Faculty of Law

Law of Property

(LPY41YO / SAK0000)

Essay writing guide

2019
# Table of contents

1 Instructions ........................................................................................................................................... 4
2 Tutor and extra 4% marks for essay ....................................................................................................... 6
3 Advice .................................................................................................................................................... 7
4 How to insert footnotes ......................................................................................................................... 8
5 How to write a research essay for property law ..................................................................................... 10
5.1 Stating the research problem: introduction ..................................................................................... 10
5.2 Giving the reader a “map” of the essay ............................................................................................ 11
5.3 Body ................................................................................................................................................ 11
5.4 Bibliography ................................................................................................................................... 12
6 Different types of sources ..................................................................................................................... 12
7 Plagiarism ............................................................................................................................................ 13
7.1 What is plagiarism? .......................................................................................................................... 13
7.2 You can view the university’s official policy on plagiarism at: ......................................................... 14
7.3 Avoiding plagiarism .......................................................................................................................... 14
7.4 Student’s responsibility .................................................................................................................... 15
8 Referencing in written work .................................................................................................................. 16
8.1 Books .............................................................................................................................................. 16
8.2 Journal articles .................................................................................................................................. 17
8.3 Statutes ............................................................................................................................................ 18
8.4 Court cases ....................................................................................................................................... 18
9 Plagiarism declaration: ......................................................................................................................... 18
10 Tips: where to start? ............................................................................................................................ 20
11 Library support .................................................................................................................................. 21
11.1 Find useful resources for your essay on the following page: ............................................................ 21
11.2 How to look for books on the shelf .................................................................................................. 22
11.3 Search the catalogue ....................................................................................................................... 22
11.4 Search in the databases .................................................................................................................. 27
11.5 If you are requested to create a pin in order to access a database, follow the following steps: .......... 29
11.6 Some databases require you to search with Boolean operators. See the following explanation: .... 30
11.7 Here is a list of some reputable internet sites for legal research: .................................................. 31
11.8 United States Supreme Court opinions................................................................. 32
11.9 Search techniques ................................................................................................. 33
11.10 If you need further assistance for purposes of your library searches, please ask any of the law library staff................................................................. 34
12 You think you are done? Think again ........................................................................ 36
13 Submitting your essay via Turnitin and the final submission..................................... 36
14 Need further help? .................................................................................................... 36
15 Topics for essays 2019 (choose one)....................................................................... 38
16 Marking rubric: (see next page) .............................................................................. 39
1 Instructions

You are required to write an essay for property law, which takes the place of the third test that would have been written on 27 August 2019. This essay writing guide is your companion to writing this essay – it contains all the relevant information surrounding the essay as well as useful advice on how to approach it.

Essay requirements:

• The word limit of the essay is 1700 words (this includes footnotes, but excludes the bibliography, plagiarism declaration, and cover page). You will be penalised if you exceed this limit.

• Your essay is your own individual work. You are not allowed to work together with other persons or in groups for purposes of writing the essay. See the part on plagiarism in section 6 below.

• The topics for this year’s essays can be found in section 15 below.

• Your essay must be typed in 12 font size, Times New Roman font, with 1,5 spacing. Footnotes must be 10 font size, Times New Roman font, with single spacing. The main text, as well as the footnote text, must be justified (Use the “Ctrl + J” combination in Word to justify the text).

• Essay must be submitted as a Word document, NOT as a PDF document.

• The use of headings in your essay is compulsory. Please consult property law books and articles in law journals, especially those in TSAR (Tydskrif vir die Suid-Afrikaanse Reg [Journal for South African Law], UJ’s in-house law journal) to see how one effectively uses headings. The headings in your essay must accord with TSAR style. There is an example of how to use headings in section 5.3 below. Also consult the example essay, which effectively used headings, which is available under the “Essay” tab on Blackboard (ignore the first three pages of the example essay). You will lose marks if you do not use headings in your essay.

• You must use at least three journal articles, four books (note that master’s dissertations and doctoral theses are considered as books and NOT as journal articles), and five cases in your essay. If you do not refer to this number of journal articles, books, and/or cases in
your essay, you will lose marks. Please note that you must actually use (ie rely on) these sources for making your argument(s), merely citing them afterwards in the bibliography without having used them in your argument is insufficient.

- The sources you use in your essay must be listed in alphabetical order in your bibliography at the end of the essay. You must also make use of headings when setting out your sources in the bibliography (ie books, journals, cases, legislation, etc.). Consult the bibliography in any of the property law books mentioned in section 10 below for examples of how a bibliography should look. You can also consult the example essay, which is available on Blackboard under the “Essay” tab, to see how one correctly sets out a bibliography. You will lose marks if your bibliography does not have headings and the sources are not listed alphabetically.

- It is not necessary to have a table of contents in your essay.

- Your essay must be submitted electronically via Blackboard (NB: no hard copies are accepted). This is done through clicking on the “Final submission of essay” link under the “Essay” tab on Blackboard. The deadline for submitting the essay is 30 August 2019 at 23:59. Please note that you have the whole first semester, the June holidays, and the beginning of the second semester in which to write and submit your essay. No late submissions will be accepted.

- You must use the referencing style of TSAR for your essay. This means you must make use of footnotes and that the way you cite sources must be in a specific style. If your essay does not adhere to the referencing style for articles, as found in TSAR’s style guide, you will lose marks.
  - The TSAR style guide is available on Blackboard under the “Essay” tab. Your essay must comply with the referencing style requirements set out in sections B, D, and E in this style guide. Also consult the “Virtual Writing Centre – TSAR Style” PowerPoint presentation for assistance on how TSAR style works. This document is available on Blackboard under the “Essay” tab. It is also available here: https://uj.ac.za.libguides.com/ld.php?content_id=43077431. For more information on referencing and citation, click on the following link: https://uj.ac.za.libguides.com/c.php?g=839177&p=5994687.
  - Consult the “Virtual Writing Centre – TSAR Style” PowerPoint presentation to see what the TSAR style requirements are. This presentation is available on Blackboard → “Essay” tab → “Writing guide” tab.
• You are not allowed to use internet websites as sources for purposes of writing the essay.

• Before submitting the final version of your essay via Blackboard, first put it through the Turnitin so as to eliminate any possible plagiarism. There is a link on Blackboard under the “Essay” tab, entitled “Turnitin – Property Law 2019 Essays”, which allows you to put your essay through Turnitin. There is also a document under the “Essay” tab which explains who submitting your essay through Turnitin works (click on the “Turnitin Procedure” tab).
  o Turnitin is a programme that picks up similarities with other publications and will tell you where in your essay you have parts (or paragraphs) of text which are similar to text (or paragraphs) in other publications. You are then afforded the opportunity to rectify any possible plagiarism by, for instance, citing the applicable publication, before finally submitting your essay for assessment. Turnitin therefore does not pick up instances of plagiarism as such, but rather similarities with other texts, which will amount to plagiarism if the relevant source is not acknowledged. This is done through correct referencing.
    ▪ Please note that it could take between one to two days for Turnitin to generate this report. Keep this in mind for when you want to submit the final version of your essay, thereby ensuring you have enough time to make the necessary alterations to your essay.

• Consult the Marking Rubric in Section 16 below to ascertain whether your essay complies with all the criteria in terms of which it will be assessed. Make sure that you have consulted the Marking Rubric before you start writing your essay, otherwise you will not know what the assessment criteria for the essay are. Not knowing these criteria could have a severe impact on your essay mark.

• Make sure you read through the PowerPoint presentation entitled “Virtual Writing Centre – How to write a Research Essay”, which is available on Blackboard → “Essay” tab → “Writing guide” tab. This document contains advice on how to how to write a research essay.

2 Tutor and extra 4% marks for essay

There is a tutor for property law, Mr Tola Olowolafe, who has been appointed to specifically assist you in writing the essay. He is familiar with the essay style requirements and provides advice to students on how to approach the essay. The tutor also provides feedback on drafts of your essay.
The tutor is available on a weekly basis from February until the end of August. His consultation hours are Wednesdays and Thursdays from 12:00 until 14:30 in A Ring 707. The tutor is not available for consultation during the autumn break (23 to 31 March) or during the June/July winter break. Although the tutor has an open-door policy, it is advisable to make an appointment with him to avoid bottlenecks. His e-mail address is olowolafe@uj.ac.za. Any queries regarding the essay must be directed to the tutor first. If the tutor is unable to assist you, he will refer you to the lecturer.

During the first semester you must take a first draft of your essay’s introduction, its table of contents, and a preliminary bibliography (which contains the provisional five cases, four books, and three journal articles you plan to use; you may change these as your research progresses, of course) to the tutor so that he can see whether you are on the right track. For this you will receive a bonus 2% extra for your essay. You will only receive the bonus 2% if you take your introduction and bibliography to the tutor during the first semester.

You will receive an additional bonus 2% for your essay if you take the first completed draft of your essay (ie the first draft of your finished essay) to the tutor, receive feedback from him, and incorporate his feedback into your essay. You must subsequently take the improved version of your essay back to the tutor so that he can see whether you incorporated his feedback into your essay. The tutor keeps record of which students complied with this requirement. Only students who complied with this duty will receive the additional bonus 2%.

3 Advice

Do not start a week before the submission date. Do not do “piecemeal” work (writing two sentences this week and another five sentences two weeks later). You will lose your train of thought and your essay will be incoherent. Rather, start working on the essay as soon as possible. Doing this will go a long way to ensuring that you write a proper essay and avoid unnecessary stress.

Start reading up on your topic as soon as possible. However, do not attempt to know all there is. You are required to write a short essay on a particular topic for an undergraduate course, not to write a master’s dissertation or a doctoral thesis. To put things in perspective, a master’s dissertation is normally in the range of 120 pages. You are required to write an essay of maximum 1700 words (roughly 400 words go onto one A4 page, which means that you will be writing an essay of around 4-5 pages).

Make notes of sources as you use them.
Read through the PowerPoint presentation entitled “Virtual Writing Centre – How to write a Research Essay”, which is available on Blackboard → “Essay” tab → “Writing guide” tab. This contains helpful advice on how to write a research essay.

4 How to insert footnotes
5 How to write a research essay for property law

5.1 Stating the research problem: introduction

This part of the writing guide should be read in conjunction with the PowerPoint presentation entitled “Virtual Writing Centre – How to write a Research Essay”, which is available on Blackboard → “Essay” tab → “Writing guide” tab.

Choose one of the listed topics in section 15 below and read up on it. Once you have read the required number of sources, you should have an idea about what the problem or research question is that you want to discuss.

Here follows an example of a topic/title for an essay:

“The constitutionality of acquisitive prescription”

Here follows an example of a research question which you will be addressing in the essay with the above title:

“Is acquisitive prescription in line with section 25 of the Constitution (‘the property clause’)?”

This research question should give you some idea of where to start. You might even have some pre-determined answers for the question that could help you steer your essay in a certain direction. Bear in mind that to have a pre-determined answer should not stop you from investigating what other answers might possibly be (or why the other answers are, according to you, less attractive or even wrong). It is important to acknowledge that there might be other answers or arguments. Who knows, you might even change your mind halfway through the essay. Once you have identified the research question, you can start to explain how you are going to answer it.

Please remember:

- Your essay must address a certain research question.
- You must explicitly state the research question that you want to address (this is normally done in the introduction) and then analyse it. Just describing the status quo (current position) does not illustrate your critical thinking skills.
• Keep the problem focussed, and don’t try to discuss too many things. You only have 1700 words within which to write your essay.
• Make sure that you research problem is clearly stated.
• It is also important that you don’t decide what the outcome should be before you start your research. The statement of the problem/research question must be open-ended, otherwise you will only look at one side of the argument.
• Read through the PowerPoint presentation entitled “Virtual Writing Centre – How to write a Research Essay”, which is available on Blackboard → “Essay” tab → “Writing guide” tab. It contains useful advice on how to write a research essay and explains the terms “hypothesis”, “synthesis”, “premise”, and “research question”, all of which you will encounter in the course of writing your essay.

5.2 Giving the reader a “map” of the essay

Once you have set out the research question, you must show how you are going to answer the question. This is normally also done in the introduction.

Here is an example of a short introduction:

“My essay begins with a brief overview of acquisitive prescription, its effects on ownership and why it is potentially unconstitutional. It then addresses the research question by first looking at the requirements for prescription before considering the justifications of this legal institution today. By way of conclusion, it gives an overview as to whether this rule complies with section 25 of the Constitution.”

5.3 Body

Before you start to answer the research question, it is helpful to make a provisional table of contents. This will help you keep your mind together so that you know where to add new information.

For instance:

1) Introduction

2) Acquisitive prescription in South African law

3) The justifications for acquisitive prescription
3.1) Van der Walt’s view
3.2) Marais’ view

4) Acquisitive prescription in view of the property clause

5) Conclusion

Here follows an example of how an essay could look like:

Section 1 (the introduction) is used to (shortly) introduce the reader to your topic, explain the current legal position and what the research question is.

Section 2 (here: “Acquisitive prescription in South African law”) discusses the current legal position and why there is a potential legal problem.

Section 3 (the justifications for acquisitive prescription) expands on the problem discussed in section 2 and addresses the views of academic authors (this could just as well be the views expressed in court decisions). Section 3 uses two sub-headings to explain the views of two academic authors.

Section 4 then addresses the problem and applies what was written in section 3 to be able to arrive at an answer. Thus, here you will rely on the work of mentioned authors/court cases discussed in section 3.

Section 5 concludes the essay by summarising the main conclusions from each section.

5.4 Bibliography

You must acknowledge every thought that was not your own and every source on which you relied to state something. In law, we make extensive use of other sources to construct our arguments. Have a look at the example essay on Blackboard → “Essay” tab → “Writing guide” tab to see an example of how a bibliography should look like.

6 Different types of sources

• Primary sources describe the current position in South African law. Examples of such sources are legislation and cases.
• Secondary sources discuss the position and criticises current law. Examples of such sources are books and law journal articles.
• Other sources: master’s dissertations and doctoral theses (footnotes/bibliographies in these sources are especially useful to find primary and secondary sources).
• Publications on law systems, legislation, and court cases of other countries (Jutastat and LexisNexis).

If you are unsure where to find sources, read section 10 “Tips: Where to start?” below.

7 Plagiarism

7.1 What is plagiarism?

The following excerpt is taken form the university’s official policy on plagiarism. Read it and make sure you understand it. Plagiarised essays will receive 0% and will lead to a disciplinary hearing.

The word “plagiarism” comes from the Latin word for kidnapping. You know that kidnapping is stealing another person. Within academia, plagiarism is defined as an act of representing the ideas, writings, works or inventions of others as the fruits of one’s own original, intellectual endeavours without acknowledging or adequately acknowledging the author or source. Whenever you do written work you must differentiate between your own ideas and those, which you did not think of yourself, but which you have read elsewhere – in particular you must distinguish what you have written from what you are quoting or relying on to make your argument.

You commit plagiarism when:

You use another person’s words, work, ideas, data or opinions without acknowledging them as being from that other person. In other words, you create the impression that you are the “author” of the work which you are in actual fact stealing.

You copy the work word-by-word (verbatim) or submit someone else’s work in a slightly altered form (such as changing a word with one meaning to another word with the same meaning here and there) and you do not acknowledge the borrowing in a way that shows from whom or where you took the words, ideas, data or reasoning.

Another form of plagiarism is where a fellow student gives you one of his or her past assignments and you submit is as your own. This is plagiarism, you may not copy that person’s assignment and hand it in as your own. A word of warning: Turnitin, the university’s anti-plagiarism program on
Blackboard (through which you must submit your essay), will definitely identify situations where a student has submitted a past assignment of another student. That is one of the purposes of this program.

7.2 You can view the university’s official policy on plagiarism at:


This policy defines “plagiarism” as follows:

“4. MEANING OF PLAGIARISM

4.1 Plagiarism is the act of representing the ideas, writings, works or inventions of others as the fruits of one’s own original intellectual endeavours without adequately acknowledging the author or source. Within the copyright law, provision is only made for a limiting or legitimate curtailment of the copyright of the holder of the right if the infringement qualifies as “fair dealing” which presupposes adequate and full acknowledgement of the source. Any contravention is not merely immoral and unethical but a contravention of the law. “Fair dealing” includes research or private study, criticism or review of that work or for the purpose of reporting on current events in a periodical provided the source of the work as well as the name of the author must be mentioned in full. Where a student or researcher’s work is not authentically his/her own, such work does not qualify as an academic output, whether this is a student assignment or employee research, and will be viewed as plagiarism, which is defined as the appropriation of another’s work, whether intentionally or unintentionally, without proper acknowledgement. Copyright is the specific intellectual property right, which an author acquires in accordance with the Copyright Act, No. 98 of 1978 in respect of a protected work. Copyright infringement includes the infringement of the economic rights of the right holder and the moral rights of the author. Academic dishonesty is a denial of ethical values, it undermines the credibility of research results and is a negation of sound academic practice. No value is added if copyright is infringed or where unethical research practices are used. Material gained through dishonesty adds nothing to existing knowledge: there is no growth in the independence of the writer’s intellectual involvement and the writer’s academic integrity is compromised. Unethical research practices undermine the purpose of education by casting doubt on the institution’s ability to promote sound and efficient scholarship and will not be tolerated.”

7.3 Avoiding plagiarism
You avoid plagiarism when:

You provide references whenever you quote directly (use the exact words of the author), paraphrase (use the ideas of the author, in your own words) or summarise (use the main points of the author’s opinion, theories or data).

You give credit to a source where you obtain factual material (for instance, if you rely on someone’s summary of a case, you must cite that person’s work as a source).

You use quotation marks around someone else's direct words. However, this should be used as sparingly as possible. Where possible, rather paraphrase the person’s idea in your own words and then cite the source.

Note: It does not matter how much of the other person’s work you use (whether it is one sentence or a whole section), or whether you do it unintentionally or on purpose; if you present the work as your own without acknowledging that person, you are committing plagiarism. You are taking someone else’s work and passing it off as your own. Because of this, plagiarism is regarded as a very serious offence and carries heavy penalties. Being found guilty of plagiarism will be reflected on your academic transcript when you leave the university and will seriously affect your future career. However, note that information which is generally regarded as common knowledge does not require source acknowledgement (e.g. the first legal code, the code of Hammurabi, was created in 1750 BC, Julius Caesar was murdered by the conspirators on 15 March 44 BC, South Africa had its first democratic elections in 1994).

Click on this link (http://uj.ac.za.libguides.com/c.php?g=581132&p=4011438) for more information on how to avoid plagiarism.

7.4 Student’s responsibility

Plagiarism is a serious form of academic misconduct and is treated as such by the Faculty of Law. Students carry the responsibility for ensuring that they:

Develop their own relevant thinking skills and academic capacity to optimum levels.

Read, understand and comply with the plagiarism policy.

Familiarise themselves with the concept of plagiarism and with the conventions of referencing and norms of academic writing by engaging with the learning materials made available and/or recommended through the teaching and learning process.
Request assistance from staff should they have any doubts or concerns about plagiarism in their own writing.

Ensure they do not deliberately or negligently allow their work to be copied.

8 Referencing in written work

8.1 Books

This section of the essay writing guide should be read in conjunction with the “Virtual Writing Centre – TSAR Style” PowerPoint presentation, which is available on Blackboard → “Essay” tab → “Writing guide” tab and also here: https://uj.ac.za.libguides.com/ld.php?content_id=43077431.

If you say the following, you are paraphrasing (ie you are stating some else’s thoughts in your own words): A psychological lesion is a harmful infringement of a person’s brain or nervous system.

When paraphrasing, there is no need for quotation marks (“example”). However, as you did not “think” of this information yourself, you must cite the source where you got it from. So, then the footnote looks like this:

- A psychological lesion is a harmful infringement of a person’s brain or nervous system.²

If you present the information as follows, you must still cite it:

According to Neethling and Potgieter, a psychological lesion is a harmful infringement of a person’s brain or nervous system.³

If you use the exact same words, you MUST use quotation marks. However, refrain from copying and pasting huge chunks of text and just putting it all in quotation marks. That is an easy (and very lazy) way of writing and it is not regarded as original work, as it does not demonstrate your actual knowledge and critical thinking skills. Direct quotations are useful here and there, but use them as sparingly as possible.

1 Explanations used with the permission of Prof Millard.
Where you do quote, do it like this:

According to Neethling and Potgieter

“A psychological lesion (psychiatric injury or psychological disturbance) may be described as any harmful infringement of the brain and nervous system of a person.”

For all subsequent references, use only the name of the authors and the page number in the footnotes. People now know you are referring to Neethling and Potgieter’s book, so the names of the authors and the page numbers are sufficient (see the TSAR style guide and the source available at https://uj.ac.za.libguides.com/ld.php?content_id=43077431 for more information in this regard).

8.2 Journal articles

The same rules for books apply to journal articles as well. However, the way in which you reference articles is slightly different.

Say, for instance, you have used a journal article and the full reference is as follows:

- Carstens PA “Tshababala-Msimang and Medi-Clinic Ltd v Makhanya 2008 3 BCLR 338 (W)” 2008 De Jure 452.

If you state the following: “Carstens argues that …” you must insert a footnote at the end of that sentence. If you quote Carstens directly, use quotation marks. For instance: Carstens states: “quoted part”.

If you paraphrase something that you have taken from Carstens’ article, you must put a footnote at the end of that sentence.

For all subsequent references, use only the name of the author(s) and the relevant page number in the footnotes.

-------------------

5 Neethling & Potgieter 289.
6 “Tshababala-Msimang and Medi-Clinic Ltd v Makhanya 2008 3 BCLR 338 (W)” 2008 De Jure 452.
7 “Tshababala-Msimang and Medi-Clinic Ltd v Makhanya 2008 3 BCLR 338 (W)” 2008 De Jure 452.
8 Carstens PA “Tshababala-Msimang and Medi-Clinic Ltd v Makhanya 2008 3 BCLR 338 (W)” 2008 De Jure 452.
9 Carstens 453.
8.3 Statutes

In text: The Apportionment of Damages Act\textsuperscript{10} determines that ...

8.4 Court cases

In text: In \textit{Tshababala-Msimang and Medi-Clinic Ltd v Makhanya}\textsuperscript{11} it was decided that ...

FOR ALL SUBSEQUENT REFERENCES:

In the \textit{Tshababala-Msimang} case the court stated that ...

9 Plagiarism declaration: property law essay

You MUST include a signed copy of this declaration (an electronically signed copy is required) with your submitted essay. Essays submitted without this declaration will NOT be marked. An electronic Word copy of the declaration is available on Blackboard. It will be in order if you fill it in and sign it electronically (simply type in your name at the signature line, an actual written signature is not required).

This serves to confirm that I, ______________________________

(Full Name(s) and Surname)

ID Number __________________________ Student number________________________

enrolled for the Qualification ___________________________________________ in the

__________________________

\textsuperscript{10} 34 of 1956.

\textsuperscript{11} 2008 3 BCLR 338 (W).
Faculty of ________________________________________________________________,

herewith declare that my academic work is in line with the Plagiarism Policy of the University of Johannesburg, which I am familiar with.

I further declare that the work presented in the essay is authentic and original unless clearly indicated otherwise and in such instances full reference to the source is acknowledged and I do not pretend to receive any credit for such acknowledged quotations, and that there is no copyright infringement in my work. I declare that no unethical research practices were used or material gained through dishonesty. I understand that plagiarism is a serious offence and that should I contravene the Plagiarism Policy notwithstanding signing this affidavit, I may be found guilty of a serious criminal offence (perjury) that would amongst other consequences compel the UJ to inform all other tertiary institutions of the offence and to issue a corresponding certificate of reprehensible academic conduct to whomever request such a certificate from the institution.

Signed at _____________________on this ______________day of _______________ 20___.

Signature__________________________________ Print name_________________________

I trust that you understand the importance of academic honesty and integrity and that you will adhere to these rules throughout your studies at the University of Johannesburg.
10 Tips: where to start?

When having to write a research essay in law, one can easily feel overwhelmed by the availability of hundreds of books, journal articles, reported cases, and other sources. Do not succumb to this feeling of powerlessness. Start by reading the PowerPoint presentation entitled “Virtual Writing Centre – How to write a Research Essay”, which is available on Blackboard → “Essay” tab → “Writing guide” tab. Thereafter, locate the major textbooks on property law in South Africa. The following are examples of such works (they are all available in the UJ law library):

- Boggenpoel ZT *Property remedies* (2017) Cape Town: Juta
- Brits R *Real security law* (2016) Cape Town: Juta
- Pienaar GJ *Sectional titles and other fragmented property schemes* (2010) Cape Town: Juta
- Viljoen S *The law of landlord and tenant* (2016) Cape Town: Juta
- Van der Schyff E *Property in minerals and petroleum* (2016) Cape Town: Juta
- Van der Walt AJ *The law of neighbours* (2010) Cape Town: Juta
- Van der Walt AJ *Constitutional property law* (3rd ed 2011) Cape Town: Juta
- Van der Walt AJ *The law of servitudes* (2016) Cape Town: Juta
- Van Wyk J *Planning law* (2nd ed 2012) Cape Town: Juta

Read the chapters or parts in those books which concern the topic you chose. Look at the sources to which the applicable author(s) refer, such as cases and journal articles. Next, go to those sources and read them and see to which sources they refer you. You can also look for relevant journal articles or cases on your topics on the library’s website. Always start with the most recent sources first, as they will refer you to the latest developments in the law (ie cases and journal articles).

Keep in mind that you must use *at least* three journal articles, four books, and five cases in your essay.
11 Library support

11.1 Find useful resources for your essay on the following page:

Here is the link to this page: https://uj.ac.za.libguides.com/c.php?g=839177. On this page you can find law reports, legislation, books, journals, databases, and dissertations and theses. It also contains links to search techniques and research methodology.

South African law reports may be found at the following links:

- [Jutastat Online](#) Description of this database.
- [LexisNexis](#) Description of this database.

For access to African journals (including law journals), use the following two links:

- [SABINET Legal](#) Description of this database.
- [African Journals (formerly SA ePublications)](#) Description of this database.
11.2 How to look for books on the shelf

All books on property law (South African and foreign jurisdictions) are available on the shelf at the shelf code RED, and books on constitutional law are available on the shelf at the shelf code RJ.

➢ Look at the table of contents in these books
➢ Look at the index of these books
➢ Look at the footnotes, as they will lead you to other useful sources

11.3 Search the catalogue

Finding books on a topic, and locating them on the shelves, can be done in five easy steps.

STEP 1: go to UJLink (library catalogue) on the library homepage (https://ujlink.uj.ac.za/)

STEP 2: click on “Advanced search”, you will see the menu “Advanced Keyword Search” (example):

Please fill in the form, select limits, and click Submit (or choose a Simple Keyword Search).

Limited to: Sorted by:
Limit search to available items

Search and Sort: sorted by title

Collection: Search Scope
View Entire Collection

Location:
- ANY
- A > Main Collection
- B > Reference Collection
- C > Law Collection
- D > Periodicals Collection

Material Type:
- ANY
- PRINTED MATRL
- ARCH MAT (SBV)
- PRINTED MUSIC
- MS MUSIC

Language:
- ANY
- English
- Afrikaans
- Ndebele
- Pedi

Year:
- Within
- After
- Before

Publisher:

Then click on “submit”.

2. Results:

Keyword (property) and (section 25)

View Entire Collection

Limit search to available items

4 results found. sorted by date .

Keywords (1-4 of 4)

1. Risk management in student affairs: foundations for safety and success
   Miller, Thomas E., 1948 November 25- author.
<table>
<thead>
<tr>
<th>Location</th>
<th>Call Number</th>
<th>Volume</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>E-Book</td>
<td></td>
<td></td>
<td>AVAILABLE</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Constitutional property law**

<table>
<thead>
<tr>
<th>Location</th>
<th>Call Number</th>
<th>Volume</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>KINGSWAY LAW LIBRARY LEVEL 6</td>
<td>R346.6804 VAN DERW</td>
<td></td>
<td>AVAILABLE</td>
</tr>
</tbody>
</table>

**Constitutional property law**

<table>
<thead>
<tr>
<th>Location</th>
<th>Call Number</th>
<th>Volume</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>KINGSWAY LAW LIBRARY LEVEL 6</td>
<td>R346.6804 VAN DERW</td>
<td></td>
<td>AVAILABLE</td>
</tr>
</tbody>
</table>

**Constitutional property clause: a comparative analysis of Section 25 of the South African Constitution**

<table>
<thead>
<tr>
<th>Location</th>
<th>Call Number</th>
<th>Volume</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>KINGSWAY LAW LIBRARY LEVEL 6</td>
<td>R343.680252 VAN DERW</td>
<td></td>
<td>AVAILABLE</td>
</tr>
</tbody>
</table>
STEP 3: to find a book on the shelves at level 6, click on the title. For example, if you click on the second title of the above four books, you will be taken the following menu:

Keyword (property) and (section 25) an

View Entire Collection

Search

Limit search to available items

4 results found. sorted by date .

Persistent link to this title

Author Van der Walt, A. J. (Andries Johannes), 1956-

Title Constitutional property law / A.J. van der Walt.

Publisher Cape Town : Juta, 2011.


Copy Status

More Details
LOCATION   CALL NUMBER   VOLUME   STATUS
KINGSWAY LAW LIBR RESERVE L6 R346.6804 VAN DERW AVAILABLE

STEP 4: to locate the book on the shelves, click on this icon: 📚. It will take you to the following menu:

LEADER 00000nam 22000004a 4500
001 ocn761616544
003 OCoLC
005 20130103142305.1
008 130103s2011 sa blv 001 0 eng c
019 761193798
020 9780702194191
035 (OCoLC)761616544|z(OCoLC)761193798
040 Z@L|beng|cZ@L|dCGU|dOI@|dGXR|dOCLCO|dYDXCP|dLGG|dOCLCQ
043 f-sa---
082 04 346.6804|223
092 346.6804 VAN DERW
099 RED WALT
100 1 Van der Walt, A. J.|q(Andries Johannes),|d1956-
245 10 Constitutional property law /|cA.J. van der Walt.
250 3rd ed.
260 Cape Town :|bJuta,|c2011.
300 xviii, 664 p.
490 1 Juta's property law library
504 Includes bibliographical references (p. 554-574) and index.
505 0 Introduction -- Section 25 in its operational context -- Property -- Deprivation -- Expropriation -- The shift to contextual, non-hierarchical thinking -- Appendix 1.

STEP 5: look for number 092 on the left-hand side of the above menu. The number that appears just to the right of this number (346.6804 VAN DERW) is the number that enables you to find the book on the shelf.

11.4 Search in the databases

There is a list of databases on the law library webpage, which may be accessed at https://uj.ac.za.libguides.com/c.php?g=839177&p=5994685

Here are examples of law databases available at the above website:

**South African Databases**

- [Jutastat Online](https://uj.ac.za.libguides.com/c.php?g=839177&p=5994685) Description of this database.
- [LexisNexis](https://uj.ac.za.libguides.com/c.php?g=839177&p=5994685) Description of this database.
- [SABINET Legal](https://uj.ac.za.libguides.com/c.php?g=839177&p=5994685) Description of this database.

**International Database (with some South African content)**
International Databases

- **HeinOnline** Description of this database.

**International Databases**

- **Brill Climate change & Law collection** Description of this database.
- **ICLR online** Description of this database.
- **Kluwer Law Online Journals** Description of this database.
- **Kluwer Law Online Manuals** Description of this database.
- **LexisNexis Academic** Description of this database.
- **SCC Online** Description of this database.
- **Sweet & Maxwell Ebooks on Westlaw** Description of this database.
- **Westlaw** Description of this database.
11.5 If you are requested to create a pin in order to access a database, follow the following steps:

**How to create a pin**

**Create PIN for access to the UJ Library Resources: Step 1**

- **A.** Enter surname
- **B.** Enter Student No.
- **C.** Enter your own pin

**Create PIN for Access to the UJ Library Resources: Step 2**

- **Enter PIN - numbers and letters eg. 123abc**
- **Repeat PIN eg. 123abc**
- **Click on Submit**
- **Read the Instructions**
11.6 Some databases require you to search with Boolean operators. See the following explanation:

**Boolean Operators**

Boolean operators help you to combine your keywords or search terms:

- **AND** narrows your search: *HIV and Johannesburg*

- **OR** broadens your search and allows you to use synonyms. *(Remember to place similar words in brackets.)*
  
  `(Youth or students or adolescents or scholars) AND (drugs or narcotics)`

- **NOT** excludes certain terms: *Virus not computer*

---

**Boolean Operators (cont.)**

![Venn diagrams illustrating Boolean operators](image)
For more information about how Boolean operators work, go to https://uj.ac.za.libguides.com/c.php?g=581164&p=4012199

11.7 Here is a list of some reputable internet sites for legal research:

➢ SAFLII (http://www.saflii.org)
For a wealth of reputable legal information, legislation and judgments covering Southern and East African countries.

➢ WORLDLII (http://www.worldlii.org/)
For reputable legal information in many countries of the world.

The following LIIs provide the databases searchable via WorldLII (Table of Databases):

AltLaw provides databases from the United States searchable via WorldLII.

AsianLII
The Asian Legal Information Institute (AsianLII) provides databases from Asian countries searchable via WorldLII.

AustLII operates WorldLII and provides the technical infrastructure and staff to do so. AustLII has been developed since 1995 as a joint facility of the Faculty of Law of the University of New South Wales (UNSW), and the Faculty of Law of the University of Technology, Sydney (UTS).

BAILII
The British and Irish Legal Information Institute (BAILII) provides British and Irish databases searchable via WorldLII.

CanLII
The Canadian Legal Information Institute (CanLII) provides the Canadian databases searchable via WorldLII.
The Commonwealth Legal Information Institute (CommonLII) provides databases from Commonwealth countries searchable via WorldLII.

CyLaw provides the Cypriot databases searchable via WorldLII.

The Global Legal Information Network (GLIN) provides abstracts in English from over 40 countries searchable via WorldLII.

The Hong Kong Legal Information Institute (HKLII) at the University of Hong Kong provides the Hong Kong database searchable via WorldLII.

LawPhil provides the Philippine databases searchable via WorldLII.

The Legal Information Institute (Cornell) provides databases from the United States searchable via WorldLII.

The New Zealand Legal Information Institute (NZLII) provides databases from New Zealand searchable via WorldLII.

The Pacific Islands Legal Information Institute (PacLII) at the University of the South Pacific Faculty of Law provides the databases from Pacific Island countries searchable via WorldLII.

The Southern African Legal Information Institute (SAFLII) provides databases from southern and eastern Africa searchable via WorldLII.

The Ugandan Legal Information Institute (ULII) provides databases from Uganda searchable via WorldLII.

11.8 United States Supreme Court opinions

For case law of the Supreme Court of the United States of America, go to FINDLAW (http://www.findlaw.com/casecode/supreme.html)
FindLaw's searchable database of the Supreme Court contains decisions from 1893 (U.S. Supreme Court Decisions: U.S. Reports 150-, 1893-). They are browsable by year and U.S. Reports volume number, and searchable by citation, case title and full text.

They also maintain an archive of Opinion Summaries from September 2000 to the Present.

- Citation Search
- Party Name Search
- Full-Text Search

(e.g. 410 U.S. 113) For U.S. Reports 150+ and onward

11.9 Search techniques

If you need tips with regard to search techniques, go to the following website: https://uj.ac.za.libguides.com/c.php?g=839177&p=5994694. It will take you to the following menu:

Search techniques:

Search techniques are ways of using search terms in finding required information from search tools, such as search engines (Google), the library catalogue and online databases.

To achieve good search results, it is necessary to use search techniques. The following are some of the most common search techniques that are applicable to various searching tools.

- Boolean Logic
- Parenthesis
- Phrase searching
- Truncation
- Wildcards
- Field searching

Table of Contents:

- Lesson 1: Starting your search
- Lesson 2: Identifying search terms
- Lesson 3: Boolean logic
- Lesson 4: Use of truncation and parantheses
- Lesson 5: Other searching
- Lesson 6: Database searching
- Lesson 7: Using the Internet
- Assessment
11.10 If you need further assistance for purposes of your library searches, please ask any of the law library staff

Mrs Lizette Van Zyl

Contact:
University of Johannesburg
Auckland Park Kingsway Campus

+27 11 559 3188

Website

Social: Facebook Page Twitter Page YouTube Page

Subjects: Law
Mrs Catrin Ver Loren Van Themaat

Email Me

Contact:
University of Johannesburg Library
Auckland Park Kingsway Campus
011 559 3193

Website

Social: Facebook Page, Twitter Page, YouTube Page

Subjects: Law

Law Library Assistants 2019:

Hours:
08:00 - 22:00 (Mo - Fri)
08:00 - 15:00 (Sat)

- Madelein Esterhuizen (Law Library Mentor)
- Buhle Masuku (Senior Law Library Assistant)
- Karabo Mokoena (Senior Law Library Assistant)
- Melissa Dlamini (Senior Law Library Assistant)
- Simphiwe Magazi (Senior Law Library Assistant)
- Zeenat Kera (Senior Law Library Assistant)
- Felicity Mthombeni (Law Library Assistant)
- Mathaabe Scott (Law Library Assistant)
- Sabrina Szabo (Law Library Assistant)
- Zahra Musa (Law Library Assistant)
- Contact Info: 011 559 2593
12 You think you are done? Think again

Re-read your essay and use Word’s spell and grammar checker. Make sure your sentences make sense and that you have corrected all spelling and grammar mistakes.

13 Submitting your essay via Turnitin and the final submission

- Go to the “Law of Property” tab on Blackboard;
- Click on the “Essay” tab;
- Click on the “View/complete” button, which is located on the “Turnitin – Property Law 2019 Essays” link, to submit the essay via Turnitin;
- Complete form and steps 1 to 3 (NB: you must still submit your essay via the “Final submission of essay for assessment” link for it to be marked – it will not be marked if you only submit it via Turnitin)
  - After you have submitted your essay via Turnitin, it will give you an originality report from Turnitin (Note: it could take between one to two days to generate the Turnitin report, keep this in mind for purposes of submitting the final version of your essay) to show you where you possibly plagiarised. This gives you the opportunity to remedy the possible plagiarism before finally submitting the essay.
- If you are happy with your essay, click on the “Final submission of essay for assessment” link and submit your essay. YOUR ESSAY WILL ONLY BE MARKED IF IT HAS BEEN SUBMITTED VIA THIS LINK.

14 Need further help?

If you would like more assistance than that provided by the property law tutor, you can also go to the UJ Writing Centre. The Writing Centre is for any student who would like to improve his or her writing. It is staffed by post-graduate students from a range of disciplines who were specially trained to help students with any aspect of academic writing, including:

- Understanding the focus of an assignment
- Structuring an essay
- Expressing ideas clearly and coherently
- Developing self-monitoring skills
- Avoiding plagiarism
- Referencing correctly
How it Works

- To see a consultant, drop by or phone to make an appointment.
- Bring all available materials to the consultation – notes, rough draft, and the essay instructions.
- Writing consultants will not revise and edit work for you – they are not an editing service – however, they will help you to find solutions to your own writing problems.
- Students are encouraged to go more than once.

Benefits

Students

- Free
- One-to-one 30 minute consultations
- Peer collaboration - work with a peer who will not judge you or your work (or do your work for you). Rather, they will listen and offer feedback and suggestions which will allow you to work through ideas on your own.

Whatever your writing needs, for more information please contact:

APK: D-Ring 3  011 559 2568  Mon-Thurs 8:30-15:30, Friday 8:30-13:00

Visit  https://www.uj.ac.za/corporateservices/ads/ADC/Pages/ald.aspx  for more information on the Writing Centre.
## Topics for essays 2019 (choose one)

1. Evaluate the decolonising effect of the Constitution on the reasonableness criterion in neighbour law

2. Assess whether ownership may be described as “absolute” and “individualistic” in view of the Constitution

3. Analyse the expropriation-without-compensation debate from a constitutional perspective

4. Analyse the role of Ubuntu in eviction cases

5. Evaluate the notion of quasi-control, as applied in spoliation cases

6. Evaluate whether the property clause is an obstacle to, or tool for, land reform

7. Critically discuss the application of the three MacDonald factors in inaedificatio cases

8. Discuss whether a private landowner whose land is occupied by unlawful occupiers may claim compensation from the state if it does not provide alternative accommodation to them in a timely fashion

9. What constitutes just and equitable compensation when the state expropriates property for land-reform purposes?

10. Critically analyse attornment as a constructive method of delivery

11. Evaluate the impact of the Constitution and the National Credit Act 34 of 2005 on a mortgagee’s right to immediate execution

12. Critically discuss Kidson v Jimspeed Enterprises CC 2009 (5) SA 246 (GNP)

13. Analyse the similarities and differences between transformative constitutionalism and decolonisation

14. Critically assess the constitutional remedy the Supreme Court of Appeal crafted in Tswelopele in view of the subsidiarity principles

15. Analyse the distinction between deprivation and expropriation of property

16. **In addition to these topics, you also have the option to write on a topic of your own choosing, in other words, on a topic that does not appear on the above list. Please note: you will only be allowed to write on a topic of your own choosing upon consulting the lecturer and receiving written approval from him of your chosen topic. This is to ensure that the topic you have in mind is a viable one.**
16  Marking rubric: (see next page)
<table>
<thead>
<tr>
<th>ORGANISATION</th>
<th>0</th>
<th>5</th>
<th>10</th>
<th>15</th>
<th>Mark</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inadequate.</td>
<td></td>
<td></td>
<td>Needs improvement: The organisation of the essay is difficult to follow, due to inadequate transitions; absence of headings and/or rambling format.</td>
<td>Adequate: The essay can be easily followed. A combination of the following is apparent: basic transitions are used; basic use of headings is made; a structured format is used.</td>
<td>Professional quality: The essay has an excellent flow. A combination of the following is apparent: effective transitions are used; headings are used effectively; a professional format is used; a clear line of argumentation is followed.</td>
</tr>
<tr>
<td>Inadequate:</td>
<td></td>
<td></td>
<td>Needs improvement: The essay contains numerous grammatical and/or linguistic errors.</td>
<td>Adequate: The essay contains minimal grammatical and linguistic errors.</td>
<td>Professional quality: The essay contains no grammatical and linguistic errors.</td>
</tr>
<tr>
<td>Inadequate:</td>
<td></td>
<td></td>
<td>Needs improvement: Several legal principles and/or facts are mostly correct.</td>
<td>Adequate: Legal principles and facts are mostly correct.</td>
<td>Professional quality: All legal principles and facts are correct, and the technical explanation of both is concise and complete.</td>
</tr>
<tr>
<td>Inadequate:</td>
<td></td>
<td></td>
<td>Needs improvement: Addressed some of the aspects of the topic, but provided few details.</td>
<td>Adequate: Addressed most aspects of the topic, but left out some details.</td>
<td>Professional quality: Addressed all aspects of the topic comprehensively.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SUBTOTAL (OUT OF 60)</th>
<th>0</th>
<th>2</th>
<th>3</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Essay begins with a clear and concise introduction.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Research question is specific and clear.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Essay is well-structured (ie logical, made use of headings).</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Student used the minimum number of prescribed materials (three journal articles, four books, and five cases). Here a mark of either 6 or 0 will be awarded.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Essay adheres to the style requirements of TSAR. Here</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Criterion</td>
<td>Score</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>--------------------------------------------------------------------------</td>
<td>-------</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A mark of either 3 or 0 will be awarded.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Essay contains a strong, persuasive, substantiated, legal argument and reflects critical thinking.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Essay ends with clear and concise conclusion.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Essay contains a proper bibliography with an alphabetical list (which uses headings) of all the sources used in the essay. <strong>Here a mark of either 3 or 0 will be awarded.</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Essay contains the student’s own (properly substantiated and well-reasoned) original opinion on the research question. <strong>Here a mark 0, 1, 2 or 3 will be awarded.</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>SUBTOTAL (OUT OF 40)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL (OUT OF 100)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>