

STATUTORY INSTRUMENTS.

2004 No. 70.

THE ADVOCATES (STUDENT PRACTICE) REGULATIONS, 2004.

ARRANGEMENT OF REGULATIONS.

Regulation.

1. Title
2. Interpretation
3. Eligibility for appearance in court
4. Extent of participation in court
5. Certification
6. Other activities
7. No payment for services of student
8. Supervising lawyer
9. Discipline

STATUTORY INSTRUMENTS.

2004 No. 70.

The Advocates (Student Practice) Regulations, 2004.

(Under section 11(6) of the Advocates Act, Cap 267).

IN EXERCISE of the powers conferred on the Law Council by section 11(6) of the Advocates Act, these Regulations are made this 26th day of August, 2004.

1. Title

These Regulations may be cited as the Advocates (Student Practice) Regulations, 2004.

2. Interpretation

In these Regulations—

“advocate” means a person whose name is entered on the roll of advocates;

“academic year” means the duration of a post graduate training or course at a post graduate school or institution to acquire professional skill and experience for purposes of enrolment;

“court” means a magistrate’s court or other subordinate court and includes a Family and Children Court;

“post graduate law school or institution” means the Law Development Centre, Kampala or other institution approved by the Law Council;

“recognised university” means a university recognised by the Law Council;

“student” means a post graduate law student who has duly enrolled for a post graduate bar course in a post graduate law school or institution;

“supervising lawyer” means an advocate possessing a valid practising certificate who has been approved by the head of a post graduate law school or institution to carry out the supervisory role under these Regulations;

3. Eligibility for appearance in court

(1) A student shall, in order to make appearance in court under these Regulations—

(a) be a holder of a bachelor of laws degree from a university in Uganda or from a recognised university outside Uganda;

(b) have substantially attended the first term at a post graduate law school or institution;

- (c) be certified by the head of the post graduate law school or institution as being of good character and of competent legal ability, and to be adequately trained to perform as a legal intern by a post graduate law school or institution;
- (d) be introduced to the court in which he or she is appearing, by the supervising lawyer;
- (e) certify in writing that he or she has read and is familiar with the rules of professional conduct governing advocates.

(2) A student who satisfies the conditions specified in sub-regulation (1) may, under the supervision of a supervising lawyer, appear in court on behalf of a client and may engage in other activities on behalf of a client as provided in these Regulations.

(3) A student may appear in court on behalf of a client only if the client indicates in writing that he or she consents to the appearance.

4. Extent of participation in court

A magistrate before whom a student is appearing may determine the extent of the student's participation in the proceedings.

5. Certification

The certification of a student by the head of the post graduate law school or institution referred to in regulation 3(c)—

- (a) shall be filed with the Chief Registrar and, unless withdrawn, shall remain in effect until the expiration of the academic year of the post graduate law school or institution except where it is extended, in deserving cases, upon the recommendation of the head of the law school or institution;
- (b) may be withdrawn, at any time, by the head of the post graduate law school or institution, by issuing a notice to that effect to the Chief Registrar; and the notice need not state the reasons for withdrawal;
- (c) may be terminated by the court at any time or by the Chief Registrar upon the recommendation of the court before which the student is appearing.

6. Other activities

(1) A student may engage in the following activities—

- (a) prepare pleadings and other documents to be filed in any matter in which the student is eligible to appear; except that the pleadings or documents must be signed by the supervising lawyer; and
- (b) prepare briefs, abstracts and other documents to be signed by the supervising lawyer.

7. No payment for services of student

A student shall neither ask for nor receive any compensation or remuneration of any kind for his or her services under these Regulations.

8. Supervising lawyer

(1) A person qualifies to be appointed a supervising lawyer under these Regulations if he or she—

- (a) is an advocate of good standing;
- (b) is in possession of a valid practising certificate and;
- (c) is approved by the head of the post graduate law school or institution in which the student is enrolled.

(2) A supervising lawyer shall—

- (a) assume personal professional responsibility for the guidance of the student in any work undertaken by the student and for supervising the quality of the student's work;
- (b) assist the student in his or her preparation to the extent the supervising lawyer considers necessary;
- (c) assist and counsel the student in activities which the student is permitted to engage in by these Regulations and review the activities with the student to the extent required for a proper practical guidance of the student; and
- (d) supplement the oral and written work of the student as necessary to ensure proper representation of the client.

(3) A supervising lawyer who fails to properly supervise a student may be charged with professional negligence.

9. Discipline

A student under these Regulations is subject to the same disciplinary procedures as an advocate under the Advocates Act.

JUSTICE J.W.N. TSEKOOKO,
Chairperson, Law Council.