



**RHODES UNIVERSITY**  
*Where leaders learn*

# Law of Persons



Course Outline 2021  
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## Table of Contents

1. Introduction .....	3
How to use this document.....	3
2. Assumptions of prior learning.....	4
3. Critical Outcomes.....	4
4. Specific outcomes.....	4
5. Teaching methods and learning responsibility of students .....	5
6. Student Feedback / Course evaluation .....	5
7. Student assessment.....	6
8. Assessment strategy.....	7
9. Study Material .....	7
10. Course Content .....	7

## 1. Introduction

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

### **Purpose of this course**

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

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

### **How to use this document**

This outline is meant to guide you through the course content and the various sources that you will work with. In order to keep track of what is discussed in class and also to plan ahead for the semester, you are expected to first read this outline at least twice, and to refer to this outline throughout the semester. You can expect to find the following in this document: course outcomes, administrative information, description of teaching methods, and list of prescribed material.

Read all your prescribed cases and know the relevant legislative provisions that are covered in class.

### **Credit Value**

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

## 2. Assumptions of prior learning

In order to successfully complete this course, students should:

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

## 3. Critical Outcomes

Apart from the knowledge and skills that relate directly to Company Law, the following skills are central to the study and practice of law which the course intends to enhance. It is intended that students will be able to:

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

## 4. Specific outcomes

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

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

## **5. Teaching methods and learning responsibility of students**

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

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

## **6. Student Feedback / Course evaluation**

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

## 7. Student assessment

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

## 8. Assessment strategy

You will be assessed by means of three (3) tasks and an examination to be written in November. You are encouraged to make proper use of all these assessment opportunities as each will contribute to your final mark. Please consult RUconnected for relevant dates.

Assessment Task	Weighting
Test	10%
Assignment Planning	10%
Final Assignment	10%
Total Semester Mark	30%
Examination	70%
	100%

You are advised to use the tutorial questions at the end of each theme in order to prepare for assessments. Please refer to the Faculty Handbook for a guide on how to answer and solve legal problems.

## 9. Study Material

A number of study material can be used to broaden and sharpen your understanding of the Law of Persons. The following are recommended sources.

- T Boezaart, *Law of Persons* 6<sup>th</sup> ed (2017) Claremont: Juta & Co Ltd
- J Heaton, *The South African Law of Persons* 5<sup>th</sup> ed (2017) Durban: LexisNexis
- H Kruger & A Skelton (eds), *The Law of Persons in South Africa* (2018) Cape Town: Oxford University Press

## 10. Course Content

Theme 1: Introduction  
 Theme 2: Beginning and end of legal personality  
 Theme 3: Status  
 Theme 4: Domicile  
 Theme 5: Children of unmarried parents  
 Theme 6: Minority  
 Theme 7: Other factors affecting status

**N Mashinini (2021)**