

LAWS OF KENYA

---

**THE COUNCIL OF LEGAL EDUCATION ACT**

**CHAPTER 16A**

Revised Edition 2009 (2003)  
Published by the National Council for Law Reporting  
with the Authority of the Attorney-General

**CHAPTER 16A****THE COUNCIL OF LEGAL EDUCATION ACT**

## ARRANGEMENT OF SECTIONS

*Section*

- 1–Short title.
- 2–Interpretation.
- 3–Establishment and membership of the Council.
- 4–Headquarters.
- 5–Duration of membership of the Council.
- 5A–Remuneration of Council Members.
- 6–Objects and functions of the Council.
- 7–Powers of the Council.
- 8–Delegation by the Council.
- 9–The common seal of the Council.
- 10–Protection from personal liability.
- 11–Liability of the Council for damages.
- 12–The secretary.
- 13–Staff of the Council.
- 14–Regulations.
- 15–Legal education levy.
- 16–Legal Education Fund.
- 17–Investment of funds.
- 18–Financial year.
- 19–Annual estimates.
- 20–Accounts and audit.
- 21–Amendment of Cap. 16.
- 22–Transitional and saving provisions.

**SCHEDULES.**

## CHAPTER 16A

## THE COUNCIL OF LEGAL EDUCATION ACT

10 of 1997,  
15 of 1997.*Commencement: 27th December, 1995***An Act of Parliament to provide for the establishment and incorporation of the Council of Legal Education and for connected purposes**

ENACTED by the Parliament of Kenya as follows:–

**1.** This Act may be cited as the Council of Legal Education Act, 1995. Short title.

**2.** In this Act, unless the context otherwise requires- Interpretation.

“advocate” has the meaning assigned to it in section 2 of the Advocates Act; Cap. 16.

“the Council” means the Council of Legal Education established by section 3;

“the Council of the Society” means the Council of the Society elected under section 13 of the Law Society of Kenya Act; Cap. 18.

“Fund” means the Legal Education Fund established by section 16;

“Minister” means the Minister for the time being responsible for matters relating to legal education;

“para-legal” means any person who has successfully completed a course for para-legals prescribed under section 6 (2) and holds a certificate of attendance awarded by the Council;

“Roll” means the Roll of Advocates kept under section 16 of the Advocates Act;

“Senior Counsel” has the meaning assigned to it in section 2 of the Advocates Act.

**3.** (1) There is established a Council to be known as the Council of Legal Education which shall consist of - Establishment and membership of the Council.

(a) the Chief Justice or a judge appointed by the Chief Justice who shall be chairman; 10 of 1997, Sch.

- (b) one judge of the Court of Appeal to be appointed by the Chief Justice;
- (c) one judge of the High Court to be appointed by the Chief Justice;
- (d) the Attorney-General or his representative;
- (e) five advocates nominated by the Council of the Society;
- (f) the head of the faculty of law of any recognized University in Kenya whose law degree is approved by the Council for the purposes of section 13 of the Advocates Act;
- (g) the head of any training institution established by the Council under section 6;
- (h) a Senior Counsel appointed by the Attorney-General;
- (i) one person associated with the teaching of law in Kenya appointed by the Attorney-General;
- (j) the Permanent Secretary of the Ministry for the time being responsible for higher education or his representative.

(2) The Council shall be a body corporate with perpetual succession and a common seal and shall in its corporate name be capable of-

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;
- (c) borrowing or lending money; and
- (d) doing or performing all other things or acts for the furtherance of the provisions of this Act which may be lawfully done or performed by a body corporate.

(3) The conduct and regulation of the business and affairs of the Council shall be as provided for in the First Schedule.

Headquarters.

**4.** The Headquarters of the Council shall be in Nairobi.

Duration of

**5.** The members of the Council nominated under paragraph (e)

of section 3 (1) shall hold office for four years but shall be eligible for renomination.

membership of the Council.  
10 of 1997, Sch.

**5A.** The Council shall pay to members such remuneration, fees or allowances for expenses as it may determine.

Remuneration of Council members.

**6.** (1) The object and purpose for which the Council is established is to exercise general supervision and control over legal education in Kenya and to advise the Government in relation to all aspects thereof.

Objects and functions of the Council.

(2) Without prejudice to the generality of the foregoing, the Council shall-

(a) establish, manage and control such training institutions as may be necessary for-

(i) organizing and conducting courses of instruction for the acquisition of legal knowledge, professional skills and experience by persons seeking admission to the Roll of Advocates in Kenya, in such subjects as the Council may prescribe;

(ii) organizing and conducting courses in legislative drafting;

(iii) organizing and conducting courses for magistrates and for persons provisionally selected for appointment as such;

(iv) organizing and conducting courses for officers of the Government with a view to promoting a better understanding of the law;

(v) organizing and conducting such courses for para-legals as the Council may prescribe;

(vi) organizing and conducting continuing legal education courses;

(vii) holding seminars and conferences on legal matters and problems;

(viii) organizing and conducting such other courses as the Council may from time to time prescribe;

(b) conduct examinations for the grant of such academic awards

as may be prescribed;

- (c) award certificates, fellowships, scholarships, bursaries and such other awards as may be prescribed.

Powers of the Council.

**7.** The Council shall have all the powers necessary or expedient for the performance of its functions under this Act and in particular, the Council shall have power to-

- (a) control, supervise and administer the assets of the Council in such manner and for such purposes as best promote the purpose for which the Council is established;
- (b) control and administer the Fund;
- (c) receive any grants, gifts, donations or endowments and make legitimate disbursements therefrom;
- (d) enter into association with other bodies or organizations within or outside Kenya as the Council may consider desirable or appropriate and in furtherance of the purpose for which the Council is established;
- (e) open a banking account or banking accounts for the funds of the Council;
- (f) invest the funds of the Council not currently required for its purposes in the manner provided in section 17.

Delegation by the Council.

**8.** The Council may, by resolution, either generally or in any particular case, delegate to any committee of the Council or to any member, officer, employee or agent of the Council, the exercise of any of the powers or the performance of any of the functions or duties of the Council under this Act.

The common seal of the Council.

**9.** (1) The common seal of the Council shall be kept in such custody as the Council directs and shall not be used except on the order of the Council.

(2) The common seal of the Council when affixed to a document and duly authenticated shall be judicially and officially noticed and unless and until the contrary is proved, any necessary order or authorization of the Council under this section shall be presumed to have been duly given.

Protection from personal liability.

**10.** No matter or thing done by a member of the Council or any officer, employee or agent of the Council shall, if the matter or thing

is done *bona fide* for executing the functions, powers or duties of the Council, render the member, officer, employee or agent or any person acting by his directions personally liable to any action, claim or demand whatsoever.

**11.** The provisions of this Act shall not relieve the Council of the liability to pay compensation or damages to any person for any injury to him, his property or any of his interests caused by the exercise of any power conferred by this Act or by the failure, whether wholly or partially, of any works. Liability of the Council for damages.

**12.** The Council shall appoint a secretary to the Council. The Secretary.

**13.** The Council may appoint such officers or servants as are necessary for the proper discharge of its functions under this Act upon such terms and conditions of service as the Council may determine. Staff of the Council.

**14.** The Council, with the approval of the Minister, may make regulations for the purposes of giving effect to the provisions of this Act, and in particular, the regulations may- Regulations.

- (a) make provision with respect to the engagement and training of pupils by advocates and their respective conduct, duties and responsibilities;
- (b) make different provisions for different circumstances;
- (c) authorize the charging by the Council of fees;
- (d) make provision for the establishment of training institutions by the Council;
- (e) prescribe the requirements for the award of diplomas, certificates and other academic awards of the Council;
- (f) provide for the description of diplomas, certificates and other academic awards of the Council;
- (g) provide for the settlement of the terms and conditions of service, including the appointment, dismissal, remuneration and retiring benefits of the members of staff of the Council; and
- (h) prescribe anything which may be prescribed under this Act.

Legal education levy.

**15.** (1) The Minister may, on the recommendation of the Council and in consultation with the Council of the Society, by order published in the Gazette, impose a legal education levy on any or all services rendered by advocates deemed under section 30A of the Advocates Act to be practising in their professional capacity which shall be collected by such advocates.

(2) A levy imposed under this section shall be payable at such rate as may be specified in the order.

(3) An order under this section may contain provisions as to the time at which any amount payable by way of the levy shall become due and the penalty for nonpayment.

(4) All moneys received in respect of the levy shall be paid into the Fund and if not paid on or before the date prescribed by the order, the amount due and any penalty prescribed under subsection (3) shall be a civil debt recoverable summarily by the Council.

The Legal Education Fund.

**16.** (1) There is established a fund to be known as the Legal Education Fund which shall vest in the Council.

(2) There shall be paid into the Fund-

- (a) all proceeds of the legal education levy established by section 15;
- (b) such moneys as may accrue to or vest in the Council in the course of the exercise of its powers or the performance of its functions under this Act;
- (c) such sums as may be payable to the Council pursuant to this Act or any other written law, or pursuant to any gift or trust;
- (d) such sums as may be granted to the Council by the Minister pursuant to subsection (3); and
- (e) all moneys from any other source provided for or donated or lent to the Council.

(3) There shall be made to the Council, out of monies provided by Parliament for that purpose, grants towards the expenditure incurred by the Council in the exercise of its powers or the performance of its functions under this Act.



(4) There shall be paid out of the Fund any expenditure incurred by the Council in the exercise of its powers or the performance of its functions under this Act.

**17.** (1) The Council may invest any of its funds in securities in which for the time being trustees may by law invest trust funds or in any other securities which the Treasury may from time to time approve for that purpose.

Investment of funds.

(2) The Council may place on deposit with such bank or banks as it may determine any moneys not immediately required for the purposes of the Council.

**18.** The financial year of the Council shall be the period of twelve months ending on the thirtieth June in each year.

Financial year.

**19.** (1) Before the commencement of every financial year, the Council shall cause to be prepared estimates of revenue and expenditure of the Council for that year.

Annual estimates.

(2) The annual estimates shall make provision for all the estimated expenditure of the Council for the financial year and in particular, the estimates shall provide-

- (a) for the payment of the salaries, allowances and other charges in respect of the staff of the Council;
- (b) for the payment of pensions, gratuities and other charges in respect of the retirement benefits which are payable out of the funds of the Council;
- (c) for the proper maintenance of the buildings and grounds of the Council;
- (d) for the maintenance, repair and replacement of the equipment and other property of the Council;
- (e) all expenditure incurred in relation to the establishment, equipment or management of any training institution by the Council; and
- (f) for the creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance or replacement of buildings or equipment, or in respect of such other matter as the Council may deem appropriate.

(3) The annual estimates shall be approved by the Council before the commencement of the financial year to which they relate, and shall be submitted to the Minister for approval and after his approval, the Council shall not increase the annual estimates without the consent of the Minister.

(4) No expenditure shall be incurred for the purposes of the Council except in accordance with the annual estimates approved under this section or in pursuance of an authorization of the Council given with the prior approval of the Minister.

Accounts and audit.

**20.** (1) The Council shall cause to be kept all proper books and records of account of the income, expenditure and assets of the Council.

(2) Within a period of four months from the end of each financial year, the Council shall submit to the Auditor-General (Corporations) or an auditor appointed under this section, the accounts of the Council together with-

- (a) a statement of income and expenditure during that year; and
- (b) a statement of the assets and liabilities of the Council on the last day of that year.

Cap. 412.

(3) The accounts of the Council shall be audited and reported upon in accordance with sections 29 and 30A of the Exchequer and Audit Act by the Auditor-General (Corporations) or by an auditor appointed by the Council under the authority of the Auditor-General (Corporations) given in accordance with section 29 (2) (b) of the Exchequer and Audit Act.

Amendment of Cap. 16.

**21.** The Advocates Act is amended-

- (a) by deleting the definition of “the Council of Legal Education” and inserting the following new definition “the Council of Legal Education” means the Council of Legal Education established by section 3 of the Council of Legal Education Act, 1995;
- (b) by repealing Part II;
- (c) by repealing the First Schedule to the Act.

Transitional and saving provisions.  
Cap. 2.

**22.** Without prejudice to the generality of the application of subsection (3) of section 23 and section 24 of the Interpretation and General Provisions Act, the transitional and saving provisions set out

in the Second Schedule shall come into effect upon the repeal of Part II of the Advocates Act.

## FIRST SCHEDULE

s. 3 (3)

### PROCEEDINGS OF THE COUNCIL OF LEGAL EDUCATION

1. The Council shall meet not less than four times in every financial year and not more than four months shall elapse between the date of the one meeting and the date of the next meeting.

2. A meeting of the Council shall be held on such date and at such time as the Council shall decide or, in the absence of such decision or on any occasion on which the chairman in consultation with the secretary shall decide that a meeting is necessary, on a date and at a time determined by the chairman.

3. The chairman shall, on the application of at least six members, convene a special meeting of the Council.

4. Unless the three-quarters of the total membership of the Council otherwise agree, at least fourteen days' written notice of every meeting of the Council shall be given to every member of the Council.

5. The quorum for the conduct of business at a meeting of the Council shall be eight.

6. The chairman shall preside at every meeting of the Council at which he is present and in the absence of the chairman at a meeting, the members present shall elect one of their number who shall, with respect to that meeting and the business transacted thereat, have all the powers of the chairman.

7. Unless a unanimous decision is reached, a decision on any matter before the Council shall be by a majority of votes of the members present and in the case of an equality of votes, the chairman or the person presiding shall have a casting vote.

8. Subject to paragraph 5, no proceedings of the Council shall be invalid by reason only of a vacancy among the members thereof.

9. The seal of the Council shall be authenticated by the signature of the chairman and the secretary and any document required by law to be made under seal and all decisions of the Council may be authenticated by the chairman and the secretary:

Provided that the Council shall, in the absence of either the chairman or the secretary, in any particular case or for any particular matter, nominate one member to authenticate the seal of the Council on behalf of either the chairman or the secretary.

10. All instruments made by and decisions of the Council not required to be under seal shall be signified under the hand of the chairman and the secretary.

11. The Council shall cause minutes of all proceedings of meetings of the Council to be entered in books kept for that purpose.

12. Except as provided by this Schedule, the Council may regulate its own proceedings.

## **SECOND SCHEDULE**

(s. 22)

### TRANSITIONAL AND SAVING PROVISIONS

1. The person who, immediately before the commencement of this Act was the secretary to the Council of Legal Education then existing shall be deemed to be the secretary to the Council for the purposes of section 12 of this Act.

2. The Kenya School of Law existing immediately before the commencement of this Act shall be deemed to be an institution established, managed and controlled by the Council under section 6.

3. For the avoidance of doubt, the Advocates (Admission) Regulations made before the commencement of this Act by the Council of Legal Education then existing shall remain in force until revoked by regulations under section 14 of this Act and shall be deemed for all purposes to have been made under this Act.

Cap. 16.  
(Sub-Leg).

**SUBSIDIARY LEGISLATION****THE COUNCIL OF LEGAL EDUCATION (FEES)  
REGULATIONS, 2001**

L.N. 161/2001.

1. These Regulations may be cited as the Council of Legal Education (Fees) Regulations, 2001.

2. The Council may charge such fees for attendance at any training institution established under section 6 and for participation in any course of training offered thereat, at such rates as the Council may, from time to time, determine.

**THE COUNCIL OF LEGAL EDUCATION (KENYA SCHOOL  
OF LAW) REGULATIONS, 2009**

L.N.169/2009.

**PART I-PRELIMINARY**

1. These Regulations may be cited as the Council of Legal Education (Kenya School of Law) Regulations, 2009.

Citation.

2. In these Regulations, unless the context otherwise requires—

Interpretation.

“Director” means the Director of the Kenya School of Law;

“School” means the Kenya School of Law;

“student” means a person registered at the Kenya School of Law to undertake a course of study.

3. These Regulations shall apply to any person who wishes to be admitted to or is a student of the School at the time of the commencement of these Regulations.

Application.

**PART II-ADMISSION REQUIREMENTS AND REGISTRATION OF STUDENTS**

4. A person shall not qualify for admission to a course of study at the School, unless that person has met the admission requirements, set out in the First Schedule to these Regulations for that course.

Compliance with admission requirements.

5. (1) Any person who wishes to be admitted to any course of study at the School, shall make an application to the School in Form KSL No. 1 set out in the Third Schedule and pay the fees set out in the Fourth Schedule to these Regulations.

Application for admission.

(2) The application under paragraph (1) shall be accompanied by—

(a) academic transcripts for the relevant qualifying examinations;

(b) academic certificate or any other academic award;

## [Subsidiary]

- (c) a copy of the National identification card;
- (d) two passport photographs,

of the applicant and any other document the School may from time to time require.

(3) The School shall consider an application submitted under paragraph (2) and if it is satisfied that the applicant meets the admission requirements, admit the applicant to the School.

## Registration of students.

6. (1) The School shall, upon payment of the prescribed fees, register a successful applicant and issue him with a student identification number and card.

(2) The student shall in all matters pertaining to the business of the School use the student identification number and card issued under paragraph (1).

(3) The student identification card shall remain the property of the School and shall be surrendered to the School upon completion of the course of study.

(4) The School may, upon a formal request, allow a person who cannot take up an offer for admission to defer registration for twelve months after which the offer for admission shall lapse.

PART III-ACADEMIC PROGRAMMES, EXAMINATIONS AND CONFERMENT OF ACADEMIC AWARDS

## Course programme and units.

7. (1) The Director shall, in consultation with the Council, determine and publish in the Gazette—

- (a) the academic programmes and course units ; and
- (b) the academic calendar, including the duration of each course of study.

(2) A student shall submit to the authority of the Director and attend the course registered for diligently to the satisfaction of the Director and the Council.

(3) The Director shall cause records of attendance to be kept in respect of each course and the record shall be conclusive evidence of attendance at the School.

(4) A student shall not be eligible to sit for any examination in any course of study unless that student has—

- (a) attended at least two thirds of the lectures offered in that course;
- (b) participated in the moot court clinics and any other practical

[Subsidiary]

outputs; and

(c) undertaken course work and assignments.

(5) Where special circumstances exist, the Council may subject to the requirements of the Advocates Act, waive or modify the provisions of this Part. Cap. 16

8. (1) There is hereby established a Board to be known as the Board of Examiners which shall consist of the following members – Board of Examiners.

- (a) the Director who shall be the Chairperson;
- (b) the Deputy Director who shall be the vice- chairperson;
- (c) the Assistant Directors;
- (d) all academic members of staff;
- (e) the Librarian;
- (f) the Academic Manager, who shall be the secretary;
- (g) the Administration Manager; and
- (h) the Finance Manager.

(2) Where both the Director and the Deputy Director are not present in a meeting, the members of the Board who are present shall elect one of the Assistant Directors to chair that meeting.

(3) The Board of Examiners shall, in consultation with the Council—

- (a) determine the examination calendar of the School;
- (b) appoint internal examiners, external moderators and external quality assurers;
- (c) supervise the setting and moderation of examinations;
- (d) organize, administer and invigilate the examinations;
- (e) organize the marking of examinations;
- (f) make academic awards; and
- (g) undertake any other responsibility relating to examinations as may be assigned by the Council.

9. (1) The mode of assessment in a course of study may consist of written examination, oral examination, course work, assignment, practical simulation and other academic activities set out in the First Schedule. School examinations.

(2) The Council shall determine in each course of study and course curriculum the proportion of marks allocated for each mode of assessment.

(3) The Director shall in consultation with the Council determine the structure and duration of each examination.

(4) A student who intends to sit for any examination shall apply to the Director two weeks before the commencement of the examination period and pay the prescribed fees or charges that apply to that examination.

(5) Unless stated in the specific programme of study, a candidate shall be

## [Subsidiary]

allowed a maximum of five examination sittings in each course of study, which shall be undertaken within a maximum period of three years.

(6) The Director shall discontinue from the School a student who fails to sit for examinations within a period of three years from the date of registration.

Examination  
procedure.

10. (1) The Director shall, in consultation with the Board of Examiners, determine and publish in the Gazette the date and venue of the examinations.

(2) The Director shall—

- (a) prepare and publish on School notice boards a list of names of persons who are eligible to sit for an examination; and
- (b) issue the students who are eligible to sit for examination with examination cards and index numbers.

(3) The index number issued under paragraph (2) (b), shall be the sole identifying mark during examinations.

(4) A student shall avail himself to the examination process in good time and be of good behaviour throughout the examination period.

(5) A student who has a reasonable cause not to sit for an examination at the appointed date or venue may apply to the Director to defer the sitting of the examination to such other date or venue as the Director shall appoint.

(6) The Director shall convene a meeting of the Board of Examiners as soon as it is practical, after the completion of the examination process, to adjudicate the results of the examination.

(7) The decision of the Board of Examiners shall constitute provisional results of the examination which results shall be conveyed to the Council for approval.

(8) The Director may, subject to the approval of the Council, release provisional results.

Remarking of  
examination scripts.

11. (1) A student who is dissatisfied with the grade awarded in any given examination paper may, within thirty days of the mark being approved by the Council, appeal in writing to the Director for a remark of the examination script.

(2) The student shall pay the remarking fee set out in the Fourth Schedule.

(3) The Director shall cause the examination script to be remarked and the new mark shall, where appropriate, be entered into the records of the student.

(4) The mark or grade awarded under paragraph (3) shall be final in determining whether a candidate has passed or failed the course of study.



[Subsidiary]

12. (1) A student who commits an examination irregularity shall be liable to disciplinary action and the Board of Examiners shall nullify the mark attained in that course. Examination irregularities.

(2) Examination irregularities shall, among others include—

- (a) cheating and plagiarism;
- (b) passing or receiving verbal, written or sign communication during an examination;
- (c) use of any form of technology to transfer information relating to the examination to or from other candidates during the examination;
- (d) possession of any unauthorized material relating to the examination in the examination room;
- (e) copying from or allowing another student to copy one's examination answer sheets; or
- (f) allowing another person to sit an examination on behalf of the candidate and vice versa.

13. (1) Subject to any written law, the Council may award a certificate, diploma or post-graduate diploma or any other award as the Council may determine. Academic awards.

(2) The Council may make an academic award to a student who has successfully undertaken a course of study at the School.

(3) Subject to paragraph (2), a student shall not qualify for an award under these Regulations unless that student has attained the required pass mark in the course of study.

(4) The School may withdraw and recall an academic award if it is satisfied that the student did not comply with these Regulations or the award was obtained through fraud.

14. A person shall not be duly qualified for an award under section 13(1)(b) of the Advocates Act unless that person— Qualification under the Advocates Act. Cap. 16.

- (a) has completed the Graduate Diploma (Advocate Training Programme) course at the School; and
- (b) has complied with the requirements of the Council.

#### PART IV-STUDENT CONDUCT AND DISCIPLINE

15. (1) All students shall, with regard to the attendance of lectures, Attendance at the

## [Subsidiary]

School.

academic activities and discipline, submit to the authority of the Director or his appointee.

(2) A student who wishes to suspend his study programme for a reasonable cause may apply to the Director for deferment of the course.

(3) The Director may allow the deferment of a course for a maximum period of twelve months after which the student will be required to apply afresh for admission to the School.

(4) The Director may discontinue a student who habitually fails to attend lectures, course work and assignments.

Student discipline.

16. (1) The Director shall enforce discipline in the School.

(2) All students shall submit to the authority of the Director, conduct themselves with integrity and decorum, and adhere to the School's Disciplinary Code.

(3) A student who contravenes the provisions of this regulation may be subject to the School's disciplinary process.

(4) The Director shall suspend any student from attending the School where, in his opinion, there are reasonable grounds to believe that the student may disrupt the normal operations of the School.

(5) A student shall refrain from engaging in activities which constitute misconduct set out in Second Schedule.

Disciplinary  
Committee and  
procedure.

17. (1) The Director shall appoint a Disciplinary Committee which shall consist of the following members—

- (a) the Assistant Director of the Post Graduate Diploma (Advocates Training Programme), who shall be the chairman;
- (b) the Assistant Director of Continuing Professional Development, Research and Projects;
- (c) senior member of the academic staff;
- (d) the Human Recourses and Administration Manager;
- (e) a student representative; and
- (f) the Academic Manager, who shall be Secretary.

(2) Where the Chairman of the Disciplinary Committee is not present, the Committee shall elect an interim Chairman from the present members.

(3) Upon receipt of a complaint about a student's breach of the Disciplinary Code, the Academic Manager shall issue a notice in writing to the student requiring him to show cause why disciplinary action should not be

[Subsidiary]

taken against him.

(4) Where a student is able to show good cause, the matter is otherwise resolved or adjudicated upon administratively, the Chairman shall inform the student of the outcome and the matter shall be considered settled.

(5) Where a student is not able to show good cause and the matter is of such a serious nature that a mere warning to take corrective action is not sufficient disciplinary action, the Chairman of the Disciplinary Committee shall as soon as it is practicable convene a disciplinary hearing to adjudicate the matter.

(6) The Disciplinary Committee shall make its rules of procedure.

(7) The Disciplinary Committee shall give a student an opportunity to present his case in person.

(8) The Disciplinary Committee may impose such disciplinary sanctions including suspension and expulsion from the School as it considers fit in the given circumstances.

(9) A student who is aggrieved by the decision of the Disciplinary Committee may appeal to the Council.

#### PART V-MISCELLANEOUS

18. (1) The Council may prescribe fees and charges payable for each training programme and any other services that may be rendered as it shall consider necessary from time to time.

Fees and charges.

(2) The fees and charges payable for each training programme and services rendered shall be as set out in the Fourth Schedule.

19. A student who registered for and took at least one examination of the Academic Programme (1995 programme) before the commencement of the Post Graduate Diploma (Advocates Training Programme) shall be allowed five maximum sittings authorized per course of study by Council under these Regulations.

Transitional arrangements.

20. The Council of Legal Education (Admissions) Regulations, 2007, are hereby repealed.

Repeal.  
L.N.400 of 2007.

[Subsidiary]

## FIRST SCHEDULE

r. 4)

### PROGRAMME, CURRICULUM AND EXAMINATIONS

#### PART A—POST GRADUATE DIPLOMA (ADVOCATES TRAINING PROGRAMME)

##### I—GENERAL PROVISIONS

- General objectives.
1. The general objective of the Post Graduate Diploma (Advocate Training Programme) shall be to train persons to serve in all fields of law and to instill in the persons offering legal services professional preparedness and ethical commitment.
- Training methodologies.
2. The overall training methodologies and techniques shall include—
- (a) interactive lectures;
  - (b) seminars and tutorials;
  - (c) simulations;
  - (d) moot courts;
  - (e) role plays;
  - (f) visits/study tours;
  - (g) exchange programmes;
  - (h) pupillage and attachment programmes;
  - (i) clinical work.
- Assessment in the programme.
3. The overall methods of assessment shall include—
- (a) written examination - 60% (unless otherwise provided all written examinations shall constitute a 3 hour paper);
  - (b) oral Examinations – 20%;
  - (c) project work – 20%;
  - (d) unless stated in the particular course of study the pass mark in this programme shall be 50%.
- Monitoring and evaluation of programmes.
4. (1) In evaluating a programme the School shall use the following methods—
- (a) centralized programme;

- (b) peer evaluation or review ;
- (c) student course lecturer evaluation.

(2) The key performance indicators shall be internal, external and correspond with bell-curve assessment.

#### II— ADMISSIONS REQUIREMENTS INTO THE ADVOCATES TRAINING PROGRAMME

5. A person shall not be eligible for admission for the Post Graduate Diploma (Advocate Training Programme) unless that person has— Admission requirements.

- (a) passed the relevant examination of any recognized university in Kenya, he holds or has become eligible for the conferment of the Bachelor of Laws Degree (LL.B) of that university;
- (b) passed the relevant examinations of a university, university college or other institutions prescribed by the Council, he holds or has become eligible for the conferment of the Bachelor of Laws Degree (LL.B) in the grant of that university, university college or other institution, had prior to enrolling a that university, university college or other institution—
  - (i) attained a minimum entry requirements for admission to a university in Kenya; and
  - (ii) a minimum grade B (plain) in English Language and a mean grade of C (plus) in the Kenya Certificate of Secondary Examination or its equivalent;
- (c) a Bachelor of Laws Degree (LL.B) from a recognized university and attained a minimum grade of C+ (C plus) in English and a minimum aggregate grade of C (plain) in the Kenya Certificate of Secondary Examination, holds a higher qualification e.g. “A” levels, “IB”, relevant “Diploma”, other “undergraduate degree” or has attained a higher degree in Law after the undergraduate studies in the Bachelor of Laws Programme; or
- (d) a Bachelor of Laws Degree (LL.B) from recognized university and attained a minimum grade of C- (C minus) in English and a minimum of an aggregate grade of C- (C minus) in the Kenya Certificate of Secondary Examination sits and passes the Pre-Bar Examination set by the Council of Legal Education as a pre-condition for admission.

6. The Post Graduate Diploma (Advocates Training Programme) shall consist of the following course units— Programme units.

- (a) civil litigation;

## [Subsidiary]

- (b) criminal litigation;
- (c) probate and administration;
- (d) legal writing and drafting;
- (e) trial advocacy (including clinical programme);
- (f) professional ethics;
- (g) legal practice management;
- (h) conveyancing;
- (g) commercial transactions;
- (i) pupillage (six months attachment).

Duration of programme.

7. (1) The programme shall last for a period of eighteen months, which shall be broken down as follows—

- (a) the training component to last for twelve months;
- (b) pupillage period to last for six months.

(2) No student shall be exempted from the training component of the programme.

Examinations.  
Cap. 16

8. (1) A student shall sit and pass examination papers in all unit courses including pupillage to qualify for the award of the Certificate of Compliance under section 15 of the Advocates Act.

(2) A student shall be awarded a Post Graduate Diploma in Law under the Advocates Training Programme.

Certificate of compliance.

9. A student who has complied with all the requirements of the Post Graduate Diploma (Advocates Training Programme) shall be eligible to apply for admission as an Advocate of the High Court of Kenya.

### III—PRE-BAR EXAMINATIONS

Examination objectives and units.

10. (1) A pre-bar examination shall be administered to students who hold a Bachelor of Laws Degree (LL.B) from a recognized University but do not qualify for direct admission under these Regulations.

(2) The pre-bar examination shall test the mastery of legal techniques, legal writing and substantive legal principles at the degree subject level and proficiency in English.

(3) The pre-bar examination shall consist of three hour examination in each of the following courses—

- (i) legal methods, systems and constitutional law;
- (ii) the law of contract;
- (iii) the law of torts;
- (iv) land law;
- (v) family law and succession;
- (vi) commercial law which shall include aspects of business associations.

11. A student shall sit and pass examination papers in all courses undertaken to qualify for admission to the Advocates Training Programme. Admissions.

#### PART B—DIPLOMA IN LAW TRAINING (PARA-LEGAL) PROGRAMME

12. The objective of the Diploma Law Training (Para-Legal) Programme is to train persons to serve in all fields of law and instill in persons offering legal services professional preparedness and ethical commitment at the para-legal level. General objectives.

13. The overall training methodologies and techniques of the programme shall include- Training methodologies.

- (a) interactive lectures;
- (b) tutorials (where applicable);
- (c) simulations;
- (d) moot courts (limited).

14. The overall methods of assessment shall include-

- (a) written examination - 70% (unless otherwise provided, all written examinations shall constitute a 3 hour papers)
- (b) assignments and tests - 30%
- (c) unless stated in the particular course of study the pass mark in this programme shall be 50%.

Assessment in the programme.

15. A student seeking admission to the Diploma Law Training (Para-Legal) Programme shall- Admission requirements.

- (a) have a Mean grade of C (C Plain) in the Kenya Certificate of Secondary Education or equivalent examination and a minimum grade C+ (C Plus) in English;
- (b) at least one principal pass at the Kenya Advanced Certificate of Education (KACE) examinations; or

## [Subsidiary]

(c) a distinction or credit pass in the Certificate in Law course conducted at the Kenya School of Law (2000-2003) or any other Certificate or Diploma in a relevant field.

## Programme units.

16. The Diploma Law Training (Para-Legal) Programme shall consist of the following units—

- (a) general principles of constitutional law and legal systems;
- (b) contract law ;
- (c) law of tort ;
- (d) criminal law ;
- (e) book-keeping 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) company law;
- (n) conveyancing;
- (o) law of other business associations.

## Programme duration and content.

17. The duration of the Diploma Law Training (Para-Legal) Programme shall be of two academic years divided into semesters.

## Examinations and award of diploma.

18. (1) A student shall not be eligible for an award of a Diploma Law Training (Para-Legal) Programme unless that student has taken and passed all the prescribed courses.

(2) An award of the Diploma Law Training (Para-Legal) Programme shall be in the following categories –

- (a) distinction – 70% and above;
- (b) credit – 60% - 69%;
- (c) pass – 50% - 59%.

(3) A person shall not be awarded an academic award under these Regulations unless that person has the overall mark of 50%.

**PART C—CONTINUING PROFESSIONAL DEVELOPMENT AND SHORT COURSES PROGRAMME**

## Objectives.

19. The objectives of the Continuing Professional Development and Short Course Programme is to train persons to serve in all fields of law and to instill in persons offering legal services, professional preparedness and ethical commitment.

## Training methodologies.

20. (1) The overall training methodologies and techniques of the Continuing Professional Development and Short Course Programme shall include—



- (a) interactive lectures;
- (b) seminars and tutorials;
- (c) audio visuals;
- (d) visits or study tours.

(2) The learning methodology of the Continuing Professional Development and Short Course Programme shall include—

- (a) interactive lectures;
- (b) briefing;
- (c) plenary discussions;
- (d) group discussions;
- (e) dramatic skits;
- (f) role play and simulations, including moot courts;
- (g) demonstration;
- (h) exercises;
- (i) debates and roundtables;
- (j) visits to designated places of relevance and interest.

21. (1) Any person who has undertaken any legal training, possess relevant professional qualifications may be admitted for Continuing Professional Development and Short Courses Programme. Admission requirement.

(2) The School shall deliver the Continuing Professional Development and Short Courses Programme in course modules.

(3) Each module shall have specific admission criteria which will be set out in the relevant advertisement or brochure for each course.

22. The Continuing Professional Development and Short Courses Programme shall consist of the following courses modules— Programme units..

- module one: anti-corruption and anti-money laundering
- module two: competition law
- module three: business associations, corporate governance and corporate social responsibility
- module four: conveyancing
- module five: the regulation of exchange of labour
- module six: bankruptcy
- module seven: capital markets and securities
- module eight: taxation
- module nine: procurement and public accountability
- module ten: banking and financial services
- module eleven: insurance
- module twelve: intellectual property
- module thirteen: negotiation skills
- module fourteen: legislative drafting
- module fifteen: public debt management and loan agreement
- module sixteen: transnational corporations
- module seventeen: international business transactions
- module eighteen: investments law

## [Subsidiary]

module nineteen: maritime law  
 module twenty: international and regional economic institutions  
 module twenty-one: international dispute resolution  
 module twenty-two: alternative dispute resolution (ADR)  
 module twenty-three: international commercial arbitration (ICA)  
 module twenty four: advanced trial advocacy  
 module twenty five: civil litigation  
 module twenty six : conveyancing and real estate management  
 module twenty seven: family law advocacy  
 module twenty eight: environmental law and litigation  
 module twenty nine: rule of law and governance  
 module thirty: human rights law  
 module thirty one: gender and the law  
 module thirty two: child rights  
  
 module thirty three: treatment of offenders and victims of crime  
 module thirty four: disability and the law  
 module thirty five: HIV/AIDS  
 module thirty six: refugee law  
 module thirty seven: medical law  
 module thirty eight: project management  
 module thirty nine: corporate law  
 module forty: co-operatives law  
 module forty one: east african community law  
 module forty two: Common Market For Eastern And Southern Africa  
 (Comesa)  
 module forty three: New Partnership For Africa's Development  
 (NEPAD).

## Programme duration.

23. (1) The School shall advertise the course contents and duration of each course in the Continuing Professional Development and Short Courses Programme in the local media before seeking applications and admitting relevant students.

(2) The School shall allocate sufficient time and other resources to the Continuing Professional Development and Short Courses Programme to meet the objective of the training programme.

**SECOND SCHEDULE**

(r. 16 (5))

## Disciplinary Code

1. A students shall refrain from committing any or all of the following, which shall constitute misconduct–

- (a) failing to attend the School without the Director's authority;
- (b) stealing or damaging the property of the School;
- (c) removing, hiding or tampering with library materials and other equipment;
- (d) cheating in examinations;

[Subsidiary]

- (e) failure to maintain the School dress code by wearing jeans, t-shirts, mini skirts and other indecent clothes or such other clothes during active school time;
- (f) convening, participating or in any other way, getting involved in demonstrations, gatherings or processions or ceremonies for which permission has not been obtained from the Council or Government;
- (g) Organizing or in any other way being involved in pickets or in any way preventing other students or members of staff from performing their duties;
- (h) possessing, handling and using drugs or drinks during school time;
- (i) being drunk and disorderly within the School premises;
- (j) creating unnecessary noise or behaving in an unruly or rowdy manner causing disturbance or annoyance to other occupants of the School;
- (k) sexually harassing other students or members of staff;
- (l) assaulting or in engaging in any other form of violence against a student, member of staff or members of the public.

2. A person who breaches this disciplinary code shall be liable to disciplinary action. Penalty

3. Notwithstanding the generality of paragraph (2), a person who breaches any of the above provision shall be liable to disciplinary action and the Disciplinary Committee may initiate any of the following sanctions - Disciplinary action

- (a) reprimand;
- (b) warning;
- (c) restitution;
- (d) suspension;
- (e) expulsion.

[Subsidiary]

**THIRD SCHEDULE** (KSL.1) (r.5)

APPLICATION FORM

Section A:

1. Name: .....  
*Surname* *(Other names in full)*

2. ContactAddress: .....  
 .....

3. Permanent Address (if different from 2): .....  
 .....

4. Telephone Contacts:  
 Landline/Telcom wireless: .....  
 Mobile: .....  
 E-mail: .....  
 Nearest Town: .....

5. Date of Birth: Day ..... Month ..... Year.....

6. Nationality: .....

7. Identity Card No:.....Passport .....

8. Gender(Male/Female):.....

9. Marital Status:.....

10. Next of Kin:.....  
 His/her Telephone No:.....  
 Relationship:.....

Section B:

11. Qualifications and institutions obtained from:

| Qualifications | School/College/University Attended | Year of Completion | Grades Obtained |
|----------------|------------------------------------|--------------------|-----------------|
| (i) Academic   |                                    |                    |                 |
|                |                                    |                    |                 |
|                |                                    |                    |                 |
|                |                                    |                    |                 |

[Subsidiary]

|                   |  |  |  |
|-------------------|--|--|--|
| (ii) Professional |  |  |  |
|                   |  |  |  |
|                   |  |  |  |
|                   |  |  |  |

12. Working/Research experience (where applicable)

| <i>Employer</i> | <i>Work Station</i> | <i>Occupation</i> | <i>Period</i> |
|-----------------|---------------------|-------------------|---------------|
|                 |                     |                   |               |
|                 |                     |                   |               |
|                 |                     |                   |               |

Section C:

DECLARATION BY APPLICANT

I hereby DECLARE that to the best of my knowledge the information herein given is true and accurate and that I bear responsibility for all inaccuracies and misinformation if any.

Signature:.....Date: .....

Section D:

- 12. For official use:
  - (i) Approved for direct admission
  - (ii) Approved to sit Pre-Bar Examination
  - (iii) Not approved (Give Reason(s))

Payment Receipt No:.....

Designation of Officer:.....

Signature: .....

Date:.....

NOTES (Instructions to fill form KSL 1)

- 1. This form should be filled in or completed in BLOCK LETTERS, and returned to—
  - The Academic Manager,
  - Kenya School of Law,
  - P.O. Box 30369-00100
  - NAIROBI.

## [Subsidiary]

2. Please attach the following documents—

- (a) a copy of the applicant's LL.B. Degree certificate or provisional certificate;
- (b) a copy of his/her academic transcripts or mark-sheets;
- (c) a copy of his/her law syllabus and reading lists. Such syllabus must detail all topics covered in each subject/course of study;
- (d) copies of "O" and "A" level certificates or K.C.S.E. certificate;
- (e) a copy of his/her national identity card;
- (f) two "one- inch" by "one- inch" (1" x 1") colored photographs;

3. Applicants must deposit a non-refundable application fee of Kshs.2, 000/- as below—

Account Name: Kenya School of Law  
 Account No: 0100131599701  
 Branch: National Bank of Kenya, Hill Branch, NHIF Building.

4. Present the deposit slip for receipting at our cash office and attach to this form as proof of payment.

**FOURTH SCHEDULE**

(r. 5(1))

## FEES AND CHARGES

|    | <i>Item</i>   | Amount (KSh.) |
|----|---|---------------|
| 1. | Application fees for admission to any course of study.  | 2, 000        |
| 2. | Library fee charged to all students admitted to the School (except those attending the CPD Programme) | 5,000         |
| 3. | Tuition fees for the Para-Legal Programme per course unit   | 7, 500        |
|    | Tuition fees for the Advocates Training Programme (ATP)   | 15,000        |
| 4. | Examination fees for re-marking of ATP examinations   | 5,000         |
|    | Examination fees For re-sits per course unit in the Advocates Training Programme                      | 6,000         |
|    | Examination fees For re-sits per unit in the Para-Legal Training Programme                            | 3,000         |

**THE COUNCIL OF LEGAL EDUCATION (ACCREDITATION OF  
LEGAL EDUCATION INSTITUTIONS) REGULATIONS, 2009**

LN. 170/2009.

PART I—PRELIMINARY

1. These Regulations may be cited as the Council of Legal Education (Accreditation of Legal Education Institutions) Regulations, 2009. Citation.

2. In these Regulations unless the context otherwise requires— Interpretation.

“accreditation” means the confirmation, evidenced by an evaluation of the institution under regulation 6, that an institution has met the training standards prescribed by the Council;

“legal education” means any education or training programme offered by an institution whose object is to impart knowledge or skills in the area of law, or such other educational or institutional training that the Council may declare to be legal education or training;

“legal education institution” means any institution or place of learning however established whose object is to provide legal education or training;

“Secretary” means the Secretary to the Council of Legal Education.

3. (1) These Regulations shall apply to any institution that is authorized under the Act or any other written law to operate an educational institution in Kenya and intends to offer or at the commencement of these Regulations is offering legal education. Application and transition.

(2) Any institution that is offering legal education or training shall, within six months after the commencement of these Regulations, apply to the Council for accreditation.

(3) The Council may by a notice in the Gazette stop the legal education or training programme of a training institution that has not complied with this regulation.

(4) Any person who contravenes the provisions of paragraph (2) commits an offence and shall be liable to a fine of six thousand shillings or imprisonment for a term of six months or both.

PART II—ACCREDITATION PROCESS

4. (1) Any institution that, at the commencement of these Regulations, wishes to be accredited under these Regulations shall apply to the Council for accreditation. Application procedure.

(2) An application under paragraph (1), shall be made in Form CLE No.1

## [Subsidiary]

set out in the First Schedule to these Regulations and the applicant shall pay the fees set out in the Fourth Schedule.

(3) An application for accreditation under paragraph (2), shall be accompanied by proof of payment of the prescribed fees, the proposed legal education programme, the course that the institution intends to offer or is offering and course curriculum.

(4) The Council shall within one month of the receipt of the application for accreditation acknowledge receipt, consider the application and communicate the outcome of the application to the applicant.

(5) Where an application for accreditation to the Council is in respect of an existing programme, the Council may grant provisional accreditation under regulation 8, for a period not exceeding one year pending the evaluation of the programme and inspection of the institution.

## Evaluation of programme.

5. (1) The Council shall, within sixty days from the date of acknowledgement of an application, evaluate the programme submitted and make recommendations.

(2) The Council may engage the services of an independent evaluator to undertake any aspect of the evaluation process on its behalf.

(3) The Council may evaluate a programme of an institution undergoing another accreditation process under any other written law, for the purposes of assisting in the said accreditation process:

Provided that such evaluation shall not constitute a waiver of the Council's mandate under these Regulations.

(4) A member of the Council, who is a dean of a faculty, a regular member of staff of a faculty or is in any way connected to or interested in the affairs of an institution that is the subject of the accreditation, shall not participate in the evaluation of that institution's programme or inspection of its facilities.

## Rejection and re-evaluation of an application.

6. (1) Where the information provided by an applicant is not sufficient or the applicant has not complied with the requirements set out in the Third Schedule, the Council may reject the application or request for more information.

(2) An applicant whose application has been rejected under paragraph (1), may within three months of such rejection re-submit the application providing the required information for re-evaluation by the Council.

(3) Where the rejected application is not re-submitted within six months, the application shall lapse.

## Inspection.

7. The Council shall inspect the physical and other infrastructural facilities of an institution offering or intending to offer legal education or training to verify its suitability for the training of the programme applied for.



[Subsidiary]

8. (1) The Council shall, under its seal, award a certificate of accreditation to an institution that has complied with the provisions of these Regulations. Certificate of accreditation.

(2) The certificate of accreditation under paragraph (1) shall be in Form CLE No.2 set out in the First Schedule to these Regulations.

(3) The Council may issue a provisional accreditation certificate for a period not exceeding one year to an existing institution that has complied with the provisions of regulation 4.

(4) Subject to regulation 12 or any other written law, an institution which has been issued with a certificate of accreditation by the Council under paragraph (1), may advertise the approved course programme, admit students and commence the approved training or legal education programme.

(5) The certificate of accreditation issued under paragraph (1), shall, unless revoked under regulation 10, be valid for a period of five years.

9. (1) The Council shall within one month of issuing a certificate of accreditation to an institution publish the Notice of the grant in the Gazette. Publication.

(2) The Council shall from time to time and in any case not more than a period of three consecutive years, publish the particulars of the institutions that have been granted a Certificate of Accreditation in the Gazette.

(3) The Council shall maintain and regularly update particulars of the accredited institutions on its register and official website.

10. (1) Where the Council determines that a legal education institution issued with a certificate of accreditation has failed to maintain or comply with the standards set out in these Regulations, it shall issue a notice of revocation of accreditation to that institution requiring it to show cause why the certificate of accreditation should not be revoked. Revocation of accreditation.

(2) An institution issued with a notice under paragraph (1), shall within three months provide the Council with necessary information regarding the issues raised in the notice of revocation.

(3) Where the information provided under paragraph (2) is reviewed and found to be inadequate in responding to the issues raised in the notice of revocation, the Council shall revoke the certificate of accreditation issued to the institution.

(4) Where the Council revokes a certificate of accreditation of an institution, it shall publish that revocation in the Gazette.

(5) The Council may rescind the notice of revocation if it is satisfied that the institution has put in place necessary measures to comply with these Regulations.

---

**[Subsidiary]**

(6) The institution shall meet the Council's reasonable administrative cost and other expenses incurred in the enforcement of this regulation.

## Operation standards.

11. The standards governing the operation of legal education institutions accredited by the Council shall be as set out in the Third Schedule to these Regulations.

## Maintenance of standards.

12. A legal education institution shall—

- (a) maintain the standards set out in the Third Schedule;
- (b) comply with lawful instructions issued by the Council or any other authority empowered to do so under the Act; and
- (c) ensure that the legal education programme which is the subject of accreditation is not reviewed or altered in any way without the approval of the Council.

## Institutional reports.

13. (1) A legal education institution which has been granted a certificate of accreditation under these Regulations shall, prepare and submit to the Council—

- (a) an annual report of its activities in each year of operation;
- (b) an annual report of the resources set aside for the legal training and the maintenance of the legal library services; and
- (c) a detailed report after every five years for a degree level and after every four years for other training programmes, indicating the progress made in the maintenance of standards and institution's objects with regard to the legal education.

(2) The Council shall evaluate the reports received under paragraph (1) and make recommendations for the purpose of improving the training standards of the institution or the legal education programmes of the institution.

## Renewal of accreditation.

14. (1) An institution shall make an application for renewal of accreditation to the Council, in Form CLE No.1 set out in the First Schedule.

(2) Where the Council is satisfied on the basis of the information supplied in the reports that a legal education institution has maintained standards set out in these Regulations, it shall renew the certificate of accreditation of that legal education institution for a further period of five years.

## Re-inspections.

15. (1) The Council may on its own initiative, on request of the institution or the public, conduct an impromptu visit to a legal education institution accredited under these Regulations.

[Subsidiary]

(2) Where an impromptu visit is carried out by the Council, it shall prepare a report of its findings and submit them to the institution with its comments and recommendations.

(3) Where the Council determines that an institution is not maintaining the standards set out under these Regulations, it shall revoke the certificate of accreditation.

16. (1) The Council may order an education institution to discontinue providing legal education or training— Discontinuation.

- (a) the legal education institution has requested to discontinue offering the accredited programme;
- (b) the Council discovers that the legal education institution is no longer interested in offering legal education;
- (c) the legal education institution has been served with a revocation order under regulation 11; or
- (d) the legal education institution is not accredited by the Council.

(2) The Council shall, under its seal, issue an order of discontinuation to a legal education institution in Form CLE No.3 set out in the First Schedule.

(3) The Council shall publish in the Gazette the order of discontinuation issued under paragraph (2), and may also publish the order of discontinuation in the local media.

17. (1) Where the Council has issued an order of discontinuation to a legal education institution, the institution shall within two months submit for the Council's approval, a discontinuation plan which shall among other things state unequivocally the date on which the institution shall be stopped. Discontinuation plan.

(2) Without prejudice to the generality of paragraph (1), a closure plan shall ensure that, the discontinuation of a legal education programme shall become effective at the end of the academic year in which the order of discontinuation is issued.

(3) Once a discontinuation plan has been approved by the Council, the institution shall—

- (a) not admit new students to any of its legal programmes; and
- (b) assist its students to transfer to other accredited institutions to complete their legal education programmes.

(4) A legal institution shall, until it discontinues a programme—

- (a) continue to follow the course programmes approved by the Council

[Subsidiary]

or in the mode existing before the order of discontinuation;

- (b) maintain the library and other physical facilities required under these Regulations; and
- (c) maintain adequate faculty staff qualified to manage the course programme.

(5) A legal institution shall not enter into a teach-out agreement with an institution that is not accredited under these Regulations.

#### PART III—LEGAL EDUCATION TRAINING

Recognition,  
equation of foreign  
qualifications and  
equivalence.

18. A student shall not be eligible for admission to a legal education training programme under these Regulations, unless that student has attained the required minimum qualifications set out in the Second Schedule.

19. The Council may recognize academic awards, in legal education, of foreign institutions that are recognized by the Commission for Higher Education or any other authority with the mandate under any written law to recognize foreign qualifications.

(2) Notwithstanding the generality of paragraph (1), the Council shall equate every qualification from a foreign institution against its standards and make such recommendations as it may consider necessary.

#### PART IV—APPEALS AND AD HOC COMMITTEE

Grounds for appeal.

20. (1) Any person aggrieved by a decision of the Council may appeal in writing to the Minister through the Secretary within thirty days from the date of the Council's decision.

(2) The applicant shall set out the grievance or issues to be determined by the Committee.

(3) The Committee shall determine the Appeal within three months from the date of its appointment.

Establishment of ad  
hoc committee.

21. (1) The Minister may, upon receipt of an appeal, establish an Ad Hoc Committee which shall consist of the following members appointed by the Minister—

- (a) the Chairman, who shall be a person who is or is eligible to be appointed a Judge of the High Court of Kenya;
- (b) one person who is or is eligible to be appointed as Senior Counsel;
- (c) one person representing the Ministry for the time being responsible for legal education;

[Subsidiary]

- (d) one person from the private sector who is not a legal practitioner;  
and
- (e) a Secretary, who shall be an ex-officio member.

(2) The Committee shall hear and determine appeals made by any person aggrieved by the decision of the Council on accreditation of legal education institution.

(3) The persons appointed under paragraph (1), shall hold office for the duration of the committee as shall be specified in the instrument of appointment.

(4) The Committee shall make its own rules of procedure.

#### PART V—MISCELLANEOUS PROVISION

22. (1) The Council may establish such committees as it considers necessary for undertaking any of its functions under these Regulations. Establishment of committees.

(2) Notwithstanding the generality of paragraph (1), the Council shall establish committees to—

- (a) inspect institutions; and
- (b) determine the persons eligible for admission to the Bar.

23. (1) The fees specified in the Fourth Schedule shall be paid in respect of the matters specified in the corresponding entry. Fees and charges.

(2) Fees once paid shall not be refunded.

24. Any person who contravenes any of the provisions of these Regulations commits an offence and shall be liable to a fine not exceeding six thousand shillings or imprisonment for a term not exceeding six months or both. Offences and penalties.

[Subsidiary]

**FIRST SCHEDULE**

FORM CLE NO.

1 r. 4(2), r. 14)

## APPLICATION FOR ACCREDITATION

1. Name of the institution: .....
2. Physical address (location): .....
3. Contacts:
  - Postal Address: .....
  - Telephone:..... Fax: .....
  - E-mail: ..... Others: .....
4. Programme level (degree, diploma, etc):.....
5. Course units taught: .....
6. Minimum admission requirements:.....
7. Teaching methodologies:.....
8. Examinations and pass mark:.....
9. Academic award (LLB, Diploma in Laws, etc):.....
10. Details of staff employed for the programme (including qualification, work load, part time and full time).....
11. Number of students per year of study:.....
12. Physical facilities (buildings, land, owned or leased): .....
13. Library (space dedicated for the programme and legal volumes):.....
14. Other facilities:.....
15. Budget set out for the development of legal education including purchase of books and research:.....

I hereby make application for accreditation of the abovementioned institution which is providing or intends to provide of legal education and training, which institution has been licensed to offer education in Kenya by (name of authorizing agent) ..... under the (legal mandate) ..... of the Laws of Kenya on the ..... day of ..... (attach licensing certificate) and declare that the information given herein is correct to the best of my knowledge and belief.

[Subsidiary]

Name .....

Designation .....

Signature .....

FORM CLE NO. 2

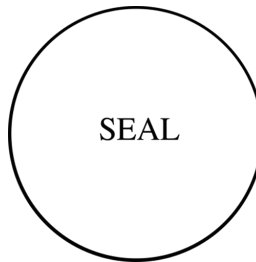
(r 8 (2))

CERTIFICATE OF ACCREDITATION

THIS IS TO CERTIFY that

Name of the institution ..... Care of Post Office Box Number ..... situated at ..... has this day ..... of ..... has been accredited in accordance with the Council of Legal Education (Accreditation of Legal Education Institution) Regulations, 2008 and is HEREBY authorized to offer legal education and training leading to award of degree/diploma/certificate only.

Chairman Council for Legal Education



Secretary Council for Legal Education

FORM CLE NO. 3

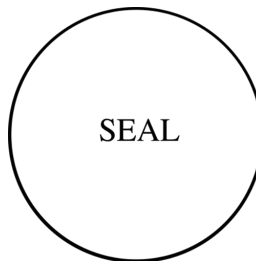
(r. 16 (2))

ORDER TO DISCONTINUE

TAKE NOTICE THAT the Council of Legal Education has this ..... day of ..... revoked the Certificate of Accreditation issued to (name of the institution) ..... Care of Post Office Box Number ..... situated at ..... issued on the ..... day of ..... and HEREBY ORDERS that (name of the institution) ..... shall with immediate effect/ with effect from this ..... day of ..... discontinue offering legal education and training in Kenya

This Order is issued in accordance with Regulation 16(3) of the Council of Legal Education (Accreditation of Legal Education Institution) Regulations, 2008.

Chairman Council for Legal Education



Secretary Council for Legal Education

[Subsidiary]

**SECOND SCHEDULE**

(r.18)

**MINIMUM QUALIFICATIONS FOR ENTRY INTO LEGAL  
EDUCATION TRAINING PROGRAMME**

Admission into the  
Diploma in Law  
(Para-Legal Studies)  
Programme.

1. A student shall not be eligible for admission into the Diploma in Law (Para-Legal Studies) Programme, unless that student has –
- (a) a mean grade of C (C plain) in the Kenya Certificate of Secondary Education (KCSE) or its equivalent examination and a minimum grade C+ (C plus) in English;
  - (b) at least one principal pass at the Kenya Advanced Certificate of Education (KACE) examinations; or
  - (c) a distinction or credit pass in the Certificate in Law course conducted at the Kenya School of Law between the year 2000 to 2003 or any other Certificate or Diploma in a relevant field.

Admission into  
an Undergraduate  
Degree Programme.

2. A student shall not be eligible for admission into an Undergraduate Degree Programme unless that student has –
- (a) a degree from a recognized university;
  - (b) at least two principal passes at an advanced level or an equivalent qualification;
  - (c) a mean grade of C+ (C plus) in Kenya Certificate of Secondary Education (KCSE); or
  - (d) a diploma of an institution recognized by the Commission for Higher Education and the applicant shall have obtained at least credit pass.

**THIRD SCHEDULE**

(r.11)

**PHYSICAL, LIBRARY AND CURRICULUM STANDARDS FOR  
LEGAL EDUCATION INSTITUTIONS****PART I—PHYSICAL STANDARDS**

1. These standards shall apply to all physical facilities supporting the legal education programme.

2. Every legal education institution shall have the following physical facilities to support the legal education programme –

- (a) classrooms or lecture rooms;



- (b) a library with a section demarcated for legal education and training;
- (c) a moot court room for programmes that require a moot court; and
- (d) recreational facilities and sanitation.

3. Every building used or intended to be used as part of the physical facility, shall comply with the requirements of the Building Code, the Public Health Act and be approved by the relevant authorities.

4. Every building shall be safe for public habitation and kept in a good state, free from structural failures, cracking or dilapidation of building material, fabric and components.

5. A legal education institution shall provide classroom, lecturer hall, moot court rooms that are adequate in size, well illuminated and ventilated.

6. A legal education institution shall provide sufficient writing surface for each seat and a place to set books and papers.

#### PART II—LIBRARY STANDARDS

7. Every legal education institution shall provide a functional library area with the following areas—

- (a) adequate sitting area;
- (b) stack area, with the section dedicated for legal education and training; and
- (c) information and communication technology centre.

8. A legal education institution shall maintain a legal education library that complies with international library standards in respect to its classification, functionality and adaptation to its users.

9. The legal education institution's library shall have a library policy and library development strategies.

10. The legal education institution shall set aside at least five percent of the total recurrent budget for the purchase of legal education materials every year.

11. A librarian of an institution offering legal education shall have a minimum qualification of a degree in library services.

12. The library shall stock at least five core titles (latest edition) per unit, being used and at least one copy for every five students per core title.

[Subsidiary]

13. The library shall—

- (a) stock journals, periodicals, encyclopedia and other publications for general information;
- (b) stock books for general knowledge with the object of giving its users a wide range of knowledge;
- (c) have adequate sitting capacity for all students in the institution;
- (d) have internet facilities and other online information resources;
- (e) have adequate lighting and ventilation.

14. The legal library shall have the following minimum law reports -

- (i) Kenya Law reports up to the current edition;
- (ii) Kenya Gazettes to the current edition;
- (iii) East African Law Reports to the current edition;
- (iv) All England Law Reports to the current edition.

#### PART III—CURRICULUM STANDARDS

15. (1) A legal education institution shall maintain adequate qualified academic and support staff.

(2) The academic full time staff and student ratio shall be at most 1:15.

16. A person shall not be recruited as an academic or technical staff unless he possess the following minimum qualifications—

- (a) for diploma level, at least a degree in law;
- (b) for undergraduate level, at least a masters in law;
- (c) for post graduate level, at least a masters in law.

17. Unless otherwise stated—

- (a) the Diploma Programme shall carry a minimum of 640 contact hours;
- (b) the Undergraduate Programme shall carry a minimum of 1680 minimum contact hours;
- (c) the Post-Graduate Diploma (Bar Training) shall carry a minimum of 840 contact hours.

18. The curriculum submitted to the Council shall–

- (a) indicate the core courses;
- (b) indicate the elective courses;
- (c) specify in terms of lecture hours, the minimum load for each unit offered in every academic year;
- (d) specify the minimum number of units that a student is expected to take;
- (e) specify the conditions under which the student may:
  - (i) take special examination;
  - (ii) re-sit examinations;
  - (iii) repeat the entire academic year;
  - (iv) student may be discontinued;
- (f) the method and manner of arriving at the academic award.

19. The Diploma In Law Programme (Para-Legal Studies) shall comprise of the following core unit–

- (i) general principal of constitutional law & legal system;
- (ii) law of contract;
- (iii) law of tort;
- (iv) criminal law;
- (v) commercial law;
- (vi) family law;
- (vii) law of succession;
- (viii) law of property in land;
- (ix) civil procedure;
- (x) criminal procedure;
- (xi) company law;
- (xii) conveyancing;

[Subsidiary]

(xiii) book-keeping and accounts; and

(xiv) office practice & management.

20. The Under-Graduate Programme shall comprise of the following core units—

(i) legal research and writing;

(ii) law of torts;

(iii) law of contracts;

(iv) legal systems and methods;

(v) constitutional law;

(vi) criminal law;

(vii) family law & succession;

(viii) law of evidence;

(ix) commercial law (including sale of goods, hire-purchase and agency);

(x) law of business associations (to include insolvency);

(xi) administrative law;

(xii) jurisprudence;

(xiii) equity and the law of trusts;

(xiv) public international law;

(xv) property law; and

(xvi) labour law.

21. (1) The Post-Graduate Diploma (Advocates Training Programme) shall be comprise the following core units -

(i) civil litigation;

(ii) criminal litigation;

(iii) probate and administration;

(iv) legal writing and drafting;

- (v) trial advocacy;
- (vi) professional ethics and practice;
- (vii) legal practice management;
- (viii) conveyancing;
- (ix) commercial transactions; and
- (x) pupillage.

(2) The training session shall last for a minimum period of twelve months.

(3) The Pupillage attachment period shall last for a minimum period of six months.

(4) The Post Graduate Diploma (Advocates Training Programme) shall be a compulsory course and students admitted into the programme shall take all core units.

#### FOURTH SCHEDULE

(r. 4(2), 23(1))

##### FEEES AND CHARGES

1. The Council shall charge the following fees for the evaluation of programmes and inspection of legal education institutions – Accreditation Fees.

- |                                 |              |
|---------------------------------|--------------|
| (a) provisional accreditation — | KSh. 250,000 |
| (b) post-graduate programme —   | KSh. 800,000 |
| (c) degree programme —          | KSh. 800,000 |
| (d) diploma programme —         | KSh. 450,000 |

2. The Council shall charge the following other fees and charges—

- |   |            |
|---|------------|
| (a) equation of foreign qualification —   | KSh.10,000 |
| (b) application for admission to the Bar— | KSh.10,000 |

Foreign  
Qualifications.

3. The Council may revise the fees structure as it considers necessary and publish the same in the Gazette. Power to amend.