

# Diploma in Legal Studies – LM240

## 1. Objectives

This programme has been designed for persons already in employment and who, by the nature of their scheme of service, require a sound knowledge of law for the performance of their duties.

## 2. Programme Requirements

'O' Level pass in French **plus** 2 GCE 'A' Level passes, and three years experience in a legal environment or law-related field.

## 3. Programme Duration

	<b>Normal</b>	<b>Maximum</b>
Diploma (Part-time):	2½ years (5 Semesters)	4 years (8 Semesters)

## 4. Credits per Semester

Minimum 9 credits, Maximum 24 credits (subject to Regulation 3)

## 5. Minimum Credits Required for Awards

- Diploma - 63 credits
- Certificate - 30 credits

Breakdown as follows:

	Credits from	
	Core Taught Modules	Electives
DIPLOMA	54	9

## 6. Assessment

Each module will be assessed over 100 marks (i.e. expressed as %) with details as follows (unless otherwise specified):

Assessment will be based on a written examination of 2 hour duration and on continuous assessment. The continuous assessment will count for 10-30% of the overall percentage mark for the module, except for a programme where the structure makes for other specific provision(s). Continuous assessment may be based on assignments **and should include at least 1 class test.**

A minimum of at least 30% should be attained in each of continuous assessment and written examination, with an overall total of 40% for a candidate to pass a module.

Modules will carry the weightings of 1, 3 or 5 depending on their status (Introductory, Intermediate or Advanced). Weighting for a particular module is indicated within parentheses in the module code.

## 7. Important Note

The rules as stipulated in this Programme Structure and Outline Syllabus will replace all other rules & regulations.

## 8. List of Modules

### CORE

<b>Code</b>	<b>Module Name</b>	<b>Hrs/Wk</b>	<b>Credits</b>
		<b>L+P</b>	
LAWS 1005(1)	Legal Framework of Government	3+0	3
LAWS 1006(1)	Droit des Obligations	3+0	3
LAWS 1104(1)	Communication Skills for Lawyers	D.E.	3
LAWS 1108(1)	The Mauritian Legal System & its Legal Process	3+0	3
LAWS 2004(3)	Criminal Law	3+0	3
LAWS 2005(3)	Droit des Biens & Trusts	3+0	3
LAWS 2006(3)	Contrats Spéciaux & Sûretés	3+0	3
LAWS 2007(3)	Criminal Procedure	3+0	3
LAWS 2008(3)	Civil Procedure	3+0	3
LAWS 2009(3)	Legal Skills	3+0	3
LAWS 2010(3)	Droit des Personnes & Droit de la Famille	3+0	3
LAWS 2207(3)	Company Law & Law of Sociétés	3+0	3
LAWS 3101D(3)	Labour Law	3+0	3
LAWS 3105D(3)	Litigation & the Law of Evidence	3+0	3
LAWS 3202D(3)	Legal Aspects of Finance	3+0	3
ACF 1000(1)	Accounting for Financial Decision Making	3+0	3
CSE 1010e(1)	Introduction to Information Technology	O.E.	3
MGT 1117(1)	Principles & Practice of Management	3+0	3

### ELECTIVES (Not all modules may be on offer)

<b>Code</b>	<b>Module Name</b>	<b>Hrs/Wk</b>	<b>Credits</b>
		<b>L + P</b>	
LAWS 2012(3)	Law Relating to the Environment	3+0	3
LAWS 2108(3)	Legal Aspects of Income Tax	3+0	3
LAWS 3002(5)	Cyber Laws	3+0	3
LAWS 3003(5)	Human Rights	3+0	3
LAWS 3103D(3)	International Economic Law	3+0	3
LAWS 3104D(3)	Private International Law	3+0	3

## 9. Programme Plan

Semester 1				Semester 2			
Code CORE	Module Name	Hrs/Wk L+P	Credits	Code CORE	Module Name	Hrs/Wk L+P	Credits
LAWS 1104(1)	Communication Skills for Lawyers	3+0	3	LAWS 1006(1)	Droit des Obligations	3+0	3
LAWS 1108(1)	The Mauritian Legal System & its Legal Process	3+0	3	LAWS 2010(3)	Droit des Personnes & Droit de la Famille	3+0	3
CSE 1010e(1)	Introduction to Information Technology	O.E.	3	LAWS 2207(3)	Company Law & Law of Sociétés	3+0	3
MGT 1117(1)	Principles & Practice of Management	3+0	3	ACF 1000(1)	Accounting for Financial Decision Making	3+0	3
LAWS 1005(1)	Legal Framework of Government	3+0	3				
Semester 3				Semester 4			
Code CORE	Module Name	Hrs/Wk L+P	Credits	Code CORE	Module Name	Hrs/Wk L+P	Credits
LAWS 2006(3)	Contrats Spéciaux & Sûretés	3+0	3	LAWS 2005(3)	Droit des Biens & Trusts	3+0	3
LAWS 2004(3)	Criminal Law	3+0	3	LAWS 2007(3)	Criminal Procedure	3+0	3
LAWS 2008(3)	Civil Procedure	3+0	3	LAWS 2009(3)	Legal Skills	3+0	3
<b>ELECTIVES</b>	<b>CHOOSE ONE FROM</b>			<b>ELECTIVES</b>	<b>CHOOSE ONE FROM</b>		
LAWS 3002(5)	Cyber Laws	3+0	3	LAWS 2012(3)	Law Relating to the Environment	3+0	3
LAWS 3003(5)	Human Rights	3+0	3	LAWS 2108(3)	Legal Aspects of Income Tax	3+0	3
Semester 5							
Code CORE	Module Name	Hrs/Wk L+P	Credits				
LAWS 3101D(3)	Labour Law	3+0	3				
LAWS 3105D(3)	Litigation & the Law of Evidence	3+0	3				
LAWS 3202D(3)	Legal Aspects of Finance	3+0	3				
<b>ELECTIVES</b>	<b>CHOOSE ONE FROM</b>						
LAWS 3103D(3)	International Economic Law	3+0	3				
LAWS 3104D(3)	Private International Law	3+0	3				

## **10. Outline Syllabus**

### **ACF 1000(1) - ACCOUNTING FOR FINANCIAL DECISION MAKING**

The Role of Accounting Information; Recording and Summarising Transactions; Accounting Concepts & Preparing Final Accounts; Adjustments to Final Accounts; Capital v/s Revenue Expenditure; Bank Reconciliation Statement; Accounting Ratios; Accounting for Internal Decision Making Techniques; Elements of Cost; Costing Methods & Techniques; Decision Making Techniques; Accounting for Manufacturers; Budgets.

### **CSE 1010e(1) - INTRODUCTION TO INFORMATION TECHNOLOGY**

IT and Computers; Stepping in the Computer; Input and Output Devices; Secondary Storage; Programming; Systems Software; Applications Software; Systems Development; Computer Networks; The Internet; Computer Security; Software Utilities; Issues and Trends in IT.

### **LAWS 1005(1) - LEGAL FRAMEWORK OF GOVERNMENT**

Features of the Mauritian Constitutional Framework. The Republic of Mauritius as a sovereign and democratic State. Parliamentary Sovereignty & Supremacy of the Constitution. The rule of law and separation of powers as the two pillars of the Constitution. The Constitution as a modified version of the Westminster model. Powers and duties of the President. Organs of the State. Judicial review of administrative action: nature & scope; procedure; grounds; remedies.

### **LAWS 1006(1) - DROIT DES OBLIGATIONS**

Source des obligations: acte juridique & fait juridique. Contrat: classification; formation & exigences de validité; effets (la force obligatoire du contrat, sanctions de l'inexécution des obligations contractuelles, particularisme des contrats synallagmatiques). Quasi-contrats. Mise en oeuvre de la responsabilité délictuelle.

### **LAWS 1104(1) - COMMUNICATION SKILLS FOR LAWYERS**

Theory and Models of Communication; Use of English; Written Communication and Oral Presentation; Communication Flow; Using the Media; La Maîtrise du Français et le Juriste Mauricien; Case Study and Analysis; Legal Presentation.

### **LAWS 1108(1) - THE MAURITIAN LEGAL SYSTEM & ITS LEGAL PROCESS**

Law as a normative system. Sources of law. Legislation and the legislative process. Statutory interpretation. Droits subjectifs and legal personality. Other aspects of Substantive Mauritian Law. The Judicial Process.

### **LAWS 2004(3) - CRIMINAL LAW**

Elements of an Offence. Criminal Liability. The Penal Sanction. Offences against Persons. Offences against Property. Forgery. Conspiracy.

### **LAWS 2005(3) - DROIT DES BIENS & TRUSTS**

Le patrimoine; la classification des choses; le droit de propriété – les modalités d'exercice, la propriété immobilière, l'indivision, la co-propriété; la possession et l'acquisition du droit de propriété; les servitudes; l'usufruit.

Administration of trusts; duties of trustees; powers of investment and general powers; rights & liability of beneficiaries.

### **LAWS 2006(3) - CONTRATS SPÉCIAUX & SÛRETÉS**

Le contrat de vente; le contrat de louage; le mandat; le contrat d'entreprise.

Sûretés personnelles et sûretés réelles; cautionnement, garanties autonomes; hypothèques, antichrèse, gages, nantissements; les sûretés fixes/flottantes.

### **LAWS 2008(3) - CIVIL PROCEDURE**

Ways of entering an action before the Courts. Evidence; trial; judgment and costs; appeals. New trial. Rules under the Code de Procédure Civile. Miscellaneous procedures, such as writ habere facias possessionem, writ of injunction, judicial review, divorce and judicial separation, interpleader proceedings, attachment, procedure of summons after unsatisfied judgment debt, Challenge of magistrate, change of venue.

**LAWS 2007(3) - CRIMINAL PROCEDURE**

Criminal Jurisdiction of Courts. The Investigation Process. Public and private prosecutions. The Information. Procedures before District and Intermediate Courts. Procedures at trial before the Supreme Court. Appeals.

**LAWS 2009(3) - LEGAL SKILLS**

Fact management. Drafting skills. Opinion writing. Research skills. Advocacy skills. Interviewing and negotiation skills.

**LAWS 2010(3) - DROIT DES PERSONNES & DROIT DE LA FAMILLE**

Etat et capacité des personnes. Les obligations résultant du lien familial. Le mariage; Le divorce; La filiation légitime et la filiation naturelle; L'adoption; La minorité; les incapables majeurs; la tutelle.

Le régime matrimonial primaire. Les régimes légaux et conventionnels. La dévolution légale de la succession. Les divers successibles. La dévolution de la succession par l'effet de la volonté: les libéralités.

**LAWS 2012(3) - LAW RELATING TO THE ENVIRONMENT**

Sources of environmental law. Regulation of environmental protection; Environmental assessment. Enforcement of environmental law. Atmospheric and water pollution. Conservation of natural resources.

**LAWS 2108(3) - LEGAL ASPECTS OF INCOME TAX**

The objectives and criteria of Taxation, Income and Capital, Domicile and Residence. The Judicial approach to Tax Avoidance, Personal Taxation, Business and Property income.

**LAWS 2207(3) - COMPANY LAW & LAW OF SOCIÉTÉS**

The Company as a medium to conduct business; Different types of companies; Registration of Companies; Constitution of Companies: Memorandum and Articles of Association; Effect of the Memorandum and Articles; Consequences of Incorporation: Corporate Personality and lifting the veil. Share Capital and Methods of Public Offering; The Management and Control of Companies; Directors' Duties, Majority Rule and Minority Shareholders' Protection; Insider Dealing. Classification of "Sociétés" - Definition; General Principles: The Contract of "Société". The "Société" as a legal person; Formation, Conversion, Merger, Scission and Dissolution of "Société". Gerants. Partners. Specific "Société": "Société" en nom collectif.

**LAWS 3002(5) - CYBER LAWS**

Legal effects of electronic evidence. Digital signatures. Internet law; domain names and the law. Electronic money, online credit card payments, and electronic bills of lading. Computer-related intellectual property rights. Hardware and software contracts. Data protection. Cyber crimes.

**LAWS 3003(5) - HUMAN RIGHTS**

The human rights concept and mechanisms for securing human rights. The principle of equality. Civil and political rights. Economic, social and cultural rights. Protection of vulnerable groups. Human rights requirements in specific contexts.

**LAWS 3101D(3) - LABOUR LAW**

Développement historique du droit du travail; les finalités du droit du travail; les institutions du travail; les sources 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; les pouvoirs du chef d'entreprise; la suspension du contrat de travail; la modification du contrat de travail; la rupture du contrat de travail.

**LAWS 3103D(3) - INTERNATIONAL ECONOMIC LAW**

The background of International Relations, and International Economic Relations; GATT; WTO; 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; Resolution of Disputes; LOME/COTONOU Convention; Regionalisation European Union/NAFTA; COMESA/SADC.

**LAWS 3104D(3) - PRIVATE INTERNATIONAL LAW**

Les conflits de lois; principes des conflits de loi dans le droit de la famille et des personnes, dans le droit des contrats, de délits et des quasi-délits.

**LAWS 3105D(3) - LITIGATION AND LAW OF EVIDENCE**

Basics of Evidence. Burden and Standard of Proof; Presumptions; Competence and Compellability of Witnesses. Examination of Witness. Evidence of Disposition. The Hearsay rule and Exceptions thereto. Confessions and Illegally Obtained Evidence. Privilege and Public Policy; Opinion Evidence Corroboration.

**LAWS 3202D(3) - LEGAL ASPECTS OF FINANCE**

Offshore Business Activities; Laws relating to Banking, Insurance and Trade Finance; Securities, Prospectus Requirements, The Listing Rules, The Stock Exchange Act 1988; Insider Dealing; Model Code for Directors.

**MGT 1117(1) -PRINCIPLES & PRACTICES OF MANAGEMENT**

Management Concepts and Functions. The internal and external environments of the organisation. Introduction to Organisational Behaviour. Foundations of Individual and Group Behaviour. Management Decision Making. Communication. Conflict Management. Organisational Culture. Organisational Change and Development. Social Responsibility and Ethics in Management.