

STATUTORY INSTRUMENTS

SUPPLEMENT No. 40

19th November, 2004

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to The Uganda Gazette No. 61 Volume XCVII dated 19th November, 2004

Printed by UPPC, Entebbe, by Order of the Government.

STATUTORY INSTRUMENTS.

2004 No. 78.

THE ADVOCATES (CONTINUING LEGAL EDUCATION) REGULATIONS, 2004.

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APPLICATION FOR ACCREDITATION OF CLE PROGRAMME/ WORKSHOP.

STATUTORY INSTRUMENTS.

2004 No. 78.

The Advocates (Continuing Legal Education) Regulations, 2004.

(Under section 77(1) (a) of the Advocates Act, Cap 267).

IN EXERCISE of the powers conferred on the Law Council by section 77(1) (a) of the Advocates Act, these Regulations are made this 26th day of August, 2004.

1. Title

These Regulations may be cited as the Advocates (Continuing Legal Education) Regulations, 2004.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“accredited provider” means an institution, association or other person accredited by the Committee to provide continuing legal education in accordance with these Regulations;

“Act” means the Advocates Act;

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

“approved instructor” means an advocate or judge approved or sponsored by an accredited provider to conduct a CLE programme or workshop;

“CLE” means continuing legal education provided in accordance with these Regulations;

“Committee” means the Committee on Legal Education and Training established by section 6A of the Act;

“faculty” includes a resource person, lecturer, speaker or other person who conducts CLE activities;

“in-house activity” means an educational activity offered by a law firm or group of law firms, a corporate entity or a government department; or a combination of those activities, and with which an advocate is affiliated;

“programme” or “workshop” means a period of study, instruction or meeting recognised or approved by the Committee as constituting continuing legal education;

“year” means a calendar year.

Undertaking of Continuing Legal Education

3. Advocates to undertake CLE

(1) Subject to regulation 4, every advocate shall complete a programme of continuing legal education spread out to cover a minimum of twenty hours in each year, or such other period as the Committee may, from time to time prescribe.

(2) A CLE programme or workshop shall be designed so as to enhance the professional standards, ethics and competence of an advocate.

4. Exemption from undertaking CLE

(1) The following persons are exempted from undertaking continuing legal education—

- (a) an advocate who files a certificate of retirement with the Committee, certifying that he or she has retired from legal practise as an advocate;
- (b) an advocate holding a public office and who certifies to the Committee, by statutory declaration, that he or she is not engaged in legal practise as an advocate;
- (c) a judicial officer;
- (d) an advocate suspended from legal practice or whose name has been struck off the roll of advocates by the Law Council; and

(e) an advocate whose name is newly entered on the roll of advocates.

(2) The exemption under subregulation (1) (e) shall be for a period of twelve months from the date of enrolment.

5. Application for exemption

(1) An advocate, other than an advocate referred to in regulation 4, may apply to the Committee to be exempted from undertaking continuing legal education.

(2) An application under subregulation (1) shall state—

(a) the name and address of the applicant;

(b) the reasons for seeking the exemption; and

(c) the required period of exemption.

(3) The Committee may, if satisfied with the reasons for exemption, grant the applicant the exemption, for a period specified in the exemption.

(4) An advocate whose application for exemption has been refused may appeal to the Law Council, and the decision of the Law Council shall be final.

(5) An advocate may apply for extension of the exemption period, thirty days before its expiry, in accordance with the procedure laid down in subregulation (1) and (2).

6. Waiver to undertake CLE

(1) Where the Committee is satisfied that there exist circumstances beyond the control of an advocate, which prevent him or her from undertaking continuing legal education, the Committee may waive the requirement to undertake continuing legal education in respect of that advocate for a period not exceeding nine months.

(2) A waiver granted under subregulation (1) may be extended, upon application by the advocate to the Committee, for a period determined by the Committee; not exceeding nine months.

Accreditation of Providers, Programmes and Workshops

7. Application for accreditation as provider

(1) An institution, association or other person may apply to the Committee to be accredited as a provider.

(2) The application shall state that the applicant meets the following standards—

(a) substantial recent experience in providing CLE;

- (b) demonstrated ability to organise and present, efficiently, CLE; and in particular, the extent to which persons with legal training or educational experience are involved in the planning, instruction or supervision of the CLE;
- (c) each faculty member must be qualified, in terms of practical or academic experience, to lecture in a particular subject; and
- (d) any other standard as the Committee, may, from time to time, prescribe.

8. Accreditation of programme or workshop

(1) An accredited provider shall not conduct a programme or workshop unless the programme or workshop is accredited by the Committee.

(2) The Committee may, upon application to it by an advocate, accredit a programme or workshop offered by a person who is not an accredited provider, if the programme or workshop meets the standards set out in regulation 10.

(3) An in-house activity shall qualify for accreditation if the Committee is satisfied that the activity meets the standards set out in regulation 10.

(4) Self-study shall not be approved for accreditation.

9. Application for accreditation of programme or workshop

(1) A provider or an individual advocate shall apply to the Committee for accreditation of a programme or workshop conducted by that provider.

(2) The application shall be in the form prescribed in the Schedule and shall state the name, address and detailed description of the provider, the programme, course materials, lecturers or resource persons, and any other information that the Committee may require.

(3) The application for accreditation of a programme or workshop shall be submitted to the Committee at least thirty days before the date of the programme or workshop, and shall be accompanied by the prescribed fee.

(4) The Committee shall accredit a programme or workshop offered and conducted outside Uganda, if the programme or workshop meets the standards set out in regulation 10.

10. Standards for programme or workshop

(1) A programme or workshop shall meet the following standards—

- (a) the content shall be designed so as to improve the professional standards, ethics and competence of the participants;
- (b) the faculty shall possess the practical or academic experience necessary to conduct the programme or workshop effectively;
- (c) resource materials shall be of high quality, useful and properly prepared;

(d) the programme or workshop shall be presented in a suitable setting, conducive to a good educational environment.

(2) A provider shall, at the request of the Committee, provide the Committee with information concerning a programme or workshop conducted by the provider, including—

(a) any documents describing the programme;

(b) the qualifications of anticipated faculty;

(c) the method of presentation of materials; and

(d) and any other relevant information that the Committee may require.

Duties of Advocates, the Committee and Providers

11. Duties of advocate

(1) An advocate who has undertaken continuing legal education shall provide the Committee with a certificate of attendance, information relating to the programme attended, the period of attendance and the provider of the CLE.

(2) Every advocate shall maintain records relating to his or her CLE in a manner sufficient to establish compliance with CLE requirements.

12. Duties of Committee

(1) The Committee shall keep up to date records of CLE attendance for every advocate.

(2) The Committee shall issue to every advocate at the end of each year, a notice of his or her compliance with CLE requirements under these Regulations and the notice shall state the programmes attended and the period of attendance.

(3) Where an advocate disagrees with the notice of compliance, the advocate shall, within twenty days after receipt of the notice, notify the Committee in writing, setting out the reasons for disagreement.

13. Duties of provider

(1) An accredited provider shall submit to the Committee, a report on each programme or workshop conducted by the provider, within fourteen days after the completion of the programme or workshop.

(2) The report shall include a list of participants, the hours attended and any other relevant information.

(3) The Committee may, from time to time, monitor the activities of an accredited provider.

14. Evaluation by provider

(1) An accredited provider shall develop and implement a method to evaluate the programme or workshop conducted by the provider in order to determine the effectiveness and the extent to which the programme or workshop meets the needs of advocates.

(2) The provider shall monitor the attendance of advocates in the CLE programme or workshop and shall certify the attendance to the Committee.

Miscellaneous

15. Advertisement of programme or workshop

Where the Committee has accredited a programme or workshop, the provider may announce, in its brochures or advertisements or registration materials, that the Committee has accredited the programme or workshop.

16. Facilities for advocates with disabilities

A provider shall put in place reasonable facilities to ensure access and effective participation in CLE by advocates with disabilities.

17. Non compliance

(1) An advocate who fails to comply with these Regulations commits an offence against discipline and may be charged with professional misconduct.

(2) The Committee may disqualify an accredited provider who fails to comply with these Regulations.

SCHEDULE

reg. 9(2)

APPLICATION FOR ACCREDITATION OF CLE PROGRAMME/ WORKSHOP.

1. Name: _____
Address: _____

Telephone: _____
Fax: _____
Email: _____
2. Is provider accredited/ not accredited
3. Title of program or workshop _____
4. Date when program or workshop will take place: _____

5. Location: _____
6. Method of presentation:
[] faculty in room with participants; [] videotape presentation; [] lecture method; [] audiotape presentation; [] discussion leader present.
7. In-house activity information:
[] Open/ publicised to advocates; [] Not open.
8. Method of evaluation:
[] evaluation form(s); [] participant critique;
[] independent evaluator; [] none;
[] other _____
9. REQUIRED ATTACHMENTS (to be attached to this application):
(a) time schedule (brochure, course outline, course description);
(b) faculty name(s) and credentials (if not in brochure or description).
10. Total hours of instruction, not including breaks, meals or introductions:

11. Submitted by:
Name: _____
Address: _____

Telephone contact: _____
Fax: _____
Email address: _____

PROVIDER'S OBLIGATION (does not apply to individual applicants):

The provider acknowledges and agrees to comply with all applicable regulations of the Committee.

The provider further agrees to permit any Committee member or their designees to monitor any accredited program or workshop at no charge.

Notice of Decision

Application No. _____

(To be completed by the Committee or its designees and returned to applicant)

The following action has been taken on this application:

RETURNED for more information. Please complete each item on this form indicated by the numbers circled below:

1 2 3 4 5 6 7 8 9 10 11

APPROVED for CLE accreditation

DENIED accreditation

Date: _____

Chairperson, Law Council.

JUSTICE J.W.N. TSEKOOKO,