introduction of the basic principles which will be used when referring to Trust, going through its nature and classification.

#### ***Unit 4: Common Law, Equity and Trust***

Analysis of the relationship between Equity and Trust as a result of common law. The concept of the French *fiduciaire*.

#### ***Unit 5: Trust as a Legal Instrument***

Understanding of trust as a fiduciary relationship in which one party, known as a trustor, gives another party, the trustee, the right to hold title to property or assets for the benefit of a third party, the beneficiary.

#### ***Unit 6: International Trust***

Studying International Trust in challenging assets transfers into the trust.

#### ***Unit 7: Termination of Trust***

Analysis of the circumstances in which a trust is terminated.

#### ***Unit 8: Variation of Trust***

Study of the variation of trust by analysing constructive trusts and remedies for breach of trust.

#### **Learning Outcomes:**

Learners should be able to:

- Explain the concept of equity as a rule of law as opposed to common law.



- Differentiate between the various types of trust in domestic and international context.

**Assessment Structure:**

Mode	Percentage	Credits
Assignment (2,000- 2,500 Words)	30 %	1
Class Test (1 hr)	20 %	
Exams (2 hrs)	50 %	2
Total	100	3

**d) Droit des Personnes et Droit de la Famille (OUba029224)**

**Aims:** Analysis of the rights of the individual and his/her family, as well as assessment of the different sections of the *Code Civil Mauricien (CCM)* which refer to the above. This module will also introduce, *inter alia*, the notion of name, domicile, capacity, marriage, divorce and guardianship.

**Unit 1: Introduction au droit civil**

Understanding *le droit subjectif et les droits extra-patrimoniaux*.

**Unit 2: Le droit de la personne**

Analysis of *les personnes physiques, les personnes morales et la notion de la personnalité juridique en analysant la mort, l'absence et la disparition entre autres*.

**Unit 3: Le nom, la nationalité et le domicile**

Analysis of each of the above by assessing *l'acquisition du nom, les effets et la renonciation de la nationalité, et la notion et les effets du domicile*.

**Unit 4: L'incapacité**

Analysis of *la notion d'incapacité by studying les majeurs incapables (curatelles, tutelles et les régimes applicables, l'incapacité de jouissance et l'incapacité spéciale de jouissance), les mineurs émancipés et non émancipés, et la personnalité morale*.



### **Unit 5: La filiation**

Analysis of *la filiation légitime, naturelle and adoptive*. La légitimation par adoption. As such, learners will study *le statut de l'enfant naturel, l'adoption simple et les régimes applicables* among others.

### **Unit 6: Le mariage**

A study of *le mariage, les conditions du mariage, la conclusion du mariage, les effets et devoir des époux, les mariages religieux* just to name a few.

### **Unit 7: Le dissolution du mariage**

Analysis of the different types of *le veuvage, les types de divorce et les conséquences du divorce*.

### **Unit 8: La Violence Domestique**

Analysis of Protection against the Domestic Violence Act and the mechanism that exists to safeguard members of the family against violence; occupational order, tenancy order and ancillary order.

### **Unit 9 : L'autorité parentale**

Etude de *la notion d'autorité parentale recouvrant l'ensemble des droits et des obligations des parents vis-à-vis de leurs enfants mineurs. La garde de l'enfant en cas de dissolution du mariage*.

### **Unit 10 : L'adoption**

Analysis of adoption : *l'adoption plénière, l'adoption simple et la légitimation par adoption*.

### **Learning Objectives:**

Learners should be able to:

- Analyse specific aspects of *droit de la personne et droit de la famille*, its legal personality and exigencies in the hybrid system of Mauritian law.
- Demonstrate an understanding of various aspects of *droit de la personne et du droit de la famille*.





### Assessment Structure:

Mode	Percentage	Credits
Assignment (2,000- 2,500 words) and class test (1 hr)	(30 % + 20 %)	1
Exams (2 hrs)	50 %	2
Total	100 %	3

#### e) Legal Aspects of Finance (OUba029225)

**Aim:** This module aims at providing the learner with an understanding of the legal aspects of finance by means of an analysis of the supervision exercised by financial institutions. It will also deal with the requirements, restrictions and guidelines which aim at maintaining the integrity of the financial system.

##### **Unit 1: Introduction to Financial Services**

An analysis of the legal and regulatory framework governing financial services, with emphasis on investment, lending, and management of money and assets.

##### **Unit 2: International Transactions**

Study of the legal aspects of financing international transactions. Learners will analyse the various types of credits and the contractual relationship.

##### **Unit 3: Documentation, Duty and Compliance**

Analysis of the bank duty as to confidentiality, in case of forgery, electronic transactions, computer misuse and cybercrime.

##### **Unit 4: Securities, Mortgages and Charges**

Analysis of loans, shares and debenture holders. Main features of bank guarantees will also be studied.

##### **Unit 5: Le Contrat d'Assurance**

Analysis of the *contrat d'assurance* by assessing the general conditions for this type of contract and the concept of a *lien*. Analysis of the basic principles of motor insurance and maritime insurance.



### **Unit 6: Global Business**

Analysis of the challenges facing Global Business Licence Company Type I (GBLI) and Global Business Licence Company Type II (GBLII) as per legislations and regulations in force in Mauritius.

### **Unit 7: Financial Statutes and Regulators in Mauritius**

Study of statutes such as the Prevention of Corruption Act (POCA), and the financial regulators in Mauritius.

### **Learning Outcomes:**

Learners should be able to:

- Apply laws relating to financial services so as to better apply regulations pertaining to financial services in Mauritius to case study
- Analyse the role financial regulators play in ensuring a safe economic development/environment and the extent to which international norms are applicable in the Mauritian context.

### **Assessment Structure:**

<b>Mode</b>	<b>Percentage</b>	<b>Credits</b>
<i>Assignment (2,000- 2,500 Words)</i>	30 %	1
<i>Class Test (1 hr)</i>	20 %	
<i>Exams (2 hrs)</i>	50 %	2
<i>Total</i>	100	3

### **f) Law Clinic (OUba029226)**

**Aims:** To facilitate the learner's entry in the professional world and analyse theories and their application in a real-life situation. For example, if learners are working students, they may opt to join the organisation's legal team or else, they may join a law firm as a work placement.



### **Learning Outcomes:**

Learners should be able to:

- Engage in field experience so as to provide a report, supported by a testimonial of experience acquired as part of fulfilment of the programme.
- Put into practice theories studied so far so as to create their professional network.

### **Assessment Structure:**

<b>Mode</b>	<b>Percentage</b>	<b>Credits</b>
<i>Report (2,000- 2,500 Words)</i>	80%	2
<i>Testimonial</i>	20%	1
<i>Total</i>	100%	3

### **Year 3 (Semester 1)**

#### **a) Alternative Dispute Resolution (ADR) (OUba029311)**

**Aims:** Introduction to the notion of mutually-satisfactory resolution; understanding of the various forms of disputes and settlement. This module is in line with the modernisation of law and its relevance in every aspect of international commercial arbitration, commerce and investment.

#### ***Unit 1: Dispute Resolution Mechanism***

Introduction to the structured process that addresses disputes or grievances that arise between two or more parties engaged in business, legal, or societal relationships. International adjudication and arbitration as well as basic methods will be considered.

#### ***Unit 2: International Treaties and Conventions***

Analysis of international laws relating to ADR, based on the UNCITRAL Model Law on International Commercial Arbitration. Furthermore, principal actors such as PCA, ICC and WTO will be involved in the study.



### **Unit 3: International Commercial Arbitration**

Analysis of the way arbitration is conducted between companies or individuals in different States, usually by including a provision for alternative dispute resolution in a commercial contract. Competency to arbitrate, arbitral procedure, including evidence and interim measures, will be analysed.

### **Unit 4: Mediation and Conciliation**

Analysis of the role of the arbitrator with power to conciliate and mediate.

### **Unit 5: Negotiation**

Developing skills in negotiation; stages in negotiation; and enforcement of negotiation will be analysed.

### **Unit 6: Applicable Law and Remedies**

Analysis of the applicable laws and remedies.

### **Unit 7: Enforcement of ADR Mechanisms**

Analysis of the force of Law of ADR mechanisms and the extent to which it is observed by parties concerned. Additionally, applicable laws will be discussed.

### **Unit 8: Mauritius as an ADR platform**

Analysis of Mauritius as a platform for ADR in Africa. International Arbitration Act (as amended) will also be considered.

### **Learning Outcomes:**

Learners should be able to:

- Demonstrate an understanding of ADR as an alternative to traditional court proceedings to settle disputes promptly.
- Analyse traditional ADR and assess its application.

### **Assessment structure:**

<b>Mode</b>	<b>Percentage</b>	<b>Credits</b>
<i>Assignment (2,000- 2,500 Words)</i>	30 %	1
<i>Class Test (1 hr)</i>	20 %	
<i>Exams (2 hrs)</i>	50 %	2
<i>Total</i>	100	3



## **b) Maritime Law (OUba029312)**

**Aims:** Introduction to law of the sea and the rights and obligations of States. Learners will understand the intricacies of maritime laws with particular attention to the maritime regimes under UNCLOS. Liabilities relating to breaches of the provisions of, *inter alia*, maritime conventions will also be considered.

### ***Unit 1: Historical Evolution of Maritime Law***

Insight INTO Maritime Law and customary international rules established by treaties, conventions and customs enforced on Contracting Parties. UN Charter will also be referred TO here.

### ***Unit 2: The Evolution of the UNCLOS***

Analysis of the UNCLOS as the international convention and standard setter as regards use of the sea as well as its impact on environment and the ITLOS.

### ***Unit 3: Maritime Law and Piracy***

An outline of Maritime Law and its relation to piracy.

### ***Unit 4: Geopolitics and Maritime Law***

Analysis of the relationship between geopolitics consideration and admiralty law. An understanding of the influence of geopolitics strategies and Maritime Law in the Indian Ocean and the disputed BIOT.

### **Learning Outcomes:**

- Learners should be knowledgeable about Maritime Law and analyse measures and means established by countries to protect their interest and hence be familiar with the evolution of the law, *inter alia*, in the field of geopolitics.
- Learners should be able to assess the extent to which geopolitics strategies and Maritime Law affect global concerns, particularly in inter-State relations.



### Assessment Structure:

Mode	Percentage	Credits
<i>Group Presentations<sup>1</sup> and a Class Test (1 hr)</i>	(30 % + 20 %)	1
<i>Exams (2 hrs)</i>	50 %	2
<i>Total</i>	100 %	3

#### c) **Droits des Affaires (OUba029313)**

**Aims:** This module allows learners to have a better idea of the laws pertaining to the different types of *sociétés commerciales* and analyse the laws applicable to each of them. As such, learners will be given the right means to gather much information about *les Actes de Commerce* and its application in the Mauritian context.

#### **Unit 1: Introduction aux Actes de Commerce**

Learners will have the opportunity to study *les Actes de Commerce* as applicable in Mauritius. Hence, learners will be given an insight into the different types of *sociétés commerciales* and *les droits du commerçant* among others.

#### **Unit 2: Les Sources du Droit des Affaires**

Understanding of the basic sources of *le Droit des Affaires* as inspired from the French Law together with relevant legislations (Law of Partnership Act), the *Code Civil Mauricien (CCM)* and the *Code de Commerce*.

#### **Unit 3: Les Sociétés Commerciales**

Analysis of corporate legal entities under the Mauritian Law. Same would imply to the *EURL (Entreprise Unipersonnelle à Responsabilité Limitée)*, *Sociétés en Participation* and *PME (Petites et Moyennes Entreprises)*.

#### **Unit 4 : Le Commerçant**

*Le commerçant* as a trader performing *des Actes de Commerce*. *Le droit du mineur as commanditaire* and *les droits de la femme mariée commerçante*.

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<sup>1</sup> Relevant details will be provided by Tutor.



### **Unit 5: La Société en Nom Collectif (SNC)**

Analysis of the *la Société en Nom Collectif* where learners will be able to better understand what is commonly referred to in Mauritius as partnership.

### **Unit 6: La Société en Commandite Simple (SCS)**

Analysis of the type of business where the owners share benefits with their *associés*. As such, key aspects such as the rights enjoyed by partners will be assessed. Distinction between *Commandité* and *Commanditaire* will be referred as well.

### **Unit 7: EURL (Entreprise Unipersonnelle à Responsabilité Limitée) and les Petites et Moyennes Entreprises (PME)**

Analysis of the law regulating emerging types of business (*EURL and/or PME*). As such, learners will be able to assess the extent to which the law safeguards such types of businesses in Mauritius.

### **Unit 8: Les Sociétés Civiles**

Analysis of *les Sociétés Civile* for people in the legal profession. As such, articles of *CCM* including 1845 *CCM et suivants* will be analysed.

### **Learning Outcomes:**

Learners should be able to:

- Explain the types of *sociétés civiles et sociétés commerciales* regulated by domestic legislations and assess *le Droit des Affaires* based on the French model.
- Demonstrate familiarity with the types of *entreprises* and companies.

### **Assessment Structure:**

<b>Mode</b>	<b>Percentage</b>	<b>Credits</b>
<i>Group Presentations<sup>2</sup> and a class test (1 hr)</i>	(30 % + 20 %)	1
<i>Exams (2 hrs)</i>	50 %	2
<i>Total</i>	100 %	3

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<sup>2</sup> Relevant details will be provided by the Tutor.



#### **d) Legal Theory and Jurisprudence (OUba029314)**

**Aims:** Very often ignored, legal theory and jurisprudence is the philosophy of law. It allows learners to know the origin of law related to moral values, sociology and ethics. It also allows learners to reflect on the meaning, role and importance of law and also when it is related to other fields. Learners will study the various schools of thought which help in the understanding of law and its importance.

##### ***Unit 1: The Origin and Evolution of Legal Theory and Jurisprudence***

Introduction to the origin and evolution of legal theory and jurisprudence as a field of study. Learners will be exposed to the treatises of various philosophers.

##### ***Unit 2: The Role of Doctrine and Jurisprudence in the Development of Law***

Learners will study the role of Doctrine and Jurisprudence in the development of law.

##### ***Unit 3: Features of Common Law and Continental Law and Hybrid System***

The Mauritian law being hybrid, learners will be able to identify the main features which allows us to distinguish between common law and continental law and thereby assess the Mauritian legal system.

##### ***Unit 4: Transnational Law and Jurisprudential Theories***

Learners will be able to elaborate of the different jurisprudential theories with reference to judicial decisions from various jurisdictions.

##### ***Unit 5: Jurisprudence and its Application***

Analysis of, *inter alia*, the ratio decidendi of the case, the stare decisis, obiter dicta, "*les lois d'origine prétoriennes*", canons of interpretation and dissenting opinions.

##### ***Unit 6: Analytic and Normative Jurisprudence***

Learners will analyse the normative aspect of law in society, *inter alia*, the positivist and moralist doctrine, its legitimacy and its deterrent role.

#### **Learning Outcomes:**

Learners should be able to:

- Appreciate the various legal theories and schools of thought that have evolved and form part of law as is and law as ought to be.





- Illustrate the application of the above-mentioned sources in the Mauritian Judicial system and hence better comprehend the meaning and the role of law in present day society.

#### **Assessment Structure:**

<b>Mode</b>	<b>Percentage</b>	<b>Credits</b>
<i>Assignment (2,000-2,500 Words) and Group Presentation/Discussion<sup>3</sup></i>	(30 % + 20 %)	1
<i>Exams (2 hrs)</i>	50 %	2
<i>Total</i>	100 %	3

#### **e) Labour Law and Industrial Relations Law (OUba029315)**

**Aims:** Analysis of the relationship between the employer and the worker to enable sound decisions when dealing with labour and industrial relations issues. Studying the requirements for a valid employment contract, its modification (if any) and implied duties. Analysis of the various legislations and institutions that govern the labour and industrial relations field. Examining the grounds for dismissal and the right of appeal. Assessing the constitutional protected rights to unionism.

##### **Unit 1: Sources of Labour Law**

Historical events, the Constitution, ILO Conventions, relevant legislations on labour, judicial precedents, doctrine, customs and procedures will be analysed.

##### **Unit 2 : Le Contrat du Travail**

Definition of *contrat de travail*, les différents types de contrats de travail (CDI, CDD et le contrat à l'essai), les obligations qui découlent du contrat de travail, la modification du contrat de travail, la rupture du contrat de travail et la démission, la responsabilité contractuelle et la responsabilité délictuelle, et la règle de non-cumul.

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<sup>3</sup> Terms of assessment to be determined by the Tutor.



### **Unit 3: Le Licenciement**

Analysis of the grounds for dismissal. Learners will be able to assess dismissal on a case-to-case basis to enhance their knowledge of “misconduct”, “poor performance”, “absences” and “ill-treatment” among others.

### **Unit 4: Jurisdiction**

Analysis of the role of institutions that deal with labour and industrial relations disputes. Learners will be able to assess the role, powers and functioning of the Industrial Court, the Reviewing Authority, the Employment Relations Tribunal (ERT), the Public Bodies Appeal Tribunal, the Supreme Court, and the Judicial Committee of the Privy Council (JCPC).

### **Unit 5: Industrial Relations Law**

A study of the history of its development. The Registrar of Associations, the constitution and administration of a trade union, freedom of assembly, collective bargaining, the CCM, the ERT and economic and industrial torts.

### **Unit 6: Strike**

Based on the ILO’s recommendations and the principles of industrial relations, this Unit will analyse the procedures governing strikes.

### **Learning Outcomes:**

Learners should be able to:

- Understand the labour and industrial relations framework and assess the extent to which the principles governing them are applied.
- Know what is an agreement, its breaches and the types of dismissal.
- Understand the functions of legal institutions dealing with dismissal and employment relations.

### **Assessment Structure:**

<b>Mode</b>	<b>Percentage</b>	<b>Credits</b>
<i>Class Test (1 hr)</i>	25 %	2
<i>Assignment (3,000- 3,500 Words)</i>	25%	2
<i>Exams (3 hrs)</i>	50 %	2
<i>Total</i>	100 %	6



## f) Professional Ethics (OUba029316)

**Aims:** Learners will familiarise themselves with the notion of professional ethics. This module will provide learners with an opportunity to comprehend different ethical schools of thought.

### ***Unit 1: Understanding the Role of Ethics in Society***

Definition of ethics and analysis of the sociological perspectives in law. Learners will be introduced to culture and its significance in everyday life. Knowledge of the different schools of ethics. As such, learners will be able to measure the application of various theories in everyday life.

### ***Unit 2: Law and Ethics***

Assessment of the importance of a regulatory framework in helping to resolve ethical problems.

### ***Unit 3: Ethics and its Relevance***

Learners will focus on the development of ethics and the morality of law in the promotion of a better society.

### ***Unit 4: Ethics and Law***

Learners will study the difference between ethics and law in everyday life. Learners will also have the opportunity to assess the inter-relationship between these two.

### ***Unit 5: Law, Ethics and Politics***

Assessment of the policy-making process and the ethical dilemma which arises in law.

### ***Unit 6: Ethics and the Legal Profession***

Assessment of the role of the legal profession in observing an ethical conduct.

### **Learning Outcomes:**

Learners should be able to:

- Demonstrate an understanding of professional ethics and assess its role in the shaping the legal profession.
- Discuss the importance of ethics in the legal profession and compare and contrast approaches to be adopted when ethical dilemma arises.

### Assessment Structure:

Mode	Percentage	Credits
Assignment (2,000- 2,500 Words) and Class Test (1 hr)	(30 % + 20 %)	1
Exams (2 hrs)	50 %	2
Total	100 %	3

#### g) **Droit Notarial (OUba029317)**

**Aims:** This module will enable learners wishing to join the legal profession as a “notaire” to develop skills in drafting legal documents (notarial deeds), to understand jurisdiction of relevant courts and to study the related fields of law (*la vente, succession, régimes matrimoniaux* and *partage*) they need in their profession.

#### **Unit 1: Introduction et le Code de Déontologie Notarial**

This unit will allow learners to better understand the application of ethics to enrich their expertise in the field of law.

#### **Unit 2: Courts: The Bankruptcy Court**

Roles and functions of the Bankruptcy Court will mainly deal with cases of bankruptcy/*faillites* and which is important for a prospective notary. As such, learners will know how to draft the relevant documents in such types of cases.

#### **Unit 3: Sales of Immovable Properties**

Analysis of the sales of immovable properties where the ownership is transferred, or when the immovable property is transferred as per relevant legislations in force, and the role of a notary in the sale of immovable properties.

#### **Unit 4: Les Régimes Matrimoniaux et les Successions**

Analysis of the various types of “*régimes matrimoniaux*” with reference to the issues which arise in cases of, *inter alia*, succession *ab intesta*, *l’indivision*, *la propriété indivise* and *le partage* per se between the heirs and the spouse.

#### **Unit 5: Les Saisies et la Vente**

Analysis of the various ways movable and immovable properties are seized and sold. The different types of *saisies* (*saisie arrêt*, *saisie révendication*, *saisie vente* or *saisie conservatoire*) as per legislations and procedures.



## Unit 6: Le Droit Notarial à Maurice

Analysis of enactments and procedure such as The Powers of the Attorney Act, The Hague International Convention, Public Document Act and The Foreign Judgement Reciprocal Enforcement Act, Exequatur, *Apostille* and Recognition of Foreign Official Document.

### Learning outcomes:

Learners should be able to:

- Develop familiarity with fields required by a notary or attorney in Mauritius.
- Apply relevant articles of the *CCM* for prospective notaries and put into practice the legal knowledge acquired from previous modules to the current module.

### Assessment Structure:

Mode	Percentage	Credits
<i>Assignment (2,000- 2,500 Words) and Class Test (1 hr)</i>	(30 % + 20 %)	1
<i>Exams (2 hrs)</i>	50 %	2
<i>Total</i>	100 %	3

## Year 3 (Semester 2)

### a) International Banking and Commercial Law (OUba029321)

**Aims:** Learners shall study the international banking law and commercial law. Learners will also analyse the development of law in relation to the measures initiated to avoid fraud and money laundering.

#### ***Unit 1: International Banking***

Introduction to law relating to banking, insurance and Trade Finance Law. Legal framework of banking transactions will also be studied.

#### ***Unit 2: Capital Markets***

Law and regulations pertaining to raising capital by dealing with shares, bonds, derivatives and other long-term investments.

#### ***Unit 3: Corporate Finance and Cross-Border Acquisition***



Assessment of the law regulating areas of finance dealing with sources of funding, and the capital structure of corporations. The concept of cross-border mergers and acquisitions, and labour market regulations will also be included in the study.

#### ***Unit 4: International Transactions***

Analysis of the role of the IMF and World Bank in regulating international finance. The EU system will also be analysed.

#### ***Unit 5: Bills of Exchange***

Analysis of the history and uses of notes. Analysis of the Bills of Exchange (Bills of Exchange Act) by analysing elements such as indorsement, negotiation or forgery and transfer, among others. As such, students will study the rights of the holders, the liabilities and statutory protection and ATM cards just to name a few.

#### ***Unit 6: Regulatory Bodies in Mauritius***

Learners will study the role and functions of the two financial regulators, namely the BOM (BFI) and the FSC (NBFI). Students should be able to understand the circumstances in which the regulatory bodies operate in order to promote a sound financial system.

#### **Learning Outcomes:**

Learners should be able to:

- Demonstrate an understanding of international bodies and regulations so as to assess the application of regulations concerning banking, finance and capital markets.

Critically analyse the role of law in ensuring a safe banking and commercial environment in Mauritius.



## Assessment Structure:

Mode	Percentage	Credits
Assignment (2,000- 2,500 Words) and Class Test (1 hr)	(30 % + 20 %)	1
Exams (3 hrs)	50 %	2
Total	100 %	3

### b) Law of Evidence (OUba0293222)

Law relating to proof useful during criminal and civil proceedings and the way evidence is adduced during those proceedings. Here, learners will get an insight into the UK common law and some legislations that govern our law of evidence.

#### **Unit 1: Types of Evidence**

Introduction to the Law of Evidence and assessment of its relevance to admissibility like, *inter alia*, hearsay evidence, direct evidence, presumptions, primary evidence, secondary evidence and opinion evidence.

#### **Unit 2: Burden of Proof**

Analysis of the standard of proof and burden of proof of the defendant by the prosecution. Statutory and common law exceptions, and standard used to establish fact beyond reasonable doubt (criminal cases) or on a balance of probabilities (civil cases). Legal burden and evidential burden will also be analysed.

#### **Unit 3: Presumptions**

Study of rebuttable and irrebuttable presumptions (by laws and fact).

#### **Unit 4: Corroboration and Identification**

Analysis of common law principles as to identification (Turnbull guidelines, Lucas direction and Police rule) in relation to a statement already mentioned as evidence.

#### **Unit 5: Competence and Compellability of Witnesses**

Rules concerning competences and compellability - child as a witness (Criminal Procedure Act), spouse as a witness (made statutory) and the accused/co-accused/accomplice/co-author.



### ***Unit 6: Examination-in-Chief, Cross Examination and Re-Examination***

Analysis of differences between examination-in-chief, cross-examination and re-examination of witnesses.

### ***Unit 7: Opinion/Expert Evidence***

Expert evidence and admissibility of such evidence will be analysed. Opinion evidence and its reliability.

### ***Unit 8: Hearsay Evidence***

Analysis of Hearsay evidence as "an out-of-court statement introduced to prove the truth of matter asserted therein". Reference will be made to admissibility of evidence which will be coupled with oral evidence and the *res gestae*.

### ***Unit 9: Character Evidence***

Character evidence and its weight, character of accused, character of victim, character of witness. Evidence of good character and evidence of bad character and their admissibility.

### ***Unit 10: Similar Fact Evidence***

Analysis of evidence establishing the conditions under which factual evidence of the past misconduct of an accused can be admitted in trial.

### ***Unit 11: Privileges and Public Policy***

Privileges enjoyed by the accused and his legal representatives, and before a priest. Privileges against self-incrimination. Public policy, national security and confidentiality, Official Secrets Act will, *inter alia*, be analysed.

### **Learning Outcomes:**

Learners should be able to:

- Demonstrate an understanding of the law of evidence
- Put into practice and relate the application of the law of evidence





**Assessment Structure:**

<b>Mode</b>	<b>Percentage</b>	<b>Credits</b>
<i>Class est (1 hr)</i>	25 %	2
<i>Assignment (3,000- 3,500 Words)</i>	25 %	2
<i>Exams (3 hrs)</i>	50 %	2
<i>Total</i>	100 %	6

**c) Moot Competition (OUba029323)<sup>4</sup>**

**Aims:** An oral presentation by the learners as if they were in court. Learners will be able to experience the realities of court of law. As such, learners will gain experience through moot competitions.

**Learning Outcome:**

- Following moot competitions, learners should be able now to develop advocacy skills.

**Assessment Structure:**

<b>Mode</b>	<b>Percentage</b>	<b>Credits</b>
<i>Preparation of plea<sup>5</sup></i>	50 %	1
<i>Advocacy<sup>6</sup></i>	50 %	2
<i>Total</i>	100 %	3

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<sup>4</sup> Guidelines on moot preparations and advocacy will be submitted to learners.

<sup>5</sup> The case study will be submitted to learners 3hrs prior to the plea.

<sup>6</sup> A panel of experts will be constituted to assess the learner.



**d) Dissertation (OUba029324)**

**Aim:** To enable learners to do research on a specific topic.

**Learning Outcomes:**

Learners should be able to:

- Critically apply legal research methodology within the field of law and analyse a specific area of law
- Apply learnt concepts to thesis following a legal approach as expected in the field of the law

**Assessment Structure:**

<b>Mode</b>	<b>Percentage</b>	<b>Credits</b>
<i>Thesis (Coursework):</i> A dissertation (12,000-14,000 Words) must be submitted by learners for the award.	100 %	6