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LEGAL NOTICE No. 118

THE LEGAL EDUCATION ACT, 2012

*(No. 27 of 2012)*

THE LEGAL EDUCATION (ACCREDITATION AND QUALITY  
ASSURANCE) REGULATIONS, 2015.

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23 AUG 2015

23 JUL 2015

23 JUL 2015

## THE LEGAL EDUCATION ACT, 2012

(No. 27 of 2012)

IN EXERCISE OF the powers conferred by section 46(1) of the Legal Education Act, 2012, the Council of Legal Education, with the approval of the Cabinet Secretary, makes the following Regulations—

## THE LEGAL EDUCATION (ACCREDITATION AND QUALITY ASSURANCE) REGULATIONS, 2015.

## PART I—PRELIMINARY.

1. These Regulations may be cited as the Legal Education (Accreditation and Quality Assurance) Regulations, 2015. Citation.

2. In these Regulations, unless the context otherwise requires— Interpretation.

“accreditation” means the issuance of a licence by the Council to a legal education provider because it has met the quality standards prescribed by the Council;

“experiential learning” means relevant skills, knowledge or competencies that have been obtained through work experience, informal training and life experiences;

“fulltime faculty” means the teaching staff members of a legal education provider for whom an essential part of their work includes—

- (a) enhancing, developing and delivering through teaching an undergraduate or post-graduate programme;
- (b) leading and developing research; and
- (c) participating in professional services that enrich the teaching staff members’ capacity as scholars;

“legal education” means any qualification in law obtained after a training course or programme for the award of a certificate, diploma, post-graduate diploma, degree, or post-graduate degree or any other course or programme that the Council may declare to be legal education in accordance with these Regulations;

“licence” means the authority or instrument granted under the seal of the Council to a legal education provider to offer legal education in Kenya;

“recognition of experiential learning” means the identification, assessment or acknowledgment of experiential learning for the purpose of assigning academic credits and promoting further learning;

“residential programme” means a legal education programme that meets the required contact hours prescribed in the Third Schedule to these Regulations but does not include distance learning or open learning; and

“tracer study” means a study to measure the rate of absorption of graduates of a legal education programme in the labour market and connected matters.

3. (1) These Regulations shall apply to any person who is offering or who intends to offer legal education in Kenya. Scope.

(2) No person shall be eligible to apply for accreditation under these Regulations unless the person is registered as an educational institution by the respective government agency.

(3) The Council may evaluate a programme of an institution undergoing accreditation under any other written law for purposes of assisting in the said accreditation process:

Provided that the licence shall not be issued until the applicant is duly registered under the respective law. No. 27 of 2012

(4) No person shall offer legal education in Kenya unless that person has been issued with a licence by the Council in accordance with these Regulations.

(5) The Council may suspend or revoke a licence to offer legal education in accordance with the provisions of these Regulations and the Legal Education Act, 2012.

(6) Where the Council has suspended or revoked the licence of a legal education provider, the Council shall publish a notice of the cancellation or revocation in the *Gazette* and in at least one newspaper with a nationwide circulation.

#### PART II—THE LICENCING PROCESS.

4. (1) A person who at the commencement of these Regulations either intends to or is offering legal education in Kenya shall apply to the Council for accreditation. Application for accreditation.

(2) An application under paragraph (1) shall be made in Form CLE/L/001 set out in the First Schedule to these Regulations.

(3) A person making an application for accreditation in accordance with these Regulations shall provide—

- (a) a feasibility study of the legal education programme highlighting the justifications for the programme including the programme's "niche" area;
- (b) a strategic plan, highlighting specific strategies applicable to ensure sustainability and growth of the legal education programme;
- (c) supporting policy documents such as staff recruitment and development policy, research policy and library policy;
- (d) a detailed curriculum of the legal education programme; and
- (e) any other relevant document.

(4) The Council shall review an application made under section 18 of the Act and these Regulations within thirty days and shall—

- (a) notify the applicant that the application complies with these Regulations; or

- (b) notify the applicant that the application does not comply with these Regulations.

(5) An applicant who has been notified by the Council that the application does not comply with these Regulations may amend the application and resubmit it to the Council within twelve months of being notified by the Council:

Provided that nothing in this paragraph shall mean that an applicant may not re-apply for accreditation at any other time.

(6) The Council shall, within sixty days of notifying an applicant that the application complies with these Regulations, notify the applicant—

- (a) that the Council has reviewed the application, and the supporting documentation and other materials in detail in order to determine whether or not the applicant has made a prima facie case for the inspection of the applicant's facilities; and
- (b) of the date when the Council may make an on-site visit to inspect the facilities of the applicant at the place or places the applicant intends to offer legal education.

5. (1) The Council shall conduct an inspection of the place where the legal education shall be offered by the applicant after the Council has reviewed in detail the application, the supporting documentation and other material for a licence to confirm whether or not the applicant has complied with the provisions of the Act and these Regulations including the quality standards set out in the Third Schedule to these Regulations.

Inspection,  
accreditation and  
issuance of  
licence.

(2) Where the Council is satisfied that an applicant which is offering a legal education programme should not be accredited—

- (a) that applicant shall suspend the legal education programme immediately;
- (b) that applicant shall furnish the Council with a closure plan within a period of three months; and
- (c) that applicant shall close the law programme within one year from the date of the inspection.

(4) Where the Council determines that an applicant should be accredited, the Council shall issue that applicant with a licence and the licence shall be valid for a period of five years.

(5) The Council shall enter the name of the legal education provider in a register of legal education providers and shall publish a notice in the *Gazette* that the legal education provider has been issued with a licence in accordance with these Regulations.

(6) A legal education provider may—

- (a) advertise the legal education programme;

- (b) launch the legal education programme;
- (c) continue to mobilise resources to support and maintain the quality standards set out in these Regulations.

6. (1) The Council shall undertake an audit of the quality of legal education offered by a legal education provider after two years from the date of the accreditation but not later than three years from the date of the accreditation and shall prepare and submit to the legal education provider a report of its findings and recommendations.

Procedure for  
renewal of  
licence.

(2) The Council may investigate on its own motion or at the request of any person whether or not a legal education provider is complying with the Act or these Regulations and shall prepare and submit to the legal education provider a report of its findings and recommendations.

(3) A legal education provider shall apply for the renewal of a licence issued under the Act and these Regulations at least one year before the date of the expiry of the licence and the application shall be in form CLE/L/001 set out in the First Schedule to these Regulations.

(4) 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 tracer study detailing the impact of the legal education programme since the date of accreditation;
- (c) a report of stakeholders' engagement in the curriculum review; and
- (d) the reviewed curriculum.

(5) An application for the renewal of a licence shall be reviewed in accordance with the relevant provisions of this regulation.

#### PART III—RECOGNITION AND APPROVAL OF FOREIGN QUALIFICATIONS, CREDIT ACCUMULATION AND CREDIT TRANSFERS.

7. (1) A Kenyan who has undergone training at a foreign legal education provider and who has attained professional qualifications that would enable him or her to practice law in that place where he or she underwent training and has practiced law in that place for at least five years may apply to the Council for recognition of his or her professional qualifications.

Recognition and  
approval of  
foreign  
qualifications.

(2) An application under paragraph (1) shall be made in Form CLE/L/006 set out in the First Schedule to these Regulations.

(3) The Council shall recognise or approve foreign qualifications in law for the purposes of this regulation in accordance with the quality standards set out in the Third Schedule to these Regulations.

(4) The Council may decline to recognise or approve foreign qualifications in law where the Council determines that the quality

standards of that foreign legal provider do not satisfy the quality standards set out in the Third Schedule to these Regulations.

(5) The Council shall recommend to a person who has applied for the recognition and approval of his or her qualifications from a foreign legal education provider that has not been recognised or approved by the Council to undertake a remedial programme at a legal education provider in Kenya.

8. (1) A person who has worked in any field of law for a period of not less than ten years may apply to the Council for recognition and award of a certificate of experiential learning:

Recognition of experiential learning.

Provided that—

- (a) an applicant who does not hold a certificate in law may be eligible for admission to a diploma in law programme or granted experiential learning equivalent to the status of a diploma in law holder; and
- (b) an award of a certificate of experiential learning may be used by the awardee of the certificate to transpose his or her professional orientation.

(2) An application for a certificate in experiential learning shall be made in the form CLE/L/007 set out in the First Schedule to these Regulations.

(3) The Council shall determine an application for experiential learning in accordance with the quality standards set out in the Third Schedule of these Regulations.

9. (1) A person may transfer credits of accumulated qualification in law to another legal education provider:

Credit accumulation and transfer.

Provided that the person intending to transfer credits shall satisfy the requirements of the Council and of the admitting legal education provider.

(2) No exemptions shall lie across programmes.

(3) The person intending to transfer credits shall have earned the credits not more than four years from the date of the application for transfer.

(4) No credit transfer shall apply to a certificate course in law.

(5) The minimum and maximum number of credits to be transferred in a diploma programme shall be the equivalent to six months of a course.

(6) The maximum number of credits to be transferred in a degree programme shall be the equivalent to two years of the programme.

(7) When a credit transfer is likely to give an advantage to a student in grade and score at the receiving institution it shall not be approved.

(8) Credit transfer shall not lie in university common core units.

- (9) For the purpose of these Regulations—
- (a) “credit” means the equivalent of fifteen lecture hours of a unit; and
  - (b) a transferee gains an advantage because of a credit transfer if the transferee acquires a higher grade because of the credit transfer than the transferee would have earned in the legal education provider of origin.

PART IV—QUALITY STANDARDS.

10. (1) The quality standards to be satisfied by a legal education provider for purposes of accreditation and quality assurance under these Regulations are set out in the Third Schedule to these Regulations.

Quality standards.

(2) Notwithstanding the generality of paragraph (1) above, the quality standards to be met by a legal education provider shall include—

- (a) planning process and governance structure;
- (b) admission requirements, class size and enrolment data;
- (c) curriculum and modes of delivery;
- (d) examinations and examination administration;
- (e) academic staff qualifications and workload;
- (f) research and publications;
- (g) infrastructure and resources;
- (h) library and library resources;
- (i) student services and support;
- (j) foreign qualifications and credit transfers; and
- (k) open learning and distance learning.

(3) The quality standards set out in the Third Schedule to these Regulations shall apply to programmes with are residential programmes of the legal education providers but shall not apply to distance or online learning programmes.

(4) A legal education provider shall—

- (a) comply with the quality standards and inspection guidelines set out in these Regulations;
- (b) comply with the lawful instructions issued by the Council or any other authority empowered to do so under the Act;
- (c) ensure that the legal education programme offered by the legal education provider is not revised or altered in any way to prejudice learners without the approval of the Council; and



(d) (d) submit an annual report of its activities and progress.

**PART V—TERMINATION, SUSPENSION AND REVOCATION OF LICENCE.**

11. (1) A legal education provider may, by notice in writing to the Council, terminate a legal education programme Termination.

(2) Where a legal education provider notifies the Council of its intention to terminate a legal education programme, it shall submit a winding up plan to the Council for approval and the winding up plan shall safeguard the interests of the students and staff.

(3) The Council shall, where a legal education provider fails to apply for the renewal of its licence in accordance with regulation 6, require the legal education provider to provide a winding up plan at least six months before the expiry of the licence.

12. (1) The Council shall, by notice in Form CLE/L/003 set out in the First Schedule, suspend the licence of any legal education provider where that legal education provider has failed to comply with the terms and conditions of its licence; for a period not exceeding six months. Suspension.

(2) The Council may, if it determines that a legal education provider is not carrying out its functions in a proper manner—

(a) suspend the licence for such a period as the Council may determine; or

(b) revoke the licence.

(3) Where a legal education provider has failed to comply with the terms and conditions of its licence, the Council shall issue a notice in writing requiring the legal education to take corrective action that may be specified by the Council in the notice.

(4) A legal education provider that has been issued with a notice by the Council in accordance with paragraph (3) shall on or before the notice period expires submit a recovery plan in relation to the action specified by the Council in the notice.

(5) Immediately the Council has received a recovery plan from a legal education provider, the Council—

(a) shall schedule an audit to verify the contents of the report and if satisfied that the legal education provider has instituted appropriate measures to remedy matters raised in the notice of suspension, lift the suspension, subject to conditions as the Council shall deem necessary; or

(b) shall, where the Council shall have determined that a legal education provider has not remedied the matters raised in the notice of suspension after carrying out an audit, suspend the licence in Form CLE/L/004 set out in the First Schedule.

(6) The Council shall publish a notice in the *Gazette* and in at least one newspaper with a nationwide circulation the notice of

suspension of the licence of a legal education provider.

13. Where the Council, after carrying out an inspection of a legal education provider whose licence has been suspended in accordance with regulation 12, is not satisfied with the progress being made to comply with the provisions of the Act, these Regulations or the conditions of the Council, it shall revoke the licence of the legal education provider in form CLE/L/005 set out in the First Schedule to these Regulations.

Revocation.

14. (1) A legal education provider whose licence has been revoked by the Council shall, within two months of the revocation, submit to the Council a closure plan which shall, in addition to any other matter provided for under any other written law, provide for—

Closure plan.

- (a) a management plan and process for the transfer of students to other legal education providers;
- (b) a management plan for the staff following the closure of the legal education provider; and
- (c) the end of the academic year in which accreditation is denied or revocation of the licence is made which shall be designated as the actual date of closure.

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

- (a) that the legal education provider shall teach out the students on such terms as may be prescribed by the Council; or
- (b) that the legal education provider shall close the legal education programme immediately.

(3) Where the Council determines that a legal education provider shall teach out its students, that legal education provider shall—

- (a) not admit any new students;
- (b) teach out the students within one academic year of the revocation of the licence;
- (c) facilitate the transfer of students whose programme runs beyond the academic year;
- (d) maintain the library and other physical facilities required under these Regulations;
- (e) maintain adequate qualified staff to manage the course programme;
- (f) facilitate academic processes including graduation and attachment supervision; and
- (g) ensure that the operations of the institution's administrative bodies are not disrupted.

(4) Where the Council determines that a legal education provider shall close immediately, that legal education provider shall—

- (a) transfer all the students to other legal education providers;

and

- (b) publish a notice in a newspaper with a nationwide circulation that the legal education provider shall no longer offer a legal education programme.

(5) For the purpose of these Regulations, to “teach out” students means the process of ensuring that students complete a course of study without any change in structure or content of the programme by requiring that a legal education provider whose licence has been suspended or revoked retains adequate resources to complete the course of study.

15. The Council shall conduct credible Bar examinations for students attending the Advocates Training Programme. Examinations.

#### PART VI—MISCELLANEOUS PROVISIONS.

16. (1) All documents submitted to the Council shall be in the English language. Miscellaneous provisions.

(2) The Council may levy fees for any application made in accordance with the Act and these Regulations as set out in the Second Schedule to these Regulations.

(3) Fees once paid shall not be refunded.

(4) A legal education provider which contravenes any of the provisions of these Regulations commits an offence.

(5) Any person who contravenes any of the provisions of these Regulations commits an offence.

(6) A member of the Council who is a member of staff or a faculty or is in any way connected to or interested in the affairs of a legal education provider that is the subject of accreditation shall not participate in the evaluation of that legal education provider’s programme or inspection of its facilities.

FIRST SCHEDULE  
FORMS

FORM CLE/L/001

APPLICATION FOR ACCREDITATION

1. Name of the legal education provider .....
2. Physical address (Location).....
3. Contact information: .....
- (a) Postal address .....
- (b) Telephone .....
- (c) Fax .....
- (d) Email .....
- (e) Others .....
4. Date of application .....
5. Physical address of legal education programme .....
6. Programme level (degree, diploma, certificate, etc.) .....
7. Planning process and governance structure .....
8. Admission requirements, class size and enrolment data .....
9. Curriculum and modes of delivery .....
10. Examinations and administration of examinations .....
11. Academic staff and qualifications .....
12. Research and publications .....
13. Infrastructure and resources .....
14. Library and library resources .....
15. Student services and support .....

On behalf of the legal education provider hereinabove mentioned, I .....

the (designation) ..... hereby make application for the  
licencing of the applicant as a legal education provider to offer a .....  
(certificate, diploma, post-graduate diploma, degree or post-graduate degree) in Kenya in  
the name and style of .....

being an institution registered as a higher education institution under .....  
..... (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.

Name .....

Designation .....

Signature ..... Legal education provider's stamp.....

FORM CLE/L/002

Licence No. CLE/ .....

LICENCE TO OFFER LEGAL EDUCATION

THIS IS TO CONFIRM that .....

of Post Office Box No. ....

has on this ..... day of ....., 20....., been accredited in accordance with section 8 of the Legal Education Act, 2012, and regulation 5(4) of the Legal Education (Accreditation and Quality Assurance) Regulations, 2015, and is

HEREBY licenced to offer legal education and training leading to the award of ..... (certificate/diploma/post-graduate diploma/degree/post-graduate degree) only at its premises located at .....

.....

This licence is issued in accordance with section 19(1) of the Legal Education Act, 2012, and regulation 5(4) of the Legal Education (Accreditation and Quality Assurance) Regulations, 2015.

.....

Chairperson,  
Council of Legal Education.

.....

Secretary,  
Council of Legal Education.

FORM CLE/L/003

NOTICE TO SUSPEND

The Council of Legal Education on this ..... day of ....., 20.....,

HEREBY GIVES NOTICE to .....

of Post Office Box Number .....

situated at .....

of its intention to suspend the licence no. .... issued on the  
..... day of ....., 20....., on the basis of its audit/inspection  
findings as contained in the report dated the ..... day of ....., 20.....

and as resolved by the Council of Legal Education during the meeting held on the  
..... day of ....., 20..... and more particularly for the following  
reasons—

.....  
.....  
.....  
.....

This notice is for a period of ..... during which you are required  
to file a report of the Recovery Plan to remedy the issues herein contained.

This notice is issued in accordance with section 21(1) of the Legal Education Act, 2012,  
and regulation 12(1) of the Legal Education (Accreditation and Quality Assurance)  
Regulations, 2015.

.....

.....

Chairperson,  
Council of Legal Education.

Secretary,  
Council of Legal Education.

FORM CLE/L/004

SUSPENSION OF LICENCE

TAKE NOTICE THAT the Council of Legal Education has on this ..... day  
of ....., 20....., suspended the licence to offer legal education and  
training issued to (name of institution) .....  
.....  
care of Post Office Box Number .....  
situated at .....  
issued on the ..... day of ....., 20..... The suspension  
shall be for a period of .....

TAKE FURTHER NOTICE that the (name of institution) .....  
.....  
shall with effect from the ..... day of ....., 20....., cease to  
offer the respective legal education programme until the suspension is lifted or otherwise  
as directed by the Council of Legal Education.

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

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

FORM CLE/L/005

REVOCATION OF LICENCE

TAKE NOTICE THAT the Council of Legal Education has on this ..... day of ....., 20....., revoked the licence to offer legal education and training issued to ..... care of Post office Box Number ..... situated at ..... and issued on the ..... day of ....., 20..... and HEREBY ORDERS that the ..... shall with effect from the ..... day of ....., 20....., discontinue offering legal education and training in Kenya.

The ..... shall within two months from the date of this notice submit and implement the closure plan for consideration by the Council of Legal Education.

The closure plan must provide for the following matters—

- (i) A management plan and process for the transfer of students to other accredited legal education providers.
- (ii) A management plan for staff following closure of the legal education programme.
- (iii) The end of the academic year in which the accreditation is denied or revocation of the licence is made which shall be the designated as the actual date of closure.

This notice is issued in accordance with section 21(3) of the Legal Education Act, 2012, and regulation 13 of the legal Education (Accreditation and Quality Assurance) Regulations, 2015.

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

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



The following documents MUST be attached—

- (i) Original and certified copies of academic certificates.
- (ii) Original and certified copies of transcripts.
- (iii) Proof of the institution's accreditation status certified by the consulate, embassy, High Commission or diplomatic mission of the place where the institution is located.
- (iv) A letter of recommendation of the applicant from the institution granting the academic award.
- (v) A copy of the curriculum being equated.
- (vi) Contact information of three referees.
- (vii) Proof of payment of the requisite fees.

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

Name .....

Designation .....

Signature ..... Stamp .....

FORM CLE/L/007

## APPLICATION FOR CERTIFICATE OF EXPERIENTIAL LEARNING

## Part A: Applicant's Details

Name .....

Date of birth .....

Postal address .....

Mobile No. ....

Email .....

## Part B: Academic Qualifications

(i) 'O' Level .....

(ii) Other qualification .....

## Part C: Professional Qualifications

<i>Course</i>	<i>Year enrolled</i>	<i>Completed</i>	<i>Incomplete</i>

The following documents MUST be attached to this application—

- (a) National ID
- (b) Certified copies of academic certificates
- (c) Copies of professional certificates
- (d) Course syllabus
- (e) Recommendations from current employer
- (f) Contact information of three referees

## Declaration

I declare that to the best of my knowledge, the information I have supplied is complete and correct. I authorise the Council of Legal Education to conduct a search and retrieval of my academic and professional records from my previous institutions to verify the information contained in my application.

Applicants signature .....

Date .....

## SECOND SCHEDULE

## FEES

## A. FEES FOR ACCREDITATION PROCESS

<i>Item</i>	<i>Kshs.</i>
Certificate programme/Renewal	500,000
Diploma programme/Renewal	900,000
Post-graduate diploma/Renewal	1,600,000
Undergraduate degree/Renewal	1,600,000
Masters degree/Renewal	1,600,000
Doctor of Philosophy, Doctor of Laws/Renewal	800,000

## B. OTHER FEES

<i>Item</i>	<i>Kshs.</i>
Application for recognition and approval of foreign qualifications	10,000
Application for recognition of experiential learning	50,000

## C. FEES FOR EXAMINATION

<i>Item</i>	<i>Kshs.</i>
Exam registration	1,000
Examination fee per unit	5,000
Examination re-sit	10,000
Re-marking	15,000
Application for exemption from Advocates' Training Programme	50,000

- D. If a foreign legal education provider applies for an audit of its programmes for the purposes of recognition of its law graduates, a charge of Kshs. 1,000,000 shall be levied exclusive of the cost of travel, accommodation and other incidental costs of the Council of Legal Education.

## THIRD SCHEDULE

## QUALITY STANDARDS

## PART I—PLANNING PROCESS AND GOVERNANCE STRUCTURE

## 1. Vision, Mission and Strategic Objectives

(1) A legal education provider shall have a clear institutional Vision and Mission Statement.

(2) Where a legal education provider is a campus of a university or a college, the Vision and Mission Statement of the legal education provider shall not contradict that of the university or the college.

(3) The Vision and Mission statement of a legal education provider shall be aligned with these Quality Standards.

(4) The legal education provider shall clearly 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.

(5) For the purpose of the renewal of a licence, a legal education provider shall demonstrate the strategies employed to achieve its vision, mission and objectives as outlined in its strategic plan.

(6) The legal education provider shall prepare a budget for its planned activities for a period of three consecutive years and shall provide the Council with a copy of the budget.

## 2. Governance Structure

(1) A legal education provider shall align its governance and management structure to the provisions of the Universities Act, 2012, and the Legal Education Act, 2012.

(2) A legal education provider shall—

(a) Define its legal character and attach supporting documents. For university-level legal education, proof of authority to operate as a university shall be provided. If the legal education provider is a tertiary institution, proof of authorisation to operate as a tertiary institution from the relevant authority shall be provided.

(b) Where it is a campus of a university or college, provide a governance structure of the university or college and demonstrate the relationship between the governance of the legal education provider with that of the university or college.

(3) The governance structure and management of a legal education provider shall include both academic and administrative structures and both shall be involved in decision-making.

(4) A legal education programme shall be supervised by a Dean who shall be a fulltime member of staff and shall have the qualifications of an Associate Professor.

(5) A legal education provider shall define and describe—

(a) its policy on quality control and how this policy applies to the legal education programme it offers; and

(b) its strategy for institutionalising internal quality control mechanisms in the legal education provider, and the maintenance of systems and structures.

PART II—ADMISSION REQUIREMENTS, CLASS SIZE AND ENROLMENT DATA

3. Certificate Programme

(1) The minimum admission requirements to a certificate legal education programme shall be—

- (a) a mean grade of C- (Minus) in the Kenya Certificate of Secondary Education examination or its equivalent with at least a C (Plain) in English or Kiswahili;
- (b) at least a Division III in the Kenya National Certificate of Education examination plus proof of work experience in the field of law of not less than five years; or
- (c) a certificate of experiential learning issued by the Council of Legal Education.

4. Diploma Programme

(1) The minimum admission requirements to a diploma legal education programme shall be—

- (a) a mean grade of C (Plain) in the Kenya Certificate of Secondary Education examination or its equivalent with at least a C+ (Plus) in English or Kiswahili;
- (b) at least one Principal Pass at the Kenya Advanced Certificate of Education examination;
- (c) a Pass in a certificate of law course offered at an accredited legal education provider; or
- (d) a certificate of experiential learning issued by the Council of Legal Education.

5. Undergraduate Degree Programme

(1) The minimum admission requirements for an undergraduate degree programme in law shall be—

- (a) a mean grade of C+ (Plus) in the Kenya Certificate of Secondary Education examination or its equivalent with a minimum grade of B Plain in English or Kiswahili;
- (b) at least three Principal Passes in the Kenya Advanced Certificate of Education examination;
- (c) a degree from a recognised university; or
- (d) a Credit Pass in a diploma in law examination from an accredited institution.

6. Advocates' Training Programme

(1) The minimum requirements for admission to the Advocates' Training Programme shall be—

- (a) a Bachelor of Laws (LLB) degree from a recognised university;
- (b) where applicable, a certificate of completion of a remedial programme;
- (c) proof of academic progression in accordance with paragraphs 3 and 4 of this Schedule; and
- (d) a certificate of completion of the Pre-Bar Examination.

#### 7. Post-Graduate Diploma programme

(1) The minimum requirements for admission to a post-graduate diploma programme shall be—

- (a) a degree in law (Second Class Upper Division) from a recognised university:

Provided that the applicant satisfies the minimum requirements for admission to an undergraduate degree programme in law;

- (b) a degree in law (Second Class Lower Division) from a recognised university with a minimum of three years working experience:

Provided that the applicant satisfies the minimum requirements for admission to an undergraduate degree programme in law; or

- (c) a post-graduate certificate of experiential learning from the Council of Legal Education.

#### 8. Masters in Law Programme

(1) The minimum requirements for admission to a masters degree in law programme shall be—

- (a) a degree in law (Second Class Upper Division) from a recognised university:

Provided that the applicant satisfies the minimum requirements for admission to an undergraduate degree programme in law; or

- (b) a degree in law (Second Class Lower Division) from a recognised university with a minimum of three years working experience:

Provided that the applicant satisfies the minimum requirements for admission to an undergraduate degree programme in law.

#### 9. Doctorate Programme

(1) The minimum requirements for admission to a doctorate programme in law shall be a masters degree from a recognised university.

#### 10. Institution Admission Authority

(1) A legal education provider may set other additional admission requirements as the legal education provider may deem appropriate:

Provided that additional admission requirements shall not be inconsistent with the Legal Education (Accreditation and Quality Assurance) Regulations, 2015, or these quality standards.

(2) A legal education provider shall not admit a person to a legal education programme on the basis of experiential learning if that person has not been issued with a certificate of experiential learning by the Council of Legal Education.

#### 11. Executive Programmes

(1) Executive programmes shall not be used for the purpose of academic progression in legal education.

12. Class Size and Enrolment Data

(1) A legal education provider shall, in consultation with the Council of Legal Education, set the optimal size of a class on the basis of its infrastructure, academic staff and the other academic resources available to the legal education provider.

(2) Notwithstanding the generality of sub-paragraph (1), a legal education provider shall determine the size of a class with reference to—

- (a) the ratio of students to lecturer;
- (b) the physical facilities of the legal education provider; and
- (c) other available resources including library stock and library size.

(3) Where the Council of Legal Education determines that a size of a class for a legal education programme does not conform to the criteria set out in sub-paragraph (2), the Council may require that the legal education provider shall adjust the class size in order to conform to the criteria set out in sub-paragraph (2).

PART III—CURRICULA AND MODES OF DELIVERY

13. Curriculum Policy

(1) A legal education provider shall develop and implement a curriculum development policy which shall set out the legal education provider's strategy on curriculum development, structures and systems.

(2) A legal education provider shall provide the Council of Legal Education, as and when required to do so, with proof of internal approvals of the curriculum and any statutory approvals that may be required under any other written law.

(3) A curriculum development policy shall provide for—

- (a) the systems and structures for stakeholders' engagement;
- (b) the curriculum review cycle;
- (c) the strategies for sustainability and growth of the legal education programme; and
- (d) the assessment of curriculum impact and tracer studies.

14. Curriculum Structure

(1) A legal education provider shall submit its curriculum to the Council of Legal Education for evaluation before offering the legal education programme.

(2) A curriculum shall set out—

- (a) the title of the legal education programme;
- (b) a summary of the feasibility study and stakeholders' engagement and recommendations;
- (c) the niche area of the legal education programme;
- (d) the goals and objectives of the legal education programme;
- (e) the academic regulations of the legal education provider including regulations on—
  - (i) admission requirements;

- (ii) credit transfer;
  - (iii) students' assessment criteria;
  - (iv) grading system;
  - (v) examinations, including moderation of examinations;
  - (vi) graduation requirements;
  - (vii) degree classifications;
  - (viii) thesis, dissertation or projects; and
  - (ix) information and communications technology integration;
- (f) the modes of delivery;
- (g) course evaluation;
- (h) a list of core courses and elective courses;
- (i) a course distribution table; and
- (j) a description of each course including—
- (i) the title of the course;
  - (ii) the contact hours for the course;
  - (iii) the purpose of the course;
  - (iv) the expected learning outcomes of the course;
  - (v) the content of the course;
  - (vi) the mode of delivery of the course;
  - (vii) the instructional materials and equipment for the course;
  - (viii) the course assessment;
  - (ix) the core texts for the course; and
  - (x) other reference material for the course.
- (3) The minimum and maximum number of units per programme shall be—
- (a) a minimum of twenty units and a maximum of twenty-seven units including core units and attachment for a diploma programme; and
- (b) a minimum of forty two units and a maximum of fifty six units including core units for a degree programme.
15. Contact Hours and Semester Structure
- (1) Unless the Council of Legal Education otherwise requires—
- (a) a certificate programme shall require a minimum of four hundred and eighty contact hours;
  - (b) a diploma programme shall require a minimum of six hundred and forty contact hours;
  - (c) an undergraduate degree programme shall require a minimum of one thousand and six hundred and eighty contact hours; and

- (d) a masters degree programme shall require a minimum of six hundred and thirty contact hours.
- (2) An academic programme shall comprise of—
- (a) four units per semester including attachment and a break of three months at the end of the academic year for a certificate or diploma programme;
  - (b) there shall be two semesters in each academic year, a break of three months at the end of the academic year and shall last for a period of four years for a degree programme;
  - (c) there shall be two semesters in each academic year, a break of three months at the end of the academic year and shall last for a period of six years for degree programme offered through evening classes;
  - (d) there shall be one academic year of twelve months and shall comprise of two semesters for a post-graduate-degree programme;
  - (e) for a masters programme, the duration shall be for a minimum of one and a half years; and
  - (f) for a doctorate programme, the duration shall be for a minimum of three years.
- (3) The research to course-taught ratio for a masters programme shall be a minimum of 1:2.

16. Core Courses

- (1) A certificate or diploma programme shall comprise of the following core units—
- (a) Elements of Contracts;
  - (b) Law of Torts;
  - (c) Elements of Commercial Law;
  - (d) Elements of Property Law;
  - (e) General Principles of Constitutional Law and Legal Systems;
  - (f) Family Law and Succession;
  - (g) Elements of the Law of Business Associations;
  - (h) Civil Procedure;
  - (i) Criminal Procedure;
  - (j) Fundamentals of Bookkeeping and Accounting; and
  - (k) Fundamentals of Office Practice and Management.
- (2) An undergraduate programme shall comprise of the following core units—
- (a) Legal Research;
  - (b) Law of Torts;
  - (c) Law of Contracts;
  - (d) Legal Systems and Methods;

- (e) Criminal Law;
- (f) Family Law and Succession;
- (g) Law of Evidence;
- (h) Commercial Law including (Sale of Goods, Hire-purchase and Agency);
- (i) Law of Business Associations (to include Insolvency);
- (j) Administrative Law;
- (k) Constitutional Law;
- (l) Jurisprudence;
- (m) Equity and the Law of Trusts;
- (n) Property Law;
- (o) Public International Law; and
- (p) Labour Law.

#### PART IV—EXAMINATIONS AND EXAMINATIONS ADMINISTRATION

17. A legal education provider shall ensure the academic progression of its students is evaluated by examinations, course work, tutorials, projects and other assessment criteria to stimulate the practice of law in the students.

##### 18. Structure of Examinations and Examinations' Policies

(1) A legal education provider shall develop an examinations policy that shall establish an examinations structure to guide the examinations process, including—

- (a) the structure and system of managing and administering an examination;
- (b) setting up and appointing staff responsible for the examination process;
- (c) establishing a quality assurance mechanism including internal and external moderation of examinations and scripts, and monitoring and evaluation of examinations;
- (d) developing examinations regulations, including students' academic progression, disciplinary systems and appeals systems;
- (e) the categories of examinations, assessments, grading systems and classification of academic qualifications;
- (f) management of students' transcripts and certificates;
- (g) minimum examinations requirements for graduation; and
- (h) management and disposal of examination records.

19. A legal education provider shall establish an independent examinations' office to implement an examinations policy.

##### 20. Examinations Regulations

(1) A legal education provider shall set out examinations regulations that shall include—

- (a) types and categories of examinations;

- (b) registration for examinations;
- (c) setting of examinations;
- (d) examination irregularities;
- (e) examination offences and penalties;
- (f) deferment of examinations;
- (g) marking and moderation of examinations and release of examination results;
- (h) invigilation of examinations;
- (i) re-sits;
- (j) exclusion from examinations; and
- (k) examination fees.

#### PART V—ACADEMIC STAFF AND QUALIFICATIONS

21. A legal education provider shall appoint qualified academic and other staff to ensure that there are quality outcomes for the legal education programme it offers and the attainment of the objects of the legal education programme.

22. A legal education provider shall submit to the Council a copy of its staff development policy.

23. A staff development policy shall provide for—

- (a) the establishment and a list of the academic staff of the legal education provider;
- (b) the academic and professional qualifications of the staff;
- (c) the units taught by each member of the academic staff and the work load of each member of the academic staff including their other responsibilities;
- (d) staff participation in research and proof of publications by staff;
- (e) participation by staff in mentorship and coaching programmes;
- (f) staff appraisal procedures; and
- (g) a staff code of conduct and a mechanism for dealing with staff discipline and complaints.

24. The ratio of fulltime academic staff to students shall be 1:15.

25. The workload of full-time staff shall be distributed as follows—

- (a) teaching—60%
- (b) research—30%
- (c) professional services—10%

26. A member of the academic staff of a legal education provider who teaches full time at that legal education provider as well as fulltime at another legal education provider shall not be considered a fulltime member of the academic staff of either of the legal education providers.

**27. Staff Qualifications**

(1) A person shall qualify to be appointed as a member of the academic or technical staff of a legal education provider if that person possesses the following minimum qualifications—

- (a) at diploma level, a minimum of an undergraduate degree in law;
- (b) at undergraduate level, at least a masters degree in law;
- (c) at masters level, a doctorate in law or a masters in law with ten years' experience and a track record of publications; and
- (d) at doctorate level, at least a doctorate in law with five years' teaching experience.

**28. Staff Development**

(1) A legal education provider shall—

- (a) ensure that the members of the academic staff undergo pedagogy training;
- (b) ensure that members of the academic staff periodically upgrade their teaching skills;
- (c) undertake research and publication; and
- (d) continuously upgrade the professional and academic skills of the academic staff.

(2) A legal education provider shall set aside two and a half percent of the legal education provider's recurrent budget in each academic year for staff development.

**PART VI—RESEARCH AND PUBLICATIONS**

29. A legal education provider shall develop a Research and Publication Policy which shall provide for—

- (a) budget allocation for research for the previous three years and projected over five years;
- (b) proof of contribution to research and publications;
- (c) projected research activities; and
- (d) collaborations and partnerships in research.

30. A legal education provider shall set aside five percent of the legal education provider's recurrent budget in each academic year for research and publication activities.

**PART VII—INFRASTRUCTURE AND RESOURCES**

31. A legal education provider shall provide the Council of Legal Education with an inventory of the resources set aside and available to support the legal education programme of the legal education provider.

32. Notwithstanding the provisions of paragraph 31, a legal education provider shall provide the Council with information with respect to—

- (a) the ownership of the premises in use by the legal education provider for the legal education programme;
- (b) library and library resources;

- (c) information and communications technology facilities;
- (d) classrooms and lecture halls;
- (e) moot courts;
- (f) offices of the academic staff; and
- (g) tutorial rooms and discussion rooms.

33. A legal education provider shall maintain the following mandatory facilities—

- (a) classrooms and lecture halls;
- (b) a library with a section set apart for legal education and training;
- (c) where a legal education programme requires a moot court session, a room to hold the moot court; and
- (d) recreational and sanitation facilities.

34. The classrooms, lecture halls, moot court rooms and other rooms of a legal education provider shall be well-illuminated, well ventilated and shall offer full access to all persons including to persons with disabilities.

35. A legal education provider shall provide writing surfaces and seats with sufficient space for writing and reference materials.

36. A legal education provider shall provide the students with adequate self-access facilities for independent learning.

37. Statutory and Regulatory Compliance in regards to Facilities

(1) A legal education provider shall comply with the provisions of—

- (a) the Public Health Act;
- (b) the Occupational Safety and Health Act, 2007;
- (c) the Building Code.

(2) All facilities provided by a legal education provider shall be—

- (a) safe for human habitation;
- (b) kept in a good state;
- (c) free from structural failures, cracking or dilapidation of building material, fabrics or components.

38. A legal education provider shall set aside ten percent of the legal education provider's recurrent budget in each academic year for capital and infrastructure development.

#### PART VIII—LIBRARY AND LIBRARY RESOURCES

39. A legal education provider shall provide a library for the legal education programme with up-to-date library resources.

40. A legal education provider shall develop a library policy and library development strategies.

## 41. Library Services

(1) A legal education provider shall comply with the Commission of University Education Library Standards and shall provide a library meeting the following minimum specifications—

- (a) an adequate sitting area that shall be capable of accommodation one-third of the student population in one session;
- (b) a stack area dedicated to legal education and training;
- (c) an information and communications centre connected to the internet;
- (d) a well-lit and well-ventilated reading area; and
- (e) easy access to sanitation facilities.

(2) A legal education provider shall maintain a library that meets international best practices in respect of its classification, functionality and adaptation to the library's users.

(3) A legal education provider shall appoint a librarian who shall have a minimum of a masters degree in library services as a member of the fulltime staff.

(4) The legal education provider shall keep in stock at least five titles of the latest editions of the reference material for each core unit and at least one copy for every five students for each title.

(5) The legal education provider shall stock—

- (a) journals, periodicals, encyclopaedias and other publications for reference;
- (b) books of general knowledge; and
- (c) e-resources.

(6) The legal education provider shall stock the following law reports—

- (a) up-to-date volumes of the Kenya Law Reports;
- (b) up-to-date volumes of the Kenya *Gazette*;
- (c) up-to-date volumes of the East African Law reports;
- (d) up-to-date volumes of the East Africa Court of Appeal Law Reports; and
- (e) up-to-date volumes of the All England Law Reports.

42. A legal education provider shall set aside five percent of the legal education provider's recurrent budget in each academic year for legal education library resources.

## PART IX — STUDENT SERVICES AND SUPPORT

## 43. Student Services and Support Policy

(1) A legal education provider shall develop a Student Services and Support Policy.

(2) A Student Services and Support Policy shall provide for—

- (a) the student support services available to each student;
- (b) the total student population and where relevant, the records of the student population for the previous five years;

- (c) the projected student enrolment for five years;
- (d) student participation in governance of the legal education provider;
- (e) student scholarships, bursaries and other related support services including the legal education provider's initiatives to assist students in need to access such services;
- (f) student attendance and participation in programme delivery;
- (g) student completion rates and systems for monitoring achievement of outcomes;
- (h) counselling and student mentorship programmes;
- (i) student welfare and medical services;
- (j) student co-curricular activities; and
- (k) systems for addressing student discipline and complaints.

(3) A legal education provider shall set aside five percent of its recurrent budget in each academic year for student support services.

#### PART X—FOREIGN QUALIFICATIONS AND CREDIT TRANSFERS

44. Foreign qualifications shall be evaluated on the following criteria—

- (a) the applicant's admission qualifications as compared to the entry requirements set out in the Legal Education Act, 2012;
- (b) the course content;
- (c) proof of the completion of the course being recognised and approved;
- (d) the contact hours and duration of the course being recognised and approved;
- (e) the accreditation status of the legal education provider from which the qualifications were obtained;
- (f) bilateral, regional or other similar agreements, if any;
- (g) the core courses under the Legal Education Act, 2012, and the Legal Education (Accreditation and Quality Assurance) Regulations, 2015; and
- (h) proof of proficiency in English.

#### PART XI—ONLINE AND DISTANCE LEARNING

45. A legal education provider may award a qualification for a course conducted through online or distance learning:

Provided that the programme has been accredited by the Council of Legal Education.

FRED OJIAMBO,  
*Chairperson of the Council of Legal Education.*



## EXPLANATORY MEMORANDUM TO THE LEGAL EDUCATION (ACCREDITATION AND QUALITY ASSURANCE) REGULATIONS, 2015.

### 1. Purpose of the Legal Education (Accreditation and Quality Assurance) Regulations, 2015

The purpose of these Regulations is to give effect to the provisions of the Legal Education Act, No 27 of 2012 and in particular:

- (i) to provide a substantive procedural framework for the accreditation of legal education providers in Kenya by the Council of Legal Education ("Council");
- (ii) to define quality standards to be satisfied by legal education providers in Kenya for purposes of accreditation and quality assurance;
- (iii) to establish the procedures for termination, renewal, suspension and revocation of licences granted to legal education providers.
- (iv) to provide a substantive procedural framework for the recognition and approval of foreign legal qualifications by the Council;
- (v) to provide a substantive procedural framework for conducting Bar Examinations by the Council of Legal Education;
- (vi) to provide a substantive procedural framework for advising the Government of the Republic of Kenya on the status of Legal Education by the Council of Legal Education.

### 2. Legislative Context

- 2.1 The process of developing the Legal Education (Accreditation and Quality Assurance) Regulations, 2015 commenced mid-2012 following the need for a comprehensive revision of the currently existing 'Council of Legal Education (Accreditation of Legal Education Institutions) Regulations, 2009' which are based on the now repealed Council of Legal Education Act No. 12 of 1995.
- 2.2 The development of these Regulations was premised on the need to provide legislative guidance to enable the Council dispense its statutory mandate in consonance with the Legal Education Act, No. 12 of 2012 and in particular;
  - (a) Establish a transparent, accountable and efficient procedural framework and criteria for the accreditation (licensing, termination, suspension and revocation) of legal education institutions in Kenya;
  - (b) Define and set the criteria for assessing the quality of legal education and legal education providers in Kenya.

- (c) Define and set the criteria for the recognition and approval of foreign qualifications by the Council of Legal Education for purposes of admission to the Roll of Advocates in Kenya;
- (d) Define and set criteria for admission to the Advocates Training Programme and modalities for conducting the Bar Examinations in Kenya;
- (e) Provide the criteria and standards of reporting to Government on the status of Legal Education in the Kenya.

### 3. Policy Background

- 3.1. The proposed Regulations are made pursuant to section 46 (1) of the Legal Education Act, 2012 which provides that “the Cabinet Secretary (for the time being responsible for matters relating to legal education) may make Regulations for the purpose of giving effect to the provisions of the Legal Education Act”. The Legal Education Act, 2012 establishes the Council of Legal Education and provides the statutory basis for regulating and licensing of legal education providers in Kenya and connected purposes. From a policy perspective, the Act was based on the need to institutionalize international best practice by segregating those institutions which carry out regulatory cum supervisory functions from those carrying out training functions. The Act seeks to achieve this by promoting legal education and maintenance of the highest possible standards in legal education as well as providing a system to guarantee the quality of legal education in Kenya.
- 3.2 The proposed Regulations will enable the Council of Legal Education, a statutory body corporate established under section 4 of the Legal Education Act, 2012 to undertake and dispense its statutory functions of;
  - regulating legal education and training in Kenya,
  - licensing and supervising legal education providers,
  - supervising legal education and training in Kenya,
  - recognizing and approving foreign legal qualifications for purposes of admission to the Bar Program and/or practice law in Kenya.
  - Conducting Bar Examinations in Kenya, and
  - advising the Government on matters relating to legal education and training,
- 3.3 The Council of Legal Education is mandated to promote legal education by assuring maintenance of the highest possible standards in legal education and providing a system to guarantee the quality of legal education by legal education providers in Kenya. By effectively discharging this mandate, the Council expects to make a positive impact and contribution towards the attainment of Vision 2030.

Pursuant to its mandate under the Legal Education Act, 2012, the Council focusses both on delivery of legal education and training as well as quality graduates from institutions offering legal education. These Regulations therefore aim at enabling the Council achieve its quality objective of ensuring that law programmes equip law graduates with appropriate knowledge, skills and competences to provide legal services in any field of law and practice. Such competences should in turn enable the law graduates to make significant contributions in diverse areas of service and prepare for future developments in the economy, political and social spheres.

The proposed Regulations aim to revise and replace the existing Council of Legal Education (Accreditation of Legal Education Institutions) Regulations, 2009. This will ensure that there is consistency between the Legal Education Act, 2012 and the Regulations. It is anticipated that the proposed Regulations will enable the Council to

discharge its statutory mandate and functions competently, independently, transparently and efficiently in conformity with the Legal Education Act, 2012.

3.4 The key features of the proposed Regulations include;

- (i) Scope of application: the proposed Regulations shall apply to any person or persons offering or intending to offer legal education in Kenya.
- (ii) The process of accreditation (licensing) of persons offering or intending to offer legal education in Kenya which includes:
  - Procedure for application for accreditation to be a legal education provider,
  - Evaluation of programmes offered by the institutions,
  - Inspection of physical and other infrastructural facilities of institutions offering or intending to offer legal education,
  - Gazettement of accredited legal education providers
  - Maintenance of a register of legal education providers and regularly updating the same.
- (iii) Procedure for renewal of accreditation licence.
- (iv) Audit of the quality of legal education providers at least once every two years from the date of accreditation (licensing).
- (v) Procedure for recognition and approval of foreign qualifications in law for purposes of admission to the Roll.
- (vi) Procedure for recognition of experiential learning in law by persons who have worked in any field of law for a period of not less than ten years.
- (vii) Requirements for transfer of credits accumulated from one legal education provider to another.
- (viii) Quality Standards: Provide the quality assurance standards and guidelines to be satisfied by legal education providers for purposes of accreditation.
- (ix) Procedure for termination, suspension and revocation of accreditation licenses which includes;
  - Procedure for termination of licence by the legal education provider by notice including submission of winding up plan.
  - Procedure for suspension of licence by the Council for not more than 6 months for failure to comply with the terms and conditions of its licence.
  - Procedure for revocation of licence by the Council for legal education providers whose licences have been suspended and who have not satisfied the requirements for compliance with the Act, these proposed Regulations and Guidelines.
  - Procedure for submission of closure plans by legal education providers whose licences have been revoked, including a management plan and process for transfer of students to other legal education providers or teaching out, staff management plan, and review by the Council of closure plans.
- (x) Provisions for conduct by Council of credible Bar examinations for students attending the Advocates Training Programme.

- (xi) Provisions setting out various fees levied by the Council in respect of applications pursuant to the Legal Education Act, 2012 and the proposed Regulations.

#### 4. Consultation outcome

4.1 A two-day stakeholders' workshop was organized by the Council of Legal Education from 29<sup>th</sup> to 30<sup>th</sup> January 2015 in Naivasha with the broad objective of bringing on board stakeholders involved in the legal profession from the East African region to discuss significant issues pertaining to legal education and training in East Africa. One of the principal aims of the workshop was to discuss the draft Regulations. The workshop attracted 60 participants from a wide range of stakeholders as follows:

- (i) Attorney General of Kenya,
- (ii) Chairpersons and senior representatives of the Law Society of Kenya, Law Society of Uganda, Zanzibar Law Society, Rwanda Bar Association and the East Africa Law Society,
- (iii) Vice Chancellors, Deans and representatives of several legal education providers in East Africa totalling 27,
- (iv) Representatives from various public institutions including the State Law Office, Advocates Complaints Commission, Commission for Implementation of the Constitution, Ethics and Anti-Corruption Commission, Kituo Cha Sheria, Commission for University Education, Kenya School of Law, Kenya National Commission on Human Rights, Office of the Director of Public Prosecutions and the Law Reform Commission,
- (v) The Council of Legal Education represented by its Chair, members of the Council, Secretary/CEO and key staff together with peer reviewers.

4.2 Workshop participants were taken through the draft Regulations and given the opportunity to interrogate the draft Regulations in detail. The participants were divided into groups and tasked to present their findings and recommendations on various parts of the draft Regulations. The workshop participants stated that they supported the Regulations and made several findings and recommendations on the same. Some of the key recommendations made include;

- The scope of the Regulations should be succinctly defined and the term "any other course" should be clarified. The Council should confirm whether short courses such as the continuing professional development programme under the auspices of the Law Society of Kenya are within the scope.
- Accreditation application procedure: The Regulations should have a comprehensive list of documents required for accreditation applications.
- Revocation: The Regulations should provide that Council has authority to suspend or discontinue a legal education programme. The Council cannot revoke a programme but can revoke a legal education provider's accreditation licence. Revocation of licence should be published in the Gazette.
- Academic staff: The staff-student ratio should be 1:15 consistent with the Commission for University Education (CUE) Standards and Schools of Law should progressively work towards realization of this standard. Relatedly, part-time lecturers should not be more than the full time lecturers. A ratio of full-time to part-time lecturers of 2:1 was optimal teaching. Finally, the interpretation

section of the Regulations should define the terms 'full-time' and 'part-time' lecturer.

- To avoid confusion the Regulations should distinguish between the terms 'postgraduate level' and 'masters level'. The Regulations should clarify that postgraduate level means the Advocates Training Programme.
  - Schools of Law should implement staff development policies.
  - Library standards: The Regulations should clarify whether the stipulated library budget of 5% should be appropriated from the entire university's recurrent budget or from the Law School's recurrent budget. Further, school of law libraries should maintain electronic resources (e-resources) and ensure that statutes and materials from other East African Community States are available.
  - Physical standards: The Regulations should set the rule before prescribing the standards on physical facilities. Part IX of the Regulations should specify that a legal education provider should provide adequate facilities taking into consideration faculty and students' needs as well as other considerations such as, the Commission for University Education's standards.
  - Class size: The Regulations should specify the criteria applicable in determining the optimal class size.
  - Other recommendations were made on provisions regarding quality control and maintenance, curriculum development, student assessment, research and publications.
- 4.3 After wide consultations, the draft Regulations were revised taking into account the recommendations made by the stakeholders. The proposed Regulations embody most of the recommendations and reflect the consensus at the workshop.

## 5. Guidance

- 5.1 The Council of Legal Education will engage with and sensitize the stakeholders concerned and directly affected by these proposed Regulations. The sensitization will be a continuous process and will include:
- Circulation of the Legal Education (Accreditation and Quality Assurance) Regulations, 2015 by the Council to all accredited legal education providers and institutions applying to the Council for accreditation,
  - Gazettement of the Regulations,
  - Publication of the Regulations on the Council's website, and
  - The Council will on a continuous basis engage with stakeholders in appropriate fora to create exposure and awareness of these Regulations as well as collect feedback on the Regulations for purposes of review.

## 6. Monitoring and review

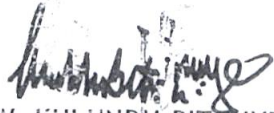
The Council of Legal Education will directly implement and monitor implementation of the Legal Education (Accreditation and Quality Assurance) Regulations, 2015 through a gradual process as follows:

- (i) The Council will review all applications for accreditation of legal education providers including applications for voluntary termination of accreditation licence, renewal, suspension or revocation of accreditation licences to ensure consistency with the provisions of the Legal Education Act, 2012 and the Legal Education (Accreditation and Quality Assurance) Regulations, 2015.
- (ii) The Council will conduct periodic on-site inspections of legal education providers as part of the accreditation process.
- (iii) The Council will review all applications for recognition and approval of foreign qualifications in law to ensure consistency with the provisions of the Legal Education Act, 2012 and the Legal Education (Accreditation and Quality Assurance) Regulations, 2015.
- (iv) The Council will prepare and publish Annual Reports on matters within its jurisdiction which will provide *inter alia* assessments and reviews on matters relating to implementation of these Regulations. The Council will provide copies of its Annual Reports to the Ministry for the time being responsible for matters on legal education in Kenya. Digital copies of the Council's Annual Reports will also be made available publicly on the Council's website. The Council will also welcome feedback from members of the public and concerned stakeholders on these Regulations. To ensure accountability for feedback received, the Council will reflect on it in its annual reports which will then be considered during subsequent reviews of the Regulations.

#### 7. Contact

The principal contact-person for these Regulations is PROF. W. KULUNDU-BITONYE who is the Secretary/ Chief Executive Officer, Council of Legal Education.

Dated the 2nd day of December 2015

  
PROF. W. KULUNDU-BITONYE  
SECRETARY/ CHIEF EXECUTIVE OFFICER  
COUNCIL OF LEGAL EDUCATION