

The Legal Education (Advocates Training Programme) Regulations, 2025



LEGAL EDUCATION ACT
(Cap. 16B)

LEGAL EDUCATION (ADVOCATES TRAINING PROGRAMME) REGULATIONS,
2025

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**LEGAL EDUCATION ACT
(Cap. 16B)**

IN EXERCISE of the powers conferred by section 46 of the Legal Education Act (Cap. 16B), the Attorney-General, on the recommendation of the Council for Legal Education, makes the following Regulations—

**LEGAL EDUCATION (ADVOCATES TRAINING PROGRAMME) REGULATIONS,
2025**

PART I—PRELIMINARY PROVISIONS

- Citation. 1. These Regulations may be cited as the Legal Education (Advocates Training Programme) Regulations, 2025.
- Interpretation. 2. In these Regulations—
- “accreditation” means the process by which the Council of Legal Education validates an Advocate Training Programme before it issues a licence to an Advocates Training Programme Provider;
- “Accreditation period” means the period of three years commencing on the date of the issuance of a licence to an Advocates Training Programme Provider;
- Cap. 16B “Act” means the Legal Education Act;
- Cap. 16 “Advocates Training Programme” means the course of training consisting of tuition, pupillage and examination prescribed by the Council under section 13(1) of the Advocates Act for the purposes of admission to the Roll of Advocates;
- “Advocates Training Programme provider” means a person issued with a licence by the Council under these Regulations to offer the Advocates Training Programme;
- “Advocate trainer” means an Advocate of the High Court of Kenya who has been appointed under these Regulations to train, supervise and mentor a trainee advocate during pupillage;
- “licence” means the authority or instrument granted under the seal of the Council to an Advocates Training Programme provider to offer the Advocates Training Programme in Kenya;

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“component of examination” means either the oral assessment, project work, the written assessment or pupillage.

“Council” means the Council of Legal Education established under section 4 of the Act;

“examination” means the formal assessment of a trainee advocate’s knowledge, skills and aptitude which is administered in the form of project work, an oral assessment, written assessment and pupillage or as the council may determine from time to time;

“examination cycle” means the period between the administration of the first component of the examination and the release of the results of the written assessment;

“examination officer” means a person appointed by the Council under regulation 24;

“examination script” means a booklet containing a trainee advocate's written answers in the examination;

Commented [EM1]: CLE to evaluate further.

“full-time faculty” means the teaching members of staff of an Advocates Training Programme provider engaged to carry a full workload including teaching, research and administration;

“part-time faculty” means the teaching members of staff of an Advocates Training Programme provider who are not full-time faculty but who are engaged to teach one or more courses;

“programme” means the Advocates Training Programme;

“pupillage” means a period of apprenticeship during which a trainee advocate is placed under an advocate trainer for practical training, mentorship and supervision;

“pupillage workbook” means a practice book issued to a trainee advocate to record activities undertaken during pupillage.

“resit” means a repeat attempt at passing an examination unit after failing in a previous attempt;

“retake” means a repeat of the Advocates Training Programme unit including tuition and the examination;

“teaching out” means arrangement by which an Advocates Training Programme provider enables its continuing trainee

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advocates to complete their course of study after it has voluntarily terminated its programme or after its licence is suspended or revoked;

“tracer study” means a study to measure the rate of absorption of graduates of an Advocates Training Programme in the labour market;

“trainee advocate” means a person who is enrolled in an Advocates Training Programme offered by an Advocates Training Programme provider; and

“tuition” refers to the teaching part of the Advocates Training Programme administered by an Advocate’s Training Provider but does not include pupillage.

Application.

3. These Regulations apply to—
- (a) the Council and its staff;
 - (b) existing and prospective Advocate Training Programme providers;
 - (c) staff members of Advocates Training Programme providers;
 - (d) trainee advocates;
 - (e) pupillage centres; and
 - (f) advocate trainers.

PART II—ACCREDITATION OF ADVOCATES TRAINING PROGRAMME PROVIDERS

No person to offer Advocates Training Programme unless accredited.

4. (1) A person shall not offer the Advocates Training Programme in Kenya unless that person has been issued with a licence by the Council in accordance with these Regulations.
- (2) A person shall not be eligible to apply for accreditation under these Regulations unless the person is registered with the relevant ministry or established by an Act of Parliament.

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Application for accreditation.

5. (1) A person who intends to offer the Advocates Training Programme in Kenya shall apply to the Council for accreditation.
- (2) An application under subregulation (1) shall be made in the form set out in the First Schedule.
- (3) A person making an application for accreditation in accordance with these Regulations shall provide copies of—
- (a) a statement setting out the name, physical, postal and electronic addresses of the applicant;
 - (b) the incorporation document of the applicant;
 - (c) the proposed governance structure of the Advocates Training Programme;
 - (d) a strategic plan, highlighting specific strategies applicable to ensure sustainability and growth of the proposed Advocates Training Programme;
 - (e) supporting policy documents including staff recruitment and development policy, research policy, library policy, internal assessments policy and trainee advocate trainee welfare policy;
 - (f) number, qualifications and competencies of the proposed teaching and non-teaching staff, including ratios of full-time to part-time faculty;
 - (g) proposed class size and intake;
 - (h) layout designs and specifications of available infrastructure dedicated to the programme;
 - (i) statement of financial ability and proposed fee structure;
 - (j) reports of feasibility study providing the basis and justification for the application to offer the Advocates Training Programme; and
 - (k) evidence of steps taken to realize of the rights of persons with disabilities as set out in the Constitution and other laws; and
 - (l) any other relevant document.

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(4) Where the applicant is an institution with other education programmes, the applicant shall provide evidence of the measures it has taken to establish the Advocates Training Programme as a distinct programme with separate physical infrastructure, human and other resources and governing structures from other programmes.

(5) The applicant shall pay the application fee set out in the Second Schedule and submit proof of payment alongside the documents listed under subregulation (3).

Determination of application.

6. (1) The Council shall review an application made under regulation 5 within thirty days and shall notify the applicant whether the application complies with regulation 5.

(2) An applicant who has been notified by the Council that the application documents do not comply with these Regulations may amend the documents and resubmit to the Council within thirty days.

(3) Where the application complies with regulation 5, the Council shall, within sixty days of notifying the applicant, specify the date when the Council shall make an on-site visit to inspect the facilities of the applicant.

(4) The date for the on-site visit by the Council referred to under subregulation (3) shall be within ninety days of the Council's notification of its decision.

(5) The Council shall conduct an inspection of the applicant's facilities intended for the Advocates Training Programme to confirm whether or not the facilities comply with the provisions of these Regulations.

(6) Where the Council determines that the applicant has not complied with regulation 5, or that the facilities do not meet the required standards for the Advocates Training Programme, the Council shall reject the application and notify the applicant of the decision within thirty days, stating the reasons for the decision.

Issuance of licence.

7. (1) Where the Council determines that an applicant should be accredited, the Council shall issue the applicant with a licence as set out in the First Schedule.

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(2) The licence issued under subregulation (1) shall be valid for a period of three years.

(3) The Council shall enter the name of the applicant in a register of Advocates Training Programme providers and shall publish a notice in the Gazette that the applicant has been issued with a licence in accordance with these Regulations.

(4) After issuance of the licence, the provider may—

- (a) admit trainee advocates;
- (b) advertise the Advocates Training Programme;
- (c) launch the Advocates Training Programme; and
- (d) continue to mobilise resources to support and maintain quality standards set out in these Regulations.

Application for renewal.

8. (1) An Advocates Training Programme provider shall, at least six months before the expiry of its licence, apply for the renewal of the licence in the form set out in the First Schedule.

(2) The application for the renewal of a licence shall be accompanied by—

- (a) a detailed report indicating the progress made in the maintenance of quality standards and the institution's strategies;
- (b) a report on the impact of the programme since the date of accreditation;
- (c) a tracer study; and
- (d) the renewal fee.

(3) The provisions of regulation 6 shall apply, with necessary modifications, to a review of an application for renewal of a licence.

(4) Where an Advocates Training Programme provider fails to apply for renewal of its licence, the Council shall issue a Notice to Wind-up the Programme in the manner set out in the First Schedule and direct the Advocates Training Programme provider to submit a closure plan, within ninety days.

Commented [EM2]: Note to CLE: we do not have a renewal fee in the schedule.

Commented [MM3]: Perhaps propose a time frame within which a late application may be permitted. Thereafter a notice to wind up will be issued by the Council.

Commented [EM4R3]: CLE to advise.

Commented [EM5]: How do we marry this provision with the late with the provision on late renewal fee?

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Renewal of a licence

9. (1) Where the Council determines that the licence of a provider should be renewed, the Council shall issue that applicant with a licence as set out in the First Schedule and the licence shall be valid for a period of three years.
- (2) Where the Council determines that a provider has not met the conditions for renewal, the Council shall notify the provider and the provider shall cease operating upon expiry of its licence.
- (3) An Advocates Training Programme provider whose licence has expired shall teach out its continuing trainee advocates but shall not admit new trainee advocates.
- (4) An Advocates Training provider whose licence has expired may make a fresh application for accreditation under regulation (5).

PART III—SUSPENSION AND TERMINATION

Notice to show cause.

10. (1) The Council may at any time issue a notice to an Advocate Training Programme provider, as set out in the First Schedule, to show cause why the accreditation of the Advocates Training Programme provider should not be suspended.
- (2) The notice under subregulation (1) shall be issued where the Council has reason to believe that the Advocates Training Programme provider—
- (a) is not carrying out its functions in a proper manner;
 - (b) does not comply with quality standards prescribed in these Regulations; or
 - (c) does not comply with the provisions of the Act or these Regulations.
- (3) The notice issued under subregulation (2) shall be for a period not exceeding ninety days, and shall state any corrective measures that the Advocates Training Programme provider is expected to address during the period.
- (4) An Advocates Training Programme provider that has been issued with a notice under this regulation, shall, on or before the expiry of the notice period, submit a compliance report in relation to the action specified in the notice.

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(5) The Council shall, where upon receiving a compliance report under subregulation (4), is satisfied that the accredited Advocates Training Programme provider is compliant or has instituted appropriate measures to remedy matters raised in the notice to show to cause, lift the notice issued under subregulation (1).

Suspension.

11. (1) Where the Council determines that an Advocates Training Programme has not remedied the issues raised in the notice to show cause issued under regulation 10, the Council shall suspend the Advocates Training Programme provider in the manner set out in the First Schedule.

(2) The suspension issued under subregulation (1) shall be for a period not exceeding ninety days.

(3) The Council shall, in the notice of suspension, require the Advocates Training Programme provider to take corrective measures within sixty days.

(4) A notice of suspension issued under subregulation (1) shall not affect continuing trainee advocates.

(5) Despite subregulation (4), the Advocates Training Programme provider shall not admit new trainee advocates during the suspension period.

Audit.

12. (1) The Council shall, within thirty days of the expiry of the notice period referred to in regulation 11(3), conduct an audit of the Advocate's Training Programme to confirm whether the specified corrective measures have been undertaken.

(2) The audit shall determine whether the Advocates Training Programme is compliant or is making satisfactory progress to comply with quality standards and conditions of accreditation.

Termination through revocation.

13. (1) Where the Council, after carrying out an audit of an Advocates Training Programme in accordance with regulation 12, is not satisfied with the progress made to comply with quality standards, the Council shall revoke the licence in Form set out in the First Schedule.

(2) The revocation issued under subregulation (1) shall be published in the Gazette.

(3) The Advocates Training Programme provider shall cease to operate immediately after the issuance of a certificate of

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revocation, save for the purposes of teaching out its continuing trainee advocates.

Voluntary termination.

14. (1) An accredited Advocates Training Programme provider may, by notice in writing to the Council, terminate its Advocates Training Programme.

(2) Where a notice under subregulation (1) has been submitted, the accredited Advocates Training Programme provider shall attach to the notice a closure plan which shall make provisions for safeguarding the interests of affected trainee advocates, if any.

(3) An Advocates Training Programme provider that submits a closure plan under regulation 8(4) shall be deemed to have voluntarily terminated its Advocates Training Programme.

Closure plan

15. (1) An Advocates Training Programme provider whose programme has been terminated shall, within sixty days of the termination, submit to the Council a closure plan which shall, in addition to any other matter provided for under any other written law, provide for—

(a) a management plan and process for the teaching out or transfer of trainee advocates to other Advocates Training Programme providers; and

(b) a management plan for the staff following the closure of the Advocates Training Programme.

(2) Upon review of the closure plan, the Council may recommend—

(a) that the Advocates Training Programme provider shall teach out the continuing advocate trainees on such terms as the Council may prescribe; or

(b) closure of the Advocates Training Programme.

(3) Where the Council determines that the Advocates Training Programme provider shall teach out its trainee advocates, the Advocates Training Programme provider shall—

(a) maintain the library and other physical facilities required under these Regulations;

(b) maintain adequate qualified staff to manage the Programme;

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(c) facilitate academic processes including pupillage supervision and graduation; and

(d) ensure that the operations of the institution's administrative bodies are not disrupted.

(4) Where the Council determines that an Advocates Training Programme Provider shall close, the Advocates Training Programme provider shall—

(a) in consultation with the Council, transfer all the advocate trainees to other Advocate Training Programme providers; and

(b) publish a notice in the Gazette that the Advocates Training Programme provider shall no longer offer the Advocates Training Programme.

(5) For the purpose of this regulation, "teach out" means an arrangement where an Advocates Training Programme Provider ceases to admit new trainee advocates as a result of the suspension or revocation of its licence but continues to serve existing trainee advocates until the trainee advocates complete their course of study.

Appeal to the Tribunal.

16. An Advocates Training Programme provider that is dissatisfied with a decision of the Council made under this Part, may on receipt of the decision, appeal to the Legal Education Appeals Tribunal established under section 29 of the Act.

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PART IV—MANAGEMENT OF ADVOCATES TRAINING PROGRAMME

Admission capacity.

17. (1) The Advocates Training Programme shall adhere to a physical, on-site mode of delivery for practical training.

(2) An application for accreditation under regulation 5 shall specify that the infrastructure indicated in the application is for the sole use of the Advocates Training Programme and shall not be used for any other purpose.

(3) An Advocates Training Programme provider shall appoint and retain adequate numbers of full-time and part-time faculty commensurate with advocate trainee enrolment, for the purpose of teaching each examinable course units.

Commented [MM6]: Consider also virtual delivery for the taught units

Commented [EM7R6]: This provision was a direct, unequivocal instruction by the Council through the Chair. Kindly advise on whether we are free to depart from that instruction.

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(4) An application for accreditation shall specify the approximate maximum number of advocate trainees proposed to be admitted in the applicant's Advocates Training Programme and the proposed number of intakes for each academic year.

(5) The admission capacity of an Advocates Training Programme shall be determined by the Council upon evaluation of the available physical facilities, library resources, human resources, taking into account all the aspects of the Advocates Training Programme quality standards.

Admission requirements.

18. (1) A person shall be admitted to the Advocates Training Programme if the person—

- (a) has an undergraduate degree in law from an accredited university in Kenya; or
- (b) has an undergraduate degree in law from a foreign university recognized in Kenya;

(2) A person shall not be admitted under subregulation (1) if that person undertook any year of study at undergraduate level before the undergraduate degree was accredited by Council.

(3) The Council may require a person seeking admission under subregulation (1)(b) to take remedial classes at an accredited institution if that person has not undertaken the sixteen core courses specified in the Act.

Management of the ATP.

19. (1) An Advocates Training Programme provider shall establish a management body to govern the Advocates Training Programme.

(2) The management body established under subregulation (1) shall consist of five to nine persons who are sufficiently knowledgeable and competent in the areas of legal practice and higher education and shall include at least two persons who are advocates of the High Court of at least ten years post-admission experience.

(3) The members of the management body shall elect a chairperson from amongst their number.

(4) The chairperson and members of the management body shall serve for a renewable term of three years on a part-time basis.

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(5) The management body shall be responsible to the Provider's governing body.

(6) A staff member of the Advocates Training Programme shall not be eligible for appointment to the management body under subregulation (2).

Functions of the management body.

20. The functions of the management body appointed under regulation 17 shall include—

- (a) overseeing the conduct of training in the Advocates Training Programme in accordance with these Regulations;
- (b) promoting and maintaining standards, quality and relevance in the training conducted at the Advocates Training Programme in accordance these Regulations;
- (c) administering and managing the infrastructure and resources of the Advocates Training Programme;
- (d) developing and implementing the strategic plan of the Advocates Training Programme;
- (e) preparing annual estimates of revenue and expenditure of the Advocates Training Programme;
- (f) approving the expenditure of the Advocates Training Programme;
- (g) preparing annual reports of the Advocates Training Programme; and
- (h) discharging any other functions necessary for the management of the Advocates Training Programme..

Programme manager.

21. (1) An Advocates Training Programme provider shall appoint and retain on full-time basis, a programme manager to manage the Advocates Training Programme.

(2) The programme manager shall be an advocate of not less ten years post-admission experience five of which should have been in a senior management position.

(3) The programme manager shall be a member of the Law Society of Kenya in good standing.

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(4) The programme manager shall be the secretary to the Board of Management.

(5) The programme manager shall be responsible for the day-to-day management of the Advocates Training Programme and the implementation of the decisions of the management body.

**PART V—ADVOCATES TRAINING PROGRAMME
EXAMINATION**

Administration of examinations.

22. The Council shall—

- (a) administer the examinations on such dates as the Council may, from time to time, determine;
- (b) publish the examination dates on its website;
- (c) specify the deadline for receipt of the applications for examination registration; and
- (d) publish the timetable for the written assessment at least one month before the administration of the assessment.

Examination centres.

23. The Council shall—

- (a) hold the Advocates Training Programme examination at such centres and venues as the Council may, from time to time, determine; and
- (b) publish the list of examination centres on its website.

Appointment of examination officers.

24. (1) The Council shall appoint, on a seasonal or permanent basis, such number of qualified examination officers to administer examinations in accordance with its rules and guidelines.

(2) The duties of examination officers appointed under subregulation (1) shall be to—

- (a) develop examination questions;
- (b) develop marking schemes;
- (c) review examination questions;
- (d) invigilate examinations;

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- (e) oversee and supervise examination centres;
- (f) mark and score examination scripts;
- (g) enter examination data into the relevant databases;
- (h) verify examination data entered into the relevant databases;
- (i) provide quality assurance of the examination questions; and
- (j) carry out any other lawful duty assigned by the Council in relation to examinations.

(3) The Council shall induct, train and supervise all examination officers on assessment mechanisms in general and the specific aspects of the examination process they are assigned.

Assessment criteria

25. (1) The Council shall examine the following components of the Advocates Training Programme Examination—

- (a) project work weighted at twenty percent of the cumulative mark;
- (b) oral assessment weighted at twenty percent of the cumulative mark; and
- (c) written assessment weighted at sixty percent of the cumulative mark

(2) The pass mark for the examination shall be fifty percent for each unit.

Conflict of interest

26. (1) An examination officer shall disclose any interest in any examination paper or information relating to the Council before the commencement of his duties in respect of such examination.

(2) The interest referred to in subregulation (1) includes circumstances where—

- (a) the officer is sitting the examination;
- (b) the spouse, child, sibling, parent, employer, employee or business associate of the officer is sitting the examination; or

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(c) the officer is an employee, or the spouse, child, parent or sibling of an employee of an Advocates Training Programme.

(3) The Council shall investigate the circumstances disclosed by an officer under subregulation (1) to determine whether such circumstances are likely to affect the integrity of the examination, depending on the role of the officer, and take the appropriate remedial action.

(4) If an officer does not disclose an interest in accordance with subregulation (1), the Council shall—

- (a) where the officer is an employee of the Council, subject the officer to the Council's disciplinary procedure;
- (b) where the officer is an independent contractor, cancel the contract and ban the officer from future engagement;
- (c) seek reimbursement where money has been paid to an independent contractor whose contract has been cancelled under paragraph (b);
- (d) where the interest grants an actual or perceived advantage to a trainee advocate, nullify the examination results of that trainee advocate; or
- (e) where the failure to disclose leads to the commission of a criminal offence, report the officer to the relevant authority.

Conduct of trainee advocates during examinations.

27. (1) A person shall not be allowed to wander around the examination centre when the oral or written assessments are in progress.

(2) A trainee advocate who arrives at the examination venue thirty minutes after the commencement of an examination unit shall not be allowed to the examination room to sit for the examination unit.

(3) A trainee advocate who enters an examination room late, subject to subregulation (2), shall not be granted an extension of time.

(4) A trainee advocate who is barred from sitting for an examination under subregulation (1) shall forfeit the examination fee for that unit.

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(5) A trainee advocate shall, before the commencement of any examination, provide any of the following identification documents to the supervisor of the examination centre produce their national identity card or passport or examination card or such other officer designated by the Council.

(6) A trainee advocate may, under the supervision of an invigilator and with permission from centre supervisor or centre coordinator, leave the examination room one hour after the commencement of the examination.

(7) A trainee advocate shall not leave the examination room in the last thirty minutes of an examination.

(8) A trainee advocate shall not be allowed back into the examination room after submitting the examination script to the invigilator.

(9) A trainee advocate who fails to sit for an examination without formally withdrawing or deferring the examination shall be considered a no-show and shall forfeit the examination fee.

(10) A trainee advocate who is a no-show may apply afresh for registration under the same condition as a trainee advocate who has withdrawn from the examination as prescribed under regulation 30.

Eligibility for registration.

28. (1) A person is eligible to register for the Advocates Training Programme examination if the person has—

(a) satisfied the minimum entry requirements for admission to the Advocates Training Programme; and

(b) is enrolled at an Advocates Training Programme provider.

(2) The minimum entry requirements a trainee advocate must meet to be eligible to sit for the written assessment component of the examination are that the trainee advocate—

(a) has completed the project work component of the examination;

(b) has done the oral assessment;

(c) has attended at least two-thirds of training sessions for that unit; and

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(d) has met any other requirement that the Council may prescribe

(3) Each provider shall supply the Council with the details of trainee advocates who have successfully completed the minimum required training sessions.

Application for registration.

29. (1) A person who is eligible to take the Advocates Training Programme Examination shall apply to the Council in form set out in the First Schedule.

(2) Registration for examinations shall be conducted within the first three months of the commencement of the Advocates Training Programme.

(3) An applicant shall, upon submitting the application, pay the non-refundable examination registration fee prescribed in the Second Schedule.

(4) An application made under subregulation (1) shall be accompanied by—

(a) a copy of the letter of admission to the Advocates Training Programme issued by an accredited Advocates Training Programme provider;

(b) a copy of the applicant's university degree certificate;

(c) copies of the applicant's university transcripts;

(d) a copy of the applicant's national identity card or passport;

(e) a coloured passport photo of the applicant; and

(f) any other document as the Council may determine from time to time.

(5) Upon receiving an application made under this regulation, the Council shall review the application and—

(a) if the Council is satisfied that the applicant meets the registration requirements under subregulation 3, register the applicant upon payment of the prescribed examination fee; or

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(b) if the applicant does not meet the registration requirements, reject the application and inform the applicant of the grounds for rejection.

(6) An applicant whose application is rejected under paragraph (4)(b) may, upon fulfilling the registration requirements, resubmit the application to the Council within seven days of being notified of the rejection by the Council.

(7) The Council shall exclude a trainee advocate from the registration of a particular examination unit where the trainee advocate has failed to attend at least two-thirds of training sessions in that unit:

Provided that the Council shall exclude a trainee advocate from the entire examination where the trainee advocate fails to attend the minimum required training sessions.

Withdrawal from the examination.

30. (1) A trainee advocate who wishes to withdraw from the examination shall submit a withdrawal application to the Council in the manner prescribed in the form set out in the First Schedule at least fourteen days before the commencement of the examination cycle.

(2) A trainee advocate who withdraws from the examination under subregulation (1) shall be entitled to a refund of seventy percent of the examination fee paid.

(3) A trainee advocate who withdraws from the examination under subregulation (1) shall, if they wish to sit for the examination at a later date, retake the Advocates Training Programme at an Advocates Training Programme before sitting for the examination.

Deferral of examination.

31. (1) A trainee advocate who wishes to defer sitting the Advocates Training Programme examination shall submit a deferral request in the in the form set out the First Schedule not later than fourteen days prior to the commencement of the final written examination.

(2) The examination fee paid by a trainee advocate who has deferred sitting an examination under subregulation (1) shall be retained by the Council and utilised by the trainee advocate at the future date specified in accordance with subregulation (3).

(3) A trainee advocate who submits a deferral request under subregulation (1) shall specify the year, not being more than two

Commented [ZA8]: On the consequences of a withdrawal note –

A candidate who had withdrawn from the examinations under paragraph 1, and who wishes to register for the examinations afresh shall, register to retake the programme with a licenced Legal Education provider.

Commented [EM9R8]: Redrafted. Kindly review.

Commented [MM10]: Drafters to adopt what Council shall provide.

Zadock to send to Edward

Commented [EM11R10]: Noted.

Commented [ZA12]: This is what the secretariat had proposed. See how to capture the deferral fees

30. (1) A candidate who wishes to defer sitting the ATP examination shall submit a deferral request not later than two weeks prior to the commencement of the ATP examination series.

(2) The deferral request in paragraph (1) shall be made in a manner determined by Council and shall be accompanied by appropriate documentation supporting the reason for deferral.

(3) A deferral request in paragraph (1) shall incur a penalty of twenty-five percent of the registration fee chargeable for that paper.

(4) Where a candidate wishes to defer a paper after the closure of the deferral period, the candidate shall forfeit hundred percent of the registration fee.

(5) Where the Council approves an application for deferral, the candidate shall take the deferred examination unit in the next appropriate examination sitting.

(6) Council shall not refund the outstanding registration fee to a candidate who defers. The outstanding fees shall be retained by the Council in the candidate's account and shall be utilized when the candidate decides to sit for the deferred examination unit.

(7) A candidate who fails to sit for the deferred unit within the two subsequent examination series shall forfeit one hundred percent of the registration fee and shall be required to register and pay the registration fees afresh.

(8) The approval of an application for deferral by the Council shall not affect the time stipulated in regulation 9(1) for the completion of the Advocates Training Programme.

(9) Council shall refund any candidates outstanding fees once a candidate has passed all the nine (9) ATP units and cleared for gazettelement by the Council.

Commented [EM13R12]: This is noted. However, to enable us redraft it, kindly confirm the following.

(a) We do not have the term "examination series". Kindly let us know what it means so that we can include it in the definitions.

(b) Is it the intention of Council to do away with the deferral form?

(c) Doesn't number 3 defeat the purpose of the deferral period. Shouldn't such a candidate be treated as a no

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years from the date of deferral, in which the trainee advocate wishes to sit for the examination.

(4) A trainee advocate who has deferred the examination under subregulation (1) shall register for the examination in the year specified under subregulation (3).

(5) A trainee advocate who fails to register for the examination in accordance with subregulation (4) shall be deemed to have forfeited the examination at the end of the year specified in the deferral request, and shall not be entitled to a refund of the examination fee.

(6) A trainee advocate who has deferred sitting an examination may withdraw from the examination at any time in accordance with regulation 30:

Provided that for the purposes of regulation 30 (3), time shall be computed from the date of deferral.

Reinstate provision on 'candidates in distress'

Trainee advocates with disabilities and special needs.

32. (1) A trainee advocate with special needs shall, during registration for the examinations, notify the Council of the special need.

(2) The Council shall make such arrangements as are necessary for trainee advocates with disabilities and other special needs to seamlessly sit for the examination.

(3) The arrangements granted under subregulation (1) shall take into account the type of disability or special needs and the kind of accommodation sought by a trainee advocate.

Examination results.

33. (1) The Council shall release the results within two months after the administration of the last paper of the examination sitting and shall simultaneously declare and publish the computed final results of the examination cycle;

(2) Upon release, the final examination results shall be available in each trainee advocate's portal.

(3) The Council may, after the release of the results and upon request, issue provisional transcripts.

(4) The results of a trainee advocate who has any pending disciplinary proceedings shall not be released until the matter has been heard and determined.

Commented [MM14]: Drafters to adopt what Council shall provide.
Zadock to send to Edward

Commented [EM15R14]: Noted.

Commented [ZA16]: 26. (1) A candidate who experiences illness or is distressed during administration of examination, may notify the invigilator by raising their hand and leave the examination room temporarily under the supervision of an examination officer and shall subsequently return to complete the examination.
(2) The Council may, where necessary—
(a) grant a time extension to a distressed or ill candidate at the end of the examination period equal to the period of absence; or
(b) arrange for the candidate to complete the examination in a separate room under separate supervision.
(3) The extension of time granted under paragraph (2) shall not exceed the ordinary duration of the examination.

Commented [EM17R16]: Council directed that we expunge the provision. Kindly confirm that we are free to reinstate it.

Commented [MM18]: ZA to add

Commented [ZA19]: We are to include a clause for a candidate who is distressed and does not recover within the time to be allowed to take the examination when next offered

Commented [EM20R19]: Kindly refer to previous comment.

Commented [MM21]: ZA to harmonize with earlier draft

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(5) A trainee advocate who is not satisfied with the results of any examination unit may apply to the Council for a remark subject to the conditions determined by the Council and upon payment of the fees set out in the Second Schedule.

Resits and retakes.

34. (1) A trainee advocate who fails any examinable unit on the first attempt may, upon registration and payment of the examination fee, resit the unit within two years from the date of the release of the results of the first attempt.

(2) A trainee advocate who does not pass the examination resit in accordance with subregulation (1) shall retake the unit at an Advocates Training Programme provider.

(3) A trainee advocate who does not pass the examination following a retake of the Advocates Training Programme shall be entitled to one final resit examination:

Provided that where a trainee advocate does not pass the final resit, the trainee advocate shall be discontinued from the Advocates Training Programme.

Examination offences.

35. (1) Any person who either by themselves or in collusion with another person, aides, abets, facilitates, or conspires whether directly or indirectly to—

- (a) gain access to examination materials and knowingly reveals the contents, whether orally, in writing or through any other form, to an unauthorised party, whether a trainee advocate or not;
- (b) wilfully and maliciously damages examination materials;
- (c) while not registered to take a particular examination, with intent to impersonate, presents or attempts to impersonate a trainee advocate; or
- (d) introduce unauthorised materials into the examination room, whether in writing or in any other form, whether a trainee advocate or not, commits an offence.

(2) Any person who, in an examination venue and while the administration of examination is ongoing, uses threatening, abusive, or insulting words or behaviour to an examination officer with the intent to provoke a breach of the peace, or in

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circumstances where a breach of the peace is likely to occur commits an offence.

(3) A person who—

- (a) makes a change in the original examination script of a trainee advocate without lawful authority;
- (b) fraudulently replaces the original examination script of a trainee advocate;
- (c) fraudulently alters the results, work or marks of a trainee advocate;
- (d) fraudulently alters the examination particulars of a trainee advocate;
- (e) destroys evidence of dishonest practises in examinations or
- (f) without lawful authority, alters the records of the Council with regard to an examination or examination results in relation to a trainee advocate, commits an offence.

(4) A person who presents a fraudulent transcript or certificate to the Council commits an offence.

Examination irregularities.

36. (1) A person who contravenes the provisions of the examination code of conduct issued by the Council commits an examination irregularity.

(2) The Council shall take disciplinary action against any trainee advocate involved in an examination irregularity.

(3) An examination officer may conduct a search on a trainee advocate or an examination venue, if the officer has reason to believe that an examination irregularity may be taking place or has taken place.

(4) The examination officer shall confiscate any unauthorized material found in the possession of a trainee advocate or any other person or within any examination centre.

(5) An examination officer who confiscates unauthorized material under subregulation (2) shall forward such unauthorized materials confiscated to the Council as evidence of the irregularity.

Commented [MM22]: Distinguish and differentiate 'alteration' and 'destruction'

Commented [EM23R22]: Altering is adding or removing something. Destroying is complete erasure e.g. through burning or shredding. NB. We have split the provision because they are separate ideas.

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(6) A person found with unauthorized examination materials may be reported to the relevant authority for further investigations or prosecution in accordance with the Act or any other written law.

(7) Where confiscated materials are handed to the relevant authority for the purpose of further investigation or prosecution, the Council shall keep a record of all confiscated materials for purpose of accountability.

(8) An examination officer or any person who witnesses an examination irregularity shall make a report on any examination irregularity to the Secretary of the Council.

(9) The Secretary the Council shall, upon receiving report of examination irregularity in any examination, subject the report to internal investigations and thereafter submit the report on examination irregularity to the Disciplinary Committee.

Disciplinary
Committee.

37. (1) There shall be a Disciplinary Committee appointed by the Council for such a term and on such conditions as shall be determined by the Council.

(2) The Disciplinary Committee appointed under subregulation (1) shall consist of such members of the Council's staff as the Council shall determine from time to time.

(3) The Disciplinary Committee shall hear and determine matters relating to examination irregularities.

(4) The proceedings of the Disciplinary Committee shall be conducted in accordance with the Fourth Schedule.

(5) Except as provided in the Fourth Schedule, the Disciplinary Committee may regulate its own procedure.

Disciplinary process

38. (1) The Disciplinary Committee may call witnesses, take evidence and require the production of documents.

(2) The Disciplinary Committee shall, upon concluding a disciplinary proceeding, write a report to the Council with its recommendations.

(3) The Council may, upon receiving the report under subregulation (2)—

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- (a) cancel any of the examination results of the trainee advocate;
- (b) suspend the trainee advocate for a period not exceeding two examination years;
- (c) impose a forfeiture of all fees paid by the trainee advocate;
- (d) nullify the examination taken or the application made by the trainee advocate;
- (e) disqualify the trainee advocate from taking Advocates Training Programme examination for a period not exceeding three years from the date of such determination;
- (f) ban the trainee advocate from taking subsequent Advocates Training Programme examination; or
- (g) where a criminal offence is disclosed, report the matter to the relevant government agency with a view to having the trainee advocate investigated and charged for the offence.

Issuance of transcripts and certificates.

39. (1) The Council shall, at the end of every examination cycle—

- (a) publish the names of all successful advocate trainees in the Gazette; and
- (b) issue transcripts and completion certificates to trainee advocates who have passed all the examination units and fulfilled all the pupillage requirements.

(2) Successful trainee advocates shall collect their transcripts and completion certificates within six months from the end of the examination cycle.

(3) The Council shall charge the document storage fee set out in the Second Schedule for any document that is not collected within the time specified under subregulation (2).

(3) The Council shall, upon request and payment of the fee set out in the Second Schedule, issue certified copies of the trainee advocate's transcripts and completion certificate.

Replacement of lost or destroyed documents.

40. (1) The Council shall, upon request by an applicant, facilitate the replacement of a lost or destroyed examination document.

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(2) A request under subregulation (1) shall be in writing and in a format that the Council may determine.

(3) A request under subregulation (1) shall be accompanied by—

- (a) an affidavit sworn by the applicant providing the circumstances leading to the loss or destruction of the examination document;
- (b) a copy of the applicant's national identity card or passport;
- (c) a duly filled police abstract form; and
- (d) the document replacement fee set out in the Second Schedule.

Commented [MM24]: This should be included in the Schedules. CLE to provide an additional schedule.

Nullification of examination.

41. The Council may nullify the entire examination or any part of the examination if the Council is satisfied that—

- (a) there have been widespread examination irregularities; or
- (b) the circumstances in which an examination is conducted is not consistent with these Regulations.

Commented [MM25]: Provide consequences of nullification

Commented [EM26R25]: Kindly assist. What happens? Does the Council conduct a fresh (special) examination or do candidates wait from the next cycle? Do they pay afresh?

Should we also have provisions for nullification of examinations in particular examination centers if the examination is compromised in those centers?

Ownership of examination materials

42. (1) All examination materials including examination script shall be the property of the Council.

(2) A candidate shall not be granted access to their examination script and shall not have examination script returned to them after the examination.

(3) The Advocates Training Programme candidate examination scripts, project booklets, question papers and certificate of completion document shall be disposed of once a candidate is gazetted.

(4) All inquiries by a candidate relating to examinations shall be made within six months after release of the results.

Commented [EM27]: Note to CLE: Are these necessary? Compare with Rule 23 of the KNEC (Management of Examination) Rules and Rule 12 of the Accountants (Examination) Rules.

Commented [EM28]: Note to CLE: What mischief is this meant to cure?

PART V—PUPILLAGE

Pupillage centres.

43. (1) An institution, other than an exempt institution, may, on its own motion or upon invitation by Council, apply to the Council for approval as a pupillage centre in the manner set out in the First Schedule.

The Legal Education (Advocates Training Programme) Regulations, 2025

(2) The Council may, upon receipt of the application under subregulation (1), assess the institution and if satisfied that it meets the standards set by Council, approve the institution on such terms as the Council may determine.

(3) The Council may, on its own motion or upon request, at any time inspect the facilities of a pupillage centre approved under this regulation and, if satisfied that the institution has not maintained the standards set by the Council, shall revoke the approval.

(4) The following institutions are exempt from approval requirements under this regulation—

- (a) the Office of the Attorney-General;
- (b) the Judiciary;
- (c) the Office of the Director of Public Prosecutions;
- (d) firms of advocates; and
- (e) any other institution exempted in writing by Council.

(5) The Council shall set quality standards for pupillage centres to adhere to before approval under this regulation.

Application for pupillage.

44. (1) A trainee advocate wishing to undertake pupillage shall apply to a pupillage centre accredited or exempted under regulation 41(4).

(2) Where a pupillage centre accepts trainee advocates, it shall notify the Council of its decision in the form set out in the First Schedule within seven days, specifying the number of trainee advocates accepted and their designated advocate trainers.

(3) The pupillage centre shall, in notifying the Council of its acceptance of trainee advocates under subregulation (3), attach copies of each designated advocate trainer's—

- (a) practising certificate for the current year;
- (b) certificate of good standing; and
- (c) practising certificates for a cumulative period of five years.

Commented [MM29]: Council to provide direction on this

Commented [EM30R29]: Noted.

The Legal Education (Advocates Training Programme) Regulations, 2025

(4) The Council shall, upon receiving a notification under subregulation (3), issue each advocate trainee with a pupillage workbook.

(5) The period of pupillage shall commence on the date of the issuance of the pupillage workbook.

(6) Where an advocate trainer leaves a pupillage centre, the pupillage centre shall, without undue delay, inform the Council of the arrangements the pupillage centre is making to ensure the trainee advocates under that advocate trainer complete pupillage.

Advocate trainers.

45. (1) An advocate trainer shall be an advocate of the High Court of Kenya in good standing with the Law Society of Kenya.

(2) An advocate trainer shall have not less than five years demonstrable post-admission legal practice experience.

(3) An advocate trainer shall take a maximum of three trainee advocates at a time, unless otherwise authorized in writing by the Council.

Training during pupillage.

46. (1) Pupillage shall consist of six months of full-time attendance.

(2) A trainee advocate shall work under the close supervision of an advocate trainer throughout the period of pupillage.

(3) A trainee advocate shall complete the pupillage workbook regularly with details of every assignment completed.

(4) An Advocates Training Programme provider shall oversee the training of its trainee advocates during pupillage.

Pupillage assessment.

47. (1) A trainee advocate shall submit a duly filled and signed pupillage workbook to the Council upon completion of pupillage.

(2) An advocate trainer shall submit to the Council a confidential pupillage report with respect to each trainee advocate under their supervision.

(3) The Council shall assess the performance of a trainee advocate during pupillage using the pass or fail grading system after reviewing the pupillage workbook and the advocate trainer's confidential report.

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(4) A trainee advocate who fails pupillage may retake pupillage within two years from the date the results of the first attempt are released, and may seek a different advocate trainer.

(5) A trainee advocate who fails pupillage twice shall retake the Advocates Training Programme.

(6) A trainee advocate who fails pupillage after retaking the Advocates Training Programme or who does not retake pupillage in accordance with subregulation (5) shall be discontinued from the Programme.

Handling of complaints.

48. (1) A trainee advocate or an advocate trainer may lodge a complaint related to pupillage by writing to the Advocates Training Programme provider.

(2) The Advocates Training Programme provider shall, upon the receiving the complaint conduct an inquiry, and take the appropriate remedial actions including—

- (a) request the pupillage centre to assign a different advocate trainer to the trainee advocate;
- (b) in consultation with the Council, allow the trainee advocate to seek pupillage at a different pupillage centre; or
- (c) request the Council, in writing, to blacklist the pupillage centre, stating reasons for the request.

PART VII—QUALITY ASSURANCE

Quality standards.

49. An Advocates Training Programme provider shall adhere to the quality standards set out in the Third Schedule.

Internal quality assurance.

50. (1) An Advocates Training Programme provider shall put in place measures for internal quality assurance to ensure that its Advocates Training Programme continuously adheres to quality standards prescribed by the Council.

(2) The measures contemplated in subregulation (1) shall include the implementation of a system that enables a trainee advocate and a staff member to evaluate and provide feedback on the quality of the Advocates Training Programme.

Annual report.

51. An Advocates Training Programme provider shall, at the end of every calendar year, send to the Council a report containing—

Commented [MM31]: Reinstate provisions on referral of complaints to ACC

Commented [EM32R31]: Council stated that it is not their business to refer anyone to ACC. Kindly confirm the reversal of this instruction.

The Legal Education (Advocates Training Programme) Regulations, 2025

- (a) general details including—
 - (i) the name of the provider;
 - (ii) the date of accreditation of the programme; and
 - (iii) the reporting period;
- (b) a report on the progress on implementation of the strategic plan;
- (c) a statement on the governance structures of the Advocates Training Programme;
- (d) a report of the Advocates Training Programme provider's internal review of the Programme's adherence to the quality standards prescribed by the Council including a statement on the provider's internal quality assurance and control measures undertaken during the period under review;
- (e) progress in the training of trainee advocates;
- (f) a statement on financial allocations to the Advocates Training Programme and trainee advocate fees broken down into any specific fees charged on enrolment and during the course;
- (g) a report detailing the identity, job titles and number of teaching staff at the date of the report;
- (h) progress of placement of trainee advocates to pupillage;
- (i) a statement on trainee advocate support, assessment and welfare initiatives; and
- (j) any other information that the Council may require in writing.

PART VIII—MISCELLANEOUS PROVISIONS

52. Any information provided by an Advocates Training Programme provider under these Regulations, shall—

Confidentiality.

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- Cap. 411C
- (a) be subject to the Data Protection Act;
 - (b) be treated in confidence by the Council; and
 - (c) used only for the purposes of these Regulations.
- Register of Advocates Training Programme providers.
- 53.** (1) The Council shall maintain a register indicating the particulars of Advocates Training Programme providers accredited under these Regulations.
- (2) The register under subregulation (1) shall be open for inspection by members of the public during office hours at no cost and shall also be accessible at the Council's website.
- (3) The Council shall, at least twice a year, publish in the Gazette and in its website the status of Advocates Training Programme providers.
- Register of approved pupillage centres
- 54.** (1) The Council shall maintain a register indicating the particulars of pupillage centres approved under these Regulations.
- (2) The register under subregulation (1) shall be open for inspection by members of the public during office hours at no cost and shall also be accessible at the Council's website
- General penalty.
- 55.** A person who wilfully contravenes any of the provisions of these Regulations commits an offence and is liable, upon conviction, to a fine, not exceeding one million shillings or imprisonment for a term not exceeding six months or both.
- PART IX—SAVINGS AND TRANSITIONAL PROVISIONS**
- Savings provisions.
- 56.** (1) A person who was a trainee advocate immediately before the commencement of these Regulations shall, upon the commencement of these Regulations, be deemed to be a trainee advocate.
- (2) Any certificate issued by the Council before the commencement of these Regulations shall be deemed to have been issued under these Regulations.
- (3) Any action or decision on examinations taken by the Council having effect before the commencement of these Regulations shall be deemed to have been done by the Council under these Regulations.

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Exemption of Kenya School of Law.

57. The Kenya School of Law shall be exempted from the accreditation and licensing requirements under these Regulations for a period of two years:

Provided that not less than six months before the expiry of the transitional period, the Kenya School of Law shall submit its application for accreditation in compliance with these Regulations.

Transitional pre-bar examination.

58. (1) The Council shall, within six months of the commencement of these Regulations, prescribe a pre-bar examination for any person who is eligible for enrolment to the Advocate Training Programme but who was not eligible before the commencement of these Regulations.

(2) Despite the generality of subregulation (1), a person shall be eligible to sit for the pre-bar examination if, at the commencement of these Regulations, the person has a Bachelors of Law degree from an institution accredited by Council.

(3) The Council shall administer the pre-bar examination for two consecutive years from the date of the commencement of these Regulations.

Commented [ZA33]: Reintroduce provision on ownership of examination materials

Commented [EM34R33]: Done. See Regulation 42.

Commented [MM35]: 1. Refine drafting to provide Council to prescribe the Pre-Bar and administer the Pre-Bar examination.

2. Provide timelines for this pre-bar (cut-off dates)
3. Clarify the persons who will benefit from this Pre-Bar in this transition mechanism

Commented [EM36R35]: Done. Kindly confirm the timelines and the persons who will benefit from the pre-bar.

FIRST SCHEDULE

FORMS

FORM CLE/ATP/001

[r. 5(2)]

APPLICATION FORM FOR ACCREDITATION TO OFFER THE ADVOCATES TRAINING PROGRAMME

A. General Information

1. Name of the Advocate Training Programme provider.....
2. Physical location:
Country.....county.....Town/city...Street...Building.....
.....
3. Contact address: Postal/email address.....website.....
4. Indicate physical location, address, name, and telephone no of contact person.....
5. Date of application.....

B. Registration Particulars

1. Nature of the Advocate Training Programme provider (tick as appropriate).
 - (a) Government provider.
 - (b) Private provider.
 - (c) Other (specify).
2. Date of registration (Attach a copy of the registration certificate)
.....
3. Name of Director/Partners in case of a private Advocate Training Programme provider.....

C. Institutional, Administration and Governance (provide evidence)

1. Governance structure of the provider.....
2. Admission requirements, class size and enrolment data
.....
3. Examinations and administration of examinations
.....
4. Academic staff and qualifications
.....

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- 5. Research and publications
.....
- 6. Infrastructure and resources
.....
- 7. Library and library resources
.....
- 8. Trainee Advocate services and support
.....

On behalf of the Advocates Training Programme provider hereinabove mentioned, Ithe (designation) hereby make an application for the licensing of the applicant as an Advocates Training Programme provider to offer the advocates training programme in Kenya in the name and style ofbeing an institution registered under the laws of Kenya (attach registration certificates) and confirm payment of Kshs.....being the requisite application fee.

I declare that the information given herein is correct to the best of my knowledge and belief.

NameDesignation

Signature Applicant's stamp

Draft

The Legal Education (Advocates Training Programme) Regulations, 2025

FORM CLE/ATP/002
[r. 7(1), 9(1)]
LICENCE

Certificate No.....

This is to certify that.....of Post Office Box No.has on this..... day of20 , been accredited as an Advocate Training Programme provider to offer the advocates training in accordance with the provisions of the Legal Education Act, No. 27 of 2012.

The accreditation period is fromto.....

Date of commencement.....

Date of Expiry.....

SIGNED

.....

Chairperson

Council of legal Education.

.....

Secretary

Council of Legal Education

FORM CLE/ATP/003

[r. 8(1)]

APPLICATION FORM FOR RENEWAL OF ACCREDITATION OF AN ADVOCATES TRAINING PROGRAMME

A. GENERAL INFORMATION

1. Name of the Advocate Training Programme provider.....
2. Physical location:
Country.....county.....Town/city...Street...Building.....
.....
3. Contact address: Postal/email address.....website.....
4. Indicate physical location, address, name, and telephone no of contact person.....
5. Date of application.....

B. REGISTRATION PARTICULARS

1. Nature of the Advocate Training Programme provider (tick as appropriate).
(d) Government provider.
(e) Private provider.
(f) Other (specify).
2. Date of registration (Attach a copy of the registration certificate)
.....
3. Name of Director/Partners in case of a private Advocate Training Programme provider.....

C. INSTITUTIONAL, ADMINISTRATION AND GOVERNANCE

Provide current information and supporting documentation for each of the following areas:

1. Governance and Management

- Describe your governance structure and organizational chart (provide documentary evidence)

2. Academic Standards

- Current admission requirements: _____
- Class size: _____
- Current enrolment numbers and for the last 3 years: _____
- Academic calendar and program duration: _____

3. Faculty and Staff

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- full-time academic staff and qualifications: _____
- part-time academic staff and qualifications: _____
- qualifications and experience of all teaching staff

4. Examination and Assessment

- Examination procedures and quality assurance measures
- Assessment policies and procedures

5. Infrastructure and Resources Assessment

- Number of classrooms: _____
- Moot facilities: _____
- ICT facilities and internet connectivity: _____
- Other relevant facilities: _____

6. Library Resources

- Inventory of law books (core and reference texts): _____
- Inventory of Journals, legal databases and e-resources subscribed to: _____
- Library sitting space: _____

7. Trainee Advocate Support Services

- Career guidance and placement services: _____
- Counselling services: _____
- Financial aid programs: _____
- Other support services: _____

8. Research and Publications

- Faculty research activities and publications (last 3 years): _____
- Trainee Advocate research projects: _____

On behalf of the Advocates Training Programme provider hereinabove mentioned,
I, _____ (Name), holding the position of _____ (Designation), on behalf of _____ (Institution Name), hereby apply for the renewal of our Advocate Training Programme Provider License.

I confirm payment of Kshs. being the requisite application fee.

- Payment method (tick): [] Bank transfer [] E-citizen [] Other: _____

D. DECLARATION

I declare that:

1. All information provided in this application is true, accurate, and complete
2. I am authorized to make this application on behalf of the institution
3. The institution continues to meet all regulatory requirements for ATP providers

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4. Any changes in institutional status or capacity will be promptly reported to the regulatory body

Applicant Details:

- Name: _____
- Designation: _____
- Date: _____
- Signature: _____

Institution Official Stamp:

[STAMP HERE]

FOR OFFICIAL USE ONLY

Application received on: _____ Received by: _____
_____ File reference number: _____
_____ Processing fee confirmed: [] Yes [] No

REQUIRED ATTACHMENTS CHECKLIST

- Current registration certificate
- Organizational chart and Governance structures
- Information on teaching staff and qualifications
- Academic standards, class size and enrolment data
- Examinations Assessment mechanisms
- Infrastructure assessment report
- Inventory of library resources
- Trainee Advocate support services documentation
- Research and publications list
- Proof of application fee payment

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FORM CLE/ATP/004

[r. 29(1)]

APPLICATION FORM FOR EXAMINATION REGISTRATION

Commented [MM37]: Zaddock to add

Draft 4

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FORM CLE/ATP/005

[r. 30(1)]

NOTICE OF WITHDRAWAL FROM EXAMINATION

Commented [MM38]: Zaddock to add

Draft 4

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FORM CLE/ATP/006

[r. 31(1)]

NOTICE OF DEFERRAL OF EXAMINATION

Commented [MM39]: Zaddock to add

Draft 4

The Legal Education (Advocates Training Programme) Regulations, 2025

FORM CLE/ATP/007

[r. 43(1)]

APPLICATION FOR APPROVAL AS A PUPILLAGE CENTRE

1. NAME OF THE INSTITUTION

2. POSTAL ADDRESS OF THE INSTITUTION

3. LEGAL PERSONALITY (Attach copy of registration document)

4. PHYSICAL ADDRESS OF PROPOSED PUPILLAGE CENTRE

5. CONTACT PERSON

6. EMAIL ADDRESS

7. TELEPHONE NUMBER

8. REASONS FOR APPLICATION

9. ADVOCATES WITH 5 YEARS EXPERIENCE AND ABOVE (attach copies of current practicing certificates)

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NAME OF ADVOCATE	DESIGNATION	P 105 NUMBER	YEARS OF EXPERIENCE

ASSESSMENT CRITERIA

SECTION A: Assessment Parameters

10. **Drafting of legal documents:** Indicate what type of documents the trainee advocates likely to draft

11. **Conducting client interviews:** Indicate whether trainee advocate will participate in client interviews

12. **Supervised court attendance:** Indicate whether trainee advocate will participate in supervised court attendance

13. **Preparation of submissions:** Indicate whether trainee advocate will participate in preparation of submissions

14. **Conducting legal research:** Indicate to what extent the trainee advocates will conduct research

15. **Raising fee notes:**

16. **Drafting correspondence:**

17. **Working space:** Adequacy of working space

SECTION B: Institutional Policies and Procedures

18. Does the institution have a Sexual Harassment Policy? _____ (attach a copy)
19. Does the institution have a Human Resource Policy? _____ (attach a copy)
20. Any other relevant policies

SECTION C: Filing Systems

Describe the kind of filing system maintained by the institution

SIGNED BY

DATE:

FORM CLE/ATP/008

[r. 44(2)]

NOTICE OF ACCEPTANCE OF PUPILS

1. I, P.105/.....
of P. O. Box.....have accepted Mr. / Ms. / Miss
..... of P. O. Box..... as a trainee advocate
with effect from the..... day of 20.....
2. I am an Advocate of the High Court of Kenya and was admitted to the Roll of Advocates
on the day of
3. I took out practising certificates for the following years, excluding the current year of
practice
4. I declare that I hold a current Practising Certificate and intend to continue doing so for the
entire duration of pupillage.
5. The trainee advocate designated pupillage centre shall be at:
Name of Pupillage
Centre/Firm.....
County
.....
Town
.....
Road/Street.....
.....
Building.....
.....
Floor Number
.....
Wing (where applicable)
.....
Room Number (where applicable)
.....
Nearest land mark (where applicable)
.....

Dated thisday of20.....

.....
Signature and Stamp of Advocate trainer

The Legal Education (Advocates Training Programme) Regulations, 2025

FORM CLE/ATP/009

[r. 10(1)]

NOTICE TO SHOW CAUSE

PURSUANT to the Legal Education (Advocates Training Programme) Regulations, 2025, the Council of Legal Education on thisday of.....20.....

HEREBY GIVES NOTICE to.....of Post Office Box Number..... and of Certificate No.....situated at.....of its intention to suspend the licence, issued on thethe day of, 20, based on its audit and inspection findings as contained in the report dated the day of, 20 and as approved by the Council in its meeting held on theday of, 20

The reasons and grounds for issuing this notice are as follows—

- (a)
- (b)
- (c)

This notice is for a period of.....during which you are required to file a report of the recovery plan to remedy the issues contained herein and in the audit report.

Signed

.....
Chairperson,
Council of Legal Education.

.....
Secretary,
Council of Legal Education.

The Legal Education (Advocates Training Programme) Regulations, 2025

FORM CLE/ATP/010

[r. 11(1)]

SUSPENSION OF LICENCE

PURSUANT TO THE NOTICE issued by the Council of Legal Education on theday of....., 20..., of its intention to suspend the Licence of Certificate No. issued on theday of, 20, issued to (name of the education institution) of Post Office Box Number situated at.....

The Council of Legal Education HEREBY DECLARES that pursuant to its mandate under section 21(3)(a) of the Act, the licence being Certificate No. issued on the day of, 20., stands SUSPENDED.

The (insert the name of the education institution) shall immediately cease to offer the advocates training programme course until the suspension is lifted or otherwise as directed by the Council of Legal Education.

Signed

.....
Chairperson,
Council of Legal Education.

.....
Secretary,
Council of Legal Education.

The Legal Education (Advocates Training Programme) Regulations, 2025

FORM CLE/ATP/011

[r. 13(1)]

REVOCATION OF CERTIFICATE OF ACCREDITATION

PURSUANT TO THE SUSPENSION OF LICENCE issued by the Council Legal Education on theday of.....20....., of the licence being certificate No. issued on theday of20.....issued to (name of the education institution) Post Office Box Number situated at....

The Council HEREBY DECLARES that pursuant to its mandate under section 21(3)(b) of the Act, the licence being Certificate No.....issued on theday of.....20...., to (name of the education institution) shall with effect from theday of.....20.....stand Revoked.

Signed

.....

Chairperson,
Council of Legal Education.

.....

Secretary,
Council of Legal Education.

Draft 4

FORM CLE/ATP/012

[r. 8(4)]

NOTICE TO WIND UP THE ADVOCATES TRAINING PROGRAMME

TO: [Name ATP provider]

DATE: [Date of Notice]

REFERENCE NUMBER: [Ref Number]

PURSUANT TO THE NOTICE TO TERMINATE THE ADVOCATES TRAINING PROGRAMME issued by [Name of ATP Provider], on day of, 20....., the Council of Legal Education HEREBY GIVES NOTICE to [Name of the ATP Provider] of Post Office Box Number, situated at, to wind up its Advocates Training Programme.

This notice is issued by the Council following:

- (i) The Notice to Terminate ATP Programme dated:
- (ii) The Closure Plan dated
- (iii) Council's review of the Closure Plan and Council Resolution No dated

This notice is for a period of during which you are required to:

- (i) Teach-out all current students by:,
- (ii) Implement student protection measures as directed by the Council; and
- (iii) Submit a report at the end of the notice period on implementation of the Closure Plan.

The Council reserves the right to inspect your premises and records during the wind-up period to ensure compliance with this notice.

Failure to comply with the conditions of this notice may result in regulatory intervention measures by the Council to protect student interests.

.....
Chairperson,
Council of Legal Education.

.....
Secretary,
Council of Legal Education.

SECOND SCHEDULE

FEES

Application for Accreditation of ATP Programme [r. 5(5)]	Kshs. 5, 000, 000
Late submission of application for renewal	25% of the application fee
Examination registration fee [r. 29(3)]	Kshs. 1000
Examination fees per unit [r. 29(5)(a)]	Kshs. 10,000
Resit fees per unit [r. 34(1)]	Kshs. 10,000
Remarking fees per unit [r. 33(5)]	
Replacement of lost documents [r. 40(3)(d)]	Kshs. 2000
Certification of documents [r. 39(3)]	Kshs. 1,000
Letters of recommendations	Kshs. 1500
Document storage costs per year [r. 39(2)]	Kshs. 1000

Commented [ZA40]: Reinstate this provision

33. (1) The Council shall,
a. issue a certificate of compliance and a transcript to a candidate who has passed the ATP examinations and fulfilled all the pupillage requirements;
b. publish the name of the successful candidate in the Gazette;
c. a candidate who picks their completion certificates after the expiry of time specified by Council shall incur a late collection penalty prescribed in the first schedule;
d. upon request, issue certified copies of examination transcripts, compliance certificates or other documents issued by the Council. A request for certification shall be in writing and accompanied by the original document(s), and a certification fee provided for in the first schedule;
e. The Council shall facilitate replacement of lost examination documents in a format that Council may determine. A request for replacement of lost documents shall be made in writing accompanied by a sworn affidavit by the applicant, identification documents, police abstract, and a document replacement fee provided for in the first schedule.

Commented [EM41R40]: This is already covered in part under regulation 39. We will insert the missing parts.

Commented [MM42]: Anchor all fees in substantive regulations

Commented [EM43]: This not provided for in the Regulations.

Commented [EM44]: Where do we provide for this?

THIRD SCHEDULE

ADVOCATES TRAINING PROGRAMME QUALITY STANDARDS *[reg. 40]*

Vision, mission and strategic objectives.

1. (1) An Advocates Training Programme provider shall describe its institutional vision, mission and strategic objectives which shall be aligned with the Programme's regulations and quality standards.

(2) The vision and mission statement of a Advocates Training Programme provider shall—
 - (a) focus on the core purpose and values of the institution;
 - (b) be adaptable to changing circumstances while maintaining their core meaning;
 - (c) be easy to understand and remember; and
 - (d) be concise;
(3) The Advocates Training Programme provider shall state its objectives which shall include a commitment to impart knowledge, skills and other competencies to enable students to provide legal services in the country and globally.

(4) For the purpose of the renewal of a licence, an Advocates Training Programme provider shall demonstrate the strategies employed to achieve its vision, mission and objectives as outlined in its strategic plan as well as the strategies for sustainability and growth of the Advocates Training Programme.

(5) The mission and vision of an Advocates Training Programme provider shall be aligned to these Regulations and quality standards.

Organizational structure and programme leadership.

2. (1) An Advocates Training Programme provider shall have a system of administration, leadership and governance that adequately facilitates and supports the delivery of the programme.

(2) An Advocates Training Programme provider shall have sufficient financial resources to meet its obligations.

The Legal Education (Advocates Training Programme) Regulations, 2025

(3) An Advocates Training Programme provider shall define its legal character.

(4) Advocates Training Programme providers shall maintain and articulate the channels for effective communication among its leadership, management, staff and trainee advocates.

Submission of documents.

3. At the time of application for accreditation and in the course of filing annual progress reports, an Advocates Training Programme provider shall submit to the Council—
- (a) audited reports of its accounts for the previous two years;
 - (b) budgets for its projected activities for the next three years; and
 - (c) evidence that it has adequate financial resources to meet its obligations.

General features of physical facilities.

4. (1) The physical facilities for accommodating the Advocates Training Programme shall have adequate lighting, ventilation and ambience and shall be appropriate for the needs of the trainee advocates.
- (2) The buildings in which the Advocates Training Programme is housed shall be constructed and maintained in accordance with the Building Code, Public Health Act and other applicable legal requirements to ensure access, safety including fire safety, security, cleanliness and a healthy and conducive environment for learning.
- (3) All the rooms housing the Advocates Training Programme shall have fire extinguishers and fire emergency instructions prominently displayed and doors that open to the outside.
- (4) The design of the facilities provided shall take into consideration and make provision for the special needs of particular categories of persons, such as persons with disabilities and shall include the provision of ramps and support rails in all buildings.
- (5) The furniture, upholstery and fittings used in the spaces used by the staff and trainee advocates in the Advocates Training Programme such as teaching rooms, lecture theatres, seminar rooms and computer rooms shall be of the standard commensurate with the needs and convenience of adult trainee advocates.

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(6) All broken furniture shall be removed from places of learning immediately and repaired or replaced without undue delay, and in any case not more than two weeks.

(7) Training rooms such as classrooms and lecture halls shall be equipped with modern learning aids including smart boards and projectors.

(8) The provider shall maintain adequate office spaces for faculty to ensure that every member of faculty has sufficient working space that includes a desk, a chair, a computer and a storage cabinet.

(9) Where tutors are using shared or open plan offices, the provider shall designate consultation rooms where tutors can consult with trainee advocates without distracting their colleagues.

(10) The Advocates Training Programme provider shall provide adequate, suitable and clean sanitary conveniences for trainee advocates and staff separated on the basis of gender.

Lecture halls and
class size

5. (1) The lecture halls of an Advocates Training Programme provider shall be designed to ensure comfort, facilitate practical learning and to ensure optimal interaction between advocate trainees and the teaching staff.
- (2) The lectures halls of an Advocates Training Programme shall have—
- (a) a tiered or sloped seating design to ensure clear sightlines to the front;
 - (b) comfortable seats with foldable writing surfaces;
 - (c) ramps, reserved front-row or back-row seating for students with disabilities;
 - (d) smart boards or interactive screens that allow real-time annotation and screen mirroring;
 - (e) projectors and large screens for clear visibility of presentations and legal texts;
 - (f) high-fidelity sound systems with ceiling speakers and microphones on every row;
 - (g) high-speed Wi-Fi and ethernet ports;

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- (h) charging points at every seat or at least in every row;
- (i) an instructors' podium with a microphone and touchscreen display to operate presentations and annotate materials; and
- (j) safety features including enough fire extinguishers and fire exits.

(3) Each lecture hall of an Advocates Training Programme shall accommodate a maximum of forty trainee advocates.

(4) The ratio of course instructor to trainee advocates shall be 1:10.

(5) The standards on class size shall determine the admission capacity of an Advocates Training Programme.

Moot courts

6. (1) The moot court rooms of an Advocates Training Programme shall be designed to replicate modern courtrooms.
- (2) The moot court rooms shall have—
- (a) wheelchair-accessible ramps to all speaking and seating areas;
 - (b) elevated judges' bench equipped with comfortable chairs, adequate writing surface and microphones;
 - (c) counsel tables on either side of the judges' bench, equipped with comfortable chairs, adequate writing surface and microphones;
 - (d) at least forty comfortable seats for spectators; and
 - (e) safety features including enough fire extinguishers and fire exits.

Library resources.

7. (1) An advocates training programme provider shall provide adequate library resources to enable trainee advocates access the essential course materials including books, electronic databases, law reports and other learning materials.
- (2) The library for the Advocates Training Programme shall conform to the following minimum specifications—

Commented [MM45]: KSL views this as unreasonable

Commented [EM46R45]: Kindly guide us on the appropriate standard. This was the subject debate in the last retreat

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- (a) an adequate sitting area that shall be capable of accommodating one-third of the Trainee Advocate population in one session;
 - (b) a stack area dedicated to legal education and advocate training;
 - (c) a well-lit and well-ventilated reading area; and
 - (d) convenient access to sanitation facilities.
- (3) The library shall be connected to the internet to enable trainee advocates conduct their online research from the reading area.
- (4) An Advocates Training Programme provider shall appoint a librarian who shall have a minimum qualification of a diploma in library studies as a member of the full-time staff.
- (5) The Advocates Training Programme provider shall keep in stock at least five titles of the latest editions of the reference material for each core unit. At least one copy for each title shall be a hard copy.
- (6) The Advocates Training Programme provider shall stock—
- (a) journals, periodicals, encyclopaedias and other publications for reference;
 - (b) books of general knowledge; and
 - (c) electronic databases with legal content including practitioner-based e-resources
- (7) The Advocates Training Programme provider shall stock or provide access to the following up-to-date volumes of—
- (a) the Kenya Law Reports;
 - (b) the Gazette;
 - (c) the East African Law reports;
 - (d) the East Africa Court of Appeal Law Reports; and
 - (e) the All England Law Reports.

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Teaching staff.

8. (1) An Advocates Training Programme provider shall appoint and retain adequate numbers of qualified full-time and part time teaching staff commensurate with the trainee advocate enrolment and the course units offered.

(2) For the purpose of teaching each of the examinable course units in the programme, the members of the teaching staff shall be advocates of the High Court of Kenya of not less than five years' post-admission experience and in good standing with the Law Society of Kenya:

Provided that this provision shall not apply to members of the teaching staff instructing the legal practice management course unit.

(3) A member of the teaching staff shall be a practitioner or must have practiced in the specific field they are retained to teach to ensure that trainee advocates benefit from practical and up-to-date information in the field.

(4) An Advocates Training programme shall submit a copy of its human resources policy to the Council.

(6) An Advocates Training Programme Provider shall ensure that the members of its faculty are regularly trained in advanced teaching methodology, including andragogy.

(7) And Advocates Training Programme Provider shall ensure that members of faculty are provided with appropriate support for developing course materials.

Curriculum structure and delivery.

9. (1) The Advocates Training Programme shall consist of the core courses designated at Part III of the Second Schedule of the Act or as may be amended from time to time.

(2) An Advocates Training Programme provider shall follow the curriculum developed by the Council.

(3) Advocates Training Programme providers shall deploy innovative and advanced teaching methodologies for the effective delivery of the programme.

(4) Advocates Training Programme providers may enhance the content of their respective programme with additional elective courses:

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Provided that the elective courses shall not be examinable by Council, and each trainee advocate shall take a maximum of two elective courses.

(6) The course work training component of the Advocates Training Programme shall be organized—

- (a) into three terms consisting of eleven teaching weeks each; and
- (b) in such a way that trainee advocates have a two-week break after the first and second terms.

Trainee advocate welfare.

10. (1) An Advocates Training Programme provider shall implement systems and policies for trainee advocate support and welfare.

(2) The support and welfare policy or system under paragraph (1) may make provision for—

- (a) trainee advocate participation in the governance of the Advocates Training Programme provider;
- (b) trainee advocate scholarships, bursaries and other related support services;
- (c) trainee advocate attendance and participation in programme delivery;
- (d) counselling and trainee advocate mentorship programmes;
- (e) trainee advocate welfare and medical services including insurance;
- (f) trainee advocate co-curricular activities;
- (g) systems for addressing trainee advocate complaints; and
- (h) procedures for trainee advocate discipline.

(3) An Advocates Training Programme provider shall set aside at least five percent of its recurrent budget in each academic year for trainee advocate support services and welfare.

Commented [MM47]: Redraft per with Council's comments

Commented [EM48R47]: Kindly guide further.

FOURTH SCHEDULE

PROCEEDINGS OF THE DISCIPLINARY COMMITTEE (reg. 31(3))

Conduct of business.

1. (1) In any proceedings under this paragraph, the Disciplinary Committee shall act without undue regard to technicalities and shall not be strictly bound by the rules of evidence.

(2) The decision of the Committee shall be taken by a simple majority of members present.

(3) The quorum of the Committee shall be two thirds of its members.

(4) The Committee shall make a record of its proceedings.

(5) The Committee shall make and publish its rules of procedure in a manner that the Council may determine.

Hearing and determination of matters.

2. (1) A trainee advocate who is alleged to have committed an examination irregularity shall appear before the Disciplinary Committee in person.

(2) Upon the hearing of an allegation of examination irregularity, the Committee shall write a report to the Council with its recommendations.

(3) The Council shall consider the report of the Committee and—
 - (a) if satisfied that a trainee advocate has been involved in an examination irregularity, mete out a penalty set out in regulation 38; or
 - (b) if satisfied that the evidence adduced does not disclose any examination irregularity, dismiss the case and issue such other direction that it may consider appropriate.
(5) The Council shall communicate its decision to the parties in writing within seven days from the date of the decision. .

Review.

3. (1) A trainee advocate who is not satisfied with the decision of the Council under paragraph (2) may apply for a review of the outcome to Council on the grounds that—

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- (a) the trainee advocate is introducing new evidence that could not be discovered at the time the Committee made the its recommendations; or
 - (b) the Committee made an apparent error on record.
- (2) The Council shall, upon receiving an application under paragraph (1), review the decision within seven days and may—
- (a) send the matter back to the Committee for reconsideration; or
 - (b) reverse its decision.

Draft 4