



# COUNCIL OF LEGAL EDUCATION

## DIRECTORATE OF EXAMINATIONS

### STUDENTS GUIDE TO THE ATP EXAMINATION

2023/2024

## Contents

1. Introduction.....	3
2. The ATP Examination .....	4
3. Structure of the ATP Examination .....	6
4. Eligibility to Sit the ATP Examination.....	7
5. Registration.....	7
6. Examination Dates and Timetable.....	9
7. Examination Centres.....	10
8. Examination Administration.....	10
9. Deferrals .....	10
12. Remarks .....	12
13. Re-sits.....	12
14. Gazettement .....	12
15. Transcripts and Compliance Certificates .....	13
16. Five (5) year qualification rule.....	13
17. Fees and Charges.....	13
18. Contact us.....	14

## 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

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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 (s) will appear in the transcript as *(/)* indicating that the mark is *incomplete* until the missing mark(s) 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.

It is the duty of every candidate to ensure that all 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.

**NB: A candidate may be ineligible to sit the written ATP Examination if he/she has not taken the Oral Examination and/or completed the Project.**

**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 Gazettement. 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.

### 3. Structure of the ATP Examination

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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**.

#### 4. Eligibility to Sit the ATP Examination

A candidate 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 registering in a given examination series.

#### 5. 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. A candidate must key in the correct data and ensure that the attached documents are authentic and complete.

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 should register for both online.

A candidate registering for the first time should be prepared with the following;

1. Digital passport photo (soft copy)
2. Scanned documents of;
  - a) Kenya School of Law Admission letter (all pages)
  - b) University certificate
  - c) University transcripts (all four years scanned as one document)
  - d) High School certificate
  - e) National Identification card/passport (both sides)

Where applicable;

- i. Letter of equation from Kenya National Qualification Authority
- ii. Pre-Bar Certificate (Kenya School of Law)
- iii. Clearance by Council of Legal Education

**NB: Scan original documents not copies preferably pdf format**

The application for registration shall be declined if:

- i. Candidate does not attach all the required documents and in proper format
- ii. Candidate attaches incorrect and /or incomplete documents.

**NOTE THAT THE NAME IN THE ORDER PRESENTED BY THE CANDIDATE DURING REGISTRATION WILL APPEAR IN THE GAZETTEMENT LIST, FINAL TRANSCRIPT AND COMPLIANCE CERTIFICATE**

**Key dates for the November 2023 ATP Examination**

<b>Wednesday, 23<sup>rd</sup> August to Friday, 22<sup>nd</sup> September 2023</b>	<b>Registration for November 2023 examination</b>
<b>Wednesday, 8<sup>th</sup> November 2023</b>	<b>Activation of examination cards for download by candidates</b>
<b>16<sup>th</sup> March to 28<sup>th</sup> November 2023</b>	<b>March 2023 ATP Examination</b>
<b>Tuesday, 31<sup>st</sup> October 2023</b>	<b>Publication of registered candidates</b>
<b>Tuesday, 7<sup>th</sup> November 2023</b>	<b>Application for deferral</b>

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.



## 6. Examination Dates and Timetable

The law requires that the dates on which the written ATP Examination will be written, 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/or in a local newspaper with national circulation. The publication notifies candidates and the general public of the specific dates of the ATP Examination and other relevant information concerning the examination. Candidates will be required to download and print examination cards from the examination portal. In addition to the Examination Card, candidates will download written instructions on matters germane to the examination from Council's website.

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

**The dates for the November 2023 ATP Examination commence on Thursday, 16<sup>th</sup> to Tuesday, 28<sup>th</sup> November 2023. The examination timetable is as follows:**

DAY	DATE	UNIT
Thursday	16 <sup>th</sup> November 2023	ATP 100 Civil Litigation
Friday	17 <sup>th</sup> November 2023	ATP 105 Professional Ethics
Monday	20 <sup>th</sup> November 2023	ATP 101 Criminal Litigation
Tuesday	21 <sup>st</sup> November 2023	ATP 104 Trial Advocacy
Wednesday	22 <sup>nd</sup> November 2023	ATP 107 Conveyancing
Thursday	23 <sup>rd</sup> November 2023	ATP 103 Legal Writing and Drafting
Friday	24 <sup>th</sup> November 2023	ATP 108 Commercial Transactions
Monday	27 <sup>th</sup> November 2023	ATP 102 Probate and Administration
Tuesday	28 <sup>th</sup> November 2023	ATP 106 Legal Practice Management

## 7. Examination Centres

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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.

However, candidates with special needs are at liberty to make specific requests for possible accommodative facilitation.

## 8. Examination Administration

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A candidate **MUST** present him/herself at the center allocated. Provisions and arrangements are made only for the specific number of candidates allocated to each centre. Candidates must bring a printed Examination Card and a photo identification document (National ID, Passport or KSL card). Candidates must sit only on the seat allocated to them, by the invigilator. Candidates are encouraged to visit the venue where they will be taking the examination before the date of the examination to familiarize themselves with the location.

## 9. Deferrals

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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 on the candidate's portal 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 lodged with Council before the commencement of the ATP examination may be rejected if the applicant will not be registrable in the subsequent ATP Examination Series.

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).

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## 10. Examination Results

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.

Results for the ATP Examination are declared by the Council in the form of **P (pass)**, **F (fail)** and **I (incomplete)**. 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 pass mark for each unit of the ATP Examination is 50%.**

Enquiries regarding the ATP Examination should be channeled via email to [examinations@cle.or.ke](mailto:examinations@cle.or.ke). Enquiries will be responded to at the earliest possible opportunity.

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## 11. After the ATP Examination

After results have been released, all candidates will be able to access a digital provisional transcript from the examination portal showing the mark attained in the respective unit(s) taken in the examination. The system generated provisional transcript can be printed for official use.

After each remark or re-sit series transcripts are updated and provisional transcripts will reflect the updated results.

## 12. Remarks

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A candidate who fails to attain the pass mark (see No.10 above) 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. Release of remark results marks the end of the ATP Examination series.

## 13. Re-sits

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A candidate is at liberty to resit the unit(s) failed in a subsequent examination series. Registration (**online**) for re-sit is mandatory upon payment of the requisite fee (See No. 17). 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%.

## 14. Gazettement

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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 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 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. Gazettment is done every quarter, March, June, September and December.

### 15. Final Transcripts and Compliance Certificates

The final transcript showing that the candidate has qualified in the ATP Examination is issued together with the Certificate of Compliance after meeting all the requirements of the ATP programme.

### 16. Five (5) year qualification rule

Regulation 9(5) of the Council of Legal Education (Kenya School of Law Regulations) 2009 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.

Council further published **General Notice No. 17 of 2022** on prospective candidates whose five (5) year period in accordance to Regulation 9(5) of the Council of Legal Education (Kenya School of Law) Regulations, 2009 has lapsed. Council resolved to consider all affected and are of the nine (9) units curriculum, to register and sit the ATP examination when it will be next offered. This determination will be effective till the time when the new Regulations being developed, will be in place.

### 17. Fees and Charges

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.

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.

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

## 18. Contact us

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