



COUNCIL OF LEGAL EDUCATION

DEPARTMENT OF EXAMINATIONS

STUDENTS GUIDE TO THE ATP EXAMINATION

2021

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1. Introduction

The Council of Legal Education (hereinafter the CLE) is a statutory body established by the Legal Education Act, No. 27 of 2012. Its mandate include regulating, supervising and licensing legal education providers and Law programmes in Kenya and conduct the ATP Examination. In its current form, the CLE has only been in existence since 2012, having been segregated from the Kenya School of Law (hereinafter the KSL) and re-established in 2013.

By dint of the Statute Law (Miscellaneous Amendments) Act, 2014, the Council of Legal Education's mandate was extended under Section 8(1)(f) to include the administration of professional examinations as prescribed under Section 13 of the Advocates Act, Cap 16 Laws of Kenya. This is the legal predicate on which the Council of Legal Education administers the ATP Examination.

Preparation and promulgation of new examination regulations is work in progress. In the meantime, the Council of Legal Education (Kenya School of Law) Regulations, 2009 constitute the regulatory framework.

Council has institutionalized structures, procedures and mechanisms to ensure that its commitment to deliver credible, reliable, verifiable and defensible ATP Examination is not only realized but enhanced.

Candidates with further enquiries are welcome to contact CLE through the contacts provided in the information pack.

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COUNCIL OF LEGAL EDUCATION

2. The ATP Examination

Although Regulation 15 of Legal Education Act (Accreditation and Quality Assurance) Regulations, 2016 ordains that the Council shall conduct credible ATP Examination for students attending the Advocates Training programme', it does not modify the structure of the ATP Examination. The structure provided by Reg. 3 of the First schedule to the Council of Legal Education (Kenya School of Law) Regulations, 2009, is retained.

Council will in the short to medium term examine the three (3) components of the ATP Examination as has been the case as follows:

- a. Oral Examination which is weighted at 20%
- b. Project which is weighted at 20%
- c. Written Examination which is weighted at 60%

i. Project Work and Oral Examination:

Since the Oral Examination and Project are critical components of the ATP Examination, the KSL conducts them as an agent and under the supervision of Council. The results are submitted to Council for final compilation alongside the written examination results. Both the Oral Examination and Project are **COMPULSORY** ingredients of the ATP Examination and must be completed before taking the written examination.

If a candidate fails to take part in either of these components of the ATP Examination, he/she should liaise with the KSL to ensure compliance prior to sitting the written examination. A candidate is ineligible to sit the written ATP Examination if he/she has not taken the Oral Examination and/or completed the Project.

If a candidate's marks for the Oral and/or Project or both is not reflected for any reason, the final computation in the particular unit will appear in the transcript and in the examination mark sheet as *(I)* indicating that the mark is *incomplete* until the missing mark is accounted for.

Candidates are cautioned that missing Project and Oral examination marks cannot be redressed by resitting the written ATP Examination even if the written examination mark

alone is a score above fifty (50), which is the pass mark. The two are inseparable components of the ATP examination and must be examined and graded accordingly.

ii. Pupillage:

In addition to the ATP Examination, all candidates are required to undertake Pupillage for six (6) months. This is a **MANDATORY** component of the ATP programme, and its completion and passing of the examination, renders the candidate eligible for the issuance of a Certificate of Compliance.

Candidates are advised to liaise with the KSL on this matter. After pupillage, the KSL forwards the Certificate of Completion of Pupillage to Council to initiate the Clearance and Gazettment. ATP Candidates are advised not to submit the Certificate of Completion of Pupillage to Council.

iii. Written ATP Examination:

Council will continue to offer two (2) examination series per year. In the past, Council has administered the examination continuously for nine (9) days. The examination dates are **NOTIFIED** to candidates and the public by advertisement in a local daily, Kenya Gazette and Council's website.

A student is at liberty to register for the examination in any of the series as may be convenient to one as long as one is within the qualification period.

Structure of the ATP Examination.

The structure of the examination will be as follows:

- a. Candidates will have three (3) hours to take each examination paper;
- b. Candidates will be required to answer five (5) questions from a possible six (6);
- c. QUESTION ONE (1) is compulsory and carries 20 marks;
- d. All other questions carry ten (10) marks each.

The above structure is slightly modified for **ATP 106 - Legal Practice Management**, where candidates are required to answer five (5) questions out of a possible seven (7) questions. QUESTION ONE (1) of the paper is **COMPULSORY**. This examination paper has three sections;

Commercial Accounts, Human Resource Management and Office Practice. Candidates are required to attempt at least ONE (1) question from EACH section and the final question from ANY of the sections.

These instructions are reproduced on the cover page of the question paper. It is the responsibility of candidates to read and understand examination instructions.

Candidates are tested in the nine (9) units studied under the ATP as follows:

ATP 100	Civil Litigation
ATP 101	Criminal Litigation
ATP 102	Probate and Administration
ATP 103	Legal Writing and Drafting
ATP 104	Trial Advocacy
ATP 105	Professional Ethics
ATP 106	Legal Practice Management
ATP 107	Conveyancing
ATP 108	Commercial Transactions

The written ATP Examination is a **CLOSED BOOK** examination with the exception of ATP 101 - Criminal Litigation, where candidates may bring **CLEAN** copies of the Penal Code and ATP 106 - Legal Practice Management, where candidates are allowed to use **scientific calculators**.

3. Eligibility to Sit the ATP Examination / Qualification

A student becomes eligible to sit the written ATP Examination upon successful completion of the training component of the ATP at the Kenya School of Law and taken the Oral examination and the Project.

4. Registration

Admission to the ATP does not *ipso facto* guarantee a student the right to sit the ATP Examination. A Candidate must register for the ATP Examination with the CLE, independently from registration at KSL. Registration for the ATP Examination is online through the student portal.

As a regulator of legal education and training in Kenya, CLE is obligated to ensure that all relevant laws are complied with unconditionally.

There are candidates who may be sitting for some units as a first sitting and other units as a re-sit. Whatever the case candidates can register for both online.

Registration dates for the April ATP Examinations

15 th February to 14 th March 2021	Registration for April 2021 examination
6 th April 2021	Activation of examination cards for download by candidates
13 th to 23 rd April 2021	April 2021 ATP Examination

Regrettably, there is NO provision for late registration. Since the Council operates under exceedingly strict timelines on matters APT examination, candidates are cautioned that there will be NO extension of time for any scheduled activity beyond the dates herein or and in subsequent Notices issued by Council. This applies specifically to registration and application for remark. Candidates are implored to note that the strict timelines are fixed to ensure that internal examination processes proceed without compromising professionalism and integrity of the examination.

5. Examination Dates and Timetable

The law requires that the dates on which the written ATP Examination will be taken be published at least fourteen (14) days before commencement of the examination. The dates are published on the Council's Notice Board, Kenya Gazette and in a local newspaper with national circulation. The publication notifies candidates and the general public of the specific dates of the ATP Examination and examination venues. In addition to the Examination Card, candidates will download written instructions on matters germane to the examination.

Candidates are implored to familiarize themselves with the instructions and avoid examination irregularities.

The dates for the examination are as hereunder:

13 th April - 23 rd April 2021	April 2021 ATP Examination
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Timetable for the April 2021 ATP Examination:

DAY	DATE	UNIT
Tuesday	13 th April 2021	ATP 100 Civil Litigation
Wednesday	14 th April 2021	ATP 106 Legal Practice Management
Thursday	15 th April 2021	ATP 107 Conveyancing
Friday	16 th April 2021	ATP 102 Probate and Administration
Monday	19 th April 2021	ATP 108 Commercial Transactions
Tuesday	20 th April 2021	ATP 105 Professional Ethics
Wednesday	21 st April 2021	ATP 101 Criminal Litigation
Thursday	22 nd April 2021	ATP 103 Legal Drafting and Writing
Friday	23 rd April 2021	ATP 104 Trial Advocacy

6. Examination Centres

On registration to sit the ATP Examination, candidates are assigned examination centres. The location and number of examination centres depend on the number of candidates, logistics and availability.

On closure of the registration process, examination centres for the ATP Examination shall be posted on the CLE's website and candidates will be notified of their specific centre. Owing to the usually large number of candidates and the limited space available in each centre, CLE does not allow candidates to choose their preferred centres. However, candidates with special needs are at liberty to make specific requests for facilitation.

Candidates must sit only on the seat allocated to them, by the invigilator. A Candidate **MUST** present him/herself at the center allocated. Arrangements are made only for the specific number of candidates allocated to each centre. Candidates are encouraged to visit the venue where they will be taking the examination before the commencement of the examination to familiarize themselves with the location.

7. Deferrals, Re-sits and Remarks

Candidates who meet the threshold for registration and are registered for the ATP Examination may be allowed to defer the entire examination or part thereof on furnishing sufficient grounds.

Application for deferral must be made online and must state the reasons for seeking a deferral. Any supporting documentation must be attached. The application must be made at the earliest possible instance, typically before the ATP Examination commences. Where this is not possible, there must be cogent evidence of extenuating circumstances. Applications for deferral are considered on a case by case basis and a determination made on whether there is sufficient justification to grant the application and thereby credit the examination fee to the next ATP Examination series. *Ex post facto* applications for deferral are unacceptable.

Technically, an application for deferral may not be rejected if it is lodged with Council before the commencement of the ATP examination and if the applicant is within the five (5) year qualification rule. This is in conformity to Regulation 9(5) of the Council of Legal Education (Kenya School of Law Regulations) 2009 which provides that:

“In respect of the Advocates Training Programme a candidate shall be allowed a maximum of five(5) years within which to complete the course of study”.

In furtherance of this Regulation, Council published **General Notice No. 17 of 2016** which was unequivocal that the amended regulation applied to all candidates effective November 2011 ATP Examination series. The Notice allowed all ATP candidates with outstanding ATP units to clear the same within five (5) years of November 2011. Resultantly, the five (5) year period lapsed in November 2016.

A candidate who does not qualify within the prescribed duration but is still desirous of qualifying for the ATP may register for the ATP at KSL.

Candidates are cautioned that the ATP Examination fees are non-refundable. Where a candidate's fee has been credited to subsequent ATP Examination series, the fee must be

utilised within two (2) years, which is equivalent to four (4) ATP Examination series unless the letter of deferral provides otherwise.

If a candidate fails to take the examination without deferral, a **NO SHOW** entry is made on the attendance register. Such a candidate is required to register a fresh when the examination is next offered and pay the examination fee. The amount already paid is expended in the activities preceding the administration of the ATP Examination. Even where an application for deferral is successful, a candidate is still required to register when he/she intends to sit the deferred unit(s).

PASSMARK FOR THE ATP EXAMINATION

The pass mark for each unit of the ATP Examination is 50%.

A candidate who fails to attain the pass mark may apply for remark of the unit (s) failed. The application must be made online upon payment of the requisite fee. The script is forwarded to an independent marker (Quality Assurer) and graded a fresh. The Quality Assurer's mark is recorded as the candidates' final mark as ordained by law. The Oral Examination and Project marks are used in computing the final mark for candidates sitting the ATP examination for the first time. The marks obtained in the two (2) components of the ATP Examination do not count in the case of a resit.

Release of remark results marks the end of the ATP Examination series.

RESITS

A candidate is at liberty to resit the unit(s) failed in a subsequent examination series. Registration for re-sit is mandatory (online) upon payment of the requisite fee. The amount due depends on the number of units a candidate wishes to resit. Since a resit comprises the Written examination only, it is graded out of 100%.

TRANSCRIPTS AND COMPLIANCE CERTIFICATES

After each remark or re-sit series transcripts are updated and candidates receive provisional transcripts reflecting the updated results. A candidate can only be processed for gazettment after qualifying in all the nine (9) units in addition to satisfying the Pupilage requirement. The

final transcript showing that the candidate has qualified in the ATP Examination is issued together with the Certificate of Compliance.

8. Examination Results

Results for the ATP Examination are declared by the Council in the form of **P (pass) F (fail)**. A notice to this effect is published within three (3) months after the month in which the examination was taken. The results are uploaded on the CLE's website alongside each candidate's number.

The final result for each unit is computed by adding the mark attained in the Project, Oral and the written examinations. If for any reason CLE has not received the Oral examination or Project marks of a candidate, **examination results shall be released indicating incomplete (i)**. It is the duty of every candidate to ensure that the other components of the ATP Examination are satisfactorily concluded. In order to avoid delay in releasing examination results, candidates are advised to confirm that their **Project and Oral examination marks** have been recorded and forwarded to CLE prior to the commencement of the Written examination.

Enquiries regarding the ATP Examination should be made by completing the Candidates/Students Enquiry Form, **(Form No. CLE-EX/08)** and send it via email to the email address provided in the Council's website. Enquiries will be responded to at the earliest possible opportunity.

9. After the ATP Examination

After results have been released, all candidates will receive provisional transcripts showing the mark attained in the respective unit(s) taken in the examination.

Typically, by the time results are released most candidates will have commenced Pupilage. On completion of Pupilage, the KSL furnishes Council with a Certificate of Completion of Pupilage in the prescribed form for verification and approval for gazette.

GAZETTEMENT

On successful completion of the ATP Examination and Pupilage, Council issues a Certificate of Compliance and final transcript and causes the names of all candidates who have complied with the law to be published in the Kenya Gazette, thereby rendering them eligible to petition the Honourable the Chief Justice of the Republic of Kenya for admission to the Roll of Advocates.

It is anticipated that there shall be several Gazettement Notices issued by CLE. The Notices are issued after verification of Certificates of Completion of Pupilage received from the Kenya School of Law. This is a painstakingly manual process and takes time to conclude depending on the number of candidates on a particular list. Relatedly, the list must be approved by Council for publication.

10. Fees and Charges

The following charges and fees are payable by candidates taking the ATP Examination. It is the duty of every candidate to ensure that the amount due is deposited in the CLE Bank Account. No student will be registered for the ATP Examination without evidence of payment of the requisite amount in full.

Examination fees for first sitting	Kshs. 5,000/= per unit
Examination fees for re-sit	Kshs. 10,000/= per unit
Re-marking fees	Kshs. 15, 000/= per unit

11. Contact us

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