

NO. 26 OF 2012

THE KENYA SCHOOL OF LAW ACT

SUBSIDIARY LEGISLATION

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THE KENYA SCHOOL OF LAW (TRAINING PROGRAMMES) REGULATIONS

[Legal Notice 175 of 2015]

PART I – PRELIMINARY

1. Citation

These Regulations may be cited as the Kenya School of Law (Training Programmes) Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires—

"Academic Services Manager" means the person for the time being in charge of the academic services section or department of the School;

"Committee of Examiners" means the Committee established under regulation 25;

"coursework" includes a class assignment, a study group assignment, an exercise, group work, a moot court activity and any other examinable activity as determined by the School;

"examination" means any mode of assessment approved by the Board and includes project work, an oral examination and the written examination required for each course unit;

"Examinations Co-ordinator" means the person designated as such by the Director under regulation 30;

"examination period" means the period in any given year or School term during which students sit for written examinations;

"Nominal Roll" means the register kept and maintained by the School in which the name of each student admitted to the School and the student's relevant details are entered and in which the student signs;

"Pre-Bar Examination" means an examination required under the Second Schedule to the Act in order for an applicant to be admitted to the School to undertake the Advocates' Training Programme; and

"student" means a person admitted and registered at the School to undertake a course of study.

3. Application of the Regulation

These Regulations shall apply to any person who has applied to be admitted as a student to the School or to a person who is a student at the School.

PART II – ADMISSION REQUIREMENTS AND REGISTRATION OF STUDENTS

4. Notice

The Director shall publish a notice in the *Gazette*, in at least one newspaper with a national circulation and in the School's website which shall invite eligible persons to apply for admission to a training programme at the School.

5. Qualification of applicants

A person shall qualify to apply for admission to the School where that person meets the relevant admission requirements under the Act or these Regulations.

6. Pre-Bar Examination and eligibility for the Advocates' Training Programme

(1) A person who wishes to be admitted to the Advocates' Training Programme shall apply to the School to sit for the Pre-Bar examination in the prescribed form and shall pay the prescribed fees.

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- (2) An applicant under this regulation shall provide—
- (a) a copy of the relevant academic certificate or academic award;
 - (b) copies of the relevant academic transcripts;
 - (c) a copy of the applicant's identity card or valid passport;
 - (d) two passport size photographs;
 - (e) the prescribed fee; and
 - (f) any other document that the School may require.
- (3) The Pre-Bar examination shall examine the applicant in—
- (a) Legal Systems and Methods;
 - (b) the General Principles of Constitutional Law;
 - (c) the Law of Tort;
 - (d) the Law of Contract; and
 - (e) Criminal Law.
- (4) Despite paragraph (3), the Pre-Bar examination shall test an applicant's mastery of—
- (a) general principles of law;
 - (b) legal techniques;
 - (c) language of the law; and
 - (d) proficiency in English.
- (5) The pass mark in the Pre-Bar Examination shall be fifty per cent.
- (6) The results of the Pre-Bar examination of an applicant shall not be re-marked:
- Provided if the applicant fails to pass the, the applicant may sit for the examination when it is next offered by the School.
- (7) An applicant who passes the Pre-Bar examination shall be eligible to be admitted to the Advocates' Training Programme.

7. Application for admission to the Paralegal Studies Programme

- (1) A person who wishes to be admitted to the Paralegal Studies programme of the School shall apply to the School in the prescribed form.
- (2) Each application under paragraph (1) shall be accompanied by—
- (a) a copy of the applicant's relevant academic certificate or academic award;
 - (b) copies of the relevant academic transcripts;
 - (c) a copy of the applicant's national identity card or valid passport;
 - (d) two passport size photographs of the applicant;
 - (e) the prescribed fees; and
 - (f) any other document that the School may require from the applicant.

8. Admission

- (1) Where the School is satisfied that an applicant meets the admission requirements under the Act or these Regulations, the School shall issue a letter of offer to the applicant.
- (2) Where an applicant accepts an offer of admission to the School, the School shall register the applicant for the relevant academic programme and enter the applicant's name in the Nominal Roll Provided that the applicant shall be registered where the applicant shall have presented to the School original copies of the documents specified in regulation 6(2) (a), (b) and (c) or regulation 7(2)(a), (b) and (c), and upon proof of payment of the prescribed fees.
- (3) An applicant whose name shall have been entered in the Nominal Roll shall sign against his or her name and that signature shall be used by the applicant in all communication with the School including when signing a class or study group register.

(4) The Director may permit an applicant who cannot take up an offer of admission to an academic programme of the School, on that applicant's request in writing and for good cause, to defer his or her registration for a period not exceeding three years:

Provided that where the applicant for the Advocates' Training Programme does not take up the offer of admission within three years of the date of the letter of offer, the offer shall lapse and the applicant shall be required to sit for the Pre-Bar examination if the applicant wishes to be admitted at the School.

9. Admission number and student identity card

(1) The School shall assign each student an admission number and shall issue each student with a student identification card.

(2) Each student, when communicating with the School, shall cite his or her admission number and, while on the School premises, display his or her student identification card.

(3) Each student shall surrender his or her student identification card to the School on the completion of that student's academic programme or on demand by the School.

(4) This regulation shall not apply to a student admitted to a course under the Continuing Professional Development programme.

PART III – CURRICULUM AND METHODOLOGY

10. Curriculum and course units for the Advocates' Training Programme

The curriculum of the Advocates' Training Programme shall comprise of the following course units—

- (a) civil litigation;
- (b) criminal litigation;
- (c) probate and administration;
- (d) legal writing and drafting;
- (e) trial advocacy;
- (f) professional ethics;
- (g) legal practice management;
- (h) conveyancing;
- (i) commercial transactions;
- (j) pupillage; and
- (k) any other unit that the Board of Directors may, from time to time, prescribe.

11. Training methodology for the Advocates' Training Programme

The training methodology for the Advocates' Training Programme shall include—

- (a) interactive lectures;
- (b) seminars and tutorials;
- (c) simulations;
- (d) moot courts;
- (e) role plays;
- (f) study tours;
- (g) exchange programmes; and
- (h) legal clinics.

12. Training period and pupillage of the Advocates' Training Programme

(1) The Advocates' Training Programme shall last for a period of eighteen months which shall comprise tuition and supervised pupillage.

(2) The School may publish guidelines on the manner in which pupillage shall be conducted and supervised.

[Subsidiary]**13. Curriculum and course units for the Paralegal Studies Programme**

The curriculum of the Paralegal Studies Programme shall comprise of the following course units—

- (a) Introduction to law and legal systems;
- (b) Law of contract;
- (c) Law of tort;
- (d) Criminal law;
- (e) Bookkeeping and accounting;
- (f) Office practice and management;
- (g) Commercial law;
- (h) Family law;
- (i) Law of succession;
- (j) Law of property in land;
- (k) Civil procedure;
- (l) Criminal procedure;
- (m) Law of evidence;
- (n) Company law;
- (o) Conveyancing;
- (p) Law of other business associations;
- (q) any other Unit that the Board of Directors may prescribe.

14. Training methodology in the Paralegal Studies Programmes

The training methodologies and techniques for the Paralegal Studies Programme shall include—

- (a) interactive lectures;
- (b) tutorials; and
- (c) simulations.

15. Duration of the programme

The duration of the Paralegal Studies Programme shall be two years and shall be divided into semesters or terms.

16. Assessment and issuance of certificate in the Paralegal Studies Programme

(1) The School shall assess each course unit using coursework and a final written examination.

(2) The Board of Directors shall determine the percentage to be allocated for each mode of assessment.

(3) The pass mark in each unit in the Paralegal Studies Programme shall be fifty per cent.

(4) The School shall issue a diploma in law for a person who successfully completes a study course in the Paralegal Studies Programme.

17. School to develop courses for continuing professional development

The School shall develop and offer courses in legal and related fields for the purposes of enhancing knowledge, practical skills course, for professional development.

18. Courses for continuing professional development

The School may offer courses—

- (a) on the request of a relevant person; or

- (b) that have been developed by the School.

19. Training methodology in the Continuing Professional Development Programme

The training methodology in the Continuing Professional Development Programme shall include—

- (a) interactive lectures;
- (b) group discussions;
- (c) plenary discussions;
- (d) skits;
- (e) role playing and simulations;
- (f) demonstration;
- (g) exercises;
- (h) debates and round-table discussions;
- (i) attachments; and
- (j) study tours.

20. Course duration under the Continuing Professional Development programme

(1) The School shall determine the duration of each course under the Continuing Professional Development Programme on the basis of the content of each course and the needs of the course participants.

(2) The School may employ different modes of delivery of a course, including class lectures, open and distance learning.

21. Assessment under the Continuing Professional Development programme

The School shall determine the mode of assessment for each course offered under the Continuing Professional Development Programme.

22. Certificate of completion under the Continuing Professional development Programme

The School shall issue a certificate to a person who successfully completes a course under the Continuing Professional Development Programme.

PART IV – EXAMINATIONS AND ACADEMIC AWARDS

23. Application of Part

This Part shall apply to all examinations offered by the School.

24. Establishment of Committee of Examiners

(1) There is established a committee to be known as the Committee of Examiners which shall comprise of—

- (a) the Director who shall be the chairperson;
- (b) the Deputy Director who shall be the vice-chairperson;
- (c) all Assistant Directors;
- (d) the Examinations Co-ordinator;
- (e) three members of the academic staff appointed by the Director; and
- (f) the Academic Services Manager of the School who shall be the secretary to the Committee.

(2) The chairperson shall preside at every meeting of the Committee and in the absence of the chairperson, the vice-chairperson shall preside.

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(3) Where the chairperson and the vice-chairperson are not present at a meeting of the Committee, the members present shall elect one of their number to preside at that meeting.

(4) The quorum for a meeting of the Committee shall be half of the members of the Committee.

(5) The Committee shall be responsible for the overall management of examinations and shall, in consultation with the Board —

- (a) determine the calendar of examinations of the School;
- (b) recommend to the Director persons to be appointed as internal examiners or moderators;
- (c) supervise the setting and moderation of examinations;
- (d) organise, administer and invigilate at examinations;
- (e) determine the structure and duration of an examination;
- (f) organise the marking of examinations;
- (g) recommend academic awards; and
- (h) undertake any other responsibility relating to examinations as may be assigned by the Board.

(6) Subject to these regulations, the Committee shall regulate its own procedure.

25. Co-ordination of Examinations

The Academic Services Manager shall—

- (a) be in charge of the office dealing with examinations;
- (b) liaise with the Examinations' Co-ordinator and invigilators for the effective management of an examination;
- (c) prepare examination venues;
- (d) deliver question papers and examinations scripts to invigilators;
- (e) receive and take custody of answer booklets from invigilators;
- (f) receive and take custody of marking schemes from internal examiners;
- (g) record, tabulate and keep in safe custody examination results; and
- (h) perform any other function that may be assigned by the Director.

26. Eligibility to register and sit for examination

(1) A student shall be eligible to register and sit for a written examination if the student—

- (a) has attended at least two-thirds of all the lectures offered in relation to that course unit; and
- (b) has paid all the fees in relation to that course unit.

(2) The student shall complete and submit the prescribed registration form to the Academic Services Manager at least thirty days before the commencement of the examination period.

(3) The Director may, upon a student's written application and for good cause, permit a student to register out of time for an examination.

(4) The Academic Services Manager shall issue each eligible student who has registered for the examination with an examination card at least one week before the commencement of the examination period.

(5) For the purposes of this regulation "written examination" shall not include coursework or any other continuing assessment test.

27. Deferment of an examination

(1) A student may, with good cause, apply in writing to the Director to defer the sitting of an examination in relation to a course unit:

Provided that the deferment shall not be for a period exceeding two years.

(2) An application under paragraph (1) shall be made at least two weeks before the commencement of the examination period.

(3) The Director may permit, for good cause, a student to apply for a deferment after the commencement of the examination period.

(4) Where a student fails to sit for the examination for which the student has registered or for which a deferment was granted after the period of deferment has ended, that student shall be deemed to have failed that examination.

28. Sitting an Examination

(1) A candidate at an examination shall present to the invigilator the examination card and student identity card.

(2) Each candidate shall enter the examination room not later than thirty minutes after the sitting of the examination has begun.

(3) A candidate shall not exit the examination room within thirty minutes of the commencement of the examination.

(4) A candidate shall not be permitted to exit the examination room when there are thirty minutes remaining before the end of the examination.

(5) Despite paragraphs (3) and (4), a candidate shall not leave the examination room without the permission of the invigilator.

(6) A candidate who violates paragraphs (3), (4) or (5) commits an act of examination irregularity and is liable to disciplinary action.

(7) An invigilator may, for good cause, permit a candidate who has failed to produce an examination card or a student identity card to sit for an examination.

(8) A candidate who has not been permitted to sit for or proceed with an examination under this regulation shall be deemed to have failed the relevant unit.

29. Examinations' Co-ordinator

(1) The Director shall, in each year, designate a member of the academic staff to be the Examinations' Co-ordinator.

(2) The Examinations' Co-ordinator shall be responsible for co-ordinating the setting of, invigilation, and marking of examinations and shall—

- (a) liaise between the internal examiners and the examination moderators;
- (b) receive from the internal examiners and safely keep the draft question papers;
- (c) deliver the draft question papers to the designated moderators;
- (d) receive and safely keep the moderated examination papers;
- (e) cause to be produced in sufficient numbers question papers for the purposes of each examination;
- (f) supervise the invigilation of each examination; and
- (g) perform any other function as may be assigned by the Director.

30. Marking of examinations

(1) At the end of each examination period, the Director, shall designate a date and a venue for the marking of Examinations.

(2) At the end of an examination period, the internal examiner shall submit to the Academic Services Manager the marking scheme for the relevant course unit.

(3) The Academic Services Manager shall, upon receiving the marked scripts, deliver them to the moderators.

31. Examination results

(1) The Director shall convene a meeting of the Committee of Examiners to consider the results of an examination immediately the moderating of the examination is completed.

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(2) The Director may, on the recommendation of the Committee of Examiners, release the provisional results of an examination.

(3) The Director shall release the final results of the examinations results on the approval of the provisional results by the Board.

32. Examination results

(1) A student who fails a course unit may apply in the prescribed form to re-sit the examination when it is next offered.

(2) The total marks awarded to a student on re-sit shall take into account the marks awarded each for coursework.

33. Examination irregularities

(1) A student who commits an examination irregularity shall be liable to disciplinary action.

(2) An examination irregularity shall include—

- (a) cheating;
- (b) plagiarism;
- (c) communicating with another candidate or any other unauthorised person while sitting for an examination;
- (d) using any form of unauthorised technology to access or transfer information during an examination;
- (e) being in possession of unauthorised materials while inside an examination room;
- (f) destroying unauthorised material to conceal the fact of its possession;
- (g) copying from or allowing another candidate to copy from one's answer booklet;
- (h) allowing a person to sit an examination on behalf of the candidate;
- (i) the refusal to stop writing when an invigilator has signified the end of an examination;
- (j) the failure to correctly or legibly write the required identification information on an answer booklet;
- (k) removing an examination script or an unused answer booklet from an examination room; and
- (l) any act or omission that the Committee of Examiners shall determine to be an examination irregularity.

(3) Where an act of examination irregularity is committed—

- (a) the invigilator shall promptly take possession of any material, gadget or other instrument or device that is being used to commit that act;
- (b) the invigilator shall fill out an incident form specifying the details of that act;
- (c) where the candidate admits to committing an act of examination irregularity, that candidate shall sign the incident form completed by the invigilator under paragraph (b); and
- (d) the invigilator shall deliver the incident form to the Academic Services Manager at the end of the examination.

34. Academic awards

(1) Subject to the Act or any other written law, the Board may, on the recommendation of the Committee of Examiners, award a certificate, diploma, post-graduate diploma or any other academic award.

(2) The Board may withdraw an award it has bestowed on a person if it is satisfied that the award was bestowed due to fraud or misrepresentation by the holder of the award:

Provided that the Board shall have given the holder of that award an opportunity to be heard by the Board.

PART V – STUDENT CONDUCT AND DISCIPLINE

35. Code of conduct or guidelines on conduct

(1) The School shall issue a code of conduct or guidelines on the conduct for students and a student shall abide by such code or guidelines.

(2) A student shall not engage in any activity which may bring the School into disrepute.

(3) A Student who resides in accommodation offered by the School shall abide by any additional regulations, guidelines or directives in relation to the hostel or other accommodation facilities in which the student resides.

(4) A student shall—

- (a) except with good cause, attend all lectures, tutorials, seminars, legal clinics, study group meetings, coursework activities and any other scheduled activities of the School;
- (b) sign, using the signature he or she used to sign in the Nominal Roll, the class attendance register when the student attends class or participates in any other activity of the School;
- (c) not cause damage to the School's property or disrupt the School's operations; and
- (d) comply with any other requirements for the purposes of any of the programmes of the School.

(5) A student who contravenes the provisions of this regulation shall be liable to disciplinary action.

36. Student Disciplinary Committee

(1) The Director shall set up a Student Disciplinary Committee to adjudicate any case relating to student discipline at the School.

(2) The Disciplinary Committee shall comprise of—

- (a) the Deputy Director who shall be the chairperson;
- (b) the Assistant Director in charge of Advocates' Training Programme and Paralegal Studies;
- (c) the Assistant Director in charge of Continuing Professional Development, Projects and Research;
- (d) a senior member of the academic staff;
- (e) the Human Resource and Administration Manager;
- (f) a representative of students; and
- (g) the Academic Services Manager, who shall be the secretary to the Disciplinary Committee.

(3) Where the chairperson is absent or is unable to preside at any meeting of the Committee, the members present shall elect a chairperson from among their number who shall preside at that meeting.

(4) Subject to these Regulations, the Committee shall regulate its own procedure.

37. Disciplinary proceedings

(1) Where the Director has reason to believe that a student has committed an act of indiscipline under these Regulations or any other guidelines or codes of conduct, the Director shall—

- (a) take appropriate administrative action; or
- (b) refer the matter to the Disciplinary Committee;

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(2) Where the Director refers a matter to the Disciplinary Committee under paragraph (1), the Director shall give the student a notice of at least seven days for the student to show cause why disciplinary action should not be taken against the student.

(3) The notice under paragraph (2) shall specify —

- (a) the date on or before which the student must show cause why disciplinary action should not be taken against him or her;
- (b) the date on or before which the student shall show cause; and
- (c) the date on which the student shall appear before the Committee.

(4) The student shall show cause in writing and may be required to appear in person before the Disciplinary Committee on a specified date.

(5) Where a student appears before the Committee, the student is entitled to be represented by a legal representative.

(6) The Director shall notify the student in writing of the decision of the Committee within fourteen days of the decision being made.

(7) A student who is dissatisfied with the decision of the Committee may, within thirty days of being notified of the decision of the Committee, appeal in writing to the Board against the decision and the decision of the Board is final.

38. Decision of the Student Disciplinary Committee and sanctions

Where the Student Disciplinary Committee determines that a student has committed an act of indiscipline under these Regulations or any other guidelines or codes of conduct of the School, the Committee may—

- (a) suspend the student from the school for a period which shall not exceed two years;
- (b) levy a penalty against the student that shall not exceed twenty thousand shillings;
- (c) cancel the examination results of the student in a course unit;
- (d) reduce the grade awarded to the student in a course unit;
- (e) expel the student from a student hostel or accommodation facility of the School;
- (f) recover the cost of repairs or replacement if the student is responsible for causing damage to School property; or
- (g) expel the student from the School.

PART VI – MISCELLANEOUS

39. Fees, charges and forms

(1) The School may levy such fees and charges in respect of each course of study or service rendered by the.

(2) The School may prescribe forms in respect of any activity to be done or application required to be made under the Act and these Regulations.

40. Appeal against administrative decisions

(1) Where a student is dissatisfied with an administration decision made under these regulations, that student may appeal in writing against the decision, within thirty days of being notified of the decision, to the Board.

(2) The Board shall hear and determine the appeal as expeditiously as is practicable and its decision shall be final.

41. Use of information communication technology by the School

The School may, in the performance of its functions, employ such information or communications technology as may be appropriate in the circumstance.

42. Revocation of L.N. No. 169 of 2009

The Council of Legal Education (Kenya School of Law) Regulations, 2009 (L.N. 169/2009) are hereby revoked.

43. Transitional provisions

(1) Despite the revocation of Council of Legal Education (Kenya School of Law) Regulations, any act, thing or decision pending under the Council of Legal Education (Kenya School of Law) Regulations, shall be continued or concluded as if the act or thing was done or decision made under these Regulations.

(2) Despite paragraph (1), a person who immediately before the coming into force of these Regulations has sat but has not completed the Pre-Bar examination offered under the Council of Legal Education (Kenya School of Law) Regulations, the person shall be entitled to sit the examination in accordance with the provisions of the Council of Legal Education (Kenya School of Law) Regulations, within 12 months of the coming into force of these Regulations.
