



LEARNING PROGRAMME CONTENT & DELIVERY

Introduction to learning programme content

The tables below present the qualification structure indicating all the components of the learning programme such as the sequence of compulsory modules, levels and credits for each module;

Note that the Certificate in Paralegal studies has fundamental components and no elective components.

QUALIFICATION STRUCTURE		
	Title	Credits
Fundamental Components Subjects/Units/ Modules	The Certificate in Paralegal studies qualification shall consist of the following compulsory modules in the subject of law and other subject areas;	
	PLS101 Introduction to Paralegal Studies	10
	PLS102 Introduction to Law	12
	PLS103 Family Law	12
	PLS104 Constitutional Law in Botswana	12
	PLS105 Communication & Research Skills	10
	PLS106 Criminal Law & Procedure	16
	PLS107 Civil Procedure & Practice	16
	PLS108 Delict	12
	PLS109 Law of Obligations	12
	PLS110 Internship	16
	TOTAL NUMBER OF CREDITS	138

PLS 101 Introduction to Paralegal studies

Credits	12
Type (Core/Optional/Elective/General Education Course)	C
Semester in which the course is taught (1 or 2)	1
Pre-requisites (if any)	-
Co-requisites (if any)	-

Course aims

The aim is to help the student engage with the practical aspects of the law quickly and efficiently. Key to this is developing an understanding of the Civil Procedure Rules. The Civil Procedure course takes the student through almost the entire civil litigation process, including costs, cases management conduct, settlement by mediation and/or offers, through filing and serving a claim, the contents of the Particulars of Claim, allocation, disclosure, and some aspects of remedies in contract and delict. The programme provides students with a sound theoretical and practical knowledge of all aspects of paralegal studies. The curriculum is designed to prepare students to be creative, competent and committed employees in the paralegal industry.

Rationale

This course is designed to provide the student with an overview of the law, the legal profession and the paralegal's role in the delivery of legal services, especially as practiced in Botswana.

Course Synopsis

This course presents fundamental concepts of law and the legal profession, with emphasis on the paralegal's role.

Course Outline

1. Introduction to paralegal studies
2. The Professional Paralegal
 - Introduction
 - What is a paralegal?
 - What do paralegals do?
 - Opportunities
 - The future
 - Career planning/role of paralegal
 - National associations
 - Qualifications of a paralegal
 - Paralegal education in the United States
 - Personal goals
3. Ethics, Regulation, and Professional Responsibility
 - Introduction

- Unauthorized practice of law (UPL)
 - Regulation of the paralegal profession
 - Ethical rules and obligations
 - The future
4. Careers in the Paralegal Profession
- Introduction
 - Compensation issues for the paralegal
 - Selecting a specialty
 - Assessing your background/skills/interests
 - Career planning – selecting electives/preparing your resume/interviewing
 - Arrangements and organization of law offices
 - Administrative procedures in the law office
5. Paralegal Workplace Skills
- Introduction
 - Paralegal tasks and functions
 - What paralegals in legal specialties do
 - Paralegal skills
 - Cultural sensitivity

Learning outcomes

Upon completion of the course students should be able to:

1. Discern the skills, abilities, and personal characteristics needed to become a successful paralegal.
2. Describe the organization of law offices and the interrelationships between attorneys and paralegals.
3. Be aware of ethical obligations of paralegals.
4. Formulate solutions to potential dilemmas arising out of employment in the legal field.
5. Be acquainted with major substantive areas of law and duties and responsibilities integral to those specialties.
6. Acquire a working legal vocabulary.
7. Analyse legal situations to distinguish relevant facts from informational sources.

Teaching and learning methods

The following will be some of the methods that will be used for teaching and learning in this course:

- Lectures
- Tutorials
- Class discussions
- Practical learning activities
- Student presentations
- Case studies

- Presentations
- Library Research
- Group-assigned mini projects
- Group work
- Independent work

Credits

This course consists of 12 credits for the semester. This is equivalent to 1 credit per week for the semester course. One Credit equals 10 Notional Hours per week, which is generally the amount of time spent on the course in a given week (i.e 10 hours per week). The 10 Notional Hours consist of 3 contact hours and 7 hours for student engagement or activities per week in the course. The Seven (7) Notional Hours provides for activities which the student will be engaged in, such as: Library searches, research, group work, assignment preparation, tutorial attendance, reading, independent among others.

Assessment

Assessment, which shall be in accordance with the Institute's Assessment and Moderation Policy (2017), shall be based on at least two pieces of continuous assessment (CA) work and a final examination. The ratio of CA to examination shall be 1:1.

Prescribed texts

C.M. Fombad, *The Botswana Legal System*, Juta, 2013.

Reading List

Books

Harris, *Introduction to Law*

Cockram, *Interpretation of Statutes*

Otlhogile, *A History of the Higher Courts of Botswana*, 1994.

PLS 102 Introduction to Law

Credits	12
Type (Core/Optional/Elective/General Education Course)	C
Semester in which the course is taught (1 or 2)	1
Pre-requisites (if any)	-
Co-requisites (if any)	-

Course aims

The basic aims of this course are to introduce law as a discipline of study and to provide an in-depth coverage of salient features of the Botswana legal system. The aims of the course is to provide the students with:

1. An understanding of the structure and system of law in Botswana
2. Ability to use legal sources and materials
3. Ability to identify legal principles and issues from factual situations
4. Develop research and writing skills appropriate to the study of law.

Rationale

The course is designed to provide the necessary foundation for further study of other law courses on the paralegal studies curriculum. It is essential to the trainees' understanding of the basic principles of law and the various aspects of the Botswana Legal System. The course also exposes the students to the various theoretical underpinnings of law and the operation of law in the Botswana dual legal system.

Course Synopsis

The course will cover the concept of law, its nature and functions, and an introduction to the Botswana legal system.

Course Outline

- 1) The nature and functions of law
 - Distinction between law and morality, customs, conventions as well social norms
 - Functions of law: maintenance of order, settlement of disputes, regulation of economic activities, protection of interests, regulation of organs of power, other functions.
 - Law and justice: Legal justice, distributive justice, natural justice, restorative justice.
- 2) Historical development of the Botswana legal system
 - The pre-colonial period

- The colonial period – Genesis of the modern legal system
 - The post-independence period (The pluralism of laws).
- 3) Divisions of law
- Classifications of law: national and international law, common law and civil law, law and equity, private law and public law, civil law and criminal law, common law and statutory law, substantive law and adjectival law.
- 4) Historical and contemporary sources of law in Botswana
- Common law
 - Judicial precedent
 - Statutory law
 - Customary Law
- 5) The structure and jurisdiction of the courts
- Court of Appeal
 - High Court
 - Magistrates Courts
 - Customary Courts
 - Industrial Court
 - Specialised Courts (Court Martial, Small Claims Court, Land Tribunal, Juvenile Courts)
- 6) Interpretation and application of statutes and other legal sources
- Rules of interpretations of statutes
 - Presumptions
 - Maxims

Learning outcomes

Upon completion of the course students should be able to:

1. Exhibit an understanding of the meaning of what law means and how it can be distinguished from ethics, morality and traditions by explaining and drawing the differences between any of the two.
2. Explain and illustrate the structure and system of law in Botswana.
3. Be able to use legal sources and materials such as statutes and law reports.
4. Use the library effectively.
5. Identify legal principles and issues from factual situations.
6. Carry out research and writing skills appropriate to the study of law.

Teaching and learning methods

The following will be some of the methods that will be used for teaching and learning in this course:

- Lectures
- Tutorials
- Class discussions
- Practical learning activities
- Student presentations
- Case studies

- Presentations
- Library Research
- Group-assigned mini projects
- Group work
- Independent work

Credits

This course consists of 12 credits for the semester. This is equivalent to 1 credit per week for the semester course. One Credit equals 10 Notional Hours per week, which is generally the amount of time spent on the course in a given week (i.e 10 hours per week). The 10 Notional Hours consist of 3 contact hours and 7 hours for student engagement or activities per week in the course. The Seven (7) Notional Hours provides for activities which the student will be engaged in, such as: Library searches, research, group work, assignment preparation, tutorial attendance, reading, independent among others.

Assessment

Assessment, which shall be in accordance with the Institute's Assessment and Moderation Policy (2017), shall be based on at least two pieces of continuous assessment (CA) work and a final examination. The ratio of CA to examination shall be 1:1.

Prescribed texts

C.M. Fombad, *The Botswana Legal System*, Juta, 2013.

Reading List

Books

Harris, *Introduction to Law*.

Cockram, *Interpretation of Statutes*.

Otlhogile, *A History of the Higher Courts of Botswana*, 1994.

Journal articles

B. Otlhogile, A History of the Higher Courts of Botswana 1912-1990

A. Molokomme, Children of the Fence (1991).

A. Aguda, "Legal developments in Botswana from 1885 to 1996" 1973 Botswana Notes and Records pp 52-62.

A. Molokomme, "The reception and development of Roman-Dutch Law in Botswana" 1985 Lesotho Law Journal vol. 1 pp. 121-134.

AJGM Sanders, "The characteristic features of Southern African Law" 1981 Comparative and International Law Journal of Southern Africa. Vol. 15 pp. 198-207.

J.H. Pain, "The reception of English and Roman-Dutch law in Africa with reference to Botswana, Lesotho and Swaziland" 1978 Comparative and International Law Journal of Southern Africa. Vol. 11 pp. 140-167.

AJGM Sanders, "Legal dualism in Lesotho, Botswana, Swaziland. A general survey" 1985 Lesotho Law Journal. Vol. 1 pp. 47-65.

A. Molokomme, "Customary law in Botswana: Past, present and future" in Sue Brothers et al. Botswana in the 21st century.

Quansah, "The Legal Practitioners Act, 1996 of Botswana" 41 Journal of African Law (1997) 140.

Charles M. Fombad, "Customary courts and traditional justice in Botswana: Present challenges and future prospects", 15 Stellenbosh Law Review (2004) pp. 166-192.

Charles M. Fombad, "A Preliminary Assessment of the Prospects for Judicial Independence in Post 1990 African Constitutions" Public Law (2007) pp673-71.

Statutes

Customary Law Act (Cap 16:01).
Interpretation Act.

Cases

Kweneng Land Board v Kabelo Matlho 1992 BLR 292.

Central London Property Trust Ltd. v High Trees House Ltd. [1947] KB 130.

Rondel v Worsley [1969] 1 AC 191.

State v Moyo & Others [1988] B.L.R. 113 at p. 114B.

Hedley Byrne & Co. Ltd. v Heller & Partners Ltd. [1964] AC 465.

Tafic Sporting Club v Mokobi N.O. and Another [1997] B.L.R. 177 at pp. 188F-189

Donoghue v Stevenson [1932] AC 56 .

Matomela & Another v The State 1 B.L.R. 396.

FNB of Botswana v Botswana Bank Employers' Union [1998] B.L.R. 403 at 414.

Mzwinila v The State [1989] B.L.R. 610 at p. 611 H.

Tlhogo v The State [1993] B.L.R. 387.

Petrus & Another v The State [1984] B.L.R. 114 at 116.

The State v Nkani [1980] B.L.R. 195.

Mzwinila v The State [1989] B.L.R.3.

PLS103 Family Law in Botswana

Credits	12
Type (Core/Optional/Elective/General Education Course)	C
Semester in which the course is taught (1 or 2)	1
Pre-requisites (if any)	-
Co-requisites (if any)	-

Course aims

The aim of this course is to introduce the law governing matrimonial and other related relationships. At the end of the course students should be able to understand and apply the law to practical situations.

Rationale

The prevalence matrimonial relationships in society and their legal implications make this an essential course for all law students.

Course Synopsis

The course will cover the law and consequences of the formation and dissolution of marriage and cohabitation.

Course Outline

1. Definition of marriage
2. Formation and consequences of marriage: variable and invariable consequences.
3. Annulment of marriage: grounds for annulment and the consequences
4. Termination of marriage, (divorce)
5. Ancillary relief: maintenance, property adjustments and custody of children
6. Cohabitation and its consequences in law

Learning outcomes

Upon completion of the course students should be able to:

1. to explain the definition of marriage and the formation of marriage in Botswana;
2. to appreciate the ancillary relief and matters closely linked to family law;
3. have knowledge of what a summons for divorce is and be able to identify errors in a wrongly drafted summons.
4. understand and apply the law to practical situations or real life situations.

Teaching and learning methods

The following will be some of the methods that will be used for teaching and learning in this course:

- Lectures
- Tutorials
- Class discussions
- Practical learning activities
- Student presentations
- Case studies
- Presentations
- Library Research
- Group-assigned mini projects
- Group work
- Independent work

Credits

This course consists of 12 credits for the semester. This is equivalent to 1 credit per week for the semester course. One Credit equals 10 Notional Hours per week, which is generally the amount of time spent on the course in a given week (i.e 10 hours per week). The 10 Notional Hours consist of 3 contact hours and 7 hours for student engagement or activities per week in the course. The Seven (7) Notional Hours provides for activities which the student will be engaged in, such as: Library searches, research, group work, assignment preparation, tutorial attendance, reading, independent among others.

Assessment

Assessment, which shall be in accordance with the Institute's Assessment and Moderation Policy (2017), shall be based on at least two pieces of continuous assessment (CA) work and a final examination. The ratio of CA to examination shall be 1:1.

Prescribed texts

Quansah, *Family Law in Botswana*
 Sinclair, *The Law of Marriage Vol. 1*
 Schapera, *Handbook of Tswana Customary Law*
 Roberts, *Tswana Family Law*

Statutes

Marriage Act 2000
 Matrimonial Causes Act 1973
 Married Persons Property Act 1970
 Married Persons Property Act 2014
 Affiliation Proceedings Act 1970
 Affiliation Proceedings (Amendment) Act 1999
 Adoption Act 1952
 Abolition of Marital Power Act 2004
 Marriage (Forms) Regulations 2004 (SI No. 85 2004)

Cases

Sekonopelo v Keetile 1958 HCTLR 88
Mafoko v Thaba [2002]2 BLR 48
Mathendele v Kenosi 2005 BLR 234
Kebatscholetse v Madzonga and Another 1989 BLR 414
Kegasitswe v Dikgomo [2001]1 BLR 272
Rodgers v Mokgethi [2008]1 BLR 57
Muchaile v Simwanza [2010]2 BLR 404
Ntshakang v Pule [2010]1 BLR 309
Setsogo v Sabubi [2002]1 BLR 142
Maswabi v Lepii ans Another [2010]1 BLR 734
Mtui v. Mtui [2001] 2 BLR 333
Thebe v. Kemodisa [2001] 2 BLR 263
Molomo v. Molomo [1979-80] BLR 250
Moisakamo v. Moisakamo (2) [1981] BLR 126
Rabantheng v. Rabantheng [1988] BLR 260
Modise v. Modise [1991] B.L.R. 333
Mbenge v. Mbenge [1996] B.L.R. 142
Kgari v. Kgari [1996] B.L.R. 488
Ruwona v. Ruwona [1998] B.L.R. 415
Molefe v. Molefe [2003] 2 BLR 157
Molefe v. Molefe[2004] 2 B.L.R. 80 (CA)
Suping v Suping MLHLB-000247-12 (Unreported)
Motswasele v Motswasele [2006]1 BLR 120

PLS104 Constitutional Law in Botswana

Credits	12
Type (Core/Optional/Elective/General Education Course)	C
Semester in which the course is taught (1 or 2)	1
Pre-requisites (if any)	-
Co-requisites (if any)	-

Course aims

The aims of this course are to teach students the basic principles of constitutional law; to introduce the history of the Botswana Constitution; and to discuss its salient features in comparison with other constitutions in Southern Africa. The aim is further to equip students with sufficient knowledge as regards the role and relevance of constitutional law in Botswana. That is, the aim of this course is to provide the basis legal knowledge necessary for an appreciation of important constitutional issues in labour matters in Botswana.

Rationale

The constitution is the primary source of legal authority and legal norms in the Botswana Legal System. It must be covered in any study of the legal system. As aforementioned, the relevance of constitutional principles to everyday relations have become obvious over the years as the labour movement asserted the rights of its members.

Course Synopsis

The course covers the development of the Botswana Constitution, its salient features and basic underlying concepts, and the distribution of powers, functions and duties between the various institutions of government.

Course Outline

- 1) General principles of constitutional Law
 - The meaning of a constitution and constitution
 - Functions of a constitution
 - Classification of constitutions (written an unwritten, rigid & flexible, unitary and federal, monarchical and republican, presidential and parliamentary constitutions).
- 2) Key constitutional law concepts
 - Constitutionalism
 - The concept of the rule of law
 - The doctrine of separation of powers
 - Constitutional supremacy vs. parliamentary supremacy
- 3) Sources of constitutional law
 - The Constitution

- Statutory sources/legislation
- Common law
- Judicial precedent
- Conventions and customs
- International law
- 4) History of the Botswana Constitution
- 5) Essential features of the Botswana Constitution
 - Bill of rights
- 6) Institutions of Government
 - The Executive (The President, Cabinet and the Public Service)
 - The Legislature
 - The Executive
 - The Judiciary and
 - The House of Chiefs
- 7) Other organs of state
 - The Independent Electoral Commission
 - The Auditor-General
 - The Ombudsman
 - The Directorate on Corruption and Economic Crime
 - The Attorney General
 - The Director of Public Prosecutions.

Learning outcomes

Upon completion of this students should:

1. Explain what a constitution is and draw distinctions between the different types of constitutions.
2. Apply the key constitutional principles to factual situations to provide an analysis of a particular country's, such as Botswana, constitutionalism.
3. List and discuss the sources of constitutional law.
4. Have an overall understanding, critical appraisal and analysis of the various provisions of the Bill of Rights so as to be able to apply them to factual situations in the resolution of disputes.
5. Have a thorough understanding of the Botswana Constitution and the values underlying it, key government institutions and be familiar with comparable constitutional arrangements in Southern Africa.

Teaching and learning methods

The following will be some of the methods that will be used for teaching and learning in this course:

- Lectures
- Tutorials

- Class discussions
- Practical learning activities
- Student presentations
- Case studies
- Presentations
- Library Research
- Group-assigned mini projects
- Group work
- Independent work

Credits

This course consists of 12 credits for the semester. This is equivalent to 1 credit per week for the semester course. One Credit equals 10 Notional Hours per week, which is generally the amount of time spent on the course in a given week (i.e 10 hours per week). The 10 Notional Hours consist of 3 contact hours and 7 hours for student engagement or activities per week in the course. The Seven (7) Notional Hours provides for activities which the student will be engaged in, such as: Library searches, research, group work, assignment preparation, tutorial attendance, reading, independent among others.

Assessment

Assessment, which shall be in accordance with the Institute's Assessment and Moderation Policy (2017), shall be based on at least two pieces of continuous assessment (CA) work and a final examination. The ratio of CA to examination shall be 1:1.

Prescribed texts

D.D. Nsereko, *Constitutional Law in Botswana* (Pula Press, 2010)

Reading List

Books

K.C. Wheare, *Modern Constitutions*

Barnett H., *Constitutional and Administrative Law*

De Smith et al, *Constitutional and Administrative Law*

C. F. Strong, *Modern Political Constitutions. An Introduction to the Comparative Study of their History and Existing Forms.*

Journal articles

Balule BT. (2008). 'Good v. The Attorney- General (2): Some Reflections on the National Security Dilemma in Botswana'. In *University of Botswana Law Journal*, 7: 153–172.

Dinokopila BR. (2011) 'The right to water in Botswana: a review of the Matsipane Mosetlhanyane case'. In *African Human Rights Law Journal*, 11: 572-581.

Dinokopila, BR. (2013) 'The Justiciability of socio-economic rights in Botswana'. In *Journal of African Law*, 57, 1: 108 – 125.

Maripe B. 2014. 'Giving effect to international human rights law in the domestic context of Botswana: Dissonance and incongruity in judicial interpretation'. In *Oxford University Commonwealth Law Journal*, 14, 2: 251 – 282

Charles Manga Fombad, "The Swaziland Constitution of 2005: Can Absolutism be Reconciled with Constitutionalism?" 23 *South African Journal of Human Rights* (2007), pp. 93-115.

Charles Manga Fombad, "Post-1990 Constitutional Reforms in Africa: A Preliminary Assessment of the Prospects for Constitutional Governance and Constitutionalism," in Nhema & Zeleza (eds), *The Resolution of African Conflicts: The Management of Conflict Resolution & Post-Conflict Reconstruction*, (2008), pp. 179-199.

Charles Manga Fombad, "The Separation of Powers and Constitutionalism in Africa: The Case of Botswana," 25 *Boston College Third World Law Journal* (2005), pp. 301-342.

Charles Manga Fombad and D. Sebudubudu, "The Framework for Curbing Corruption, Enhancing Accountability and Promoting Good Governance in Botswana, " in Charles Manga Fombad (ed.), *Essays on the Law of Botswana* (2007).

Charles Manga Fombad, "The Protection of Human Rights in Botswana: An Overview of the Regulatory Framework," in Charles Manga Fombad (ed.), *Essays on the Law of Botswana* (2007).

Quansah EK. (2010). 'An examination of the use of international law as an interpretative tool in human rights litigation in Ghana and Botswana'. In Killander (ed.) *International law and domestic human rights litigation in Africa*. Pretoria: Pretoria University Law Press.

Statutes

Constitution of Botswana (1966)
National Assembly (Powers and Privileges) Act

Cases

Petrus & Another v The State [1984] BLR 14

Attorney General v Dow [1992] BLR 119

Rivlin v Bilainkin (1953) 1 QB 485

Re Parliamentary Privileges Act, (1958) AC 331.

Attorney-General of Ceylon v Livera (1963) AC 103.

Church of Scientology of California v John-Smith (1972) 1 QB 522.

Bradlaugh v Crossett (1884) 12 QBD 271.

Idah Ngope v O'Brien Quinn [1986] BLR 335

McC v Mullan (1984) 3 All ER 909.

R v Waltham Forest JJ ex Parte Solanke (1986) 2 All ER 981

Sirro v Moore (1975) QB 118.

Atwood v Chapman (1914) 3 KB 275.

Law v Llewellyn (1906) 1 KB 487.

PLS 105 Communication and Research Skills

Credits	12
Type (Core/Optional/Elective/General Education Course)	C
Semester in which the course is taught (1 or 2)	1
Pre-requisites (if any)	-
Co-requisites (if any)	-

Course aims

The course introduces students to the various principles relating to communication skills mostly in a professional setting. It also introduces them to the various skills as regards rhetorical skills, research skills, writing, communication skills and their relevance to both academic and professional purposes.

Rationale

The goal of any institute of learning is to help students become effective communicators and critical consumers of messages thus preparing them for life as an educated citizen and as a productive professional. The Institute therefore seeks to integrate and impart such skills on the students. The course is designed to graduate students who are technically proficient as well as knowledgeable and conversant in all rules of communication and research.

Course Synopsis

This course covers basic general principles and rules relating to the process of communication and communication theories, written communication, verbal and non-verbal communication. It further covers issues relating to visual communication.

Course Outline

The process of communication and communication theories

- Written communication
- Verbal Communication
- Non-verbal communication
- Information technology and communication in organisations
- Visual communication
- Research writing and research methodologies
- Reporting and writing

- Learning outcomes
- Upon completion of the course students should be able to:
- Demonstrate critical and innovative thinking.
- Display competence in oral, written, and visual communication.
- Apply communication theories.
- Show an understanding of opportunities in the field of communication.
- Use current technology related to the communication field.
- Respond effectively to cultural communication differences.
- Communicate ethically.

Students should be familiar with ethical issues in educational research, including those issues that arise in using quantitative and qualitative research.

Teaching and learning methods

The following will be some of the methods that will be used for teaching and learning in this course:

- Lectures
- Tutorials
- Class discussions
- Practical learning activities
- Student presentations
- Case studies
- Presentations
- Library Research
- Group-assigned mini projects
- Group work
- Independent work

Credits

This course consists of 12 credits for the semester. This is equivalent to 1 credit per week for the semester course. One Credit equals 10 Notional Hours per week, which is generally the amount of time spent on the course in a given week (i.e 10 hours per week). The 10 Notional Hours consist of 3 contact hours and 7 hours for student engagement or activities per week in the course. The Seven (7) Notional Hours provides for activities which the student will be engaged in, such as: Library searches, research, group work, assignment preparation, tutorial attendance, reading, independent among others.

Assessment

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Prescribed texts

Langan, John College Writing Skills (8th Ed.) New York: McGraw-Hill

Reading List

Microsoft Office 2010/2013 books.

Farness, J College Writing Skills San Diego: Harcourt, Brace Jovanoch.

The Legal Writing Handbook: Analysis Research and Writing (6th Ed.) New York: Aspen.

PLS 106 Criminal Procedure

Credits	3
Type (Core/Optional/Elective/General Education Course)	C
Semester in which the course is taught (1 or 2)	2
Pre-requisites (if any)	-
Co-requisites (if any)	-

Course aims

The aim of this course is to provide students with a thorough understanding of the principles applicable to each stage of a criminal trial and a working knowledge of the Criminal Procedure and Evidence Act.

At the end of the course students will be expected to understand the nature and process of a criminal trial and to locate and apply the provisions of the Criminal Procedure and Evidence Act. Students should also be familiar with the drafting of important trial documents.

Rationale

Criminal procedure is the formal process through which the guilt or innocence of accused persons is determined. The course is essential for students likely to be involved in criminal litigation in Botswana.

Course Synopsis

The course will cover the legal principles applicable at each stage of a criminal trial and the drafting of basic trial documents.

Course Outline

- Nature of a criminal trial in Botswana
- Jurisdiction of the court
- Initiation of proceedings, including investigations, arrest and extradition
- Bail and recognizances
- Drafting of charges
- Preparatory examinations
- Trial procedures in the Magistrates' Courts and the High Court
- Elements of a fair trial
- Sentencing
- Appeals

Learning outcomes

Upon completion of this course students should be able to:

1. Describe the system of criminal prosecution in Botswana.
2. Describe the legal rules relating to search and seizure under the Criminal Procedure Act and the constitutionality of search and seizure provisions.
3. Describe rules applicable to drafting of indictments for criminal trials in High Court of Botswana.
4. Understand the various procedural steps followed in the hearing of a criminal matter by simulating the role of counsel in the moot court and observing a real life criminal case; and reflecting on these experiences.
5. Apply such rules in a factual scenario.

Modes of Assessment

Assessment in accordance with Special Departmental Regulations shall be based on at least two pieces of continuous assessment work and a three-hour final examination.

Reading List

Nsereko, *Criminal Procedure in Botswana, Cases and Materials*
Sprack, *Emmins on Criminal Procedure*
Jourbert *et al Criminal Procedure Handbook* (Juta, 1999).
Criminal Procedure and Evidence Act
The Constitution of Botswana

PLS 107 Civil Procedure and Practice

Credits	4
Type (Core/Optional/Elective/General Education Course)	C
Semester in which the course is taught (1 or 2)	2
Pre-requisites (if any)	-
Co-requisites (if any)	-

Aims and Learning Objectives

The aim of this course is to equip law students with detailed theoretical and practical knowledge of the procedures and rules applied in civil litigation in Botswana. The course will also introduce students to the drafting of common processes and notices utilized in civil litigation.

At the end of the course students should have a sound understanding of the rules and procedures involved in civil litigation and be able to draft the common processes and notices.

Rationale

Civil procedure is the formal process through which civil disputes are resolved or settled. This is an essential course for students intending to practice law in Botswana.

Course Synopsis

The course deals with the rules defining the civil process, and proceedings issued and conducted in the various courts and tribunals in Botswana.

Course Outline

- The civil court structure
- Jurisdiction
- Forms and procedures
- Parties to litigation
- Summary proceedings
- Principles of pleadings
- Pre-trial judgments
- Trial
- Appeals and reviews
- Debt collection procedures and administration orders

Modes of Assessment

Assessment in accordance with Special Departmental Regulations shall be based on at least two pieces of continuous assessment work and a three-hour final examination.

Reading List

Kakuli, *Civil Procedure and Practice in Botswana*

Van Winsen, *The Civil Practice of the Superior Courts in South Africa*

Buckle and Jones *Civil Practice of the Magistrates' Courts in South Africa*

Erasmus, *Workbook for Civil Procedure*

High Court Act, Cap. 4:02

Rule of the High Court

Magistrates Court Act, Cap. 4:04

Court of Appeal Act, Cap. 4:01

PLS 108 Delict

Credits	12
Type (Core/Optional/Elective/General Education Course)	C
Semester in which the course is taught (1 or 2)	2
Pre-requisites (if any)	-
Co-requisites (if any)	-

Course aims

The aim of this course is to introduce basic principles and rules relating to delictual obligations. At the end of the course students should have a basic understanding of the nature of delictual liability and be able to identify from factual situations possibilities of delictual liability.

Rationale

This course will complement the study of the law of contract under course PLS109. The law of delict broadly covers obligations arising by operation of law. This is another important branch or field of private law.

Course Synopsis

The course covers the general principles of the law of delict and the special rules and principles relating to specific delicts.

Course Outline

- Nature, meanings and definitions of a delict
- Sources of delictual liability
- Elements of a delict
- General defences
- Specific wrongs
- Strict liability
- Wrongs against property
- Parties
- Survival and limitation of actions
- Remedies

Learning outcomes

- Upon completion of the course students should be able to:
- Explain the nature of delictual liability;
- Distinguish between patrimonial and non-patrimonial damages;
- Identify and describe the elements of delictual liability.
- Explain the grounds of justification that may exclude delictual liability; and
- Apply principles of delictual liability to solve basic practical problems.

Teaching and learning methods

The following will be some of the methods that will be used for teaching and learning in this course:

- Lectures
- Tutorials
- Class discussions
- Practical learning activities
- Student presentations
- Case studies
- Presentations
- Library Research
- Group-assigned mini projects
- Group work
- Independent work

Credits

This course consists of 12 credits for the semester. This is equivalent to 1 credit per week for the semester course. One Credit equals 10 Notional Hours per week, which is generally the amount of time spent on the course in a given week (i.e 10 hours per week). The 10 Notional Hours consist of 3 contact hours and 7 hours for student engagement or activities per week in the course. The Seven (7) Notional Hours provides for activities which the student will be engaged in, such as: Library searches, research, group work, assignment preparation, tutorial attendance, reading, independent among others.

Assessment

Assessment, which shall be in accordance with the Institute's Assessment and Moderation Policy (2017), shall be based on at least two pieces of continuous assessment (CA) work and a final examination. The ratio of CA to examination shall be 1:1.

Reading list

Van der Walt and Midgley, Principles of Delict (Latest edition)

Neethling, Potgeiter & Visser, Law of Delict (Latest edition)

Neethling, Potgeiter & Scott, Casebook on the Law of Delict (Latest edition)

Reading List

Cases

Els v Bruce 1922 EDL 295.

Bourhill v Young [1942] 2 All ER 396.

Bester Commercial Union (supra).

Jones v Wright [1991] 3 All ER 355.

Chadwick v BTC [1967] 1 WLR 912.

Masiba v Constantia Insurance Co. Ltd 1982 4 SA 333.

Boswell v Minister of Police 1978 3 SA 268.

McLaughlin v O'Brien [1982] 2 All ER 298.

Phillips v Sun International Botswana (Pty) Ltd [1987] BLR 105.

Barnard v SANTAM 1999 1 SA 202.

Alcock v Chief Constable of South Yorkshire Police [1991] 4 All ER 907.

White v Chief Constable of South Yorkshire Police [1999] 1 All ER 1.

Road Accident Fund v Sauls 2002 2 SA 55.

Msipha v Ndlovu [1991] BLR 365.

Colonial Mutual Life Assurance Society v MacDonald 1931 AD 412.

Cassidy v Minister of Health [1961] 2 KB 343.

Ready Mixed Concrete Co v Minister of Pensions [1968] 2 QB 497.

Coronation Brick v Strahan Construction Co 1982 4 SA 371.

Siman & Co v Barclays NAT Bank 1984 2 SA 808.

Jowell v Bramwell-Jones 1998 1 SA 836.

Indac Electronics (Pty) Ltd v Volkskas Bank Ltd 1992 1 SA 783.

Minister of Law and Order v Kadie 1995 1 SA 303.

Attorney General v Public Procurement and Asset Disposal Board & others [2007] 2 BLR 805.

Black v Joseph 1931 AD 132.

Ghanzie Hotel v AG [1986] BLR 178.

SA Associated Newspapers v Yutar 1969 2 SA 442.

Motlhabi v Griffiths [2011] 2 BLR 754.

PLS 109 Law of Obligations

Credits	12
Type (Core/Optional/Elective/General Education Course)	C
Semester in which the course is taught (1 or 2)	2
Pre-requisites (if any)	-
Co-requisites (if any)	-

Course aims

The aim of this course is to introduce the law relating to obligations arising out of contractual arrangements. The course will introduce the basic principles of the law of contract as foundation for further study of the law relating to specific contractual arrangements. At the end of the course students should be able to appreciate the basic legal nature and implications of common contractual arrangements.

Rationale

Many social and business arrangements are founded on contractual obligations. Contractual obligations are an important component of private law, a division of law that must be introduced in study of any legal system.

Course Synopsis

This course covers basic general principles and rules relating to the formation of contractual obligations, the content of contracts, performance failure to perform, and the consequences thereof.

Course Outline

- The nature of obligations.
- The concept of a contract.
- Formation of a contract: offer and acceptance; intention; formalities; capacity; legality.
- Factors affecting consensus: mistake, misrepresentation, duress and undue influence.
- Contents and terms.
- Third parties.
- Performance.
- Breach and Remedies.

Learning outcomes

- Upon completion of the course students should be able to:
- Analyse and evaluate the nature and meaning of contracts, the regulation of the form of contracts, and evaluate the impact of legislation upon contract law.
- Explain the nature of contractual liability
- Identify and describe the elements of a contract
- Scrutinize and apply the rules governing the requirement that the parties to a contract must reach an agreement comprised of offer and acceptance.
- Analyse and assess rules relevant to the requirement that the parties have an intention to create legal relations.
- Determine and analyse the legal principles relating to the position of persons who lack contractual capacity to enter into contracts, comparing contrasts and the rights and liabilities of persons with whom they contract.
- Determine the circumstances where a contract may be illegal or void and assess the consequences.
- Analyse the various remedies available when a contract is breached, and apply to a relevant factual situation.

Teaching and learning methods

The following will be some of the methods that will be used for teaching and learning in this course:

- Lectures
- Tutorials
- Class discussions
- Practical learning activities
- Student presentations
- Case studies
- Presentations
- Library Research
- Group-assigned mini projects
- Group work
- Independent work

Credits

This course consists of 12 credits for the semester. This is equivalent to 1 credit per week for the semester course. One Credit equals 10 Notional Hours per week, which is

generally the amount of time spent on the course in a given week (i.e 10 hours per week). The 10 Notional Hours consist of 3 contact hours and 7 hours for student engagement or activities per week in the course. The Seven (7) Notional Hours provides for activities which the student will be engaged in, such as: Library searches, research, group work, assignment preparation, tutorial attendance, reading, independent among others.

Assessment

Assessment, which shall be in accordance with the Institute's Assessment and Moderation Policy (2017), shall be based on at least two pieces of continuous assessment (CA) work and a final examination. The ratio of CA to examination shall be 1:1.

Prescribed texts

CG Nagel, Commercial Law, LexisNexis, 3rd Ed, 2006

Reading List

Statutes

Control of Goods, Prices and Other Charges Act

Hire Purchase Act, Cap 46:03

State Land Act, Cap 32:01

Deeds Registry Act, Cap 32:02

Cases

South African Railways & Harbours v National Bank of South Africa,
1924 AD 704

Pieters & Co.v Salmon, 1911 AD 121

Khama v Debswana Diamond Co. (Pty) Ltd, [2000] 1 BLR 31

Meswele Investments (Pty) Ltd t/a Oasis motel v Attorney General, [1985] BLR.370

Metswe and Another v Thata Save [2000] 2 BLR 198

Conradie v Rossouw, 1919 AD 279

TIM'S Lock and Key (Pty) Ltd v Jones and Another, [1988] BLR. 338.

Fashion Enterprises v Image Botswana Ltd, [1994] BLR 288

Harvey v Facey, [1893] AC 552

Rood v Venter, (1903) TS 221

Crawley v R 1909 TS 1105

Carlill v Carbolic Smoke Ball Co. [1893] 1 QB 256 (CA).

Bloom v American Swiss Watch Co. 1915 AS 100

Cape Explosives Works Ltd v SA oil and Fat Industries Ltd, 1921 CPD

Kergeulen Sealing and Whaling Co. Ltd, CIR 1939 AD 487
Edelstein v Edelstein, 1952 (3) SA 1 (A)
Stuttaford & Co. v Oberholzer, 1921 CPD 855
National and Overseas Distributors Corporation (Pty) Ltd v Potato Board, 1958
(2) SA 473 (A)
Standards Chartered Bank Ltd v Estate Construction (Pty) Ltd,
[2001] B. L. R. 2033
Du Toit v Atkinson's Motors Bpk 1985 (2) SA 893 (A)
Allen v Sixteen Stirling Investments) (Pty) Ltd, 1974 (4) SA 164 (D)
George v Fairemead (Pty) Ltd, 1958 (2) SA 465
Trollip v Jordaan

PLS 110 Internship

Credits	12
Type (Core/Optional/Elective/General Education Course)	C
Semester in which the course is taught (1 or 2)	2
Pre-requisites (if any)	-
Co-requisites (if any)	-

Course aims

The purpose of the internship is to help students to apply the knowledge acquired when they were being taught during the course of the semester. Interns under the guidance of labour and/or human resources practitioners learn the duties and responsibilities of being a labour practitioner by observing, assisting and practising some of the knowledge they have previously acquired.

Rationale

The internship program offers students an unparalleled opportunity to carry out labour law-based research projects in a professional workplace. The course requires and develops both legal knowledge and a lawyer's approach to problem identification, analysis and recommendations.

Course Synopsis

The course will cover basic principles and processes of negotiation, mediation and arbitration, and the application of one or more of the principles in areas such as labour relations, employment contracts, social security and other areas covered in the programme.

Course Outline

1. Preparation for the Internship:

Students participate in a preparatory workshop in the session preceding the internship to consider the expectations of the host organisation, the institute and the internship coordinator and what students aim to learn during the internship. Students are. This preparation requires students to develop their self-management skills and refine their understanding of professional responsibility supported by their discussions with the coordinator and the rest of the student group.

2. Participation in the Internship:

The placement is aimed at providing students with a full-time legal experience in a professional organisation. Students participate in an internship (ordinarily for 6 weeks). This enables students to apply their academic knowledge and skills such as research and legal writing to activities provided by the host organisation. Students learn about labour practice in a professional setting through participant observation which involves actively monitoring and analysing the way in which professional staff fulfil their functions and how the labour practice operates. They also learn through active practice-based learning by completing assigned tasks.

Internship projects require students to draw on their self-management skills, resourcefulness and professionalism in unfamiliar environments. The internship involves full-time work by the student at the host organisation as an intern under the instruction of the relevant members of the host organisation, in compliance with their rules and expectations. Students are provided with projects and tasks by the host organisation which require students to draw on and develop their research and communication skills.

3. Critical Reflection and Feedback:

Each week students record a critical reflection involving evaluations of their developing knowledge, skills and behaviours that enables them to develop strategies for the week ahead to improve their workplace contributions. This enables the student and subject coordinator to keep in regular contact and is a mechanism for students to reflect on their developing self-management skills and professional competence during the internship. The subject coordinator provides speedy feedback in response to these critical reflections so as to help students refine and improve their professional and self-management skills. The subject coordinator is also available via email, throughout the internship, to assist students with any issues affecting their well-being that may arise in relation to the placement.

4. Final debrief and reporting on placement experiences: Students consolidate and build on learning in their placements by presenting orally on the experience of and lessons learned from the placement. This enables students to deepen their reflections on the internship experience as a whole, to assess the professional and personal skills gained and to identify the areas that each student needs to develop for their future professional and academic work. The internship coordinator provides feedback on the presentation focusing on the student's development as a future labour practitioner.

5. Written report: At the end of the six (6) weeks of internship placement, (1st semester of the 2nd year), students will submit a comprehensive report on the internship. The report shall be produced and submitted for grading not later than the 5th week of the last semester of the programme.

Learning outcomes

Upon completion of this students should be able to:

- Work under professional supervision, gain useful background in the way a labour law professional thinks and works in a professional workplace and the way that workplace operates, exercise critical thinking and judgment in the context of developing advanced professional knowledge.
- Apply legal knowledge and research skills to practical projects in a professional context in order to understand the relationship between legal theory and practice.
- Exercise ethical judgment and responsibility as a professional in an organisation.
- Manage themselves as self-directed, reflective and resilient professionals able to develop their skills while ensuring their own well-being.
- Critically reflect on their learning experiences and evaluate the implications for their future professional pathways.

Teaching and learning methods

The following will be some of the methods that will be used for teaching and learning in this course:

Independent work

Credits

This course consists of 12 credits for the semester. This is equivalent to 1 credit per week for the semester course. One Credit equals 10 Notional Hours per week, which is generally the amount of time spent on the course in a given week (i.e 10 hours per week). The 10 Notional Hours consist of 3 contact hours and 7 hours for student engagement or activities per week in the course. The Seven (7) Notional Hours provides for activities which the student will be engaged in, such as: Library searches, research, group work, assignment preparation, tutorial attendance, reading, independent among others.

Assessment

Students are required to participate in a professional internship as agreed with the subject coordinator. Students will provide evidence of satisfactory participation by submitting an

appraisal form completed by the host organisation to the subject coordinator by the date of the debrief presentation. Students who do not provide evidence of satisfactory participation in their internship will not be able to complete the subject. The report shall be marked out of 100% of the overall mark.