

## Bachelor of Laws-LLB (Hons) Yearly (F/T) – LM310

### 1. Objectives

The undergraduate LLB programme offers an excellent opportunity to gain a legal education with courses taught in both English and French. It intends to give a thorough grounding in the principles of law viewed from an academic rather than vocational perspective, with an emphasis on legal techniques and reasoning. It leads to a bilingual law degree designed to provide excellent foundational legal knowledge to students. Most undergraduates read law with the intention of practising but the programme also provides an excellent education to those who wish to join other professions where an extensive legal background is necessary.

### 2. General Entry Requirements

As per General Entry Requirements for admission to the University for Undergraduate Degrees.

### 3. Programme Requirement

Credit in French at 'O' Level or equivalent.

### 4. Programme Duration

	Normal (Years)	Maximum (Years)
Degree:	3	5

### 5. Credits per year: Minimum 18, Maximum 48 subject to Regulation 4.

### 6. Minimum Credits Required for Award of Undergraduate Degree: 105

Breakdown as follows:

Degree	Minimum credits for core taught modules	Dissertation*	Elective modules	GEM	Total
3 years	72	6*	21	6	105
	72	-	27	6	105

**\*Either dissertation or 2 additional elective modules to be completed.**

The University reserves the right not to offer a given elective module if the critical number of students is not attained and/or for reasons of resource constraints.

### 7. Assessment

**Each module will carry 100 marks and will be assessed as follows (unless otherwise specified):**

Assessment will be based on a written examination of 2-hour (for a semester module) or 3-hour (for a yearly module) duration as specified and continuous assessment carrying a range of 20% to 30% of total marks. Continuous assessment will be based on two (2) assignments and should include at least one class test per module per year.

For a student to pass a module, an overall total of 40% for combined continuous assessment and written examination components would be required without minimum thresholds within the individual continuous assessment and written examination.

Most modules in the structure are **yearly modules** which are taught over a period of two semesters and examined at the end of the second semester only. There are continuous assessments over the period of two semesters and the written examination will be of a duration of 3 hours for a yearly module of 6 credits.

Some modules in the structure are run over 15 weeks and carry 3 credits. The assessment of such modules will consist of continuous assessment and an examination of a duration of 2 hrs at the end of the semester in which the module is run.

**Dissertation is optional. If dissertation is completed, it will carry 6 credits.**

## 8. List of Modules

### CORE MODULES

Code	Module Name	Hrs/Wk	Credits
		L+P	
LAWS 1110Y(1)	Mauritian legal System and Legal Methods	3+0	6
LAWS 1111Y(1)	Droit des Personnes et Droit de la Famille	3+0	6
LAWS 1112Y(1)	Constitutional and Administrative Law	3+0	6
LAWS 1113Y(1)	Droit des Obligations	3+0	6
LAWS 2212Y(3)	Corporate Law	3+0	6
LAWS 2213Y(3)	Droit Pénal	3+0	6
LAWS 2220Y(3)	Revenue law & Law of Trusts	3+0	6
LAWS 3213Y(5)	Régimes Matrimoniaux et Droit des Successions et Libéralités	3+0	6
LAWS 3214Y(5)	Labour and Industrial Relations Law	3+0	6
LAWS 2214(3)	Droit International Public	3+0	3
LAWS 2215(3)	Contrats Spéciaux	3+0	3
LAWS 2216(3)	Environmental Law	3+0	3
LAWS 2217(3)	Droit des Biens	3+0	3
LAWS 2218(3)	Intellectual Property	3+0	3
LAWS 2219(3)	Human Rights	3+0	3

### ELECTIVE MODULES

ECON 1173(1)	Economics for Lawyers	3+0	3
SOCI 1101(1)	Understanding Society	3+0	3
POLI 1001Y(1)	Introduction to Political Theory	3+0	6
POLI 1002Y(1)	Colonial and Post-Independence Political History of Mauritius	3+0	6
DFA 1900 (1)	Accounting for Lawyers	3+0	3
MGT 1213(1)	Management for Lawyers	3+0	3
LAWS 3107(5)	Law of Evidence	3+0	3
LAWS 3108(5)	Law of International Trade	3+0	3
LAWS 3109(5)	Droit International Privé	3+0	3
LAWS 3111(5)	Commercial and Banking Law	3+0	3
LAWS 3216(5)	Legal Aspects of Finance	3+0	3

LAWS 3217(5)	International Humanitarian Law	3+0	3
LAWS 3219(5)	Sûretés	3+0	3
LAWS 3220 (5)	Corporate Governance	3+0	3

### **DISSERTATION**

* LAWS3001Y(5)	Dissertation	-	6
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\* Student may choose either dissertation or 2 additional electives in third year.  
-Students should successfully complete one GEM of 6 Credits within the whole programme

## **9. Programme Plan – BACHELOR OF LAWS WITH HONORS**

### **YEAR 1**

<b>Code</b>	<b>Module Name</b>	<b>Hrs/Wk L+P</b>	<b>Credits</b>
<b>CORE</b>			
LAWS 1110Y(1)	Mauritian Legal System and Legal Methods	3+0	6
LAWS 1111Y(1)	Droit des Personnes et Droit de la Famille	3+0	6
LAWS 1112Y(1)	Constitutional and Administrative Law	3+0	6
LAWS 1113Y(1)	Droit des Obligations	3+0	6
<b>ELECTIVES (to choose one 6 credits' module or two 3 credits' modules)</b>			
POLI 1001Y(1)	Introduction to Political theory	3+0	6
POLI 1002Y(1)	Colonial and Post –Independence Political History of Mauritius	3+0	6
SOCI 1101(1)	Understanding Society <sup>1</sup>	3+0	3
ECON 1173(1)	Economics for Lawyers <sup>2</sup>	3+0	3
DFA 1900 (1)	Accounting for Lawyers <sup>2</sup>	3+0	3
MGT 1213(1)	Management for Lawyers <sup>1</sup>	3+0	3

### **YEAR 2**

<b>Code</b>	<b>Module Name</b>	<b>Hrs/Wk L+P</b>	<b>Credits</b>
<b>CORE</b>			
LAWS 2212Y(3)	Corporate Law	3+0	6
LAWS 2213Y(3)	Droit Pénal	3+0	6
LAWS 2220Y(5)	Revenue law & Law of Trusts	3+0	6
LAWS 2214(3)	Droit International Public <sup>1</sup>	3+0	3
LAWS 2215(3)	Contrats Spéciaux <sup>1</sup>	3+0	3
LAWS 2216(3)	Environmental Law <sup>1</sup>	3+0	3
LAWS 2217(3)	Droit des Biens <sup>2</sup>	3+0	3
LAWS 2218(3)	Intellectual Property Law <sup>2</sup>	3+0	3
LAWS 2219(3)	Human Rights <sup>2</sup>	3+0	3

### **YEAR 3**

<b>Code</b>	<b>Module Name</b>	<b>Hrs/Wk L+P</b>	<b>Credits</b>
<b>CORE</b>			
LAWS 3213Y(5)	Régimes Matrimoniaux et Droit des Successions et Libéralités	3+0	6
LAWS 3214Y(5)	Labour and Industrial Relations Law	3+0	6
<b>ELECTIVES</b>	<b>*(Either Dissertation + 5 modules Or Only 7 modules)</b>		

LAWS 3107(5)	Law of Evidence <sup>1</sup>	3+0	3
LAWS 3108(5)	Law of International Trade <sup>1</sup>	3+0	3
LAWS 3109(5)	Droit International Privé <sup>1</sup>	3+0	3
LAWS 3111(5)	Commercial and Banking Law <sup>1</sup>	3+0	3
LAWS 3216(5)	Legal Aspects of Finance <sup>2</sup>	3+0	3
LAWS 3217(5)	International Humanitarian Law <sup>2</sup>	3+0	3
LAWS 3219(5)	Sûreté <sup>2</sup>	3+0	3
LAWS 3220 (5)	Corporate Governance	3+0	3
LAWS 3001Y(5)	Dissertation*	-	6

**NOTE:**

<sup>1</sup> - Module offered in semester 1

<sup>2</sup> - Module offered in semester 2

\* Students may either do a dissertation or 2 additional electives

- Students should successfully complete one (1) GEM of 6 Credits over the whole programme

**10. Outline Syllabus**

**POLI 1001Y(1) - INTRODUCTION TO POLITICAL THEORY**

The meaning of Politics. Fundamental rights and freedoms. The values of a liberal society. The State and the individual. Socialism and Marxism. Totalitarian regimes; fascism and communism. Topics will also include discussions concerning the nature of man, the origin of government and law, man's relation to society and the state, the nature of just and unjust government with reference to thinkers such as: Plato, Aristotle, Cicero, Augustine, Aquinas, Machiavelli.

**POLI 1002Y(1) - COLONIAL AND POST INDEPENDENCE POLITICAL HISTORY OF MAURITIUS**

Partial self-government during the French revolutionary period, the British conquest and the Treaty of Capitulation. One man rule under the British Raj. Collusion between the French colons and the British Raj. The role of Adrien d'Epinau. The constitutions of 1824 and 1832. Unjust and repressive legislations. The Great Reform Movement. The 1885 Constitution. The first legislative elections 1886. Visit of Gandhi and the role of Manilall Doctor. The 1909 Commission of Enquiry. Action Libérale. The Retrocession Movement. The Election of 1926. The Election of Dr M Curé. The birth of the Mauritius Labour Party. Working class solidarity. The General strike of 1937 and the Hooper Commission. The 1948 Constitution Adult Universal suffrage and self Government in 1958. 1960s Independence versus integration. Post independence coalition politics. Constitutional Amendments. The role of the MMM. Extraparliamentary actions of the MMM. 1976 Elections. The total victory of the MMM/PSM of 1982 and its consequences. Accession of Mauritius to the status of a Republic.

**SOCI 1101 (1) - UNDERSTANDING SOCIETY**

Definition of Sociology, Sociological perspectives: functionalist paradigm, social conflict paradigm, symbolic interaction paradigm; Culture: Components of culture, significance of symbols in our everyday life, ethnocentrism and cultural diversity; Socialisation: definition of socialisation and importance of social experience, relate the life course to the different types of socialisation; Social Interaction in Everyday life: Link between role and status, the social construction of reality and ethnomethodology; Sex and Gender: Patriarchy and sexism, gender and socialisation, gender and social stratification, theoretical analysis of gender, feminism; Population: History and theory of population growth, global population, population growth in Mauritius, population size and composition; Ageing and Medicine: Social theories of ageing, defining health, theoretical analysis of medicine; Education: A global survey, functions of schooling and social inequality, problems in schools and differential educational attainment in Mauritius; Family: Basic concepts of family, theoretical analysis of the family, stages of family life; Social Stratification: Characteristics of stratification systems, identifying social classes and perspectives on social stratification.

### **ECON 1173(1) - ECONOMICS FOR LAWYERS**

Introduction to Economics: Economic problem and resource allocation; Consumer choice and production analysis; Market failure and government intervention; Externalities and property rights; Economics of information; Labour markets and Trade union. Competition policy; Agency theory; Game theory and conflict resolution ; Contract theory and enforcement; Economic torts; Macroeconomic issues and policy; Globalisation and international economic order.

### **MGT 1213(1) - MANAGEMENT FOR LAWYERS**

Introduction to Management: The historical foundations of management; Objective-setting and planning; Communication and counselling skills; Organising the delivery of legal services; Client care ;Time management and effective meetings; Team and Business Relationship skills ; People Management; Leadership and developing your management style ;Emotional intelligence; Understanding human behaviour; Harnessing the power of your personality.

### **DFA 1900 (1) - ACCOUNTING FOR LAWYERS**

Objective of Financial Statements - Users of Financial Statements – The accounting equation – Preparing and interpreting basic financial statements– Fundamental accounting concepts - The framework of financial reporting: conceptual framework of the IASB, recognition and measurement of the elements in a set of financial statements – Issues in financial reporting relevant for Lawyers (e.g. company law provisions relating to financial statements and content of an annual report, impact of accounting policies on accounts, accounting for contingencies) – Introduction to auditing: objective of an audit, auditor’s liability, audit report, licensing of auditors under the Financial Reporting Act 2004.

### **LAWS 1110Y(1) - MAURITIAN LEGAL SYSTEM AND LEGAL METHODS**

The Historical Background of Mauritian Law: Impact of English Law and French Law and other Legal Systems, Features of a mixed law system; Various branches of law; Civil Process; Criminal Process; Organisation of Courts; The legal profession and Judiciary; Meaning of Law; Nature of law; Law and Social Sciences; Law and Morality and other Normative System; Sources of Law; Constitution, Legislation, Subsidiary legislation, Customs, Books of Authority, Common Law and Equity; Statutory interpretation; Legal personality; Legal Thoughts and Legal Reasoning;

Introducing communication: Theory and Models of Communication; Effective Use of English; Written Communication : Writing skills: academic writing, business and technical writing, drafting skills, writing styles ; Non-verbal communication: importance and functions, non-verbal codes (kinesics, proxemics, paralinguistics, clothing and artefacts, haptics, chronemics), difficulties in interpreting non-verbal communication: contradiction, confusion, multiplicity of cues and expectations, cultural difference ; Modes of speech delivery and Presentation Aids: Oral Presentation techniques, visual aids, multimedia presentations; Informative speeches, persuasive speeches, Perception and listening skills; La Maîtrise du Français et le Juriste Mauricien: la méthodologie juridique, le plan détaillé et la dissertation, le commentaire de texte, le commentaire d’article, l’analyse d’un arrêt, le commentaire d’arrêt, le cas pratique.

### **LAWS 1111Y(1) - DROIT DES PERSONNES ET DROIT DE LA FAMILLE**

Introduction au droit civil: droits subjectifs et droit objectif, droits patrimoniaux et droits extra-patrimoniaux; Le droit des personnes: les personnes physiques, les personnes morales, la notion de personnalité juridique (naissance et fin de la personnalité juridique, la mort, l’absence, la disparition), le nom (nature, acquisition, caractères), la nationalité (acquisition, effets, renonciation), le domicile (notion, effets); La notion d’incapacité: majeurs incapables (curatelle, tutelle et régimes applicables), mineurs non-émancipés par mariage (régime applicable); personnalité morale: nature, effets, perte;

La filiation: légitime (présomption et preuve de paternité, la recherche de paternité) illégitime (définition, établissement de la filiation naturelle, le statut de l’enfant naturel), adoptive (adoption simple, plénière et légitimation par adoption et régimes applicables); Le mariage: définition, conditions, interdictions, empêchements, conclusion du mariage, preuve du mariage, nullité du mariage, effets du mariage, devoirs des époux (fidélité, cohabitation, assistance); La dissolution du mariage: le veuvage et ses effets (effets d’ordre personnel et d’ordre

patrimonial), types de divorce, le divorce pour rupture de la vie commune et ses effets, le divorce pour faute et ses effets, conséquences du divorce (d'ordre personnel, d'ordre patrimonial, les pensions alimentaires, le logement familial, les dettes des époux, la liquidation du passé), conséquences quant à la garde des enfants; la séparation de corps, le prononcé, les conséquences, la fin de la séparation de corps, la séparation de fait; La protection des membres de la famille: qui peut être protégé selon le Protection against Domestic violence Act, les moyens de protection et le mécanisme de recours.

#### **LAWS 1112Y(1) - CONSTITUTIONAL AND ADMINISTRATIVE LAW**

Introduction to Constitutional Law; Concept of Constitution and Constitutionalism; Theories underlying the Constitutions; Constitution and Rights; Types of Constitutions; Historical Evolution of the Constitution of Mauritius; Comparison of the Mauritian Constitution with other Constitutions; Reading and Interpreting a Constitution: Who interprets?, Originalism, Literalism and Progressivism; Supremacy of the Constitutions; Constitutional review of Legislation; Basic Human Rights Principles: Relevance of a Bill of Rights in the Constitution, Civil and Political Rights, Economic, Social and Cultural rights, Enforceability; Separation of Powers: The Legislature, The Executive, The Judiciary ; The Legislature: Legislative Process and Sovereignty of Parliament; The Executive: The Electoral System and Role/Powers of members of the Executive; The Judiciary: Independence of the Judiciary, Role of the Judiciary, Judicial Activism, Constitutional courts (functions and powers).

Introduction to Administrative Law; Delegated Legislation: Decision Making Power given to Public Bodies; Forms of Control over Delegated Legislation; The Role, Functions and Powers of the Ombudsman; Nature, Availability and Scope of Judicial Review; Supervisory Jurisdiction of the Supreme Court; Standing/Locus Standi: Who can sue?, Public Interest Litigation; Amenability: Who can be sued?; Grounds for Judicial Review: Abuse of Power, Error of Law, Irrationality and the Wednesbury Principle, Procedural Impropriety, The Rule against Bias, The Right to a Fair Hearing, Legitimate Expectation; Procedure to apply for Judicial Review: Leave Stage and Hearing Stage; Remedies: Certiorari, Prohibition, Mandamus, Declaration, Injunction, Damages; Discretion to refuse a Remedy; Roles, Powers and Functions of the Public Service Commission.

#### **LAWS 1113Y(1) - DROIT DES OBLIGATIONS**

Introduction à la notion d'obligation: obligation naturelle, obligation juridique, nature, type et effets des obligations, obligations contractuelles et obligations extra-contractuelles; La théorie générale du contrat; La notion d'acte juridique conventionnel ; Principes fondateurs du contrat et classifications des contrats; Conditions de formation du contrat; Sanction des conditions de formation du contrat: la notion de nullité, nullité relative et nullité absolue et leurs effets; Exécution du contrat et ses effets: dans le temps (la condition, le terme et leurs régimes) et dans l'espace (l'interprétation et la révision du contrat); La simulation: notion et effets; Fin normale et anormale du contrat; Inexécution des obligations contractuelles et ses effets: obligations de moyens/obligations de résultat, la mise en demeure et ses effets, la responsabilité contractuelle, les injonctions, dommages-intérêts compensatoires, dommages-intérêts moratoires, les groupes de contrats et la responsabilité contractuelle; les obligations plures, la transmission et l'extinction des obligations; les droits du créancier non-payé sur le patrimoine de son débiteur;

Introduction à la notion de faits juridiques; les obligations ayant pour origine, les délits, les quasi-délits et les quasi-contrats, les faits dommageables à autrui, les faits avantageables à autrui; La notion de quasi-contrats: la gestion d'affaire, le paiement de l'indu, l'enrichissement sans cause et leurs régimes; La notion de responsabilité civile; La notion de préjudices (catégories et caractéristiques): préjudices matériels, préjudices corporels, préjudices moraux, préjudices par ricochet, le quantum du dommage, les dommages-intérêts; La notion de causalité et ses principes; Les délits et quasi-délits: la responsabilité du fait personnel (Articles 1382 et 1383 CCM), la responsabilité du fait des choses dont on a la garde (choses inanimées:1384 al 1 CCM, choses animées:1385 CCM, bâtiment en ruine: 1386 CCM), la responsabilité du fait des personnes dont on a la garde (Articles 1384 al 2, 3, 4) et leurs régimes, la responsabilité en matière d'incendies; les causes d'exonération: la force majeure, le fait du tiers, le fait/la faute de la victime; les faits justificatifs; L'imputabilité de l'auteur; La subrogation; Les relations entre les différents types de responsabilité.

### **LAWS 2213Y(3) - DROIT PENAL**

Introduction au droit pénal: Aspects historiques du droit pénal, évolution du droit pénal à Maurice et en France; Concepts de base du droit pénal : conditions générales d'incrimination et de fixation des peines réservées au pouvoir législatif, les éléments de l'infraction, légal, matériel et moral, classification des infractions; la responsabilité pénale: définition, l'auteur de l'infraction, imputabilité de l'auteur, la victime de l'infraction, les moyens de défense, les causes d'irresponsabilité (trouble mental, contrainte, minorité), détermination de la tentative et de la complicité; Les sanctions: les peines, les amendes, les principes en matière de peine, les causes d'atténuation ou d'aggravation de la peine. Droit pénal spécial: étude de l'application des principes généraux au cas de chacune des infractions, classifications: Larceny;swindling; embezzlement; forgery;conspiracy; offences against the person; rape; wounds and blows;homicide;manslaughter and murder; Dangerous Drugs Act; Economic crimes.

### **LAWS 2216(3) - ENVIRONMENTAL LAW**

Le droit international de l'environnement, son évolution, ses sources et son application ; les traités internationaux et régionaux relatifs à la protection de l'environnement (la protection de la biodiversité, la protection de la mer et ses ressources naturelles, la protection de l'air, les déchets et leur disposition rationnelle); les techniques préventives relatives à la protection de l'environnement ; les acteurs internationaux en matière de protection de l'environnement ; le commerce mondial et la protection de l'environnement ; la responsabilité internationale et la jurisprudence internationale; les pollutions transfrontières ; la réglementation des substances et déchets dangereux ; Les sources du droit de l'environnement à Maurice : Environment Protection Act, National Parks and Wildlife Act, Maritime Zones Act, Genetically Modified Organisms Act, Waste Water Management Authority Act... ; les institutions relatives à la protection de l'environnement : the Director of the Department of Environment , the Department of Environment of the Ministry of Environment, the National Network for Sustainable Development, the Integrated Coastal Zone Management Committee, Enforcing Agencies, Authorised officers ; le mécanisme de protection de l'environnement à Maurice ; the Environment Appeal Tribunal, Environment Impact Assessment, Preliminary Environment Report, Strategic Environmental Impact Assessment ; Prohibition notices, Variation Notices, Stop Orders, Environmental tax ; Les aspects civil et pénal des violations du droit de l'environnement, les sanctions, la jurisprudence.

### **LAWS 2217(3) - DROIT DES BIENS**

Introduction au droit des biens: Biens corporels, biens corporels, biens meubles et biens immeubles (par nature, par destination) droit réels et droit personnels (types, différences et effets); La classification des choses: choses consommables et non-consommables, choses fongibles et non-fongibles, choses frugifères et non-frugifères; Le droit de propriété : définition, classification, droits et obligations découlant du droit de propriété, les effets, la copropriété (nature, types et effets, l'indivision, la mitoyenneté); les modes de protection de la propriété: la possession et ses effets, action pétitoire et action possessoire; Les différents modes d'acquisition du droit de propriété; l'occupation, l'accession, la prescription acquisitive et les autres types de prescription, leurs effets, les délais, la convention; Les démembrements de la propriété: les servitudes; l'usufruit.

### **LAWS 2212Y(3) - CORPORATE LAW**

The Company as a medium to conduct business; Different types of companies; Registration of Companies; Consequences of Incorporation: Corporate Personality and lifting the veil. Groups of Companies. Constitution of Companies: names, companies without constitutions and those with constitutions. Effects of constitution. Alteration, adoption and revocation. Enforcement of Constitutional provisions. Capacity, ultra vires and constructive notice . Solvency Test. Corporate Finance. Shares and Share Capital. Types of Shares. Distributions and Dividends. Repurchase and Redemption. Financial assistance for purchase of shares. Transfer, transmission. Rights of pre-emption. Loan capital and Debentures; types, reissue, debenture holders' representative. Fixed and Floating Charges. Reservation of title. Management of Companies; Board of Directors, Delegation. Major Transactions. Directors: qualification, appointment, removal. Duties and Liabilities. Transactions involving self interest. Shareholders' remedies without and with court's involvement. Derivative action and oppression remedies. Company Meetings, Insider Dealing. Sources and Objectives of Insolvency Law; Causes of Corporate Failure; General Principles of Winding Up. The Appointment, Control, Powers, Duties and Release of the Liquidator;

Contributories; The Special Manager; Powers of the Court, Voluntary Winding Up; Members' and Creditors' Winding Up; Declaration of Solvency; Meetings of Members and Creditors; Dissolution; Defunct Companies; Outstanding Assets; The Official Receiver; Receivers and Managers. Arrangement and Reconstruction; Compromise; Amalgamation; Take Over Schemes; Protection of Rights; Acquisition of Shares of Dissenting Members.

### **LAWS 2214(3) - DROIT INTERNATIONAL PUBLIC**

Origines du droit international public, sa nature et son élaboration; les sources du droit international public: les traités et conventions internationales et régionales (notions générales, conditions de validité, effets et extinction des traités), les coutumes, les principes généraux du droit, les décisions de la jurisprudence, l'équité, les actes juridiques internationaux; Les sujets de droits internationaux: les Etats (détermination des compétences, établissement des compétences, répartition), les Organisations internationales (structure, compétences, privilèges et immunités) et autres sujets dérivés; L'Organisation des Nations Unies et le système de fonctionnement de l'ONU: l'Assemblée Générale des Nations Unies, le Conseil de Sécurité et autres organes des Nations Unies, leurs fonctions et limites, les opérations de maintien de la paix; La responsabilité internationale des sujets de droit et les sanctions; Le domaine public international: le droit de la mer et les conventions y relatives, les obligations des Etats membres, le mécanisme de recours, les fleuves internationaux, l'espace aérien et l'espace extra-atmosphérique; Limitation du recours à la force par le règlement pacifique des litiges: la conciliation, les bons offices, la médiation, les cours internationales et tribunaux (organisation, fonctions, saisine, avis consultatifs, contentieux, sanctions), l'arbitrage (arbitre, cour ou tribunal d'arbitrage, sentence arbitrale); Le règlement non-pacifique des litiges et les règles relatives à l'usage de la force dans les relations internationales .

### **LAWS 2215(3) - CONTRATS SPECIAUX**

La notion de contrat spécial; Les sources et le domaine des contrats spéciaux; Le contrat de vente: évolution, sources et caractères, différents formes de contrats de vente (avant-contrat, vente à terme, vente à distance, the Hire Purchase and Credit Sale Act, Sale by Levy Act...), éléments de la vente, le prix (détermination, réalité et sérieux du prix, sanctions), la chose (choses existantes, choses futures), effets de la vente sur le vendeur et sur l'acheteur, le transfert de propriété et des risques, la délivrance de la chose vendue (exécution et étendue de la délivrance) et les sanctions du défaut de délivrance, les accessoires, les garanties d'éviction (garantie légale, garantie conventionnelle) et leurs effets; la garantie de vices cachés (vices apparents et vices cachés et qualités, vices rédhibitoires), actions récursoires, les lois mauriciennes en matière de ventes; Le contrat de mandat; les contrats complexes et accessoires, mandat tacite, mandat solennel, la représentation et les actes juridiques, le prête-nom, la déclaration de command, la fiducie, la commission et courtage, la gratuité, la preuve du mandat, caractère et durée du mandat, intuitus personae, effets du mandat, révocation et renonciation; Le contrat de louage de chose; Le contrat de bail: définition, Landlord and Tenant Act; Le Contrat d'entreprise: définition, nature, effets; Le contrat de franchise: les obligations du franchiseur et du franchisé; Le contrat de rente-viagère; Les contrats ludiques: définition et effets, les paris et le jeu, Mauritius National Lotteries Act; Le contrat de prêt: définition et effets, Loans Act.

### **LAWS 2218(3) - INTELLECTUAL PROPERTY LAW**

Introduction to Intellectual Property Law: general concepts and historical background, classification of Intellectual Property; Marks: Conditions and restrictions for registration under the Patents, Industrial Designs and Trademarks Act 2002; Effects of registration: duration, licensing and assignment; Infringement of marks: civil remedies and criminal sanctions; Geographical Indications, Protection Against Unfair Practices Act, Passing off, Unfair competition (Article 1382 Mauritian Civil Code), Competition Act; Industrial Designs and Topography of Integrated Circuits: conditions for registration, registration process, ownership, rights conferred, infringement; Patents: Nature, scope and object of protection; patentable subject-matter and excluded categories, rationale for exclusion, Conditions for registration (patentability in fact and inherent patentability); Acquisition of patents; Duration of patents, Exploitation of patents, Infringement and remedies, International protection of patents, role and functions of the World Intellectual Property Office (WIPO), the TRIPS Agreement; Copyright: authorship and ownership, other related/ neighbouring rights: economic rights, moral rights, duration of copyright, right to privacy, consequences of infringement: civil and criminal remedies, sanctions; role and function of the MASA; Breach of



Confidence: legal basis ; Confidentiality of Information and Obligation of Confidence, Unauthorised Use, Remedies, relevant caselaw.

### **LAWS 2219(3) - HUMAN RIGHTS**

Basic concepts of Human rights and broad understanding of human rights substantive issues and the human rights system: origins of rights, freedoms, duties, equality, discrimination, cultural relativism and universalism, different generations of rights, enforceability of rights, International Bill of rights, Human rights declarations, conventions and protocols: States' obligations, domestic caselaw; Overview of International Human Rights conventions (International Covenant on Civil and Political Rights, International Covenant on Economic and Social Rights, Convention Against Torture, main institutions and recourse mechanisms in the field of Human Rights; Civil and political rights: right to life, right to fair treatment, right to fair trial, freedom of speech, freedom religion, freedom of movement, freedom of conscience, basic concepts of Human Rights in the mauritian constitution and related legislation, The Protection of Human rights Act, Human Rights and the role of the police (Investigation of violations of rights, "Bavures et brutalités policières", torture, Human rights and prisons (detainees' rights), Human rights and civil disorder, state of emergencies, armed conflicts, human rights and residents, foreigners, migrant workers and refugees in Mauritius. Economic and socio-cultural rights: right to education, right to health, right to work, to just and favorable conditions of work, to form and join trade unions, to family life, to an adequate standard of living, to the highest attainable standard of health, to education, and to take part in cultural life, prohibition of all forms of discrimination in the enjoyment of these rights; Protection of women's rights: Understanding women's rights, the Convention on the Elimination of Discrimination Against Women: States' obligations, importance of States' reports, general recommendations of the CEDAW Committee, the CEDAW optional Protocol and recourse mechanism; The Protection against Domestic Violence Act, The Sex Discrimination Act, Sexual harassment. Main institutions protecting women's rights and existing recourse mechanism; Protection of children's rights: Overview of children's rights in Mauritius, main institutions protecting children's rights and recourse mechanisms available in case of violation of children's rights, The Protection against Domestic Violence Act, The Child protection Act, The Ombudsperson for Children Act, The United Nations Convention on the rights of the child: States' obligations, importance of States' reports, general recommendations of the Committee on Children's rights; Protection of other vulnerable groups; Regional instruments of Human Rights: the contents of the African Charter on human and peoples' rights, the African Women's protocol and the protocol on the African Court of Human Rights, the African Charter on Children's rights, Function and powers of the African Commission of Human rights and the African Court of Human rights and their impact on Human rights in Africa.

### **LAWS 2220Y(3) - REVENUE LAW & LAW OF TRUSTS**

Revenue law: Definition of Notion of Taxation – Types of Taxes: Income Tax – Business Tax – Customs Tax, VAT – Types of Payment Systems – Institutional Aspect of Tax: The Mauritius Revenue Authority, Powers and Duties of the Director General, Recovery of Tax – Tax Avoidance and Tax Evasion.

Historical Background. Maxims of Equity. Creation, Nature and Classification of Trusts; Statutory Requirements of the Trust Instrument; Discretionary and Protective Trusts; Appointment of Trustees; Charitable Trusts; Purpose Trusts: Non-Charitable and Charitable: Legal Definition and Scope of Charities. Enforcers and Protectors. Appointment of Trustees and Termination of Trusteeship. Powers of Trustees: Maintenance, Advancement. Duties of Trustees: Fiduciary Nature of Trusteeship. Remuneration of Trustees; Breach of Trust: Liabilities, Indemnities and Defences; Jurisdiction of Court to make Orders; Failure, Lapse and Termination of Trusts. Variation of Trusts. Constructive Trusts and Remedies for Breach of Trust.

### **LAWS 3214Y(5) - LABOUR AND INDUSTRIAL RELATIONS LAW**

Introduction au droit du travail: développement historique du droit du travail, sources du droit du travail, Labour Act, Remuneration Orders, les juridictions du travail et l'administration du travail, l'accès au travail; les finalités du droit du travail; les institutions du travail; la définition du contrat de travail; la conclusion du contrat de travail; les obligations de l'employé et les obligations de l'employeur; le salarié et le temps de travail, l'évolution de la relation de travail, les pouvoirs du chef d'entreprise; la suspension du contrat de travail; la modification du contrat

de travail; la rupture du contrat de travail, l'extinction du contrat de travail; National Remuneration Board; Permanent Arbitration Tribunal; The Industrial Court: powers and functions, relevant caselaw; History of Industrial Relations Law in Mauritius; The Industrial Relations Act; Right to join Union; Collective Bargaining; Collective Agreement; Industrial Disputes, Industrial Relations Commission.

#### **LAWS 3213Y(5) - REGIMES MATRIMONIAUX ET DROIT DES SUCCESSIONS ET LIBERALITES**

Introduction aux régimes matrimoniaux: concepts de base, le logement, les charges du mariage, les pouvoirs des époux; Le régime matrimonial primaire; Régimes légaux; régime de communauté (biens communs, biens propres, composition active et active des patrimoines, dissolution de la communauté, liquidation et partage de la communauté), régime de séparation des biens: la séparation des biens pure et simple, les aménagements conventionnels; Régimes conventionnels; le contrat de mariage (composition des patrimoines, clauses quant à la gestion des patrimoines, clauses concernant la liquidation et le partage de la communauté); le mariage religieux, Civil Status Act, Muslim Family Council, The Divorce and Judicial Separation Act;

La relation successorale; les héritiers, Les divers successibles: Les descendants; le conjoint survivant; les ascendants privilégiés et ordinaires, les collatéraux privilégiés et ordinaires; l'Etat; L'héritage, patrimoine du défunt, la protection des droits des héritiers, le maintien de l'intégrité de l'héritage; le règlement successoral: l'appréhension de la succession, la distribution de la succession (distribution légale, distribution volontaire), La dévolution de la succession par l'effet de la volonté; les libéralités; Les donations, la donation-partage des ascendants, les testaments; Le partage; L'acte de libéralité, les différents types de libéralités, La réduction des libéralités, The Succession and Wills Act.

#### **LAWS 3107(5) - LAW OF EVIDENCE**

Introduction to the law of evidence; sources of the law of evidence in Mauritius, basic concepts of evidence; forms of evidence, burden of proof and standard of proof; Presumptions; exclusionary rules and exceptions: Evidence of similar facts, character, evidence of opinion, the Hearsay Rule and exceptions, privilege and public policy, improperly obtained evidence; Compellability of Witnesses; Examination of witnesses, evidence of disposition; Confession and illegally obtained evidence, corroboration, proving documents, evidence and identification: main issues; judges and jury and evidence, judicial discretion and evidence.

#### **LAWS 3108(5) - LAW OF INTERNATIONAL TRADE**

The historical background of International Economic Relations, globalisation, sustainable development and trade; GATT; WTO; Organisation resolution of Disputes; LOME/COTONOU Convention; Regional dimension of trade: The preferential trade area, The free trade area, The customs Union, The single market, The economic and monetary union, their organisations, main bodies, implications in the context of globalisation, European Union, NAFTA, COMESA, SADC, SACU, EPA; Regulation of Imports and Exports; International Economic Organisation; BIRD; World Bank; IMF; International Contracts; Financing of International Trade; Letters of Credit and other mode of payment; Transport; Insurance and Bill of Lading; The World Trade Organisation agreements: understanding its framework, substantive aspects (antidumping, countervailing duties, import licensing, pre-shipment inspection, rules of origins, Sanitary and Phyto-sanitary, Measures of Safeguard, Standards) and interpretation of agreements, main issues, main bodies and disputes resolution, amicus curiae, burden of proof, caselaw regarding the dispute settlement bodies. Mauritius between regionalisation and globalisation: the Sugar Protocol, mitigation of erosion of preferences, special and differential treatment, as a Small Island Developing States.

#### **LAWS 3220 (5) - CORPORATE GOVERNANCE**

Introduction to Corporate Governance: Definitions and Objectives of Corporate Governance, Separation of ownership and operation, Decision making in a company. Historical Background and Evolution of Corporate Governance:

Main Reports and Codes, OECD Principles, Corporate Social Responsibility, The Regulatory Framework: The role of legislation and regulation in corporate governance, The nature and importance of compliance, Implementation of sound governance: The concept of best practice in governance, Understanding the distinct and separate roles, duties

and responsibilities of corporate officers and stakeholders, Board composition and control: Role and powers of the Board, Unitary (one-tier) and two-tier Boards, Corporate Governance and the Chief Executive Officers (CEOs): Appointment and removal of the CEO, Role and Powers of the CEO, Responsibilities of the CEO, Corporate Governance and the Auditors: Responsibilities of Auditors, Contribution of Auditors in sound governance, Corporate Governance and the Company Secretary: The importance and special position of the secretary; the role in sound and effective governance, International Governance: Corporate governance and Globalisation, Corporate governance in developed, developing and under developed countries, Corporate Governance Codes: Importance, relevance and limitations of Codes of Corporate Governance, Corporate Governance in Mauritius: Emergence of Corporate Governance in Mauritius, Corporate Governance in Mauritius: Application of Corporate Governance principles, The Mauritian Code of Corporate Governance: Binding/Non Binding character and limitations of the Code.

#### **LAWS 3109(5) - DROIT INTERNATIONAL PRIVE**

Introduction au droit international privé: ensemble de règles et principes régissant les rapports juridiques de droit privé à caractère international (droit des personnes droit de la famille, droit des successions, droit des contrats, droit des sociétés...), La conférence de La Haye de droit international privé: entraide judiciaire et administrative, la procédure de l’apostille, la notification, la Commission des Nations Unies pour le droit commercial international (CNUDCI) ou le Conseil de l’Europe; Statut et rapport juridiques des personnes privées: statut individuel et familial, statut réel, le statut des étrangers; Règles de conflit de lois: détermination de la loi nationale applicable, notion de conflits de lois, résolution des litiges, règles concernant la forme des actes juridiques, les contrats (lieu de conclusion, lieu d’exécution, lien le plus étroit), les délits civils et autres faits juridiques (lieu de survenance, effets patrimoniaux du mariage, règles en matière des successions ab intestat, successions immobilières, successions testamentaires, reconnaissance des trusts, titres, sociétés, la procédure de la loi du for saisi, règles en matière de commerce international, la Lex Mercatoria; Règles de conflits de juridiction: notion de conflits de juridiction, la domiciliation du demandeur ou du défendeur et résolution des litiges.

#### **LAWS 3111(5) - COMMERCIAL AND BANKING LAW**

Introduction au droit commercial: Actes de commerce; statut de commerçant; le commissionnaire; le gage commercial; le droit des sociétés à Maurice: la constitution d’une société, les critères de la société, types de société, les sociétés commerciales de personnes (société en nom collectif et en commandite simple); le droit de la faillite. Law relating to Banking, Insurance and Trade Finance. Legal Aspects of e-Banking. Legal Framework of Banking Transactions: Definition of Bank and Customer, Banker-Customer relationship, The Scope of Confidentiality; Data Protection Act. Bills of Exchange: Definition, Characteristics, Types and Use. Parties to a Bill. Elements of the statutory definition. Negotiation. Indorsement. Holder. Acceptance, Qualified Acceptance and non-Acceptance. Discharge, Dishonour, Liabilities of Parties to a Bill. Rights of Holder of a Dishonoured bill. Forgery. Lost or Stolen bills. Promissory Notes: Statutory definition; History and Uses of Notes. Cheques: Definition, Crossing, Presentment, Dishonour, Rights of Holder; Liabilities and Statutory Protection of Collecting Bank and Paying Bank Payment by Transfer of Funds. Recovery of Money mistakenly paid. E-payments and Electronic Settlement Systems: ATM Cards: Charge Cards, Credit Cards; Electronic Fund Transfers, Smart Cards, Electronic Cash.

#### **LAWS 3216(5) - LEGAL ASPECTS OF FINANCE**

The Regulatory Framework: Financial Services Development Act, Legal Aspects of Financing International Transactions: Documentary Credit: Uniform Customs and Practice, Types of Credits, Contractual Relationship of the parties; Fundamental Doctrines of Autonomy and Strict Compliance. Presentation of Documents: Bank’s Duty, Forgery; Electronic Transactions Act, Computer Misuse and Cyber crime Act 2003; Securities, Mortgages and Charges: Land, Shares & Debentures, Life Policies, Liens over Plant & Equipment; Guarantees: Capacity, Consent, Disclosure. Main Features of Bank Guarantees; The Legal Dimensions of Insurance Relationships (Contrat D’assurance): Introduction, Principles of insurance, General conditions for the validity of contracts (Articles 1101 and 1108 Civil Code), “Contrat d’assurance” as a special contract (Characteristics of contrat d’assurance), Types de contrat d’assurance –life assurance and non-life insurance, la formation du contrat d’assurance, les éléments du contrat d’assurance ( le risque, la prime, le sinistre), Basic Principles of Motor Insurance and Marine Insurance;

The Hire Purchase and Credit Sale Act; Offshore business: Challenges facing offshore business FSDA: GBL 1 and GBL 2; Financial Aspects of Corporate Governance; Legislative Control of Money Laundering: Financial Intelligence and Anti-Money Laundering Act: Independent Commission Against Corruption (powers, functions), POCA.

#### **LAWS 3217(5) - INTERNATIONAL HUMANITARIAN LAW**

Introduction to International Humanitarian Law : Historical background, Sources: Treaties, Customary Law, main principles of IHL, national implementation of IHL; Protection of civilians: Women and war, Children and war, Refugees and Internally Displaced Persons, the UN Guiding Principles on Internal displacement, Convention related to the status of refugees, Convention governing the specific aspects of refugee problems in Africa, Missing Persons, Basic Principles and rules governing the choice of weapons, means and methods of Warfare; Convention on the Prohibition of bacteriological weapons and their destruction; Prisoners of war and their treatment, unlawful combatants; international armed conflicts and non-international armed conflicts, Protected persons and their properties, Convention on the Protection of Cultural Property in the event of armed conflict and its protocols, Conduct of hostilities; International criminal jurisdiction: State Responsibility, Understanding the International Criminal Code: Rome Statute of the International Criminal Court, its powers and functions, Tribunal for Rwanda, Tribunal for former Yugoslavia, War crimes, Torture, impunity, Relevant caselaw; Role and basic principles of the International Red Cross and Red Crescent Societies.

#### **LAWS 3219 (5) - SURETES**

Théorie générale et classification des sûretés; les sûretés personnelles: cautionnement-caractères et variétés, formation du cautionnement, conditions de validité et conditions spécifiques, la preuve du cautionnement ; effets du cautionnement : rapports caution et créancier, effets du cautionnement simple et solidaire ; rapports caution et débiteur ; extinction du cautionnement : extinction par voie accessoire, extinction par voie principale. Garanties autonomes ; Les sûretés réelles : sûretés réelles immobilières : hypothèque et autres sûretés réelles immobilières, hypothèque conventionnelle, hypothèque légale : hypothèque légale privilégiée, hypothèque légale ordinaire. Hypothèque judiciaire conservatoire. Régime de l'hypothèque, transmission et extinction de l'hypothèque ; Sûretés réelles mobilières avec ou sans désaisissement: droit de rétention, droit de gage, cession fiduciaire, sûretés conventionnelles, les privilèges ; Borrower Protection Act, Publicité foncière: Registration and transcription of deeds and inscription of mortgages, Privileges and Charges Act.

#### **LAWS 3001Y(5) - DISSERTATION**

At the end of the third year of the programme, the students will be required to submit a dissertation or choose 2 elective modules. The title of the dissertation has to be approved by the Department of Law and a project supervisor identified. The final copy should be submitted by end of April and the dissertation length should be in the range of 8, 000 -10, 000 words. Refer to General Rules & Regulations for further details.

*September 2010*