



**COUNCIL OF LEGAL EDUCATION  
PROFESSIONAL LAW SCHOOLS**

# REGULATIONS 2016

LAW  
CASES

Council of Legal Education Hugh Wooding Law School  
P.O. Bag 323  
Tunapuna Trinidad, W.I.

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These Regulations apply to the Professional Law Schools administered and operated by the Council of Legal Education established by Treaty to train Attorneys-at-Law for practice in the Caribbean. To date, there are three (3) Law Schools:-

Hugh Wooding Law School  
P.O. Bag 323  
Tunapuna  
Trinidad, W.I.

Norman Manley Law School  
P.O. Box 431  
Mona Campus, Kingston 7  
Jamaica, W.I.

Eugene Dupuch Law School  
P.O. Box SS-6394  
Nassau, N.P.  
The Bahamas

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## THE COAT OF ARMS AND BADGE

### **The Crest**

This consists of a male Magnificent Frigate Bird with outstretched wings with a red throat patch in its breeding season, perched on a gold balance on a wreath alternatively gold and red.

### **The Supporters**

On the left side a man dressed in a hat and wearing trousers and the sleeves of his open shirt rolled and holding in his hand and resting his foot on an agricultural fork. On the right side a woman dressed in a tartan patterned jupe with bodice and petticoat, wearing a head-dress of Madras cloth and holding in her hand a star-apple plant. The growing plant in the hand of the woman is the symbol of fertility and represents the verdant flora of the region. The man and the woman represent the foundation of West Indian family life and depict the idea of the law being made by and for the people.

### **The Badge**

This consists of a gold disc powdered with black ermine spots thereon two caimite or star-apple leaves, the one on the left showing the upper side and the one on the right showing the underside.

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## **COUNCIL OF LEGAL EDUCATION**

### **MISSION STATEMENT**

To facilitate the development of competent legal practitioners for the Region who, appreciating their responsibility as members of an honourable profession and recognising the needs of their socio-economic environment, are inspired in the pursuit of excellence, the maintenance of high ethical standards, the promotion of social justice and the strengthening of the rule of law.



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## COUNCIL OF LEGAL EDUCATION

### PROFESSIONAL LAW SCHOOLS

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## COUNCIL OF LEGAL EDUCATION

*REGULATIONS OF THE COUNCIL OF LEGAL EDUCATION GOVERNING THE AWARD FOR THE CERTIFICATE OF LEGAL EDUCATION, STUDENTS OF THE LAW SCHOOLS OF THE COUNCIL OF LEGAL EDUCATION, THE COURSE OF STUDY LEADING TO THE CERTIFICATE OF LEGAL EDUCATION, EXAMINATIONS AND ASSESSMENTS, THE AWARD OF THE LEGAL EDUCATION CERTIFICATE TO COMMON LAW PROFESSIONALLY TRAINED PERSONS, LIBRARIES AND LEGAL AID CLINICS OF THE LAW SCHOOLS.*

*Made by the Council of Legal Education pursuant to Articles 1 paragraph 3(h) and 4.2 of the Agreement Establishing the Council of Legal Education.*

### PART I

#### INTRODUCTION

##### 1. Title

These Regulations may be cited as the Council of Legal Education Regulations 2016.

##### 2. Definitions

In these Regulations-

**Academic Committee** means the committee constituted by regulation 6;

**Academic offence** means misconduct involving a breach of Part IV of these Regulations or the adoption by a student of the work of any person as his own without sufficient or any acknowledgment of its authorship;

**Approved university** means a university or institution approved by the Council after consultation with the Dean;

**Approved university degree** means a degree from an approved university;

**Assessments** means the process and result of continuous assessment in any subject over an academic year;

**Certificate** means the Legal Education Certificate of the Council;

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**Clinic** means a Legal Aid Clinic operated by the Council in respect of a Law School;

**Committee** includes sub-committee;

**Council** means the Council of Legal Education and includes the Executive Committee;

**Course Director** means any person responsible for the conduct of a subject in the course leading to the award of the Certificate;

**Dean** means the Dean of the Faculty of Law of The University of the West Indies and includes any person appointed to act in that capacity;

**Examination Committee** means the Committee constituted under regulation 29;

**Examinations** means the examinations referred to in Parts II, III and IV of these Regulations, to be held at the end of the first and second year respectively and any supplementary examinations authorised pursuant to these Regulations;

**Executive Committee** means the Executive Committee of the Council;

**Law School** or **School** means a Law School established by the Council;

**Non-academic offence** means an offence other than an academic offence, being an act or omission which is unbecoming of a student of a Law School;

**Principal** means the Principal of the Law School and includes any person appointed to act in that capacity;

**Registrar** means the Registrar of the Law School and includes any person appointed to act in that capacity;

**Regulations for the Certificate** means the Regulations under Part II of these Regulations;

**Supervisor** means any person appointed by the Registrar to supervise the invigilation of Examinations.



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## PART II

### REGULATIONS FOR THE LEGAL EDUCATION CERTIFICATE

#### 3. Qualifications for Admission

- (1) Before admission to a School a student must have obtained one or other of the following qualifications:
  - a) the Degree of Bachelor of Laws from The University of the West Indies;
  - (b) an approved university degree in law, subject to such conditions as the Council may require;
  - (c) a university degree from an approved University in which the course leading to that degree involved a study of law and other disciplines herein called a "mixed law degree", subject to such conditions as the Council may require;
  - (d) a university degree in a discipline other than law, together with a certificate under the hand of the Dean that the student has satisfactorily pursued a course of study in law over a period of not less than two years in the Faculty of Law of The University of the West Indies and is a fit and proper person for admission to the School subject to such conditions as the Council may require.
- (2) The Council may require a student who seeks admission under subparagraph (b) or (c) of paragraph (1) to pursue as a preliminary to admission a course of legal studies at such place as the Council may direct for a period not exceeding one year in one or more subjects including Law and Legal Systems, Legal History and Constitutional Law and Development in the West Indies to the satisfaction of the Principal.
- (3) The qualifications described in subparagraphs (c) and (d) of paragraph (1) apply only to a student who has obtained his degree prior to October 1, 1972, or had commenced his degree course prior to that date and obtained his degree prior to October 1, 1975.



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- (4) (a) A student who seeks admission to a Law School must in addition to proof of qualifications submit with his application at least two recommendations by different persons certifying his fitness for admission to a Law School.
- (b) A person so certifying must be one of the following:
  - (i) a Judge of a Superior Court;
  - (ii) an Attorney-at-law of at least seven years standing;
  - (iii) a Magistrate who has served for not less than three years;
  - (iv) a Principal of an Educational Institution;
  - (v) a Medical Practitioner of at least seven years standing.

## **4. Date of Application**

- (1) Application shall be made to a School on or before January 31 in the year in which admission is sought.
- (2) Applications for entry to the Norman Manley Law School shall be made by persons ordinarily resident in:
  - (i) Anguilla;
  - (ii) Antigua and Barbuda;
  - (iii) Belize;
  - (iv) Jamaica;
  - (v) Montserrat;
  - (vi) St. Kitts and Nevis.
- (3) Applications for entry to the Hugh Wooding Law School shall be made by persons ordinarily resident in:
  - (i) Barbados;
  - (ii) Dominica;
  - (iii) Grenada;
  - (iv) Guyana;
  - (v) St. Lucia;
  - (vi) St. Vincent and the Grenadines;
  - (vii) Trinidad and Tobago.

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- (4) Applications for entry to the Eugene Dupuch Law School shall be made by persons ordinarily resident in:
  - (i) The Bahamas;
  - (ii) The British Virgin Islands;
  - (iii) The Cayman Islands;
  - (iv) The Turks and Caicos Islands.
- (5) Notwithstanding the provisions of paragraphs (2), (3) and (4), a Principal may admit to the Law School for which the Principal has responsibility a student from a country other than a country zoned to that Law School.

## **5. Eligibility for Certificate**

- 1) To be eligible for the Certificate a student must have pursued a course of study over a period of two years at a Law School.
- (2) A student registered at one Law School who during the period of two years wishes to transfer to another Law School may do so with the approval of the Principal of the School to which the student wishes to transfer and in that event shall be entitled to add the periods spent at the two Schools in making up the period of two years.
- (3) Training for the Certificate shall be given over three terms totaling thirty-two weeks in each year at a Law School. Term dates in any year shall be agreed by the Principals.
- (4) The period of two years during which a student is engaged in studies for the Certificate shall be continuous except where in special circumstances the Principal grants an exemption from this regulation.

## **6. Academic Committee**

- (1) There shall be an Academic Committee comprising the following:
  - (a) the Principals of the Law Schools;
  - (b) Tutors of the Law Schools;
  - (c) Directors of the Legal Aid Clinics established by the Council;
  - (d) the Registrars of the Law Schools;

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- (e) the Librarians of the Law Schools;
  - (f) Associate Tutors responsible for the conduct of a course in a Law School;
  - (g) three (3) students - one (1) from each Law School nominated by the Students' Association of that Law School; and
  - (h) a nominee of the Chairman of the Council.
- (2) The Principal of the Law School at which the Committee meets shall be the Chairman.
- (3) In the absence of the Principal of the Law School at which the Committee meets one of the other Principals shall be the Chairman to the Committee.
- (4) In the absence of all of the Principals, the members shall select a Chairman from among themselves.
- (5) The Registrar of the Law School at which the Committee meets shall be the Secretary to the Committee but in his or her absence, one of the other Registrars shall be the Secretary.
- (6) It shall be the duty of the Committee to:
- (a) undertake and discharge general responsibility for the practical professional training of persons seeking to become members of the legal profession;
  - (b) make proper provisions for courses of study and practical instruction, scholarships, studentships and bursaries and for holding examinations and recommending the award of certificates at the Law Schools;
  - (c) do all such other acts and things incidental to the powers aforesaid as may be requisite in order to further the objects of the Council.

## **7. Course of Study**

- (1) A student will be required to attend for training and study at a Legal Aid Clinic or at such other place and/or with such person or authority as the Principal may from time to time approve or direct for the purpose of providing an opportunity for the student to advance his or her professional competence.

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- (1A) A student is required to attend the advocacy training, including training in alternative dispute resolution, at a Law School.
- (2) The subjects of the course and for the examinations for the Certificate shall be:
1. Civil Procedure and Practice I;
  2. Civil Procedure and Practice II;
  3. Conveyancing and Registration of Title;
  4. Criminal Practice and Procedure;
  5. Ethics, Rights and Obligations of the Legal Profession;
  6. Evidence and Forensic Medicine;
  7. Landlord and Tenant;
  8. Legal Drafting and Interpretation;
  9. Law Office Management, Accounting and Technology;
  10. Law of Remedies;
  11. Probate Practice and Procedure.
- (3) The Council may from time to time designate any subject as optional and may add to or remove subjects from the foregoing list or otherwise modify it.
- (4) The student will be expected to acquire competence during the course in:
- (a) general advocacy (including court room etiquette);
  - (b) negotiation;
  - (c) alternative dispute resolution;
  - (d) opinion writing;
  - (e) interviewing clients; and
  - (f) preparation of cases for litigation and settlement.
- (5) The student will also be expected to have a general knowledge of principles and practice in the subjects mentioned above and to know and appreciate differences in the legal systems of the West Indies in relation to the subjects studied and in addition to show a detailed knowledge of the application of the principles in at least one territory.

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- (5A) Notwithstanding paragraphs (1) and (1A), upon application in writing by a student who is required to repeat a year of study, the Principal after consultation with the Senior Tutor, and, as the case may be, the Director of the Legal Aid Clinic or a relevant Course Director, may exempt that student from any of the requirements under paragraphs (1) or (1A) or both.
- (6) The syllabus for each subject shall be that set out in Schedule I and shall be subject to such variations or modifications as the Council may from time to time determine.

## **8. Assignment of Duties by the Principal**

The Principal may assign to a member or members of the academic staff including Associate Tutors, the responsibility for the teaching, practical training, examination and assessment in any subject of the course.

## **9. Award of Certificate**

- (1) The Certificate may be awarded by the Council to students who satisfactorily complete the prescribed course of study and training evidenced by –
- (a) passing all of the subjects of the course tested by examinations only;
  - (b) passing both the assessments and the examinations in all of the subjects of the course tested by both assessments and examinations;
  - (c) achieving a satisfactory assessment for training and study undertaken at a Legal Aid Clinic or at such other place or with such other person or authority referred to in regulation 7(1);  
and
  - (d) achieving a satisfactory assessment in advocacy including alternative dispute resolution.
- (2) In awarding the Certificate, account shall be taken of–
- (a) the continuous assessments made by the academic staff of the academic work of a student throughout the course of study; and



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- (b) the performance of a student in in-service training.
- (3) A Certificate shall be delivered to each successful student as soon as is reasonably practicable after the award of the Certificate by the Council.
- (4) Subject to the provisions of regulations 9(7) and 39 a student who obtains not less than nine A grades throughout the course shall be awarded a Certificate of Merit.
- (5) There shall be a Principal's Roll of Honour for each Law School.
- (6) Subject to the provisions of regulations 9(7) and 39 a student who obtains not less than six (6) 'A' grades throughout the course shall be placed on the Principal's Roll of Honour.
- (7) No student who-
  - (a) at any time has failed in any subject of the course; or
  - (b) at any time has failed to achieve a satisfactory assessment for training and study undertaken at a Legal Aid Clinic or at such other place or with such other person or authority referred to in regulation 7(1); or
  - (c) at any time has failed to achieve a satisfactory assessment in advocacy including alternative dispute resolution; or
  - (d) has been found by a Disciplinary Committee to have committed an academic offence or a non-academic offence,shall be eligible for a Certificate of Merit, or to be placed on the Principal's Roll of Honour.
- (8) Subject to paragraph (9), a Certificate shall bear the name in which a student was registered upon admission to a Law School.
- (9) Where the name of a student is lawfully changed after such registration and the Registrar is duly notified within a reasonable time prior to the issue of a Certificate, a Certificate may be issued, upon written request of a student, in the subsequently acquired name.

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- (10) A Certificate shall be signed by the Chairman of the Council and the Registrar of the Law School from which the recipient is a graduate and shall bear the Seal of the Council embossed upon a disc.
- (11) The Council may withdraw a Certificate if it is satisfied that the student to whom the Certificate was issued had for the purpose of procuring admission to a Law School made a statement that is false in any material particular or while at a Law School engaged in some act of fraud or misrepresentation.

## **10. Ceremony for Presentation of Graduates**

- (1) A ceremony for the presentation of graduates may be arranged by the Principal.
- (2) The form of ceremony and all matters ancillary or incidental thereto shall from time to time be determined by the Principal.



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## PART III

### REGULATIONS FOR STUDENTS AT PROFESSIONAL LAW SCHOOLS

#### **11. Application**

This Part of the Regulations applies to students at the Law Schools.

#### **12. Registration**

- (1) A student shall register for the course of study at the Law School during the first week of the first term or at such other time as the Principal may permit.
- (2) Only in exceptional circumstances may a student register after the third week of the first term.
- (3) A student will be deemed not to be in attendance at the Law School until registration formalities are completed.
- (4) A student shall notify the Registrar in writing forthwith of any alteration in the information supplied on registration, including any change of name, address, including electronic mail address, marital status or nationality.
- (5) A Law School may assign an electronic mail account to each student which shall be deemed to be the official electronic mail account of the student for the period during which the student is enrolled at the Law School.
- (6) Communication with a student via an electronic mail account assigned by a Law School shall be an official means of communicating with a student and a student shall be responsible for all information sent to him by way of the assigned electronic mail account and shall comply with such protocols governing the use of the account as may be established by a Law School.

#### **13. Fees**

- (1) (a) The fees payable by students admitted to the Law School, as referred to in Article 9 of the Treaty, mean the amount required to be paid by each student calculated on the basis of the per capita economic cost but shall be reduced based on the contribution made by the respective Governments to the economic cost attributable to each student.

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- (b) The economic cost shall not be fixed, but shall be based on the per capita cost of maintaining each Law School for the budget year.
  - (c) The Council may from time to time increase the fees.
- (2) Subject to paragraphs (4) and (5), a student shall pay all fees in full at the beginning of the academic year.
- (3)
  - (a) A student admitted to a Law School from a territory which at the time of admission is in arrears for a period of twelve (12) months or more in its contribution to the budgets of the Council, unless Council permits payment by the territory to be deferred for a specified period, shall be required to pay the economic cost so long as that territory is in arrears but shall be reimbursed the difference between the normal fee and the economic cost for any period in respect of which that territory ceases to be in arrears during the student's course of study at the School.
  - (b) A student admitted to a School from a territory which, subsequent to his admission, falls into arrears in its contribution to the budget of the Council shall pay the normal fees during the year in which the territory falls into arrears but in any subsequent year of study may be required to pay the economic cost.
  - (c) A student who is required to pay the economic cost under subparagraph (3)(b) shall be reimbursed the difference between the normal fee and the economic cost for any period in respect of which that territory ceases to be in arrears during the student's course of study in the School.
- (4) The Registrar, if satisfied that circumstances so warrant, may permit fees to be paid in instalments as follows:
  - (a) the first instalment shall be payable not later than the end of the second week of the first term; and
  - (b) the second instalment shall be payable not later than the end of the second week of the second term.
- (5) The Principal, in exceptional circumstances, may extend the time permitted in paragraph (4) for the payment of fees.

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- 6) Save in exceptional circumstances determined by the Principal, no student shall be eligible to register for a subsequent year while that student's fees are outstanding.
- (7) No student shall be awarded the Certificate until the student has paid all the requisite fees.
- (8) The Executive Committee shall from time to time approve amounts to be charged as application fees, late registration fees, supplementary examination fees and for such other matters as it deems necessary.
- (9) Save as is provided in regulations **14** and **20(3)**, fees are not refundable.

## **14. Caution Money**

- (1) Upon registration a student shall pay into a fund to be known as the Caution Money Fund such fee as the Council may from time to time determine.
- (2) The fee paid by a student into the Caution Money Fund shall be returned to the student, less any debts due to the Council, within two (2) months of the successful completion of the student's final examinations.

## **15. Health**

The Principal may require a student, on entry into a School or at any subsequent time, to be medically examined by a registered medical practitioner approved by the Principal.

## **16. Course of Study**

- (1) Every student shall pursue the course of study prescribed in Part II.
- (2) Every student shall sign his name in attendance registers provided for the purpose of recording his attendance at courses of the School.

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## 17. Examinations

Subject to regulation 38(2) every student shall be required to present himself for examination in the manner prescribed by these Regulations and shall comply with any regulation relating to examinations for the time being in force.

## 18. Publications

- (1) The Principal may, on the application of a student, make a grant towards the cost of preparing and presenting papers of original legal research and of attending seminars and conferences of a legal or quasi-legal nature.
- (2) Any student publication purporting to have some connection with a School shall be approved by the Principal of that Law School before publication.

## 19. Absence

- (1) Absence owing to any cause whatever must be reported to the Registrar within two days of the commencement of the period of absence.
- (2) During term-time no student may leave the country of study without the express permission of the Principal.
- (3) Absence owing to a notifiable or infectious disease must be reported to the Registrar at once, and no student suffering from such a disease will be permitted to return to courses unless the student produces a medical certificate declaring that he or she is fit and free from infection.
- (4) A student returning to a School after any absence shall report to the Registrar.

## 20. Withdrawal

- (1) A student who intends to withdraw from a School shall consult the Senior Tutor in the first instance.
- (2) A written notice of withdrawal must be addressed to the Registrar.

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- (3) Upon application by such a student the Principal may in an appropriate case direct the Registrar to refund to the student the whole of the economic fee or part thereof paid by him.

## **21. Readmission**

A person who has ceased to be a student of a School before obtaining the Legal Education Certificate and who applies for readmission to one of the Schools may be readmitted at the discretion of the Academic Committee.

## **22. Vacation**

- (1) Subject to the provisions of paragraph (2), a student will normally be entitled to vacation periods.
- (2) During vacation periods and during such other periods as the Principal may prescribe, a student will be required to serve a period of attachment for purposes of practical training in public or private legal offices or in a Legal Aid Clinic.

## **23. Student Discipline**

- (1) There shall be at each School a Disciplinary Committee comprising:
  - (a) the Principal who shall be Chairman;
  - (b) two members of the academic staff nominated by the full-time academic staff; and
  - (c) two students nominated by the Students' Association.
- (2) A quorum shall comprise the Principal and two other members and shall be validly constituted notwithstanding a failure or refusal to nominate a member.
- (3) The Registrar shall be Secretary to the Disciplinary Committee.
- (4) The facts relating to any alleged academic or non-academic offence shall first be investigated by the Registrar, who shall make a report to the Principal.
- (5) If the report so warrants the Principal shall refer the matter for investigation by the Disciplinary Committee.



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- (6) The Disciplinary Committee shall investigate the matter and shall allow the student an opportunity to be heard and may:
  - (a) if satisfied that the student is found to have committed a non-academic offence,
    - (i) require the student to make restitution in money or in kind for damage done to property;
    - (ii) impose any lesser penalty including a reprimand as it may think fit;
  - (b) if satisfied that the student is found to have committed an academic offence, or a non-academic offence for which a graver penalty should be imposed than is set out in paragraph (a), exercise any of the following powers:
    - (i) deprive the student temporarily of the facilities and privileges of the School;
    - (ii) require the student to withdraw from the School;
    - (iii) impose any lesser penalty as it may think fit.
- (7) On the application of the student, made within seven days, the decision of the Disciplinary Committee shall be subject to review by the Executive Committee.
- (8) The decision of the Executive Committee under paragraph (7) shall be final.
- (9) Anything in this regulation to the contrary notwithstanding, it shall be competent for the Principal to exercise the power in paragraph (6) (b) (i) where the Principal is satisfied that the interest of discipline requires its immediate exercise pending a decision by the Disciplinary Committee.

## **24. Student Representation**

- (1) There shall be established at each School a Students' Association which shall consist of all the students registered at the School.
- (2) Each Students' Association shall, in its Constitution, provide for a Students' Representative Council which shall:

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- a) afford means of communication between the Students' Association and the Principal;
  - (b) promote the social life and welfare of the students;
  - (c) represent the students in matters affecting their interests including any matter affecting the teaching of a course or discipline;
  - (d) take such steps as may be necessary to secure good order and lawful conduct by students in and around the precincts of the School;
  - (e) perform such other functions not inconsistent with these Regulations as are prescribed by the Constitution of the Students' Association.
- (3) Each student shall upon registration at the commencement of each academic year pay membership dues in such sum and in such manner as may be determined by the Students' Association.
- (4) Such payment shall be put into a fund known as the Students' Association Fund, and shall not be refundable.
- (5) The Students' Association Fund shall be managed by the Students' Representative Council for such purposes as are determined by the Constitution of the Students' Association.

## **25. Property of the Council**

No student shall use the buildings and facilities under the control of the Council for purposes which are unlawful or are not authorised by the Council.

## **26. Library**

A student shall be permitted to use the Library of a School in accordance with such Rules or Regulations which the Council may from time to time prescribe.

## **27. Amendment of Regulations**

A Students' Association may submit to the Academic Committee proposals for any amendment to this Part.



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## PART IV

### REGULATIONS FOR THE CONDUCT OF EXAMINATIONS AND ASSESSMENTS

#### **28. Application**

This Part shall apply to matters relating to examinations and assessments in the Law Schools.

#### **29. Membership of the Examination Committee**

There shall be an Examination Committee for each Law School comprising:

- (a) the Principal;
- (b) all Tutors;
- (c) Associate Tutors responsible for the conduct of courses; and
- (d) the Registrar who shall be Secretary of the Committee.

#### **30. Powers and Duties of the Examination Committee**

The Examination Committee shall:

- (a) make proper provisions for holding examinations, conducting assessments and awarding prizes;
- (b) appoint at least two persons to be examiners in each subject, one of whom shall be the Course Director and require that Course Director to prepare model answers for the examination and assessment papers;
- (c) determine the proportion of examination and assessment scripts in each course to be marked by each examiner and shall require the Course Director to review in accordance with regulations 32 and 41 the scripts which she or he has not marked to ensure consistency;
- (d) approve the examination and assessment papers in each subject;
- (e) give permission for the use of such books or other examination materials as may be deemed necessary;
- (f) deal with any report on a student's conduct in an examination as provided in regulation 40(11) of these Regulations;

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- (g) give directions to the Registrar concerning the arrangements to be made for any student suffering from a recognised disability;
- (h) approve the grades granted to each student in relation to examinations and assessments;
- (i) approve arrangements for a viva voce examination with respect to any student or in any course;
- (j) preserve the secrecy of all materials and matters arising in relation to examinations and assessments;
- (k) report to the Council whether a student has satisfactorily completed the course of study and training and recommend the award of the Certificate.

## 31. Procedure

- (1) A majority of the members of the Examination Committee shall constitute a quorum.
- (2) Decisions of the Examination Committee shall be by a majority of votes of members present with the Chairman having a casting vote.
- (3) (a) The Principal of the Law School shall be the Chairman of the Examination Committee.  
(b) In the absence of the Principal, the members present shall elect a Chairman from among themselves.
- (4) Subject to the preceding paragraphs of this regulation, the Examination Committee may make its own rules of procedure.

## 32. Duties of Examiners

- (1) (a) Examiners shall be responsible for the setting of examination papers and for grading the answers thereto.  
(b) Examiners may request the Examination Committee to require a student to take a *viva voce* examination as a supplement to the written paper in any subject.  
(c) In the event that the two persons appointed examiners in any subject, one of whom is the Course Director, shall fail to agree on any result the examiners shall refer the difference for the resolution of the Examination Committee whose decision shall be final.

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- (2) All examiners shall make returns of scripts, grades and grade sheets, and shall report to the Registrar in such manner and by the date prescribed by the Academic Committee.
- (3) For the purposes of paragraph (c) of regulation 30, in respect of examination scripts, the review to be carried out by the Course Director shall require the Course Director to take from among the examination scripts marked by every examiner and which the Course Director has not marked-
  - (a) every script awarded an overall 'A' grade which consists of four or more A grades to answers on that script;
  - (b) of the remaining scripts to which an 'A' grade was awarded, not less than ten percent (10%) of those scripts;
  - (c) not less than ten percent (10%) of the scripts to which a 'B' grade was awarded;
  - (d) not less than ten percent (10%) of the scripts to which a 'C' grade was awarded;
  - (e) all scripts to which a 'D' grade was awarded; and
  - (f) all scripts to which two different grades were ascribed by the examiners thereof.
- (4) The Course Director shall-
  - (a) re-mark all of the scripts selected in accordance with paragraph (3)(f); and
  - (b) examine all of the other scripts selected in accordance with paragraph (3), and where, in the opinion of the Course Director, the grades awarded by other examiners in the course are not consistent with the model answers provided by the Course Director under paragraph (b) of regulation 30, the Course Director shall re-mark all of the scripts that have been marked by such other examiners.
- (5) After a re-mark under paragraph (4) has been conducted, the grades awarded by the Course Director shall be awarded to the scripts.

### **33. Powers and Functions of the Registrar**

- (1) The Registrar shall:
  - (a) make all such administrative arrangements as shall be necessary for the holding of examinations;

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- (b) publish the examination time-table, assign to each student an examination number and notify the student of that examination number and of the place where the examinations shall be held –
    - (i) where written examinations commence in May, at least one month before the examinations; and
    - (ii) in the case of supplementary examinations, within a reasonable time before the examinations.
  - (c) appoint the supervisors and any assistants deemed necessary and assign to them such duties as may be considered appropriate and in accordance with these regulations;
  - (d) make such arrangements as in the circumstances may be deemed appropriate by the Examination Committee for the examination of a student who is certified by a medical practitioner to be suffering from a permanent or temporary physical disability or incapacity which in the opinion of the Examination Committee justifies the making of special arrangements.
- (2) Only persons approved by the Principal shall act as an amanuensis or provide other secretarial assistance for students for whom the Registrar has made special arrangements under sub-paragraph (d) of paragraph (1).

## **34. Scheme of Assessments and Examinations**

- (1) Assessments and examinations for the Certificate shall be by written papers and by oral examination under arrangements which shall be made by the Council from time to time.
- (2) The assignment papers and examination papers shall be set to test the aptitude and ability of the student to deal with matters which are likely to arise in the practice of the profession.
- (3) Where a subject is tested by both assessments and examinations, a student must pass both the assessment and examination components of the subject to be regarded as having passed the subject.

## **35. First Year Examinations and Assessments**

- (1) A first year examination shall be taken at the end of the first year of study.



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- (2) A student who fails the assessments or examinations in not more than two subjects of the course of study in the first year shall be required to re-sit such subjects at the next supplementary assessment given or examination held and, upon passing the assessments and examinations, shall be deemed to have passed the whole of the assessments and examinations of the subjects of the course in the first year.
- (3) A student:
- (a) who fails the assessments or examinations in more than two subjects of the course of study in the first year; or
  - (b) who fails in more than one subject taken at the supplementary assessment or examinations pursuant to paragraph (2) of this regulation,
- shall be required to repeat the entire first year of study and to re-sit the whole first year assessments and examinations.
- (4) Notwithstanding paragraph (2), a student who fails in only one subject in the supplementary assessment or examinations in the first year of study shall proceed into the second year of study and the subject failed shall with respect to that student be deemed to form part of his course of study in the second year.
- (5) A student who has failed to pass all of the subjects whether tested by-
- (a) examinations only;
  - (b) assessments only; or
  - (c) assessments and examinations,
- in the first year, after having repeated the first year, shall not be permitted to continue his course of study for the Certificate.
- (6) Notwithstanding paragraph (5), a student may upon application be readmitted at the discretion of the Academic Committee on such terms and conditions as it thinks fit.
- (7) (a) During the first year of the course of study assessments shall be made by the examiners of the work of each student in the following subjects:

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- (i) Civil Procedure and Practice I;
  - (ii) Criminal Practice and Procedure; and
  - (iii) Legal Drafting and Interpretation.
- (b) At the end of the first year written examinations shall be taken by each student in the following subjects:
- (i) Civil Procedure and Practice I;
  - (ii) Criminal Practice and Procedure;
  - (iii) Evidence and Forensic Medicine;
  - (iv) Landlord and Tenant;
  - (v) Law of Remedies; and
  - (vi) Legal Drafting and Interpretation.

## **36. Second Year Examinations and Assessments**

- (1) Except as is provided in paragraph (3) of regulation 35 a further examination shall be taken at the end of their second year by students:
- (a) who have previously passed all of the subjects tested by examinations or assessments and examinations; or
  - (b) who proceeded to the second year of study under the provisions of regulation 35 (4).
- (2) A student who fails the assessments or examinations in not more than two subjects of the course of study in the second year shall be required to re-sit such subjects at the next supplementary assessments given or examinations held and upon passing the assessments and examinations shall be deemed to have passed the whole of the assessments or examinations of the subjects of the course in the second year.
- (3) A student:
- (a) who fails the assessments or examinations in more than two subjects of the course of study in the second year; or
  - (b) who fails the subject or subjects taken at the supplementary assessments or examinations pursuant to paragraph (2) of this regulation,

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shall be required to repeat the entire second year of study and to re-sit the whole second year assessments and examinations.

- (4) Notwithstanding paragraph (3), a student who fails in only one subject in the supplementary assessments or examinations in the second year of study will be permitted to re-sit the assessments and examinations in that subject only in the following year without being required to repeat the entire second year of study, provided that that student has obtained a minimum average grade of 'B' in the subjects of the course passed and upon passing that subject shall be deemed to have passed the whole of the second year assessments and examinations.
- (5) A student who has failed to pass all of the subjects whether tested by –
  - (a) examinations only;
  - (b) assessments only; or
  - (c) assessments and examinations,in the second year, after having repeated the second year, shall not be permitted to continue his course of study for the Certificate, provided that such student, upon application in writing, may be readmitted at the discretion of the Academic Committee on such terms and conditions as it thinks fit.
- (6)
  - (a) During the second year of the course of study, assessments shall be made by the examiners of the work of each student in the following subjects:
    - (i) Civil Procedure and Practice II;
    - (ii) Conveyancing and Registration of Title;
    - (iii) Law Office Management, Accounting and Technology;and
    - (iv) Probate Practice and Procedure.
  - (b) At the end of the second year written examinations shall be taken by each student in the following subjects:
    - (i) Civil Procedure and Practice II;



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- (ii) Conveyancing and Registration of Title;
- (iii) Ethics, Rights and Obligations of the Legal Profession;
- (iv) Law Office Management, Accounting and Technology;  
and
- (v) Probate Practice and Procedure.

## **37. Date of Examinations, Supplementary Examinations and Assessments**

- (1) Written examinations shall commence in or about the second week in May in each year.
- (2) Supplementary examinations may be set at such time in July or August as the Principals may from time to time determine.
- (3) Assessments may be made at any time during the year and for this purpose the number of assignments provided shall not be less than three.

## **38. Entry to Examinations**

- (1) A student shall be deemed to have registered for the examinations at the same time as the student registers for the course of study.
- (2) The Registrar shall refuse to admit a student to an examination at a School on being notified by the Principal:
  - (a) that the Principal is not satisfied that the student's attendance at the courses of the School has been satisfactory; or
  - (b) that the utilization by the student of the available opportunities for practical professional training and experience has been unsatisfactory.
- (3) Subject to the provisions of paragraph (2), every student shall be required to present himself for examination in the manner prescribed in these Regulations and shall comply with any regulation relating to examinations for the time being in force.

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## **39. Failure to Present for Examinations**

- (1) A student who fails to appear for the examination in any subject shall be deemed for the purposes of these Regulations to have failed in that subject, unless the Examination Committee is satisfied that there was good and sufficient cause for not appearing.
- (2) Notwithstanding the provisions of regulation 9(7) and paragraph (1) of this regulation, a student who satisfies the Principal by the production of a satisfactory medical certificate that he was unable by reason of illness or incapacity to sit the examination in whole or in part shall be permitted, if such inability related to not more than two subjects, to sit such subject or subjects or if such inability related to more than two subjects to resit the whole examination at the earliest supplementary examination thereafter and shall be eligible to obtain a Certificate of Merit, or to be placed on the Principal's Roll of Honour.
- (3) Where the Examination Committee is satisfied that there was good and sufficient cause for the failure of a student to present himself for the examination in any subject that student shall be permitted, if such failure related to not more than two subjects to sit such subject or subjects, or if such failure related to more than two subjects to resit the whole examination, at the earliest supplementary examination thereafter.

## **40. Holding of Examinations**

- (1) All answers to examination questions shall be written in English.
- (2) A student shall enter his examination number, not his name, on the cover of every answer book and every separate sheet of paper to be handed in at an examination.
- (3) A student shall be admitted to the examination room up to one (1) half-hour after its commencement but a student arriving thereafter may only be admitted if the Registrar is satisfied that the student has good reason therefor.
- (4) A student may leave the examination room during the course of an examination only with the permission of the supervisor who shall ensure that the student remains under supervision until re-entry into the examination room.

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- (5) No student may withdraw from an examination until that student has spent at least one (1) hour in the examination room.
- (6) A student who withdraws from an examination during the course of a paper shall not be readmitted to the examination room.
- (7) Students will be required to deposit their handbags, briefcases and such other portable effects as the supervisor may request at the place set aside for that purpose.
- (8)
  - (a) A student may not give assistance directly or indirectly to any other student or permit any other student to copy from, or otherwise use, his answer papers.
  - (b) A student must not accept assistance directly or indirectly from any other student or make use of any other student's answers.
- (9) No books or any device for providing information may be brought into, or used in, the examination by a student except in accordance with regulation 30(e).
- (10) No student shall bring scrap paper into the examination room. Scrap paper shall be provided by the supervisor upon request but all such scrap paper whether used or not shall be returned to the supervisor before a student leaves the examination room.
- (11) Where a student is found cheating, or receiving assistance from, or assisting any other student, or otherwise acting in breach of these Regulations, the supervisor shall immediately bring the matter to the attention of the student and shall as soon as possible thereafter make a written report to the Registrar who shall deal with it as provided in regulation 23.

### **41. Making Assessments**

- (1) In each course for which testing by assessment is provided by the Regulations:
  - (a) grades shall be awarded on the basis of written assignments and in relation to group assignments may be awarded on the basis of both written and oral presentations;
  - (b) at least two examiners, one of whom shall be the Course Director, shall make separate assessments;

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- (c) the Course Director shall review scripts which she or he has not marked to ensure consistency;
  - (d) nothing hereinbefore provided shall be to the prejudice of the application of regulation 42(2).
- (2) For the purposes of paragraph (1) (c), the review to be carried out by the Course Director shall require that Course Director to take from among the assignment scripts marked by every examiner and which the Course Director has not marked-
- (a) not less than ten percent (10%) of the scripts to which an 'A' grade was awarded;
  - (b) not less than ten percent (10%) of the scripts to which a 'B' grade was awarded;
  - (c) not less than ten percent (10%) of the scripts to which a 'C' grade was awarded;
  - (d) all scripts to which a 'D' grade was awarded; and
  - (e) all scripts to which two different grades were ascribed by the examiners thereof.
- (3) The Course Director shall-
- (a) re-mark all of the scripts selected in accordance with paragraph (2) (e); and
  - (b) examine all of the other scripts selected in accordance with paragraph (2), and where, in the opinion of the Course Director, the grades awarded by other examiners in the course are not consistent with the model answers provided by the Course Director under paragraph (b) of regulation 30, the Course Director shall re-mark all of the scripts that have been marked by such other examiners.
- (4) After a re-mark under paragraph (3) has been conducted, the grade awarded by the Course Director shall be awarded to the scripts.
- (5) A student shall enter his registration number, not his name, on every separate sheet of paper comprising the assignment script submitted by him in assessment courses.



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- (6) No student shall permit another student to copy from, or otherwise use, his written assignment in the preparation by the other student of the assignment of that student.
- (7) No student shall copy from, or otherwise use, the written assignment of another student in the preparation of his written assignment.
- (8) No student shall submit the work of any other person as his own work in the submission of his written assignment.
- (9) Where there are reasonable grounds to believe that a student has breached this regulation, any examiner to whom the assignment was submitted may report the matter to the Registrar.
- (10) A student who is found to be in breach of this regulation is guilty of an academic offence and may be disciplined as provided for in regulation 23.

## 42. Supplementary Assignments

- (1)
  - (a) Subject to paragraph (b), where these Regulations provide that in relation to any subject, assessment shall be made of the work of a student, and at the end of the third term a student fails to obtain a satisfactory assessment in not more than two subjects, the Examination Committee may require that in relation to such subject or subjects the student be permitted to do such number of supplementary assignments as the Examination Committee deems fit for completion and delivery to the Registrar before August 15 in any year.
  - (b) Paragraph (a) only applies where in relation to all subjects, whether tested by examination or assessment, or both, a student does not fail in more than two subjects in a year.
  - (c) When such supplementary assignments are handed in by the student to the Registrar the Examination Committee shall consider the report of the examiners and make a final recommendation on the grade to be awarded in such subject.
- (2) The Examination Committee may approve a request of the examiners that a student be required to take a *viva voce* examination as a supplement to the written paper in any subject and such examination shall be made in the presence of at least three members of the Examination Committee and shall include the two examiners.



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## 43. Grading

- (1) (a) Testing of courses by examination or by assessment shall be done by a system of literal grading.  
  
(b) Notwithstanding paragraph (2), assessment of performance at a Legal Aid Clinic shall be done by a grading of satisfactory or unsatisfactory.
- (2) The grades which may be awarded in a test of work shall be as follows:  
A - Excellent                  B - Good                  C - Pass                  D - Fail

## 44. Notification of Results

- (1) The names of successful students in the first year examination shall be published in alphabetical order.
- (2) The names of students who failed in not more than two subjects at the first year examination shall be mentioned in alphabetical order at the end of the pass list.
- (3) The names of students who have been awarded the Certificate shall be published in alphabetical order but the names of students awarded a Certificate of Merit shall be placed at the top of the list and in order of merit.
- (4) A student shall be deemed to be notified of results upon publication of the names of students under paragraphs (1) and (2).

## 45. Review

- (1) There shall be a Committee of Review in each School for the purpose of reviewing grades of assessments and examinations awarded to students.
- (2) The Committee of Review shall comprise the following:
  - (a) the Principal;
  - (b) the Senior Tutor; and
  - (c) one other Tutor or Associate Tutor not associated with the course in respect of which the review is sought.
- (3) Where the Principal or the Senior Tutor is associated with the course in respect of which the Committee is convened, the

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Principal or Senior Tutor shall not be a member of the Committee, in which event, the Principal shall invite any other Tutor or Tutors, or any member or members of the legal profession to sit instead.

- (4) The Principal, or in the absence of the Principal, the Senior Tutor, shall be Chairman of the Committee. In their absence three (3) Tutors or Associate Tutors invited by the Principal to sit, should form the Committee and they should select a Chairman from among themselves.
- (5) The Registrar shall serve as Secretary to the Committee.
- (6) An application for review of grades awarded in assessment or examination shall be made in writing to the Registrar in the case of an assessment, not later than one week after the applicant has been notified of his grade, and in the case of an examination, not later than one week after the publication of results.
  - (6A) A student who has received a 'B' or 'C' grade and who wishes to apply for a review may, before submitting the application for review, examine his paper with the Tutor responsible for the conduct of the course or one of the examiners nominated by that Tutor.
  - (6B) Notwithstanding paragraph (7), a student who has received a D' grade shall be entitled to a review without stating reasons.
- (7) Upon making his application, an applicant shall state his reasons in writing for wishing a review.
- (8) Each such application shall be accompanied by a deposit of a fee in such amount as the Council may from time to time determine, such fee to be refunded to the applicant in the event that the applicant's grades are improved as a result of the review.
- (9) Upon an application being made, the script together with the application for review should be referred to the course Tutor, who will be entitled to make written comment to be laid before the Review Committee.
- (10) (a) Upon an application being made, a Sub-Committee comprising the Senior Tutor, the Registrar, and the applicant's nominee shall examine the script in order to check the

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- computation of the final grades, and to ensure that the relevant regulations and procedures have been observed, and shall report its findings to the Committee.
- (b) The applicant's nominee shall be any member of the academic staff or student body of the Law School concerned nominated in writing by the applicant.
  - (c) Subject to subparagraph (b) the Registrar shall give to the applicant's nominee at least two clear days' notice of the meeting of the Sub-Committee by letter addressed, hand-delivered or sent by prepaid post to the nominee at an address within the territory of the Law School in question provided for the purpose by the applicant, or if no such address is provided, by notice on the notice-board. If sent by mail, the notice shall be deemed to have been received two days after posting.
  - (d) The Sub-Committee shall be validly constituted notwithstanding a failure by the applicant to nominate his or her nominee or of the nominee to attend.
- (11) The findings of the Sub-Committee, together with the application, the scripts, the grade sheet, and all other relevant information shall be laid before the Committee within one week of the date of the receipt of the application.
  - (12) Where the Committee feels from all the circumstances that there exist good and adequate reasons for so doing it shall order a review of the script.
  - (13) Where the Committee decides that the script should be reviewed, it shall nominate two Tutors or Associate Tutors not being the original examiners of the script to review such script.
  - (14) Upon the script being reviewed, the grades arrived at shall be reported to the Committee, and shall be confirmed by the committee. Should the grades arrived at by the Tutors or Associate Tutors differ, the Committee shall determine the grade to be awarded to the student. In the event of a regrading the Committee shall cause the grade sheet and pass list to be amended as may be necessary.
  - (15) All decisions of the Committee shall be conveyed to the applicant as soon as possible, and shall be final.

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## PART V

### REGULATIONS FOR THE AWARD OF THE LEGAL EDUCATION CERTIFICATE TO COMMON LAW PROFESSIONALLY TRAINED PERSONS

#### **46. Six Month Course of Training**

- (1) There shall be conducted at the Law Schools a six-month course of training for common law professionally trained persons more particularly described in regulation 47.
- (2) The course of training shall run from the commencement of the academic year of the Law School and end six months thereafter.

#### **47. Applicant**

The persons to whom regulation 46 refers are persons who:

- (a) have obtained a degree of a University or Institution which is recognised by the Council as being equivalent to the degree of Bachelor of Laws of The University of the West Indies; and
- (b) hold either:
  - (i) a qualification which, had it been obtained prior to 1st October, 1972, would have been recognised by all of the participating territories as a qualification to be admitted to practise as a barrister or solicitor in those territories; or
  - (ii) a qualification obtained in a common law jurisdiction for admission to practise law in that jurisdiction and which qualification is approved by the Council; and
- (c) furnish a certificate of good standing from the competent authority in the jurisdiction where they have been admitted to practice.

#### **48. Course of Study**

- (1) Subject to paragraph (2), the course of training shall consist of:
  - (i) the following subjects:
    - (a) Constitutional Law;
    - (b) Law and Legal Systems of the Caribbean;
    - (c) Criminal Practice and Procedure; and
    - (d) Law Office Management, Accounting and Technology;



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- (ii) attendance at court under a programme of court attendance to be drawn up by the Principal;
  - (iii) the performance of exercises and the observation of practices and procedures in a legal aid clinic or law office.
- (2) The Principal may add to, or exempt a student from, any of the subjects listed in paragraph (i) having regard to that person's qualifications and experience.

## **49. Assessment**

- (1) The method of examining students undergoing the course of training shall be by way of continuous assessments.
- (2) The Principal shall determine the number of assignments to be given in each subject and the times at which they are to be issued and returned.
- (3) A student who fails any subject shall be required to repeat the course of training and to rewrite all assignments.
- (4) Upon the receipt of advice by the Chairman of the Council from the Principal that a student has satisfactorily completed the course of training, including all the requirements stipulated in his case under regulation 49, the Chairman may issue to the successful student a Certificate.
- (5) The provisions of Parts II and IV shall apply to students enrolled for the six-month course to the extent that they are not inconsistent with the regulations in this Part.



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## PART VI

### REGULATIONS FOR THE CONDUCT OF LEGAL AID CLINICS

#### **50. Legal Aid Clinic**

- (1) A Legal Aid Clinic shall be a training facility and in respect of each Law School shall be under the direction of a Director to be known as the Director of the Legal Aid Clinic (in this Part referred to as "the Director").
- (2) Each Director shall be responsible to the Principal for the policy of the Clinic and shall consult with the Principal on all major policy decisions relating to the development of the Clinic.
- (3) A Clinic shall be operated for the benefit of poor members of the public, who in the opinion of the Director are entitled to legal aid, with due regard being paid to matters of educational interest and value to the students.
- (4) (a) A Clinic shall be conducted by:
  - (i) the Director;
  - (ii) Full-time Tutors;
  - (iii) Associate Tutors approved by the Principal; and
  - (iv) all students in the Law School.
- (b) Participation in the work of the Clinic by students under-taking the courses in Year 2 shall be compulsory.

#### **51. Legal Aid Committee**

- (1) There is hereby established a Legal Aid Committee to advise the Director in a consultative capacity on matters of policy and of general administration of the Clinic.
- (2) The Legal Aid Committee shall have no executive powers or duties.

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- (3) The Legal Aid Committee shall consist of:
  - (a) the Director;
  - (b) one permanent Tutor;
  - (c) one Associate Tutor; and
  - (d) two Student Representatives.
- (4) Tutors shall be appointed by the Principal after consultation with the Director.
- (5) The student representatives shall be nominated by the Students' Association and appointed by the Principal as the case may be.

## **52. Operation of Legal Aid Clinic**

- (1) Staff members employed in a Clinic shall be appointed by the Principal after consultation with the Director.
- (2) The duties of the staff of a Clinic shall be as assigned and directed by the Director.
- (3) The Director in consultation with the Principal may make such rules as may from time to time seem necessary for the operation and management of a Clinic.
- (4) Each client of a Clinic shall be required to pay a retainer fee which shall be prescribed in the rules made under paragraph (3).
- (5) The Director may, in his discretion, require a client to pay a fee additional to the fee required to be paid under paragraph (4), depending on the means of the particular client.

## **53. Rules Governing the Norman Manley Legal Aid Clinic**

The Rules set out in Schedule II shall apply in respect of the Legal Aid Clinic at the Norman Manley Law School.

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## PART VII

### REGULATIONS GOVERNING USE OF LIBRARY

#### **54. Definitions**

(1) In this Part -

"book" includes a serial, judgment, audio-visual and other library material;

"Library" means a Library of a Law School and "Librarian" and "Library Committee" shall have corresponding meanings.

#### **55. Duties of Librarian**

(1) The Library shall be under the control and direction of the Librarian of a Law School.

(2) The Librarian shall have the powers set forth in this Part in respect of acts or omissions within the Library and its immediate environs.

(3) The Librarian shall be responsible to the Principal with respect to overall Library policy and shall consult with the Principal on all major policy decisions relating to the operation, organisation and development of the Library and its holdings.

#### **56. Library Committee**

(1) There shall be a Library Committee appointed by the Principal to advise the Librarian on general library administration, holdings and policy.

(2) The Library Committee shall consist of two members of the Academic staff, the Librarian and a student representative.

(3) The Library Committee, in consultation with the Principal, shall make rules relating to the use of the Library and the lending of books and other materials and shall have such terms of reference as from time to time shall be determined by the Principal.

#### **57. Membership**

(1) The Library shall be open to all registered students of the Law Schools, members of the academic and administrative staff of the

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Council of Legal Education and such other persons who may, in the discretion of the Librarian, be granted permission to use it.

- (2) Visiting research workers, members of other academic institutions and attorneys at law may be granted library privileges on the recommendation of the Principal, a member of the academic staff or at the discretion of the Librarian.
- (3) Other persons may be permitted to use the Library for reference purposes at the discretion of the Librarian.

## 58. Hours

- (1) Library opening hours shall be determined by the Librarian in consultation with the Library Committee.
- (2) Unless otherwise stated the Library shall be open during the hours stated below:

### TERMS I, II, III AND EASTER VACATION

Mondays to Fridays	8:00 a.m. – 8:00 p.m.	
Saturdays	9:00 a.m. – 5:00 p.m.	HWLS

Mondays to Fridays	8:00 a.m. – 8:00 p.m.	
Saturdays	9:00 a.m. – 3:00 p.m.	EDLS

Mondays to Fridays	8:00 a.m. – 8:00 p.m.	
Saturdays	9:00 a.m. – 4:00 p.m.	NMLS

### SUMMER AND CHRISTMAS VACATION

Mondays to Fridays	8:00 a.m. – 4:00 p.m.	
Saturdays	CLOSED	HWLS

Mondays to Fridays	8:00 a.m. – 4:00 p.m.	
Saturdays	CLOSED	EDLS

Mondays to Fridays	8:30 a.m. – 4:30 p.m.	
Saturdays	CLOSED	NMLS

- (3) The Library shall be closed on Sundays and Public Holidays through-out the year.

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## 59. Loans

- (1) The Library shall be operated for lending and reference purposes only.
- (2) Unless otherwise stated overnight loans shall be permitted as follows:
  - (a) from Mondays to Thursdays beginning at 12.00 noon and terminating at 10.30 a.m. on the following day;
  - (b) on Fridays beginning at 12.00 noon and any time on Saturdays and terminating at 10.30 a.m. on the following Monday;
  - (c) in relation to students who are required to attend Court, by 10.30 a.m. on the day immediately following Court Attendance Day, for loans which were transacted on the day before Court Attendance Day.
- (3) No book shall be removed from the library unless the appropriate circulation procedures as determined by the Librarian have been observed.
- (4) A user is responsible for any book on loan to him/her until the transaction is officially cancelled by a member of the Library Staff.
- (5) Certain classes of books as specified by the Librarian may not be removed from the Library without the consent of the Librarian.
- (6) Any user who fails to return a book at the time stipulated for termination of the loan shall be in breach of these regulations, and shall be liable to pay a fine as determined by the Principal in consultation with the Library Committee for each day or part thereof that the loan is overdue.
- (7) No book shall be taken out of the country in which the Library is situated.

## 60. Lost or Damaged Books

- (1) Loss of or damage to any book by a user of the Library shall be reported immediately to the Librarian. The user shall either replace the book or defray its cost.



# REGULATIONS 2 0 1 6

- (2) The names of persons who are not in good standing with the Library will be submitted to the Principal for further action.

## **61. Photocopying and Other Charges**

- (1) Photocopying facilities shall be available to users in the Library during the opening hours of the Library and there shall be such charges for photocopying as the Librarian, in consultation with the Principal, may from time to time determine.
- (2) There shall be such charges for the use of other services which the Librarian, after consultation with the Principal, may from time to time determine.

## **62. Conduct in Library**

- (1) (a) The Library is provided for the purpose of academic study.  
(b) All users of the library shall conduct themselves with decorum and exhibit consideration for other users.
- (2) Any user leaving the Library may be required to show all bags, books and other materials in his/her possession for inspection.
- (3) No reader shall mark, deface or damage any book, material or furnishings in the library.
- (4) No food or drink shall be brought into the Library or consumed therein.
- (5) Smoking in the Library is prohibited.
- (6) All bags, handbags, briefcases or similar articles shall be lodged at the place provided for this purpose.
- (7) No student shall be permitted to use the telephone in the Library unless the student obtains the prior approval of the Librarian.
- (8) All members of the Library Staff are empowered to require users to comply with the regulations in this Part.
- (9) The Librarian shall at all times have authority to maintain order in the Library and may exclude from it or suspend from its use any person who is in breach of any regulation under this Part, and may report such breach to the Library Committee for such further action as the Library Committee may deem fit.

## **63. Breach of Part VII**

Conduct inconsistent with this Part shall be considered to be a breach of these regulations and may be dealt with as provided in regulation 62(9).

## **PART VIII**

### **GENERAL**

## **64. Amendment of Regulations**

These Regulations may be amended from time to time by the Council.

## **65. Breach of Regulations**

- (1) A breach of any regulation shall render a student liable to disciplinary action in accordance with regulation 23.
- (2) A student while on a campus of The University of the West Indies shall be subject to the Charter, Ordinances, Statutes and Regulations of The University and shall be liable for any breach thereof to disciplinary action under regulation 23 as though a breach of these Regulations had been committed.

## **66. Revocation of Regulations**

The Council of Legal Education Regulations for Students at Professional Law Schools, Regulations for the Legal Education Certificate, Regulations for the Conduct of Examinations and Assessments, Regulations for the Award of the Legal Education Certificate to Common Law Professionally Trained Persons, Regulations for the Conduct of Legal Aid Clinics, Rules of the Legal Aid Clinic for the Norman Manley Law School and Joint Library Rules in effect immediately prior to the commencement of these Regulations are revoked and replaced by these Regulations.

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## **SCHEDULE I (Regulation 7(6))**

So far as is found necessary syllabuses in greater detail will be published by the Council of Legal Education for use in the courses.

### **1. Civil Procedure and Practice I**

Practice and procedure in summary courts including family and affiliation matters and proceedings for enforcement of judgments and orders and appeals. Practice and procedure in the Supreme Court of Judicature at first instance and in Special Tribunals. Family Law Practice and Procedure including trial of undefended matters in common law and civil law systems and status of children. Initiation of proceedings, writs, petitions, motions, summonses and other originating process. Pleadings, Interlocutory applications. Summary Judgment.

### **2. Civil Procedure and Practice II**

Determination of Proceedings without Trial. Preparation for Trial. Trial, judgment and orders Enforcement of judgment and orders. Equitable Remedies and Prerogative Orders. Restitution. Costs. Review of taxation of costs. Appeals in relation to costs. Appeals from courts of first instance including interlocutory applications in appeals, security for costs, stay of execution of judgments appealed from, dismissal of appeals for non-compliance with rules, reinstatement. Hearing and Judgment. Costs of appeal. Appeals to the Judicial Committee of the Privy Council, as of right, by leave of Courts of Appeal and by special leave of the Judicial Committee. Practice and procedure in appeals to the Judicial Committee. The Practice relating to the formation, operation and dissolution of companies and other associations. The practice and procedure in contentious matters in Probate and Administration proceedings.

### **3. Conveyancing and Registration of Title**

General principles of conveyancing in relation to freehold, leasehold and other interests in the civil and common law systems of the West Indies including indigenous developments in both systems. The acquisition of title and land registration. The Torrens System, the Roman-Dutch system of conveyancing. Title registers. Practice and procedure in relation to the acquisition of interests in land by judicial

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process. Vesting of property under statute. Legislation relating to housing, town and country planning and compulsory acquisition of land Crown and state land tenures and interests. Restrictive covenants and their modification and variation. Prescription, Mortgages, charges, liens and hypothecs.

## **4. Criminal Practice and Procedure (Summary, Indictable and Appeals)**

Practice and procedure in summary courts created by statute. Preliminary inquiries and similar process. Coroners' Inquest. Appeals from summary courts. Practice and procedure in higher courts - indictments, informations, trial by jury, verdict, sentence, compensation and costs in criminal cases. Appeals to Courts of Appeal from conviction on indictment or information. Powers of Courts of Appeal, application of the proviso in criminal appeals. Rights, obligations, powers and duties of Police. General principles relating to punishment Prisons, Borstals, Juvenile detention centres, probations, suspended sentences, fines, bonds. Appeals to the Judicial Committee of the Privy Council, as of right, by leave of Courts of Appeal, by special leave of the Judicial Committee. Procedure in appeals to the Privy Council.

## **5. Ethics, Rights and Obligations of the Legal Profession**

The status of members of the legal profession as officers of the Courts, independence of members of the legal profession, duties to the Court, clients, the public and the profession, the ethics of the legal profession; obligations to the public to promote the rule of law and to support the creation and maintenance of an independent judiciary; the role of the legal profession in aiding members of the public to secure adequate representation in legal proceedings, representation in matters in forma pauperis. Solicitors' practice. Advocacy. Legal Aid.

## **6. Evidence (Civil and Criminal) and Forensic Medicine**

The general principles of the English common law of evidence. *Res gestae*. The rule against hearsay declarations; confessions, statutory variations of the common law in relation to the admissibility of evidence, competence and compellability, oaths and affirmations, proof of documents, judicial notice, primary and secondary evidence. Unsworn testimony. Convictions as evidence in civil cases. Usage of words in West Indian speech. The oath as a vehicle to truth. Forensic Medicine. General Principles of medical jurisprudence and toxicology. Medical evidence in civil and criminal cases.



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## **7. Landlord and Tenant (including Rent Restriction, Ejectment and Agricultural Holdings)**

The general principles of the English Law of landlord and tenant, share cropping, agricultural contracts, agricultural holdings, security of tenure, statutory regulation and control of leases and tenancies in the West Indies. Chattel houses. Movable and immovable dwellings. Assignments of leasehold interests and tenancies. Damage for wrongful or forceful ejectment.

## **8. Legal Drafting and Interpretation**

The techniques of drafting legislation and documents with legislative effect. Use of language in the West Indies. Legislative recognition of customs and practices. The drafting of deeds, wills and other documents. The general principles of interpretation of deeds, statutes and other instruments. The interpretation of Constitutional Instruments. The writing of opinions, decisions and judgments.

## **9. Law Office Management, Accounting and Technology**

General principles of office management. Book-keeping and accounts. Double entry book-keeping. The interpretation of balance sheets. Accounts generally and the separation of clients' accounts from personal accounts. The preparation of bills of cost in legal proceedings. Records, filing and safekeeping of clients' documents. Taxation of professional men. Duty to make tax returns. Professional advice on taxation.

## **10. Law of Remedies**

General and special damages in contract and tort. Pleadings and proof. Calculation and assessment of damages in cases of personal injury and death. Judicial trends in the West Indies. Apportionment of damages. Remoteness.

## **11. Probate Practice and Procedure**

The general principles of the law regulating testate and intestate succession in the common and civil law systems of the West Indies. Wills, intestacy and the administration and winding-up of the estate of deceased persons. The administration of trusts and settlements. Practice and procedure in non-contentious matters in probate and administration proceedings.



## **12. Constitutional Law**

Main constitutional principles and policies in the Commonwealth Caribbean, including the concept of entrenchment, mechanisms of entrenchment and consequences of entrenchment. The separation of powers concept in the Commonwealth Caribbean, including different aspects of *Hinds v. R*; independence of the judiciary; constitutional supremacy; the rule of law issues (including *Hochoy v. NUGE* and *Collymore v. A.G.*); savings clauses. The structure of Government in the Westminster Export Model, including the nature and functions of the different branches of Government, the position of Governor-General/President, and the role of Services Commissions. Fundamental rights and freedoms, contents and structure, comparisons, enforcement provisions, economic and social rights. Issues concerning constitutional reform.

## **13. Law and Legal Systems of the Caribbean**

General issues concerning the nature of law in the Commonwealth Caribbean, including the role of law in development. The origin and development of the present system of law in the Commonwealth Caribbean, common law and civil law traditions. The sources of law in the Commonwealth Caribbean, doctrine of precedent, binding and persuasive authority, and the provenance of International Law. The Court structure, including the hierarchy of courts and jurisdiction of the various courts. Issues concerning the roles and operation of the Judicial Committee of the Privy Council and the Caribbean Court of Justice. The origin, development and functioning of specialized courts, tribunals and other institutions of law.

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## SCHEDULE II (Regulation 53)

### RULES OF THE NORMAN MANLEY LAW SCHOOL LEGAL AID CLINIC

1. The opening hours of the Clinic shall be as follows:  
9.00 a.m. - 5.30 p.m. - Monday - Thursdays  
9.00 a.m.- 4.00 p.m. - Fridays  
  
or such other hours as may be determined from time to time by the Director in consultation with the Principal and the Legal Aid Committee.
2. Each student shall attend the Clinic as set out in a duty roster.
3. Clients attending the Clinic for the first time shall be interviewed by a student on duty at the Clinic under the supervision of an Associate Tutor, who shall assist and guide the student so as to ensure that the particular problem of the client has been identified and the proper advice given. The Tutor shall make adequate notes of such advice on the file.
4. The Director is responsible for assigning matters to particular students, who shall be responsible for the preparation of all pleadings, letters and follow-up work necessary for the efficient handling of the matter until completion, without prejudice to the Director in his/her sole discretion to direct that another student assume responsibility for that particular file and/or be required to perform any work in connection with the said matter.
5. No legal advice shall be given or action taken without prior approval of an Associate Tutor or the Director.
6. The file of each client shall be submitted as soon as possible to the Director who shall give such directions as appear necessary.
7. If a student to whom a client has been assigned fails for any reason to attend the Clinic on a particular day on which the particular client attends, it shall be the duty of any other student as may be assigned by an Associate Tutor to assist the client as far as is possible.
8. (a) Detailed statements shall be made and left on each file of every interview with a client, witness, or other person, and shall be signed and dated by the client, witness, or other person, and also by the student conducting the interview.

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- (b) Each file shall contain a memorandum sheet upon which a student shall make a note of every interview.
9. Students should submit promptly documents prepared by them to the Associate Tutor present at the interview with the client.
  10. (a) All documents, draft letters and other written work done by any student shall be signed by the student legibly.
    - (b) No letter, other than a letter notifying an appointment, shall be dispatched unless approved and signed by the Director or a Permanent Tutor.
  11. Students shall promptly handle and prepare all documents and other work submitted to the student by the Director.
  12. Students shall submit any problems arising in any matter to the Associate Tutor and/or the Director.
  13. Students on duty at the Clinic, when not attending to clients, shall assist in the Clinic by:
    - (a) filing;
    - (b) sending out printed forms and other mail;
    - (c) organising and listing precedent files; and
    - (d) doing any other work necessary.
  14. No student shall remove a file from the Clinic.
  15. When matters require appearances in Court, the student assigned should as far as is possible endeavour to be present in Court during the conduct of the case.
  16. A retainer fee of J\$100 and any other fees shall be paid by each client to the Secretary of the Clinic who shall be responsible for:
    - (a) issuing a receipt to the client;
    - (b) making a note in the particular file of the sum paid, the date of payment and the number of the receipt;
    - (c) submitting as soon as possible thereafter the total fees collected for the day to the Accounts Clerk, who shall initial each receipt on the reverse side; and
    - (d) recording on the file all disbursements or payments made in the cause or matter.

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## COUNCIL OF LEGAL EDUCATION

### REGULATIONS FOR PROFESSIONAL LAW SCHOOLS

#### SCHEDULE OF FEES

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Pursuant to regulations **14** and **45** of the Council of Legal Education Regulations, the respective fees payable by students of the Law Schools of the Council of Legal Education shall be as follows:

1. Caution Fee (Regulation **14**)

(a) Eugene Dupuch Law School	B \$ 50
(b) Norman Manley Law School	J \$500
(c) Hugh Wooding Law School	TT \$250

2. Review Fees (Regulation **45**)

(a) Eugene Dupuch Law School	B \$50
(b) Norman Manley Law School	J \$1000
(c) Hugh Wooding Law School	TT \$200

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