

OPEN UNIVERSITY OF MAURITIUS

Undergraduate Programme Specification

Diploma in Legal Studies

Academic year: 2024-2025

1. PROGRAMME INFOR	MATION
Title of the final award	Diploma in Legal Studies
Code	OUad006
Awarding Body	Open University of Mauritius
Department	Law
Programme duration	Minimum 2 years Maximum 4 years
Total Credits	120
Credits per year (LCCS)	Normally 60 credits per academic year Number of credits per semester 30 (LCCS)
MQA NQF level	Level 8
EHEA level	Level 6
External Accreditors	N/A
Collaborative Partners	N/A
Programme approval date	October 2021
Last revision	June 2024
Last update	June 2024

2. ENTRY R	EQUIREMENTS
General:	General Entry Requirements under Direct Entry to Undergraduate Programmes Applicants should fulfil the following conditions:
	OPTION 1:
	A School Certificate (O-Level) with at least five credits or equivalent and
	Having cleared at least two subjects at Advanced Level (A-Level) and two subjects at the subsidiary level at Higher School Certificate
	Or
	An appropriate equivalent Foundation/Certificate/Diploma programme approved by the Open University of Mauritius (OU).
	OPTION 2: Learners who do not qualify under option 1 may register for
	Foundation Courses offered by OU. Learners must complete eight modules

at the foundation level to be eligible to apply for undergraduate programmes.

OPTION 3: holds an undergraduate degree in any field from a recognised institution.

OPTION 4: Submission of a comprehensive portfolio for possible recognition of prior learning/experience (RPL/RPE) as an alternative to above along with evidence for the language/numeracy/ICT skills required for the programme of study with a minimum of University Cambridge SC with at least three credits or equivalent at the level of foundation to be eligible to apply for undergraduate programmes.

Programme specific: Credit in English and French subjects at Ordinary Level (O-Level).

3. PROGRAMME OVERVIEW

Aim and objectives of the programme:

The aim of this programme is to offer learners the opportunity to develop an advanced interdisciplinary understanding of the fundamentals of law.

This programme aims at allowing learners to better understand legal aspects pertaining to the hybrid nature of Mauritian law. Learners will also have the opportunity to develop an understanding of public and private international laws and how they interact with the domestic legal system.

Finally, this diploma will also contribute to the development of necessary communication, analytical and practical skills in relation to legal issues.

Intended Learning Outcomes: After completing this programme students will be able to:

Knowledge and understanding (K)

- K1: Explain the principles and values of law, questions of justice and ethics;
- K2: Develop an understanding of the fundamental legal principles in their job environment;
- K3: Enhance critical thinking to appraise ambiguity and uncertainty in law;
- K4: Evaluate the interrelationship between different branches of law:

Cognitive skills(C)

- C1: Ask and answer cogent questions about law and legal systems, identify gaps in legal knowledge and acquire new knowledge by engaging in critical analysis and reflection;
- C2: Study in-depth and in context substantive areas of law:
- C3: Synthesise relevant doctrinal and policy issues to present a reasoned choice between alternative solutions and assess the merits of particulars legal arguments;
- C4: Evaluate the concepts, principles and policies and make critical judgements/reasoned choices between alternative solutions and/or merits of particulars arguments;

Practical/ Professional Skills (P)	P1: Apply the different principles of law in solving a range of complex business problems; P2: Acquire and develop a legal approach in the analysis of a situation and advocate reasoning at the workplace; P3: Recognise and resolve business issues from an ethical perspective; P4: Assess legal issues from the Mauritian hybrid reality; P5: Apply knowledge and understanding to offer conclusions addressing complex or actual, or hypothetical problems.
Transferable skills (T)	T1: Effectively communicate ideas and arguments in writing and orally; T2: Demonstrate skills of self-management with an ability to reflect on own work; T3: Work effectively either individually or collaboratively and engage with own personal and professional development and academic integrity; T4: Conduct self-directed research leading to an essay or dissertation.

4. PROFESSIONAL, STATUTORY AND REGULATORY BODIES (where applicable)

N/A

5. LEARNING AND TEACHING STRATEGY

Learning and teaching methods:

Students will be provided with opportunities to engage in a diverse range of learning environments to maximise their learning. For this programme, students will interact with their tutor during face-to-face sessions as well as through the e-platform.

The face-to-face sessions are an opportunity to untangle complex concepts and provide students with an opportunity to apply the knowledge acquired in the preceding weeks. During the face-to-face sessions, students can be expected to:

- Engage in problem-solving activities
- Engage with reading material to engage in class discussions
- Review core/complex concepts through applied work.

The e- platform will use the following tools:

 Independent study: Independent study forms an essential part of the development of your knowledge and understanding. We will guide you, via the e-platform, on the reading and reflection of primary and secondary texts. Students should use this independent study time to link knowledge with e-class and face-to-face activities and develop their understanding and critical perspective on the topics they are studying.

Overall Workload:

Your overall workload as a student consists of independent learning, e-learning activities and, if you choose to, face to face sessions. The following gives you an indication of how much time you will need to spend on the different components of your programme at each level. Each ECTS credit taken equates to 25 hours of study time.

The expected study time for this programme will be as follow:

Year 1: 1,500 hours for 60 ECTS credits. Year 2: 1,500 hours for 60 ECTS credits. Year 3: 1,500 hours for 60 ECTS credits.

Typically, for each year of your degree, you will spend 0-10% of your time in face to face sessions, 30-40% of your time engaging with e-learning activities and 60% of your time in independent study time.

A typical study week for a student will involve some optional face to face sessions, required engagement in an online discussion forum, the completion of online activities and independent study time to review attached readings, textbooks and relevant sections of the module documentation. Students should expect to devote 8 to 12 hours of study time per week per module.

These are indicative and may vary from student to student.

6. ASSESSMENT STRATEGY

Assessment Methods

A range of formative and summative assessment exercises are designed to enable you to demonstrate and apply your knowledge and understanding. Excluding the law clinic and the dissertation, modules will consist of Tutor Marked Assessment components and/or an examination.

TMAs include:

- Class tests
- Essay type questions
- Case study

Assessment mapping: See Appendix page 11.

Academic Feedback

Throughout your studies, tutors will provide informal feedback on your coursework, online activities and class contributions. Feedback may be individual or provided to the class as a whole.

Each summative assessment will be accompanied by detailed marking criteria and a marking scheme detailing the expectation of the assessment at each grade classification level.

Feedback on assessment will be provided along with the marking criteria. Marking criteria will be made available to the student at the same time as the coursework/assessment details.

Students will receive written individual feedback on all TMA components.

The university policy on assessment feedback and guidance on provisional marks can be found in General Rules.

Late submission, Extension and Resit Policy

The university policy on late submission, Extension and re-sits can be found in the General Rules.

Special Circumstances

The university policy on special circumstances can be found in the General Rules.

Continuous assessment and Exam Regulations

The university regulations on continuous assessment and examination can be found in the General Rules.

7. ACADEMIC MISCONDUCT

As a safeguard to the quality and standard of Open University's qualifications and awards, the university takes any incidence of academic misconduct seriously and will investigate any reported case.

Academic Misconduct refers to any activity where a student, through unpermitted means, seeks to gain an advantage in the completion of an assessment. Any unpermitted action will be considered as academic misconduct when occurring during a formal examination, a TMA, or any other form of assessment considered by the Board of Examiners and undertaken in pursuit of a University qualification or award.

Plagiarism (using, intentionally or unintentionally another person's work and presenting it as its own) will be systematically checked through an automated plagiarism and/or artificial intelligence software detector.

Any suspected cases of academic misconduct will be reported and investigated. Academic misconduct offences may lead to suspension or expulsion from the University.

The university regulations on Academic Misconduct can be found in the General Rules.

8. PROGRAMME STRUCTURE

C= Core i.e. modules that must be taken to be eligible for the award

E = Electives i.e. module chosen by the student from a range of listed optional modules

S1 = Semester 1

S2 = Semester 2

Year 1 – Level 5 (NQ-MQA) – Short cycle Introductory (QF-EHEA) All core modules are compulsory.

Code	Module Title	Туре	Semester	Credits
OUad006111	Foundations of Law and Foundation of Mauritian Legal System	С	S1	5
OUad006112	Droit des Contrats et Droit des Contrats Spéciaux	С	S1	5
OUad006113	Criminal Law	С	S2	10
OUad006114	Accounting for Lawyers	С	S1	5
OUad006115	Civil Procedure	С	S1	5
OUad006121	Constitutional and Administrative Law	С	S1	10
OUad006122	Alternative Dispute Resolution (ADR)	С	S2	5
OUad006123	Le Droit de la Responsabilité civile délictuelle	С	S2	5
OUad006124	Money Laundering and Anti-Corruption Law	С	S2	5
OUad006125	International Economic Law	С	S2	5
			Credit Total	60

Year 2 - Level 6 (NQ-MQA) - Short cycle Intermediate (QF-EHEA)

All core modules are compulsory. For Year 2 Semester 2, only one elective module must be taken.

Code	Module Title	Type	Semester	Credits		
OUad006211	Company Law	С	S 1	10		
OUad006212	Human Rights	С	S 1	5		
OUad006213	Law of Equity and Trust	С	S 1	5		
OUad006214	Droit International Privé	С	S 1	5		
OUad006215	Legal Aspects of Finance	С	S 1	5		
OUad006221	Public International Law (PIL)	С	S2	5		
OUad006222	International Banking and Commercial L	С	S2	5		
OUad006223	Revenue Law and Tax	С	S2	5		
OUad006224	Droit des Affaires*	E	S2	5		
OUad006225	Droit des Biens*	E	S2	5		
OUad006226	Labour Law and Industrial Relations Law	С	S2	10		
		C	Credit Total	60		
Overall Programme Credit Total						

^{*}Students are informed that for elective modules (E), a threshold of ten students will have to be registered for the module.

9. GRADING

Grading system:

Assessments are graded in percentage and correspond to a letter grade and a grade point.

Marks (x) %	Description	Letter Grade	Grade point
X ≥ 70	Excellent	Α	5
60 ≤ X < 70	Very Good	В	4
50 ≤ X < 60	Good	С	3
40 ≤ X < 50	Satisfactory	D	2
X < 40	Ungraded	U	0
Non-graded/pending	See section 17.1.1 in assessment letter codes	rules and regulation	for pending grades

To pass a module, students need an overall of 40% weighted average of their combined continuous assessment and examination. All components of TMAs will have to be submitted and examination set to pass the module.

Students will normally not be allowed to postpone more than two modules for the following semester.

If a student obtains grade "U" in three or more modules in the same semester, and the CPA is below 40 for that semester, the student will be requested to repeat the semester unless decided otherwise by the Academic Council upon the recommendation of the Board of Examiners. When repeating a semester, a student may or may not take the modules for which Grade C or above has been obtained.

If after completing a level the student's CPA < 40, the student will have to repeat the entire academic year and retake the modules as and when offered. However, s/he will not be required, if s/he wishes, to retake 3 module(s) for which Grade C or above has been obtained.

Students will not be allowed to repeat more than two semesters during the entire duration of the programme.

University general marking criteria for undergraduate exams and undergraduate dissertations can be found in the General Rules.

Cumulative Point Average (CPA)
Total CPA for undergraduate degrees is calculated by multiplying the module credit by the % marks for the module and then summed up and divided by the total credits attempted over the cumulative period.
The module and their cummod up and divided by the total elegate attempted ever the cumulative period.

10. PROGR	ESSION, EXIT POINTS	S AND AWARD										
	If a student fails to achieve 60 credits at the end of a year level, the board of examiners will decide about the student's progression. At its discretion, the board of examiners may:											
Progression	to retake - require th	to retake these units in attendance; - require the student to repeat the year;										
		ailed assessment	•		. and opposites made to							
Classification of Awards	completed. The Certificate of	Higher Education	n and the D	iploma of I	rogramme must be Higher education are ated in the table on the							
	Award	Title	Level NQ-MQA	Total required Credits	Classification							
	Diploma in	Legal Studies	6	120	Distinction: CPA ≥ 70 Pass: 40 ≤ CPA < 70 No Award: CPA < 40							
	Certificate in	Legal Studies	5	60	Distinction: CPA ≥ 70 Pass: 40 ≤ CPA ≤ 70 No Award: CPA < 40							
LLB (Hons) Entry Point	In accordance with OU's policy, a candidate withholding a Diploma in Legal Studies from the Open University of Mauritius can be considered as a requirement for entry into the LLB (Hons) programme. Exemptions will also be											

11. STUDENT SUPPORT

Support available through: studentsupport@open.ac.mu

considered.

12. Have your say

Open University values student feedback and students will be given opportunities to have their say on their learning experience in the following way:

- Student programme and module evaluation surveys;
- Acting as a student representative and participate in a range of committees such as the staffstudent consultative committee;
- Participate in programme validation processes.

The University will respond to student feedback through the following channels:

- Response and action taken following the module evaluation survey will be posted on the eplatform;
- Action from minutes will be monitored by the chair of the relevant committees;
- An annual programme monitoring process will take into account student feedback;
- Programme review process (every five years).

13. Curriculum Map of Programme modules against intended learning outcomes

Module unit and code			Knowledge and understanding			Cognitive Skills				Practical Skills						Transferable Skills				
Module title	Code	Туре	Mode	K1	K2	K3	K4	C1	C2	C3	C4	P1	P2	P3	P4	P5	T1	T2	T3	T4
Year 1 NQ-MQA Level 5																				
Foundations of Law and Foundation of Mauritian Legal System	OUad006111	С	BL	✓	✓	✓	✓						√		✓		✓	✓	✓	
Droit des Contrats et Droit des Contrats spéciaux	OUad006112	С	BL	√		✓		√			√	√				√	✓			1
Criminal Law	OUad006113	С	BL		√			√	✓				✓		✓	1	√			1
Accounting for Lawyers	OUad006114	С	BL								~			✓		✓	✓	✓	√	
Civil Procedure	OUad006115	С	BL								√		√			✓			√	
Constitutional and Administrative Law	OUad006121	С	BL		✓		~	~	~		~				<		✓			
Alternative Dispute Resolution (ADR)	OUad006122	С	BL							√	√	√	√			√	√	√	√	
Le Droit de la Responsabilité civile Délictuelle	OUad006123	С	BL	√		✓		1			√		√		✓		√	✓	√	
Money Laundering and Anti- Corruption Law	OUad006124	С	BL		✓		√	1		√	√	√	√	√			√		✓	
International Economic Law	OUad006126	С	BL		1					1	1	√	1							√
Year 2 NQ-MQA level 6																				
Company Law	OUad006211	С	BL		✓				✓		~	✓	✓			✓	✓			✓
Human Rights	OUad006212	С	BL	√	√			√		√			√			√				√
Law of Equity and Trust	OUad006213	С	BL		√		√	✓			√	√	✓		✓	V	√	✓		
Droit International Privé	OUad006214	С	BL		√		√	√			√	√	√			√	√			1
Legal aspects of finance	OUad006215	С	BL			✓		~		✓	~	✓	~			~	✓		✓	
Public International Law (PIL)	OUad006221	С	BL		✓		✓			✓						✓	✓			✓
International Banking and Commercial Law	OUad006222	С	BL		✓			1		✓	√		√			✓	✓			✓
Revenue Law and Tax	OUad006223	С	BL		√		✓	✓		✓	✓	\	✓	✓	√	✓	✓		√	
Droit des Affaires	OUad006224	С	BL		✓		✓		✓	√					√	✓		√	√	
Droit des Biens	OUad006225	С	BL					√				√	√		√		✓			✓

Labour Law and Industrial Relations Law OU	Jad006226 C	BL	✓		√	<	<	~		√	√	✓		<	✓	√	~	√		I
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C = Core; E = Elective; DL = Distance Learning; BL= Blended Learning; CD = Campus delivery

14. Appendix 1: Assessment mapping

Module code and Title	Assessment Method
Year 1 NQ-MQ	A Level 5
Foundations of Law and the Mauritian Legal System (OUad006111)	50% Coursework Problem-based assignment – 30% Class test – 20%
Droit des Contrats et Droit des Contrats Spéciaux (OUad006112)	50% Exams 50% Coursework Problem-based assignment – 30% Class test – 20%
Criminal Law (OUad006121)	50% Exams 50% Coursework Problem-based assignment – 30% Class test – 20% 50% Exams
Accounting for Lawyers (OUad006114)	50% Coursework Problem-based assignment – 30% Class test – 20% 50% Exams
Civil Procedure (OUad006114)	50% Coursework Problem-based assignment – 30% Class test – 20%

Module code and Title	Assessment Method
	Q-MQA level 6
	500/ O
Company Law (OUad006211)	50% Coursework Problem-based assignment - 30% Class test - 20%
	50% Exams
Human Rights (OUad006212)	50% Coursework Problem-based assignment - 30% Class test – 20%
	50% Exams 50% Coursework
Law of Equity and Trust (OUad006213)	Problem-based assignment - 30% Class test – 20%
	50% Exams
Droit International Privé (OUad006214)	50% Coursework Problem-based assignment - 30% Class test – 20%
	50% Exams
Legal Aspects of Finance (OUad006215)	50% Coursework Problem-based assignment - 30% Class test - 20%
	50% Exams

Constitutional and Administrative Law (OUad006113)	50% Coursework Problem-based assignment – 30% Class test – 20%
	50% Exams
Alternative Dispute Resolution (OUad006122)	50% Coursework Problem-based assignment –30% Class test – 20%
	50% Exams
Le Droit de la Responsabilité civile délictuelle (OUad006123)	50% Coursework Problem-based assignment – 30% Class test – 20%
	50% Exams
Money-Laundering and Anti-Corruption Law (OUad006124)	50% Coursework Problem-based assignment – 30% Class test – 20%
	50% Exams
International Economic Law (OUad006125)	50% Coursework Problem-based assignment – 30% Class test – 20%

Public International Law (PIL) (OUad006221)	50% Coursework Problem-based assignment - 30% Class test - 20%
	50% Exams
International Banking and Commercial Law (OUad006222)	50% Coursework Problem-based assignment - 30% Class test - 20%
	50% Exams
Revenue Law and Tax (OUad006223)	50% Coursework Problem-based assignment - 30% Class test – 20%
	50% Exams
Droit des Affaires (OUad006224)	50% Coursework Problem-based assignment – 30% Class test – 20%
	50% Exams
Droit des Biens (OUad006225)	50% Coursework Problem-based assignment – 30% Class test – 20%
	50% Exams
Labour Law and Industrial Relations Law (OUad006226)	50% Coursework Problem-based assignment– 30% Class test – 20%
	50% Exam

15. Outline Syllabus

OUad006111- Foundations of Law and Foundation of Mauritian Legal System

General Introduction to Law, Sources of Law, Constitutional Law and Fundamental Rights, Courts, Statutory Interpretations, Branches of Law, Labour Law, Commercial Law, Judicial Review

OUad0006112- Droit des Contrats et Droit des Contrats Spéciaux

Droit des Contrats: La notion du contrat, L'accord de volontés, La formation du contrat, La situation contractuelle et l'effet obligatoire du contrat, Les effets du contrat, La fin du contrat/ Termination of contract, La gestion d'affaire, L'enrichissement sans cause

Droit des Contrats Spéciaux : Promesse et achat, La garantie et le mandat, Le Contrat de bail, Louage, Le Prêt, Le Contrat de Travail

OUad006113- Criminal Law

Introduction to Criminal Law, Larceny, Swindling, Embezzlement, Rape & Sodomy, Dangerous Drugs Offences, Economic Crimes, Wounds and Blows, Homicide and Murder, Accomplices, Conspiracy, Self-Defence and Excuses, Les infractions, Forgery, Attempt,

OUad006114- Accounting for Lawyers

The need for accounting and the basic framework, Recording and Summarising transactions, Accounting concept and Capital & Depreciation and Disposal of non-current Assets, Preparing final accounts and related adjustments, Bank Reconciliation, Control Accounts, Accounting for company

OUad006115- Civil Procedure

The Courts System, Pleadings, Judgment and Execution of Judgment, Parties and Joinder, Witness, Pre-Trial Procedure, Trial and New-Trial, Les Actions, Les types d'actions et les exceptions, Injunction and Judicial Review.

OUad006121- Constitutional and Administrative Law

The Constitution and its Evolution in Mauritius, The State and the Constitution, Theories and Doctrine of the Constitution, The Separation of Powers, Administrative Law, The Head of State and the President of the Republic of Mauritius, Parliamentary system in Mauritius, Judicial Review, Election Petition

OUad006122- Alternative Dispute Resolution (ADR)

Dispute Resolution Mechanism, International Treaties and Conventions, International Commercial Arbitration, Mediation and Conciliation, Negotiation, Applicable Law and Remedies, Enforcement of ADR Mechanisms, Mauritius as an ADR platform

OUad006123- Le Droit de la Responsabilité civile délictuelle

Les types de responsabilités, Les causes d'exonération, La responsabilité du fait personnel, La responsabilité du fait des choses, La responsabilité du fait d'autrui, La responsabilité des bâtiments en ruine, Les Quasi-Délits

OUad006124- Money Laundering and Anti-Corruption Law

An Introduction to money laundering and Financing of terrorism, The Legal Framework on Money-Laundering: A Mauritian Perspective, Financing of Terrorism and Asset Recovery, The Legal Framework on Anti-Corruption Law: A Mauritian Perspective, An overview of specific offences under the Prevention of Corruption Act 2002, Internal Controls to Combat Money Laundering,

OUad006125- International Economic Law

International Economic Relations, Regional Trade and Regional Trade Agreements, International Economic Organisations, International Contracts, The World Trade Organisation, Dispute Resolution Mechanism pertaining to International and Regional Trade, Mauritius and International Trade

OUad006211- Company Law

Types of companies, The incorporation process, The Constitution of a Company, Corporate Finance, The Board of Directors and the Company Secretary, Shareholders and the Company, Insolvency, Corporate Governance

OUad006212- Human Rights

Sources of Human Rights (To cater for Parts A and B), Social and Economic Rights, Human Rights in Mauritius, Human Rights and Women, Human Rights and Child Welfare and Regulatory Institutions, Africa and Human Rights, Human Rights and Health

OUad006213- Law of Equity and Trust

Types of Trust, The Maxims of Equity, Trust and its basic principles, Common Law, Equity and Trust, Trust as a legal instrument, International Trust, Termination of Trust, Variation of Trust

OUad006214- Droit International Privé

Sources of Private International Law, The Concept of Conflict of Laws, Law of Obligations in Private International Law, Succession, régimes matrimoniaux, capacity and domicile, Conflict Resolution: Choice of Law and Jurisdiction, Alternative Dispute Resolution (ADR) and La Clause Compromissoire, Mauritius and foreign law application

OUad006215- Legal Aspects of Finance

Introduction to Financial Services, International Transactions, Documentation, Duty and Compliance, Securities, Mortgages and Charges, Le Contrat d'Assurance, Global Business, Financial Statutes and Regulators in Mauritius

OUad006221- Public International Law (PIL)

Sources of Public International Law, Law of Treaties, The Concept of Self-Determination, Statehood and Recognition, International Agreements, Non-State Actors, The International Court of Justice (ICJ), Relationship Between International Law and National law, International Humanitarian Law (IHL)

OUad006222- International Banking and Commercial Law

International Banking, Capital markets, Corporate Finance and Cross-border acquisition, International transactions, Bills of Exchange, Regulatory bodies in Mauritius

OUad006223- Revenue Law and Tax

Definition of Tax and Revenue, Economic Theories underlying revenue and taxation, Basis of Mauritian Taxation, Taxation of Employment Income, Taxation of Business Income, Taxation of Companies and Trusts, VAT, Customs And PAYE, Powers and Duties of the Director General, Tax Avoidance and Tax Evasion, Potential reforms and future developments in the taxation system in Mauritius

OUad006224- Droit des Affaires*

Introduction aux Actes de Commerce, Les Sources du Droit des Affaires, Les Sociétés Commerciales, Le Commerçant, La Société en Nom Collectif (SNC), La Société en Commandite Simple (SCS), EURL (Entreprise Unipersonelle à Responsabilité Limitée) and les Petites et Moyennes Entreprises (PME), Les Sociétés Civiles

OUad006225- Droit des Biens*

La Classification des Biens, La Mitoyenneté, La Propriété et la Possession, Les Servitudes, L'Usufruit, L'Occupation et l'Accession, L'Action Possessoire et l'Action Pétitoire, La Prescription, La Co-propriété des Immeubles bâtis par Étage et par Appartement

OUad006226- Labour Law and Industrial Relations Law

Sources of Labour Law, Le Contrat du Travail, Le Licenciement, Jurisdiction, Industrial Relations Law, Strike