



# LAW DEVELOPMENT CENTRE

## Prospectus 2016-2017

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P.O. Box 7117 Kampala



## **COURSES OFFERED AT THE LAW DEVELOPMENT CENTRE:**

### **Long Courses**

- Post Graduate Diploma in Legal Practice (Bar Course)
- Diploma in Law (Day) Course
- Diploma in Law (Evening) Course
- Diploma in Human Rights Course

### **Short Courses**

- Administrative Officers Law Course
- Court Bailiffs and Auctioneers Law Course
- Law Clerks and Court Clerks Law Course
- Para-legal Trainees Course
- Other tailor made courses



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## LAW DEVELOPMENT CENTRE MANAGEMENT COMMITTEE

Hon. Lady Justice Stella Arach-Amoko J.S.C. Chairperson.

Mr. Francis Atoke, Solicitor General. (Ex-Officio),  
Member.

Dr. Nassali Rose Lukwago, Permanent Secretary,  
Ministry of Education and Sports. (Ex-Officio),  
Member.

Dr. Damalie Nagitta-Musoke, Dean School of Law,  
Makerere University. (Ex-Officio),  
Member

Ms Miriam Magala, CEO Uganda  
Insurer's Association. (Advocate) Member

Mr. Edgar Agaba, Advocate Member

Mr. Peters Kizito Musoke, Advocate. Member

Mr. Frank Nigel Othembi,  
Director, Law Development Centre. (Ex-Officio),  
Member.

Mrs. Joyce Werikhe,  
Secretary, Law Development Centre. Secretary to Committee

## Message from the Director



***Frank Nigel Othembu***

On behalf of the management and staff of the Law Development Centre and on my own behalf I warmly welcome all the students admitted to LDC for the 2016/2017 academic year. LDC's mission is: "To promote the rule of law and access to justice through quality practical legal training, research, service and advocacy to legal practitioners, policy makers and the public." LDC's vision is: "To be the leading centre for professional legal training and access to justice."

As an institution aiming at becoming the leading training institution in professional legal training and non-professional legal training in Africa, LDC has implemented innovations to improve its quality of training. The Centre as a response to the changes in the legal profession recently revised the Bar Course Curriculum to prepare its graduates for various career prospects. We aim at graduating students with skills and competences responsive to the needs of the labour market.

LDC aims to attract the best legal talent - students with the intelligence and analytical skills to successfully undertake the Bar Course. Students joining LDC for the Bar Course have to go through the qualifying examination administered by the Law Council. This is an important aspect of quality control.

The demand for paralegal basic skills in law has been met by establishment of study centres in different areas of the country such as in Mbarara, Mbale, Gulu, Soroti, Lira, Hoima, Fort portal and Rukungiri. Currently, LDC conducts the Diploma in Law, Diploma in Human Rights, the Administrative Law Course and the Court Clerks and Bailiffs Course.

Owing to the increasing number of students annually, LDC has made great initiative to expand its infrastructure and teaching facilities such as the 1000 seater auditorium. Students now have access to all legal materials in its well-stocked library, with a sitting capacity of 100 students and free WI-FI internet connectivity. We are committed to increased use of ICT in all our processes.

LDC as an institution is alive to the emerging trends in the legal profession and the law in general and thus shall ensure a good serene environment for the students to acquire the necessary knowledge, skills and values relevant to the needs of the students through its team of dedicated, professional, administrative and support staff.

LDC has invested in training and capacity building for lecturers and other staff. We are equipping our staff with the skills to deliver the highest standards of service.

I wish you a very successful academic year and a fruitful stay at LDC.



**FRANK NIGEL OTHEMBI**  
**DIRECTOR, LDC**

## INTRODUCTION

Law Development Centre (LDC) was established by the Law Development Centre Act, Cap 132. It is mandated to carry out the following categorised functions:

- Legal Training
- Research and Law Reform
- Printing Legal Publications
- Compiling Law Reports
- Community Legal Aid

**Motto:**

*“Know the Law”*

**Mission:**

*To promote the rule of law and access to justice through professional legal training, research, publications, community legal service and advocacy to legal practitioners, policy makers and the public.*

**Vision:**

*To be the leading centre for professional legal training and facilitate access to justice*

### Strategic Objectives of LDC

The Strategic Objectives are well spelt out in the LDC Strategic Plan 2013/14-2017/18 and are:

1. To provide accessible legal training that is relevant and responsive to the needs of the labour market.
2. To develop and implement strategies to fund 100% of LDC’s annual budget.
3. To develop and implement policies and procedures to ensure good governance and quality service delivery.

4. To improve quality and efficiency through integration of ICT services and systems in all processes.
5. To provide legal aid to the indigent and vulnerable persons in society.
6. To establish LDC as the leading resource for legal publications in Uganda.

### **Core Values and Principles**

The LDC is committed to uphold its mandate, mission and vision by providing services based on the values and outlined:

- Professional integrity.
- Quality service delivery.
- Good governance.
- Continuous improvement.
- Innovation

### **Key Result Areas**

Our key result areas are the following:

- To provide legal training to lawyers and non-lawyers.
- To provide community legal services.
- To produce law reports and legal publications.
- To undertake research into topical legal issues.
- To initiate and recommend proposals for law reform.

### **Commitment of the Law Development Centre**

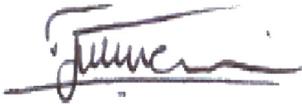
In order to fulfill our mandate, vision and mission, the Law Development Centre is committed to doing the following:

- Providing accessible legal training that is relevant and responsive to the needs of the labour market.
- Developing and implementing strategies to fund 100% of

LDC's annual budget.

- Developing and implementing policies and procedures to ensure good governance and quality service delivery.
- Improving quality and efficiency through integration of ICT services and systems in all processes.
- Providing legal aid to the indigent and vulnerable persons in society.
- Establishing LDC as the leading resource for legal publications in Uganda.

The commitment will be exhibited by different departments as they carry out their work as indicated below per department.



Joyce Werikhe (Mrs.)  
**SECRETARY, LDC**

## DEPARTMENT OF POSTGRADUATE LEGAL STUDIES AND LEGAL AID

Law Development Centre offers a contemporary Post Graduate Diploma in Legal Practice (Bar Course) that is tailored to the needs of the legal profession and highly regarded by employers across all sectors. The course equips students with knowledge and practical skills.

### Course objectives:

The Bar Course specifically aims to:

1. Prepare students to play their role as legal practitioners.
2. Facilitate the drafting and interpretation of legal documents and materials and appreciate their practical application.
3. Develop among students a sense of social responsibility and an appreciation for the need of legal aid.
4. Develop an appreciation for and skills for Alternative Dispute Resolution.
5. Prepare students to practice in a versatile legal environment.

### Learning Outcomes

At the end of the Bar Course, students will demonstrate ability to:

1. Apply practical and professional legal knowledge and skills in a versatile legal environment.
2. Draft and interpret legal documents and materials.
3. Appreciate legal aid and demonstrate a sense of social responsibility.
4. Interview clients and witnesses while adhering to professional standards.
5. Conduct themselves ethically.



## Subjects Taught

The Bar Course offers subjects aimed at grooming an advocate who will serve the public justly. The following subjects are offered:

- Civil Litigation
- Corporate and Commercial Practice
- Criminal Proceedings
- Family Law Practice
- Land Transactions
- Public Legal Practice
- Judicial Conduct
- Professional Conduct
- Trial Advocacy
- Legal Writing
- Accounting for Lawyers
- Tax Practice
- Management skills
- Corporate Governance
- Legal Aid/Pro bono practice
- International Commercial Transactions
- Legislative Drafting
- Advanced Alternative Dispute Resolution
- Clinical Legal Education

## Training Strategies

The LDC is mandated to develop practical legal skills for aspiring advocates. The main training approach employed is problem solving. The training approach is grounded in the constructivist theory where learning is active and involving based on David Kolb's four-stage model of



problem solving i.e. situation analysis, problem analysis, solution analysis and implementation analysis.

The approach is based on the students' prior knowledge of the substantive law covered at LLB. As the students approach the problems presented to them, they are expected to apply the substantive law while at the same time developing critical and practical skills that will be required for successful legal practice.

Within the problem solving approach, the following strategies are used to inculcate procedural knowledge, skills and attitudes to the lawyers; discussions, interactive lectures, guest speakers and moots. Most teaching and learning is organized through firms.

## LEGAL AID CLINIC

The Legal Aid Clinic is a section within the Department of Post Graduate Legal Studies and Legal Aid. The LDC Legal Aid Clinic was founded in 1998 and started its activities in 1999. The clinic derives its mandate from the Law Development Centre Act Cap. 132 and its purpose are mainly twofold:

1. To assist in imparting practical skills to students of the Diploma in Legal Practice (Bar Course) through its Clinical Legal Education (CLE) Program
2. Provide legal aid services to juveniles, indigent litigants and accused persons .

In fulfillment of its mandate, the clinic has been implementing a number of projects and programs for example:

- The Reconciliation Program at a number of Magistrates Courts
- The Diversion Program for children in conflict with the law
- Enhance access to justice for juveniles and indigent persons.
- Resolution of land disputes for indigent persons through ADR



## DEPARTMENT OF LAW & CONTINUING LEGAL EDUCATION

The Department of Law equips students with a working knowledge of basic legal principles to give a cutting edge advantage to professionals in all fields. The Department is also charged with offering legal education that is relevant to the current needs of society given the dynamic nature of the legal system. The Department offers the Diploma in Law, Diploma in Human Rights and various Continuing Legal Education Courses

### DIPLOMA IN LAW COURSE

The Diploma in Law Course is an introductory course in Law for non-lawyers. The course is designed to train non-lawyers in the principles and practices of law in Uganda. It also offers an introduction to legal reasoning and interpretation, and gives students a first insight into the relationship between law and society. The course is offered in two options, the day program and the evening program leading to the award of a Diploma in Law.

### Subjects on the Diploma in Law Course

The course consists of core and optional subjects. All five subjects in term one are core for all students. In Term Two and Term Three, students take four core subjects and one optional subject.

#### First Term subjects:

- Introduction to Law
- Criminal Law and Procedure
- Constitutional Law
- Administrative Law
- Law of Contract

**Second and Third Term subjects:**

- Law of Evidence
- Family Law
- Law of Torts
- Civil Procedure

**Optional subjects:**

- Commercial Law
- Land Law
- Labour Law

**Teaching Methods:**

- Interactive Lecturers
- Case Studies
- Role Plays
- Simulation
- Individual and small group work discussion

**Assessment and Award of the Diploma in Law Course:**

To be awarded the Diploma, a student shall sit and pass 9 compulsory subjects, one optional subject and internship.

**Grading:**

Every subject is marked out of 100%. The Pass Mark is 50%

First Class Mark 70% and above and above.

Second Class Mark 60%-69%

Pass 50%-59%

Pass Mark 50%



The existing LDC rules for passing of the Diploma in Law will be followed.

**Time Limit for Sitting Examinations:**

Examinations (including Supplementary and Special Exams) must be sat within a period of three years, inclusive of the year of study. Failure to do so shall result into a student failing the course.

**Evaluation of Lecturers and the Course:**

At the end of first term and third term the students carry on an evaluation of Lecturers and the course. Meanwhile there is continuous monitoring of course by the Head of Department and Deputy Head of Department and other administrative structures of the Centre.

**Attendance of Lectures:**

This course is to be attended by students physically. It is not a correspondence course. Students will be required to sign attendance sheets and the Centre reserves the right not to allow any student who has not attended a specified number of lectures to sit Examinations.

## DIPLOMA IN HUMAN RIGHTS COURSE

The Diploma in Human Rights provides practical, specialized and working knowledge of human rights aspects to professionals so as to equip them for service in both the public and private sector.

This course is designed to introduce students to the mechanisms, procedures and system for the protection, promotion and enforcement of human rights.

The particular component of the Diploma will explore the protection of human rights within the global/universal system, focusing mainly on the United Nations system in addition to the regional (Europe, Americas, and Africa) systems. The emphasis shall lie with mechanisms for the protection, supervision and implementation, and the process of determination of complaints or petitions before the organs of these systems. This is in addition to the procedures for judicial enforcement.

### **Aims and Objectives of course**

The main aim of this course is to help students understand the systems and mechanisms for the protection and promotion of human rights at the international and regional levels. The course will introduce students to the different procedures which have to be followed by those seeking to enforce or protecting the various human rights standards.

#### **Expected outcomes**

It is expected that by the end of the course students should have a thorough understanding of the different human rights systems and mechanisms as streamlined from the international, and regional levels. The students should not only understand but should be able to use the different systems to protect and promote human rights.

To be awarded a Diploma in Human Rights, a student shall sit and pass nine (9) compulsory subjects, one (1) optional subject. The student should

also have successfully completed an Internship period.

**The compulsory subjects are:**

- a) Introduction to Law
- b) Introduction to Human Rights.
- c) Human Rights and Criminal Justice.
- d) Human Rights Mechanisms and Systems.
- e) Human Rights Litigation and Protection Procedures.
- f) Introduction to International Law.
- g) Economic, Social and Cultural Rights.
- h) Civil and Political Liberties.
- i) Administrative Law.

**The optional subjects are:**

- a) Human Rights and Contemporary Issues.
- b) Labour Law.

It is the duty of a student to get an internship placement in an institution approved by LDC. Prior to being posted for internship, the student should avail to the Head Department of Law written confirmation from the placement institution undertaking to take on the student for internship. A student undertaking internship shall be required to record their daily activities in an internship journal to be provided by the Centre.

**Grading**

The grading shall be as follows:

- |                      |   |               |
|----------------------|---|---------------|
| a) First Class Mark  | - | 70% and above |
| b) Second Class Mark | - | 60% - 69%     |
| c) Pass              | - | 50% - 59%     |
| d) Fail              | - | 0 - 49%       |

**Examinations**

A student shall be examined at the end of the First and Third Terms. The Second term is for the internship period.



## CONTINUING LEGAL EDUCATION COURSES

The Department organizes short courses for public officers and other persons with a view to introducing them to the administration of justice and law enforcement in the country and help promote better understanding of the law and to improve the efficiency of the participants in the performance of their duties.

The courses organized are intended for the following categories of officers:

- Administrative Officers.
- Court Brokers, Bailiffs and Auctioneers.
- Law Clerks and Court Clerks.
- Any other Course on request.

In-service training and refresher courses for organization staff are done.

### Admission Requirements

Applicants for short courses leading to the award of a Certificate in Law should have a minimum qualification of a Uganda Certificate of Education (UCE) with at least three credits obtained at one sitting.

### Dress Code

Participants on Short Courses are expected to dress decently.



## DEPARTMENT OF THE ACADEMIC REGISTRAR

### **Roles of the Department:**

#### **1. Coordinating teaching.**

The department coordinates with Heads of teaching departments to ensure that teaching on all courses is conducted in accordance with LDC year calendar.

#### **2. Management of study centres**

The department is charged with managing study centres. Currently, LDC conducts training of participants on Administrative Officers Law Course in the following study centres: Gulu, Mbarara, Mbale and Lira. More study centres have been created in Soroti, and Rukungiri. The department manages LDC coordinators based in these centres.

**3. Examinations management.** The department coordinates examinations management with the different departments including examination timetabling, setting examinations, invigilation, marking, and verification of students' results and processing of results.

**4. Processing and certification of academic documents.** The department processes academic documents for all courses offered at LDC. Stringent measures have been put in place to ensure that high quality and security tight transcripts and certificates are issued to students who successfully complete courses at LDC.

**5. Organizing graduation ceremonies.** The department is charged with organizing graduation and certificate award ceremonies.

### **ADMISSIONS AND REGISTRATION**

The Department is responsible for disseminating information to prospective students about the courses offered at LDC and the Admission

process. The Department is also responsible for receiving and processing applications for admission to LDC. Upon admission, the Department coordinates the registration of students.

## **EXAMINATIONS**

The Department, in coordination with the various Heads of Departments and Heads of Subjects schedules examinations and their respective timetables, receives and prints examination papers, and allocates invigilators to ensure that the process is smooth.

## **STUDENTS' RECORDS MANAGEMENT**

The Department is also mandated to manage and safeguard individual student records. The record is used by the Administration during the student's study time at LDC.

Students whose original academic have been obliterated, destroyed or lost may also report to the Department to obtain certified copies of their documents.

## **DEPARTMENT OF LAW REPORTING, RESEARCH & LAW REFORM**

Under S.3(1) of the Law Development Centre Act, the department is charged with publishing law reports for Uganda, carrying out research and law reform.

Its functions can be summarized as follows:

- Compiling, editing and publishing the Uganda Law Reports (ULR) and High Court Bulletins
- Initiating proposals for law reform
- Assisting the Uganda Law Reform Commission in the exercise of its functions
- Preparing reprints of Acts of Parliament
- Publishing periodicals, bulletins and other materials concerned with legal and other matters
- Initiating research proposals and undertaking research in topical legal issues affecting any branch of the law
- Holding seminars and conferences on legal matters and problems

### **LAW REPORTING**

The Department publishes the Uganda Law Reports (ULR) and the High Court Bulletin annually. The department has also consolidated and re-produced some of the older reports.

### **RESEARCH**

LDC is mandated by law to undertake research into any branch of the law and collect information on legal and related matters. The Department is currently involved in various projects of research that are of relevance to the legal profession and the general public

## **LAW REFORM**

Currently, the Department is undertaking a study to review the Law Development Centre Act Chapter 132 so as to improve the regulatory framework. The study is intended to identify gaps in the law, remove obsolete provisions, and bring it into conformity with other pieces of legislation concerning legal education and practice in Uganda.

In order to monitor and improve LDC's performance in legal education, the Department is undertaking research to analyze the quality of lawyers produced by the Centre.



## LIBRARY DEPARTMENT

This library exists to facilitate the academic training, law reporting & research functions of the Centre by providing relevant & timely legal information in both print and electronic format. The library being the best equipped and organized in the country also serves students from universities offering law as well as the legal fraternity including advocates, judges, magistrates, scholars/researchers and government officials.

### **Stock**

The stock reflects the Common Law System used in Uganda, the type of training offered in the institution and the information needs of the legal fraternity.

The following constitute categories of the different types of reading materials available in the LDC Library:

### **Text Books on all Subject Matter in Law.**

These subjects include Law of Nations (International Law); Constitutional & Administrative Law; Military, Defence, Public Property, Public Finance, Tax, Commerce (trade), Industrial Law; Labor, Social Service, Education, Cultural Law; Criminal Law; Private Law; Civil Procedure & Courts.

### **Law Reports:**

These include All England Law Reports, Appeal Cases, Times Law Reports, Weekly Law Reports, Law Reports of the Commonwealth, Commonwealth Human Rights Law Reports, Kings Bench/Queens Bench Divisions, Probate, Family Division, Butterworth Medico-Legal Reports, Chancery Appeals, Admiralty & Divorce Appeals, Privy Council Appeals, Scotch & Divorce Appeals, Admiralty & Ecclesiastical Law Reports, Scotch & Divorce Appeals, English & Irish Appeals, Common Pleas, Crown Cases Reserved, Exchequer, Criminal Appeal Reports, Equity Law Reports.

The **local/regional reports** include the Uganda Law Reports, East Africa Law Reports, Kampala Law Reports, African Law Reports, Kenya Law Reports, High Court Bulletins (1966-2009), Uganda Law Society Law Reports, Uganda Commercial Law Reports, East African Court of Appeal Reports (EACA), Kenya Law Reports, and the East African Protectorate Law Reports.

**Reviews and Journals** include East Africa Law Review, Uganda Law Society Law Review, Uganda Law Focus, Makerere Law Journal, Commonwealth Law Bulletin, Cambridge Law Journal, Uganda Living Journal, East African Journal of Peace and Human Rights, Commonwealth Law Bulletin, New Times Law Digest.

**Forms and Precedents:**

Encyclopaedia of Forms & Precedents, Atkins Court Forms

**Documents** used in the Administration of Justice and Land Transactions in Uganda including Charge sheets, Deeds, Titles, etc.

**Laws of Uganda & Halsbury's Laws of England** (3rd & 4th Editions)

**Papers** (presented during seminars/workshops/conferences), Articles & Legal Institutions' Reports.

**Unreported Cases from all Courts**

Teaching materials which include all reading/research materials submitted by the lecturers in connection with subjects of instruction. These include court documents, unreported cases, articles, seminar papers, etc.



## ELECTRONIC RESOURCES & SYSTEMS

### **Computer Laboratory –**

This Laboratory or Electronic Legal Research Unit has 35 computers. In addition to the online legal research undertaken here this lab is also used for the training of staff and users on how to access electronic resources. There are also 27 other computers available to users in the reading room.

**Internet Connectivity** - the library and institution as a whole has full time internet connectivity. Wi-Fi is also available.

**Subscription –** The library subscribes to the following sites:

- Jstor: for electronic law journals. Access is free to strictly academic institutions of higher learning.
- Lexis Library - for law reports and legislation
- Cambridge eBooks

All **unreported cases** will soon be available online

### **Library services:**

The Library offers the following services:

- **Reading, Research and Study**

The library facilitates reading, research and study for the following categories of users:

- Post –Graduate Bar Course students,
- Diploma in Law Course students (on day and evening programmes),
- Students from other Institutions, e.g., universities offering law.
- Students on Short Law Courses,
- Lawyers, Advocates, Judges and Civil servants,

- **Reference Services**

The library staff are involved in helping and guiding library clients



in accessing the relevant reading and reference materials.

- **Lending Services**

These services are extended to Lecturers and Administrative Staff. Unlike students these users are allowed to take reading materials out of the library for a period not exceeding seven (7) days.

- **Internet Services**

Students and staff can access the internet from the Computer Laboratory; reading room; and Wi-fi.

- **Facilitating research and law reporting**

The Library facilitates the research and law reporting functions of the institution by providing the timely, relevant legal information to facilitate the production of publications on topical legal issues and digests of court cases as well as law reports.

- **Subscription Services**

These services are extended to students from other institutions, The library subscribes to the following sites:

- Jstor: for electronic law journals. Access is free to strictly academic institutions of higher learning.
- Lexis Library - for law reports and legislation
- Cambridge eBooks

The rates are as follows:

- **Per Visit:** Students pay UGX5,000/=; Non-Students pay UGX10,000/=
- **Annual Subscription:** Students pay UGX100,000/=; Non-Students pay UGX150,000/=



# DEPARTMENT OF HUMAN RESOURCE AND ADMINISTRATION

## INTRODUCTION

The Department of Human Resource and Administration is headed by the Secretary/Head Human Resource and Administration assisted by the Administration Manager, Human Resource Manager and Manager LDC Publishers. It is responsible for general administration and management. The department makes recommendations for the recruitment, appointment, confirmation, promotion and discipline of staff to the Appointments Sub-Committee in case of professional and senior administrative staff, and to the Human Resource Committee in case of other staff.

The department is also responsible for the welfare of staff as well as students.

## SECTIONS/UNITS OF THE DEPARTMENT

The department comprises three sections namely: Human Resource, Administration with an ICT Unit, and LDC Publishers .

### HUMAN RESOURCE SECTION

This section is responsible for staff welfare and discipline. It is also responsible for the LDC Medical Unit which provides healthcare to LDC students.

### ADMINISTRATION SECTION

The Administration Section is the link between the various departments of LDC. It is charged with general office management, transport management and security. The Section is also responsible for communicating with students, staff and the general public. The following units are also part of the section

### ESTATES UNIT

The Estates section is key to the functioning of LDC and is responsible for

maintaining and managing the Centre's infrastructure.

LDC's Estate constitutes a wide range of facilities and thus a key objective of the section is to contribute to environmental sustainability by managing buildings, spaces and offices efficiently.

## **INFORMATION TECHNOLOGY UNIT**

The ICT unit provides students and staff with the functionalities they need in their ventures. The unit is responsible for effective operation and maintenance of LDC systems hardware and software with all related infrastructure. The unit participates in technical research as to enable continuing and dynamic innovation in ldc's provision of services.

## **LDC PUBLISHERS SECTION**

LDC Publishers Section is a business arm of LDC that prints legal materials for students, the legal fraternity and the Public.

### **Scope of business**

The scope of the Publishers' business is drawn from the LDC strategic objectives and include

- Mass production and publication of Law Reports.
- Reproduction of reprints of Acts of Parliament.
- Printing and publishing of researched and topical legal issues.
- Printing of published periodicals, bulletins and other written materials on legal and related matters.
- Sales and Marketing of services and products.

A list of books on sale is in the Law Index that is available in the bookshop.

The Bookshop is not open on Saturdays, Sundays and public holidays.

## **DEPARTMENT OF FINANCE AND PLANNING**

The Finance and Planning Department is composed of four units namely: Accounts, Planning, Stores and Payroll.

It has the following roles and responsibilities among others-

1. Management of LDC's cash flow and ensuring that there are enough funds to meet the day to day payments
2. Receipting and depositing all revenues due to the Centre
3. Coordinating the budgeting process and preparation of master budget
4. Preparation of the Financial Statement and handling of external audits
5. Management of financial systems and implementation of monitoring related internal controls

In summary the department is in charge of the income and expenditures of the Centre.

Payment of fees is through the bank using pre-numbered bank slips issued by the Finance Department. Copies of bank slips from the bank have to be verified by the LDC Internal Audit unit before a receipt is issued by the Receiving Cashier.

### **MAIN STORE UNIT**

The Main Store Unit is mandated to receive materials which are to be used by the Centre. The materials are then inspected before being stored for future use by the various Departments



## RULES GOVERNING THE PASSING OF THE BAR COURSE, 2016

### ARRANGEMENT OF RULES

#### Rule

1. Interpretation
2. Types of Assessment
3. Continuous Assessment
4. Individual Assessment
5. Practical Examinations (Written and Oral Examinations)
6. Written Practical Examinations
7. Oral Practical Examinations
8. Clerkship
9. Final Examinations (Compulsory Subjects Group A)
10. Final Examinations (Compulsory Subjects Group B)
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12. Use of Index Numbers
13. Compensation
14. Passing the Course
15. The Board of Examiners
16. Special Examinations
17. Supplementary Examinations
18. Time Limit for Sitting Examinations
19. Extension of Time
20. Time Limit for Repeating Assessment or Subject
21. Special Needs
22. Examination Malpractice
23. Prohibited Items During Examination
24. Failure to Pay Special or Supplementary Examination Fees
25. Verification Committee
26. Functions of the Verification Committee
27. Powers and Duties of the Board of Examiners



28. Examination Appeals Committee
29. Functions and Powers of the Examination Appeals Committee
30. Appeals
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34. Signing by Student
35. Commencement

**‘Schedule 1’** Conduct and/or Activities Deemed to be Examination Malpractices

**‘Schedule 2’** LDC Dress Code for Bar Course Students

## RULES GOVERNING THE PASSING OF THE BAR COURSE, 2016

### 1. Interpretation

In these Rules, unless the context otherwise requires:-

- (1) “academic activity” means lecture (including guest lecture), discussion, workshop, continuing legal education/legal aid activity and moots
- (2) “attendance register” means a document or documents used for recording attendance of academic activities by Bar Course students and includes physical registers or electronic attendance recording systems using scanners, fingerprint or face recognition or any other ICT tool.
- (3) “Bar Course” means the post graduate course at LDC leading to the award of the Diploma in Legal Practice;
- (4) “Centre or LDC” means the Law Development Centre;
- (5) “currency point” means 20,000= (twenty thousand Uganda Shillings only);
- (6) “Director” means the Director of the Law Development Centre;
- (7) “Head Bar Course” means Head of the Department of Post-Graduate Legal Studies.
- (8) “lecturer” means the Director, Deputy Director, head of a teaching department, head of subject, lecturer or part-time lecturer.
- (9) “legal practitioner” in these Rules, includes a Judge, Registrar of the Courts of Judicature, Magistrate Grade 1 and above, an advocate in private practice in chambers approved by the Law Council, an advocate or lawyer duly authorized to practice law in Government employment

and an advocate in a legal department of a statutory corporation;

(10) “registrar” means the Academic Registrar or person performing functions of Registrar of the Law Development Centre.

## **2. Types of Assessment**

- (1) Continuous Assessment (All subjects in Groups A to D inclusive)
- (2) Individual Assessment
- (3) Practical Examinations (Written and Oral).
- (4) Clerkship
- (5) Final Examinations (Compulsory Subjects in Groups A and B)
- (6) Final Examinations (Elective Subjects in Groups C and D)

## **3. Continuous Assessment**

(1) Continuous Assessment is conducted throughout the Bar Course. Continuous Assessment comprises of:

(a) Participation in class and field activities – lectures (including guest lectures), discussions, workshops, CLE activities and moots.

(b) Ethical conduct.

(2) A student shall participate in all academic activities.

(3) A student shall maintain the highest standards of professional ethical conduct including appropriate dress in accordance with the LDC dress Code hereto attached as ‘Schedule 2’, general appearance, demeanour and general behaviour.

(4) A lecturer shall observe and assess student participation in class and/or field activities and ethical conduct at the Centre and report to the Head Bar Course any performance or conduct that is unsatisfactory.

(5) A student against whom three (3) or more adverse reports are made for unsatisfactory performance or conduct within a week fails Continuous Assessment for that week. A student against whom two (2) or less adverse reports are made in a week is deemed to have passed



Continuous Assessment for that week.

(6) A student passes Continuous Assessment if he or she achieves at least:

- (a) 8 weekly passes in term I;
- (b) 8 weekly passes in term II;
- (c) 7 weekly passes in term IV.

(7) A student who fails Continuous Assessment shall not be allowed to sit examinations for that particular term and shall not be allowed to progress to the next term.

(8) Continuous Assessment performance shall be computed on a termly basis and presented to the Board of Examiners by the Head Bar Course.

(9) A student who fails Continuous Assessment may, on application, be permitted by the Board of Examiners to repeat the term in a subsequent academic year.

#### **4. Individual Assessment**

(1) Individual Assessment is done weekly for a total of 28 weeks spread over three terms. Individual Assessment comprises of:

- (a) Attendance of academic activities.
- (b) A weekly written individual test in one of the five (5) Compulsory Subjects in Group A.

(2) The Department of Post Graduate Legal Studies shall maintain an attendance register for every academic activity to be signed by a student in person.

(3) A student shall sign the attendance register in person using a unique signature consistent with the signature in his or her application and

other records with the Academic Registrar's office or using an electronic means of registering attendance including swipe cards, fingerprints, voice recognition, face recognition or other mechanism approved by LDC. Use of initials or other mark, especially one that is not unique or is easy to replicate, is prohibited.

(4) A student who signs the attendance register on behalf of another student shall be deemed to have failed individual assessment for the week in which he or she signed for another student.

(5) A lecturer shall conduct roll call as a means of verifying and monitoring attendance and detecting fraud.

(6) A student shall attend at least 90% of all academic activities failure of which the student shall not be allowed to sit examinations in the term in which minimum attendance has not been met.

(7) The lecturer responsible for an academic activity shall submit a report on each student's attendance (consisting of the attendance register for the academic activity and any relevant comments) to the Head Bar Course at the end of each academic activity.

(8) The Head Bar Course shall compile a summary of student attendance of academic activities and submit them to the Academic Registrar.

(9) The Academic Registrar shall produce a list of students eligible to sit examinations as submitted to him by the Head Bar Course and pin their names on the students' notice-board before the start of the examinations.

(10) The Board of Examiners may, for good cause, permit a student who has not met the 90% attendance requirements to sit examinations or special examinations.



(11) Good cause for purposes of sub-rule (8) includes illness, pregnancy, detention, or any other cause as may be determined by the Board.

(12) Every student shall be required to sit a weekly individual test in one of the 5 compulsory subjects (Group A) as part of Individual Assessment.

(13) A student shall be assessed in first, second and fourth term on the best performed individual test in each of the 5 Compulsory Subjects (Group A) and shall be required in each term to pass at least 3 of the five individual tests assessed.

(14) A student passes the written individual test if he or she scores at least:

- (a) 3 weekly passes in term I;
- (b) 3 weekly passes in term II;
- (c) 3 weekly passes in term IV.

(15) Individual Assessment results shall be computed on a termly basis and presented to the Board of Examiners by the Head Bar Course.

(16) Each written individual test shall be marked out of 100%.

(17) The grading of written individual tests shall be in accordance with the assessment code below:

Grade	Marks (%)	Grade Description
A	75 – 100	High Pass
B	50 – 74	Pass
C	0 – 49	Fail

(18) A student passes Individual Assessment if he or she meets attendance requirements of 90% in all academic activities and attains the required minimum weekly passes in the written individual test.

- (19) A student who fails Individual Assessment fails the term and shall not be allowed to progress to the next term.
- (20) A student may petition to the Board of Examiners against his or her attendance records submitted by the Head Bar Course.
- (21) The Board of Examiners may allow a student to sit examinations pending the determination of the petition but the student's examination script shall not be marked until the petition is determined.
- (22) A student who fails Individual Assessment by reason of failing to meet attendance requirements may, on application, be permitted by the Board of Examiners to repeat the term in a subsequent academic year.
- (23) A student who fails Individual Assessment by reason of not passing the requisite number of individual tests may, on application, be permitted by the Board of Examiners to repeat individual tests in the subject or subjects failed in a subsequent academic year.

## **5. Practical Examinations (Written and Oral Examinations)**

- (1) Each student shall sit Practical Examinations at the end of the First and Second Terms.
- (2) A student shall sit Practical Examinations in five subjects namely:
- (a) Civil Litigation
  - (b) Corporate and Commercial Practice
  - (c) Criminal Proceedings
  - (d) Family Law Practice; and
  - (e) Land Transactions
- (3) A Practical Examination in each subject takes two forms:
- (a) A Written Practical Examination which is done at the end of First Term and is marked out of 50%, and



- (b) An Oral Practical Examination which is done at the end of Second Term and is marked out of 50%.
- (4) The marks awarded in each subject in the Written and Oral Practical Examinations are added to get the student's total marks.
- (5) A student may sit more than one subject per day in oral examinations if the examination timetable so requires.
- (6) A student passes Practical Examinations if he or she passes all the five subjects with a mark of at least 50% in each subject.
- (7) If a student fails not more than three subjects in the Practical Examinations he or she may, upon payment of a supplementary examination fee, sit supplementary Practical Examinations in the subject or subjects he or she has failed together with candidates of the following academic year.
- (8) If a student fails four or more subjects, he or she shall fail the Bar Course.

## **6. Written Practical Examinations**

The Written Practical Examination in each subject is divided into two parts;

- (1) Four hours are given to students in the morning to do individual research on examination questions. No discussion or exchange of notes is allowed; and
- (2) After the lunch break, the students reconvene in the examination room and are given examination answer books. Writing of answers takes three hours.

## **7. Oral Practical Examinations**

- (1) A student sits an Oral Practical Examination before a panel of three or more examiners for each of the five Compulsory Subjects in Group A.
- (2) The examiners comprise Internal Examiners who are Lecturers at the Centre and External Examiners who are legal practitioners.
- (3) A student shall be asked questions relating to the subject and shall be assessed on areas including; competence to apply the law, ethics, presentation, composure and dressing.
- (4) The Board of Examiners shall approve guidelines for conducting oral practical examinations.

## **8. Clerkship**

- (1) Clerkship is conducted during the Third Term of each Academic Year and it lasts for ten (10) weeks.
- (2) During Clerkship, a student is attached to a placement institution (private law firm, court, Legal Aid Clinic, Directorate of Public Prosecutions, Justice Law & Order Sector (JLOS) Institution, Government Department in the Ministry of Justice or Legal Department in other bodies).
- (3) The Board of Examiners shall approve clerkship placement institutions.
- (4) A list of approved and willing placement institutions for Clerkship shall be given to students by the Head Bar Course during Second Term so that each student selects where he or she wishes to do clerkship.
- (5) A student shall be posted for Clerkship, in writing, after payment



of fees for Second Term.

(6) A student shall present the posting letter to the External Supervisor before being accepted for Clerkship.

(7) Any student who undertakes Clerkship without the written authority of LDC shall be deemed not to have undertaken Clerkship.

(8) A student does Clerkship under the supervision of a legal practitioner of at least 3 years experience.

(9) A student shall within 7 days of commencing Clerkship inform the Head Bar Course by email or formal letter of his or her designated External Supervisor.

(10) The Clerkship period runs from Monday to Friday during working hours and a student must be present at his or her training station throughout this practical training.

(11) A student shall not engage in any employment during Clerkship as the training is a full time part of the Bar Course.

(12) The External Supervisor or Head Bar Course may, in writing and where there is sufficient cause, give a student permission for time off for not more than three days during Clerkship.

(13) The Director may, in writing and where there is sufficient cause, give a student permission for time off during Clerkship for three or more days.

(14) Where the Director or Head Bar Course gives a student permission for time off during Clerkship they shall notify the External Supervisor.

(15) The External Supervisor at the placement institution and Internal



Supervisor (a lecturer at LDC) shall towards the end of the Clerkship period, assess the performance of the student through interview, observation and perusal of documents drafted (kept in a clerkship file). The External Supervisor and Internal Supervisor shall each submit a separate report of their assessment and grading of the student's performance as provided for in these Rules.

(16) A student shall maintain a Clerkship journal in which the student shall record his or her daily activities, lessons learnt and challenges. The External Supervisor shall sign the journal and make comments therein weekly.

(17) The Internal Supervisor shall assess and grade the clerkship journal during Clerkship supervision.

(18) A student shall submit a Clerkship report within 14 days of commencement of the 4th term. The report shall be assessed by a member of the professional teaching staff other than the student's Internal Supervisor.

(19) A student shall be assessed on four criteria that shall be graded according to the following scale:

(a)	Student Clerkship journal	30%
(b)	Student Clerkship report	20%
(c)	Internal Supervisor's report	30%
(d)	External supervisor's report	20%
TOTAL		100%

(20) A student passes Clerkship when he or she gets a total of at least 50% in the four criteria assessed.

(21) If a student does not satisfy the requirements for passing Clerkship,

he or she shall fail and shall undertake supplementary clerkship in a subsequent academic year.

(22) The Board of Examiners shall determine the form of the clerkship journal and of the reports referred to in Rule 8 (17).

(23) A student shall be allowed to repeat Clerkship in a subsequent year (subject to the 3 year rule for completing the course) upon payment of repeating fee.

### 9. Final Examinations (Compulsory Subjects Group A)

(1) At the end of the Fourth Term, a student shall sit Final Examinations in each of the five Compulsory Subjects Group A, namely:

- (a) Civil Litigation
- (b) Corporate and Commercial Practice
- (c) Criminal Proceedings
- (d) Family Law Practice
- (e) Land Transactions.

(2) A student passes the Final Examinations (Compulsory Subjects Group A) if he or she passes the five subjects at a mark of at least 50% in each subject.

(3) If a student fails not more than three subjects in the Final Examinations (Compulsory Subjects Group A), the Board may allow him or her to sit Supplementary Examinations in those subjects he or she has failed at a time convenient to the Centre.

(4) If a student fails four or more subjects in the Final Examinations (Compulsory Subjects Group A), the student shall be deemed to have failed the Bar Course and shall not do Supplementary Examinations in the subjects failed.

## **10. Final Examinations (Compulsory Subjects Group B)**

(1) At the end of the first or second term, when teaching of the subject to be examined is concluded, a student shall sit the Final Examinations consisting of a written examination in each of the six Compulsory Subjects Group B namely:

- (a) Accounting
- (b) Management Skills
- (c) Legal Writing
- (d) Professional Conduct
- (e) Tax Practice
- (f) Trial Advocacy

(2) The written examination for the subjects in (1)(a) to (e) shall be marked out of 100%.

(3) Trial Advocacy shall be examined as follows:

- (a) A written examination at the end of second term marked out of 50%.
- (b) A practical examination as counsel during moots or other practical exercise in second term or, for any students not examined in second term, in fourth term marked out of 50%.
- (c) The marks for the written examination and the practical examination shall be added and constitute a student's final examination mark for Trial Advocacy.

(4) A student passes the Final Examinations (Compulsory Subjects Group B) if he or she passes the six subjects at a mark of at least 50% in each subject.

(5) If a student fails the Final Examinations (Compulsory Subjects Group B) in any subject or subjects, the Board of Examiners may allow him or her to sit Supplementary Examinations in the subject or subjects he or she has failed at a time convenient to the Centre.

## **11. Final Examinations (Elective Subjects Groups C and D)**

(1) At the end of the Fourth Term, a student shall sit Final Examinations in two subjects elected from the Elective Subjects Groups C and D with a student selecting one subject from each elective subject group.

(2) The Elective Subjects are;

(a) Group C

i. Corporate Governance

ii. Judicial Practice

iii. Legal Aid and Probono Practice

iv. Public Practice

(b) Group D

i. International Commercial Transactions

ii. Legislative Drafting

iii. Islamic Law Practice

iv. Advanced Alternative Dispute Resolution

(3) A student passes the Final Examination (Elective Subjects Groups C and D) if he or she passes the two subjects selected with a mark of at least 50% in each of the subjects.

(4) If a student fails any of the Elective Subjects, the Board of Examiners may allow him or her to sit Supplementary Examination in the subject or subjects failed at a time convenient to the Centre.

## **12. Use of Index Numbers**

(1) A student shall use an Index Number issued by the Registrar of the Centre.

(2) A student shall sign for the Index Number at the time of its issuance.

- (3) A student shall carry the index number and identification cards to the examination room and display them.
- (4) A student who fails to comply with sub-rule (3) of this rule shall be excluded from the examination.
- (5) A student who sits an examination and
- (a) Uses a non-existent number; or
  - (b) Uses a wrong index number; or
  - (c) Omits to state the index number; or
  - (d) Uses another candidate's index number; or
  - (e) Writes the index number illegibly on the answer book
- shall have his or her results withheld pending verification.
- (6) A verification fee prescribed by the Centre Administration shall be paid by the student whose results need verification under sub-rule (5) of this rule.

### **13. Compensation**

- (1) Where a student fails not more than two subjects in
- (a) the Practical Examinations (Written and Oral); or
  - (b) the Final Examinations (Compulsory Subjects Group A); or
  - (c) the Final Examinations (Compulsory Subjects Group B)
- he or she shall be compensated in accordance with the provisions of this rule.
- (2) The marks for the subject or subjects in which compensation may be made shall not be below 45 percent.
- (3) Each subject eligible for compensation shall be compensated by a different distinct subject.
- (4) The compensation marks shall be borrowed from another subject or subjects without lowering the marks in that subject or subjects below



50 percent.

- (5) A mark in the failed subject is compensated by two marks from the compensating subject.
- (6) A subject can only be compensated by a subject from the same subject group.
- (7) Where one of the failed subjects failed does not qualify for compensation under these Rules, the subject that qualifies for compensation shall be compensated and the student shall only be required to sit a supplementary examination in the subject that does not qualify for compensation.
- (8) The compensation rule does not apply to supplementary examinations or to repeated subjects.
- (9) This rule does not apply to Elective Subjects in Groups C and D.

#### **14. Passing the Course**

- (1) A student passes the Bar Course if he or she passes the Continuous Assessment, Individual Assessment (90% attendance AND passing at least 3 of the 5 assessed individual tests with a mark of at least 50% in each term), Practical Examinations (Written and Oral), Clerkship, Final Examinations (Compulsory Subjects Group A), Final Examinations (Compulsory Subjects Group B) and Final Examination (Elective Subjects Groups C and D).
- (2) If a student fails a supplementary examination or supplementary Clerkship the student shall fail the subject or supplementary Clerkship as the case might be.
- (3) If a student fails Individual Assessment, or Continuous Assessment, or Practical Examinations (written and oral), or Clerkship, or Final

Examinations (Compulsory Subjects Group A), or Final Examination (Compulsory Subjects Group B) or Final Examination (Elective Subjects Groups C and D), he or she shall fail the assessment or subject.

(4) In order to pass the course the student may repeat the assessment or subject failed in a subsequent academic year upon paying a repeating fee.

### **15. The Board of Examiners**

(1) The Board of Examiners shall confirm;

(a) the results in Practical Examinations (Written and Oral), Final Examinations (Compulsory Subjects Group A), Final Examinations (Compulsory Subjects Group B) and Final Examinations (Elective Subjects Groups C and D);

(b) the results in Individual Assessment and Continuous Assessment; and

(c) Clerkship results,

and declare the final complete results of the Bar Course subject to the approval of the Management Committee.

(2) Where the Board considers it necessary to satisfy itself on any fact or matter relating to the passing or failing of any student, it may call evidence to prove such fact or matter.

### **16. Special Examinations**

(1) Where a student fails to sit an examination, the student may on application in writing, be allowed to sit a Special Examination.

(2) A student shall address a request to sit Special Examinations or any explanation why the student is unable to sit examinations to the Registrar and copied to the Director and Head Bar Course; and the Registrar shall forward the request to the Board of Examiners.

- (3) The reasons for failure to do examinations include illness, pregnancy, detention, pursuit of further studies or any other justifiable cause as may be determined by the Board of Examiners.
- (4) The student shall, at the time of the examinations or soon thereafter, submit documentary or other sufficient proof to support the reason for failure to do examinations.
- (5) A student shall not sit Special Examinations unless the student pays the prescribed examination fees.
- (6) A student who fails a Special Examination may sit a supplementary examination in accordance with these Rules.

#### **17. Supplementary Examinations**

- (1) A student who fails not more than three subjects in the Practical Examinations (Written and Oral) may, upon payment of a Supplementary Examination fee, sit a Supplementary Examination in the subject or subjects he or she has failed at a time convenient to the Centre.
- (2) A student who fails not more than three subjects in the Final Examinations (Compulsory Subjects Group A) may, upon payment of the prescribed fee, sit a Supplementary Examination in the subject/subjects failed at a time convenient to the Centre.
- (3) A student who fails subjects in the Final Examinations (Compulsory Subjects Group B) may, upon payment of the prescribed fee, sit a Supplementary Examination in the subject or subjects failed at a time convenient to the Centre.

- (4) “A student who fails an Elective Subject in Groups C or D may, upon payment of a prescribed fee, sit a supplementary Examination in the subject or subjects failed at a time convenient to the Centre.”
- (5) A student shall sit a supplementary examination only once.
- (6) If a student fails a supplementary examination, he or she shall fail the subject and may repeat the subject in a subsequent year upon payment of a repetition fee determined by the Management Committee.

### **18. Time Limit for Sitting Examinations**

- (1) All examinations including Supplementary and Special Examinations shall be sat by a student within a three year period.
- (2) The three years is inclusive of the year of study.
- (3) Where a student does not complete the Course within the three year period he or she shall be deemed to have failed the Course but he or she may;
  - (a) apply to the Board of Examiners for extension of time under rule 18 of these Rules, or
  - (b) apply for re-admission to the Course.

### **19. Extension of Time**

- (1) A student who does not complete the course within the three years may apply to the Board of Examiners for extension of time on grounds that he or she was prevented from completing the Course on time due to any sufficient cause.
- (2) Where the Board of Examiners allows an application under sub-rule (1) of this rule, the extension of time shall not exceed five years from the time the student started the Course.



## 20. Time Limit for Repeating Assessment or Subject

- (1) The time limit within which to repeat an assessment or subject shall be two years from the time of release of the results in question.
- (2) Time may be extended by the Board of Examiners for good cause but shall not to exceed an additional two years.

## 21. Special Needs

- (1) A student with special needs as a result of disability or for any other reason shall, not less than two weeks before the examination, notify the Director of his or her special need and request the Director for special consideration during the examination.
- (2) A student with special needs shall present to the Director a certification of the special needs by a medical officer employed in a Government hospital or institution or facility.
- (3) Where the Director is satisfied that the student has established special needs warranting special consideration the Director may;
  - (a) authorize an invigilator or other staff of LDC to accord the student the special consideration required,
  - (b) allow the student to enter the examination room with a helper appropriate to the special need to assist the student do the examination,
  - (c) allow the student to bring into the examination a mechanical aid approved by the Director,
  - (d) authorize the examination invigilator to allocate specified extra time within which to complete the examination, or
  - (e) take such actions and give such directions as are deemed necessary.

## 22. Examination Malpractice

- (1) In this rule, unless the context otherwise requires, “examination malpractice” means a student engaging in any one of the conduct or activities set out in ‘Schedule 1’ of these Rules.

- (2) In determining what amounts to an examination malpractice the Board of Examiners shall take into account advances in information and communication technology (ICT).
- (3) An examination malpractice in any paper may be committed before, during or after the examination.
- (4) The invigilator shall make a report on the particulars of examination malpractice and forward it to the Director who shall communicate to the student suspected of an examination malpractice to write an explanation about the allegation.
- (5) The student suspected of examination malpractice shall give a written explanation about the alleged examination malpractice within 24 hours (excluding weekends and public holidays) of receiving the Director's communication requiring a written explanation.
- (6) The Director shall submit the reports and other materials related to the examination malpractice to the Standing Committee on Examination Malpractice which shall be appointed by the Board of Examiners and that Committee shall investigate the examination malpractice.
- (7) The Standing Committee shall observe rules of natural justice including:
  - (a) Fair and equal treatment of all students/candidates.
  - (b) Fair hearing.
  - (c) Right of the student/candidate to defend themselves.
  - (d) Staff not to sit in judgment in their own cause.
  - (e) Consistency in recommended punishments.
- (8) The Standing Committee on Examination Malpractice shall give a report in writing to the Board of Examiners whose decision shall be final.

(9) If the student is not found guilty of examination malpractice, the Board of Examiners shall make appropriate orders.

(10) Where, as a result of an allegation of examination malpractice, for which the student is absolved, the student is required to sit a special examination he or she shall do so without payment of an examination fee.

(11) A student who is found guilty of an examination malpractice shall:

(a) In respect of an examination malpractice in 'Category 1' of 'Schedule 1' to these Rules be dismissed from the Bar Course and shall not be eligible for readmission except under sub-rule (13) of this rule.

(b) In respect of an examination malpractice in 'Category 2' of 'Schedule 1' to these Rules be liable to any one or any combination of the following penalties:

i. Caution.

ii. Fine not exceeding 100 currency points.

iii. Cancellation of examination/results.

iv. Suspension from studies at LDC for a period net exceeding sixty (60) days.

v. Dismissal from the Bar Course.

vi. Any other penalty that the Board of Examiners deems appropriate to the malpractice.

(12) In recommending an appropriate penalty for a 'Category 2' malpractice the Standing Committee on Examination Malpractice may take into account the following mitigating and aggravating factors:

(a) Mitigating factors:

i. Remorsefulness

ii. Truthfulness

iii. Lack of substantial benefit from the malpractice



- iv. Being a first offender
  - v. Admitting guilt and not wasting the Committee's time
  - vi. Any other relevant mitigating factor
- (b) Aggravating factors:
- i. Gravity of the malpractice
  - ii. Substantial benefit from the malpractice
  - iii. Frivolous and vexatious denials
  - iv. False allegations of misconduct on the part of LDC staff
  - v. General misconduct during the malpractice or investigations.
  - vi. Refusal or deliberate failure to cooperate with the Committee's investigation
  - vii. Second or multiple offender
  - viii. Any other relevant aggravating factor

(13) A student dismissed from the Bar Course under sub-rule (10) of this rule may, within 30 days of that decision, petition the Management Committee for readmission and the Management Committee may allow or dismiss the petition and make necessary orders.

(14) Where the commission of an examination malpractice is established after the student has been awarded the Post Graduate Diploma in Legal Practice the award shall be cancelled and the diploma certificate recalled by the Management Committee.

### **23. Prohibited Items During Examinations**

(1) A student shall not be in possession of or use a mobile phone or other electronic equipment for storing or retrieving information or materials not expressly allowed during an examination or assignment.

(2) A student shall not bring any prohibited materials in an examination room.

(3) Where a student intends to use an electronic or mechanical gadget during an examination or assessment, he or she shall first declare the equipment and seek written approval from the Director.

#### **24. Failure to Pay Special or Supplementary Examination Fees**

(1) A student who fails to pay Special or Supplementary examination fees, unless authorised by the Director, shall not be allowed to sit the Special or Supplementary examinations.

(2) A student who fails to pay Special or Supplementary examination fees may, on application to the Board of Examiners, be allowed upon payment of the fees, to sit the Special or Supplementary examination within the period allowed for completion of the Course.

(3) A student who fails to comply with sub-rules (1) and (2) of this rule shall be deemed to have failed the Course.

(4) A student who fails the Course under this rule may re-apply for admission.

(5) The decision of the Board of Examiners under this rule shall be communicated to the student by registered mail or by posting a notice on the Centre Notice Board.

#### **25. Verification Committee**

(1) The Director shall appoint a Verification Committee comprising:

- (a) a Chairperson who shall be an external person from an institution of higher learning;
- (b) not more than three senior administrative staff from the office of the Registrar of the Centre;
- (c) one professional staff.

(2) The Secretary of the Verification Committee shall be one of the

persons mentioned in sub-rule (1) (b) of this rule.

**26. Functions of the Verification Committee**

- (1) The Verification Committee shall
  - (a) tally marks on an examination script;
  - (b) ascertain whether questions required to be answered were marked and assessed;
  - (c) ascertain whether the marks were properly computed;
  - (d) ascertain whether the necessary assessments for passing the Course were considered; and
  - (e) do any other act connected to the above functions.
- (2) The Verification Committee shall not have the powers to re-mark an examination script.

**27. Powers and Duties of the Board of Examiners**

- (1) The Board of Examiners shall consider examination results and recommend them for approval by the Management Committee.
- (2) Where there is no duly constituted Management Committee the Board of Examiners may release provisional results subject to approval by the Management Committee.
- (3) The Board of Examiners may, on application by a student and subject to the provisions of rules 13 and 15, order Special Examinations for any student where the circumstances warrant it.
- (4) Subject to the provisions of these Rules, the Board shall have inherent powers to make such decisions or orders as may be necessary for the ends of fairness in order to ensure a just disposal of all matters or issues before it.



## **28. Examination Appeals Committee**

- (1) There shall be an Examination Appeals Committee which shall be a sub-committee of the LDC Management Committee appointed by the Management Committee.
- (2) The Examination Appeals Committee shall comprise three members one of whom shall be the Chairperson of the Committee appointed by the LDC Management Committee.
- (3) The Registrar of the Centre shall be the secretary to the Examination Appeals Committee.

## **29. Functions and Powers of the Examination Appeals Committee**

- (1) The Examination Appeals Committee shall hear any appeal made under these Rules.
- (2) The Examination Appeals Committee may, where a reasonable cause is shown by an appellant, extend the period for lodging an appeal under these Rules.

## **30. Appeals**

- (1) After publication of the final results, a student who is dissatisfied with a decision of the Board of Examiners may, within 14 days of the publication, appeal to the Examination Appeals Committee on the grounds that:
  - (a) there are new matters of evidence;
  - (b) there were errors or irregularities;
  - (c) these Rules were not followed; or
  - (d) the interest of justice so requires.
- (2) The appeal shall be addressed to the Secretary of the Examination Appeals Committee who shall convene a meeting of the Committee.
- (3) The Examination Appeals Committee shall, within fourteen days

after the expiry of the period of lodging an appeal, hear and dispose of an appeal made under these Rules.

(4) The Examination Appeals Committee shall, within seven working days from the date of disposal of the appeal communicate its decision to the appealing student.

(5) The Committee may extend the period for disposing of an appeal.

### **31. Prizes**

(1) The Board of Examiners shall declare the four (4) overall best students on the Bar Course for the award of the following prizes:

- |     |                        |   |                                |
|-----|------------------------|---|--------------------------------|
| (a) | Best Overall Student   | - | The Chief Justice's Prize      |
| (b) | Second Overall Student | - | The Attorney General's Prize   |
| (c) | Third Overall Student  | - | The Principal Judge's Prize    |
| (d) | Fourth Overall Student | - | The Uganda Law Society's Prize |

(2) Prizes for best student in individual subjects and professional ethics to be named after the individual, law firm or organization sponsoring the prize.

(3) The Management Committee may approve other prizes.

### **32. Approval and Publication of Final Results**

(1) The Management Committee shall, within three days of consideration of results by the Board of Examiners hold a meeting to consider and approve the results.

(2) After the meeting of the Management Committee, the Registrar of the Centre, shall, within three working days, publish the final results.

(3) The Registrar of the Centre shall publish the final results by

displaying them on notice boards at the Centre and/or through the Centre's website.

(4) A student who passes the course shall be awarded the Post Graduate Diploma in Legal Practice.

### **33. Powers of the Management Committee**

(1) Where a student's appeal under these Rules is allowed, the Management Committee may:

- (a) confirm the decision of the Board of Examiners; or
- (b) direct the Board of Examiners to review the matter in accordance with these Rules; or
- (c) revise the decision of the Board of Examiners; or
- (d) make any other decision in the interest of justice.

(2) The Management Committee shall judiciously exercise its powers under this rule.

(3) Nothing in these Rules shall be taken to limit or affect the inherent powers of the Management Committee to make such orders as may be necessary to achieve the ends of justice or to prevent abuse of process.

### **34. Signing by Student**

A student admitted to the post graduate course leading to award of the Diploma in Legal Practice shall be availed a copy of these Rules and be required to sign an acknowledgement of receipt and undertaking to be bound by these Rules.

### **35. Commencement**

These Rules shall come into force immediately upon signing by the Chairperson of the Management Committee, LDC.

Approved and signed this 16th day of September 2016.



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Hon. Lady Justice Stella Arach-Amoko (J.S.C)  
Chairperson of the Management Committee of the  
Law Development Centre  
'Schedule 1'

## **CONDUCT AND/OR ACTIVITIES DEEMED TO BE EXAMINATION MALPRACTICES**

### **'Category 1' – Malpractice No. 1 to No. 15**

1. Cheating including but not limited to;
  - a) copying from the script of another candidate; or
  - b) exchanging answers with another student inside or outside the examination room; or
  - c) bringing into the examination room, in person or by agent, a pre-prepared answer script/booklet; or
  - d) substituting an answer script/booklet illegally prepared outside the examination room for the one already submitted to the invigilator or examiner; or
  - e) falsifying or altering marks awarded on an examination script/booklet.
2. Sitting examination without authorization or valid registration or other required documentation or payment of examination fees.
3. Uttering false documents in relation to eligibility to sit an examination at LDC.
4. Hiring or procuring services of another person to sit examinations on the student's behalf.

5. Bribing or doing any act likely to compromise an invigilator or examiner.
6. Plagiarism.
7. Fraudulently accessing examination papers/questions or marking guide which have been illegally procured or made available.
8. Fraudulently receiving examination papers/questions before the examination is due.
9. Paying or inducing another person to illegally procure or make available examination questions/papers or marking guide.
10. Use, exchange or receipt of chits, carbons or carbon copies relating to an examination or assignment.
11. Interfering with conduct of investigations into or hearing of an examination malpractice allegation by the Examinations Malpractice Committee including but not limited to:
  - a) Intimidating members of the committee or other LDC staff or witnesses; or
  - b) Destroying or concealing evidence relating to an alleged examination malpractice; or
  - c) Forging or uttering false evidence relating to an alleged malpractice; or
  - d) Bribing a member of the committee or LDC official or witness or any other person in relation to an alleged examination malpractice; or
  - e) Harassing or procuring others to harass a member of the committee or LDC official or witness or any other person in relation to an alleged examination malpractice; or
  - f) Obstructing the work of the committee.

12. Indulging in disruptive or threatening behaviour towards an invigilator or any LDC staff involved in the conduct of examinations or other student or any person including but not limited to, physical assault or threat of physical assault, shouting, using abusive or threatening language, destruction of property or threat to destroy property.
13. Collaborating or using any other means of gaining unfair advantage during an examination.
14. Aiding or abetting any person or another candidate to commit a 'Category 1' examination malpractice.
15. Attempting to commit a 'Category 1' examination malpractice.

#### **'Category 2' – Malpractice No. 16 to No. 27**

16. Giving or being in possession of prohibited material.
17. Delivering to the examiner at his or her office or residence or any other place an examination script/booklet outside the time for delivery and without due authority.
18. Breaking the rules in an examination or assignment including but not limited to failure to adhere to prescribed time within which to complete the examination or assignment.
19. Attempting to influence an examiner.
20. Writing or drawing anything on the answer booklet (such as a candidate's name) likely to compromise or influence or prejudice the examiner.
21. Being in possession of prohibited items such as a computer, cell-phone or other prohibited items during the examination.
22. Leaving the examination room without the authority of the invigilator.
23. Carrying out any form of communication with another student/candidate during an examination.
24. Taking out of the examination room an answer booklet or booklets



or any examination materials other than a question paper without express permission from the invigilator.

25. Aiding or abetting any person or another candidate to commit a Category 2 examination malpractice.

26. Attempting to commit a 'Category 2' examination malpractice.

27. Any other conduct or act or omission which in the opinion of the Board of Examiners amounts to a 'Category 2' examination malpractice.



## **‘Schedule 2’**

### **DRESS CODE FOR BAR COURSE STUDENTS**

This dress code (hereinafter referred to as ‘the Code’) is enacted and approved by the Board of Examiners, Law Development Centre

#### **1.0 Application**

1.1 The Code shall govern and apply to students of the Bar Course of the Law Development Centre.

1.2 The Code shall apply to dressing for purposes of participation in LDC academic activities and Clerkship.

1.3 The Code is not an exhaustive treatise and shall be supplemented with common sense and good judgment.

1.4 Any dispute arising from the application or interpretation of the Code shall be referred to the Deputy Director.

1.5 Any person dissatisfied with the decision of the Deputy Director may appeal to the Board of Examiners.

#### **2.0 Interpretation**

In the Code, unless the context otherwise requires:

2.1 “academic activity” means lecture, guest lecture, test, class discussion, workshop, moot, academic field trip, continuing legal education (CLE)/legal aid activity, student legal practice and examinations (both written and oral);

2.2 “Bar Course” means the post graduate course at LDC leading to the award of the Diploma in Legal Practice;



- 2.3 “Board of Examiners” means the Board of Examiners of the Law Development Centre;
- 2.4 “clerkship” means the practical field placement and training provided for in the Rules for passing the Bar Course;
- 2.5 “Centre” means the Law Development Centre;
- 2.6 “Director” means the Director of the Law Development Centre;
- 2.7 “lecturer” means the Director, Deputy Director, head of a teaching department, head of subject, Manager or Senior Legal Officer or Legal Officer of the LDC Legal Aid Clinic or part-time lecturer;
- 2.8 “registrar” means the Academic Registrar or person performing functions of Registrar of the Law Development Centre;
- 2.9 “Rules’ means the Rules for Passing the Bar Course;
- 2.10 “student’ means a person undertaking the Bar Course.

### **3.0 General Provisions**

- 3.1 All dress must be modest and of a nature that lends itself to the dignity of the legal profession. All manner of flamboyance and garishness shall be avoided.
- 3.2 A student shall maintain a neat appearance and shall avoid appearing unkempt and untidy.
- 3.3 A student shall refrain from wearing revealing or ill-fitting or skimpy clothing. Indecent exposure of any kind is prohibited. Shirts and blouses shall be properly buttoned up. Common sense and modesty shall be applied in this regard.

3.4 A student shall not remove his or her jacket in class except with the permission of the facilitating lecturer and this permission shall not be unreasonably denied when it is obviously hot and stuffy.

3.5 Shorts, culottes, knickerbockers, dungarees and jeans are not allowed.

3.6 All undergarments shall be fully covered at all times.

#### **4.0 Suits**

4.1 A student shall wear a formal business suit at all times.

4.2 A suit for a male student shall consist of a jacket and a trouser.

4.3 A suit for a female student shall consist of either a jacket and a skirt or a jacket and a trouser.

4.4 A male student's trouser must be long enough to cover his socks when standing upright. A short or ill-fitting trouser is prohibited.

4.5 A female student's skirt must be at least knee length when standing upright. A mini skirt is prohibited.

4.6 A jacket and trouser or a jacket and skirt as the case may be must be of the same colour and texture (avoid shiny or unusual materials). 'Mix and matching' different colours is prohibited.

4.7 A student shall not wear a blazer or waist coat or jumper.

#### **5.0 Shirts, Blouses, Ties and Scarves**

5.1 A male student shall wear a long sleeved shirt.

5.2 A female student shall wear a long or short sleeved blouse.

5.3 A male student shall wear a long tie at all times and shall wear a



shirt with a collar designed for a tie.

5.4 A male student must button up his shirt all the way to the top.

5.5 There shall be no indecent exposure of skin.

5.6 A tie shall be of a reasonable and decent length. A tie shall end no more than two (2) inches higher or lower than the waist of the trouser.

5.7 A female student may wear a scarf.

5.8 A bow tie or cravat is prohibited.

5.9 The design for a blouse must be simple and minimalist. Frills, lacing and other adornments shall not stand out prominently.

## **6.0 Shoes**

6.1 Shoes for both male and female students should be black or dark brown.

6.2 Shoes must be covered. Shoes that expose the toes are prohibited.

6.3 A male student shall wear dark coloured socks with his shoes

6.4 Shoes shall be of a design that is simple and height that is comfortable to walk in.

6.5 Shoes must be made from leather (genuine or imitation). Shoes made of plastic and other materials are prohibited.

7.0 Colours and Fit

7.1 Suits are limited to the following colours:

- (a) Black;
- (b) Charcoal;
- (c) Grey; or
- (d) Navy blue.

7.2 A students may wear a pin striped or plaid suit as long as the predominant colour is black or charcoal or grey or navy blue in combination with white or cream or light blue stripes.

7.3 Shirts and blouses are limited to the following colours:

- (a) White;
- (b) Cream;
- (c) Light blue; or
- (d) Striped (black and white or blue and white).

7.4 Ties, scarves and socks shall be in soft and muted colours and should not be flamboyant. Common sense shall be applied in this regard. Bright coloured socks (white, pink, red, yellow, orange etc) are specifically prohibited.

7.5 A tie or scarf shall be either plain coloured or have a combination of not more than three (3) colours.

7.6 Clothing shall have a comfortable fit. Exceptionally tight and revealing clothes are prohibited.

## **8.0 Moots**

8.1 A student appearing as counsel in intra firm moots may wear advocates flaps which shall be white or cream. He or she is not required to wear a professional gown.

8.2 A student appearing as counsel in inter firm moots shall wear

advocates' flaps which must be white or cream and a black professional gown.

8.3 A student shall acquire a formal dinner shirt or blouse with a winged collar to wear with advocates' flaps.

8.4 The Centre shall provide professional gowns for inter firm moots.

## **9.0 LDC Corporate Wear**

9.1 The Director may designate a day or days or period or activity for which a student may 'dress down' in LDC corporate wear.

9.2 Corporate wear shall consist of a shirt or blouse with the LDC brand identity worn with or without a jacket.

9.3 To ensure uniformity, corporate wear shall be procured and sold by the Centre either directly or by licensing arrangements with a service provider and a student 'dressing down' shall only wear official LDC corporate wear.

9.4 For avoidance of doubt students shall not 'dress down' on any day or for any academic activity or during Clerkship other than as approved and designated by the Director under this Code.

9.5 A counsel for moots shall not dress down during 'court' appearance.

## **10.0 Religious, Traditional and Cultural Dress**

10.1 A student shall not wear religious, traditional or cultural dress.

10.2 A male student shall not wear a kanzu, kofia, fedora or hat.

10.3 A student whose faiths requires him or her to wear religious head gear may wear the same so long as the colour of the head gear is black,

white, charcoal, grey or navy blue.

## **11.0 Hair and Personal Grooming**

11.1 A student must be clean and tidy at all times and observe the highest possible standards of personal hygiene. Clothes must be neatly and crisply ironed.

11.2 Perfumes, deodorants and make up shall be worn in moderation. Flashy make up, strong and/or pungent scents shall be avoided.

11.3 A student's hair shall be neatly kept and in a style that lends itself to the dignity of the legal profession. Outlandish haircuts and hairstyles are prohibited.

11.4 A female student is allowed to braid or plait her hair as long as the braiding style lends itself to the dignity of the profession.

11.5 Braids must be black or a dark shade of brown, neat and held back from the face with a hair band or ribbon or hair grip.

11.6 Braids should not be intertwined with other coloured thread and braided hairstyles should not be so untamed and flamboyant as to bring the profession into disrepute.

11.7 Jewellery and adornments (bracelets/bangles, rings, anklets, chains etc) shall be modest and minimal. Clutter shall be avoided.

11.8 Body modifications and piercings on the body on any part or parts other than the ears are discouraged.

11.9 A male student shall not wear earrings or ear pins.

11.10 A female student should wear no more than two pairs of earrings

or ear pins (i.e. a maximum of two (2) rings or pins on each ear).

11.11 Where a student has body piercings on part or parts of the body other than the ears, the wearing of a ring or pin (including nose rings and pins) on such part or parts is prohibited.

## **12.0 Penalties**

12.1 A student who dresses contrary to this code shall be deemed to be inappropriately dressed for purposes of continuous assessment under the Rules.

12.2 A student who breaches this dress code shall be liable to the sanctions set out in the Rules.

12.3 Observance of this Code shall be monitored by lecturers and enforced by the Head Bar Course.

12.4 A lecturer may exclude from an academic activity he or she is facilitating any student who dresses contrary to this Code.

## **13.0 Exemptions**

13.1 The Director may exempt a student from the application of the provisions of this Code or any part thereof on the following grounds:

- (a) Physical or other disability.
- (b) Pregnancy.
- (c) Ailment or disease or physical injury certified by a medical practitioner.
- (d) Any other reasonable grounds.

13.2 A student requiring an exemption shall apply for the same in writing to the Director.

13.3 An exemption by the Director shall be in writing clearly stating the nature and scope of the exemption.

**14.0 Amendment**

14.1 This Code may be amended by the Board of Examiners.

**15.0 Commencement**

15.1 The Code shall commence operation immediately upon signing by the Chairperson of the Board of Examiners on the date indicated below.

Dated at Kampala this 25th day of September 2015.

A handwritten signature in black ink, appearing to read "Frank Nigel Othembi".

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Frank Nigel Othembi  
Director  
Chairperson  
Board of Examiners, LDC



# RULES GOVERNING THE PASSING OF THE DIPLOMA IN LAW COURSE

## ARRANGEMENT OF RULES

### Rule

1. Interpretation
2. Course Content
3. Grading
4. Examinations
5. Use of Index Numbers
6. Examination Malpractice
7. Prohibited Materials During Examination
8. Final Assessment
9. Compensation
10. Supplementary Examinations
11. Special Examinations
12. Special Needs
13. Time limit for Sitting Examinations
14. Extension of time
15. Failure to Pay Special or Supplementary Examination Fees
16. Repeating the Course
17. Diploma Award
18. Prizes
19. Verification Committee
20. Functions of the Verification Committee
21. Powers of Board of Examiners
22. Examination Appeals Committee
23. Functions and Powers of the Examination Appeals Committee
24. Appeals
25. Approval and Publication of Final Results
26. Powers of the Management Committee
27. Signing by Student
28. Commencement



## **‘Schedule 1’** Conduct and/or Activities Deemed to be Examination Malpractices

### **RULES GOVERNING THE PASSING OF THE DIPLOMA IN LAW COURSE**

#### **1. Interpretation**

In these Rules, unless the context otherwise requires,

- (1) “Centre” means Law Development Centre;
- (2) “Director” means the Director of the Centre;
- (3) “legal practitioner” in these Rules, includes a Judge, Registrar of the Courts of Judicature, Magistrate Grade 1 and above, an advocate in private practice in chambers approved by the Law Council, an advocate or lawyer duly authorized to practice law in Government employment and an advocate in a legal department of a statutory corporation or Justice Law and Order Sector (JLOS) institution;
- (4) “lecturer” means the Director, Deputy Director, head of a teaching department, head of subject, lecturer or part-time lecturer.

#### **2. Course Content**

- (1) To be awarded a Diploma in Law, a student shall sit and pass;
- (9) Nine (9) compulsory subjects and one (1) optional subject.
- (10) Internship.
- (2) The compulsory subjects are:
  - (i) Introduction to Law
  - (ii) Criminal Law and Procedure
  - (iii) Constitutional Law
  - (iv) Administrative Law
  - (v) Law of Contract
  - (vi) Law of Evidence
  - (vii) Family Law
  - (viii) Civil Procedure



- (ix) Law of Torts
- (3) The optional subjects are:
  - (i) Commercial Law
  - (ii) Land Law
  - (iii) Labour Law
- (4) During the First Term, a student sits the following compulsory subjects:
  - (i) Introduction to Law
  - (ii) Criminal Law and Procedure
  - (iii) Constitutional Law
  - (iv) Administrative Law
  - (v) Law of Contract
- (5) During the Second Term, a student does internship.
  - (i) The Board of Examiners shall approve internship placement institutions.
  - (ii) It is the duty of a student to get an internship placement in an approved placement institution.
  - (iii) A student shall, prior to being posted for internship, avail to the Head Department of Law written confirmation from the placement institution undertaking to take on the student for internship.
  - (iv) A student shall pay all required fees for second term before being issued with an intership posting letter.
  - (v) A student must present the posting letter to the external supervisor before commencing intership.
  - (vi) A student shall be supervised by a legal practitioner of at least 3 years experience.
  - (vii) No student shall be supervised by a friend, business partner, client, relative or any person with actual or apparent bias towards the student.
  - (viii) A student undertaking intership shall be required to record their daily activities in an intership journal to be provided by the Centre.
  - (ix) Information recorded in the intership journal shall be discussed by the internal and external supervisor and form part of their assessment

on whether the student passes or fails internship.

(x) Both the internal and external supervisor shall present their reports to the Head Department of Law not later than two weeks from the end of internship.

(xi) A student passes internship if both supervisors confirm in their reports that the student has satisfied all the requirements of internship and passed.

(xii) Any student who undertakes internship without the authority of LDC shall be deemed not to have satisfied the requirements of internship and to have failed internship.

(xiii) A student undertaking internship shall be required to keep normal working hours of the placement institution from Monday to Friday.

(xiv) The External Supervisor or Head Department of Law may, in writing and where there is sufficient cause, give a student permission for time off for not more than three days during Clerkship.

(xv) A student who, for sufficient cause, requires to be absent from the internship placement for three or more days shall require prior written authority from the Director.

(6) During the Third/Final Term, a student sits the following compulsory subjects:

(i) Law of Evidence

(ii) Family Law

(iii) Civil Procedure

(iv) Law of Torts and,

(v) One (1) of the following optional subjects:

a) Commercial Law

b) Land Law

c) Labour Law

(7) Each subject shall be marked out of 100% and the pass mark is 50%.

### **3. Grading**

(9) The grading shall be as follows:



(a)	First Class Mark	-	70% and above
(b)	Second Class Mark	-	60% - 69%
(c)	Pass	-	50% - 59%
(d)	Fail	-	0 - 49%

(10) A student obtains a First Class if he or she has an average of at least 70% in all subjects done and a First Class Mark in at least five subjects.

(11) A student obtains a Second Class if he or she has an average of at least 60% in all subjects done and a Second Class Mark in at least five subjects.

#### **4. Examinations**

(1) A student shall be examined at the end of the First and Fourth Terms.

(2) If a student's average performance in the First Term subjects is below 50%, the student shall be warned but allowed to continue with the Course.

#### **5. Use of Index Numbers**

(1) A student shall use an Index Number issued by the Registrar of the Centre.

(2) A student shall sign for the Index Number at the time of its issuance.

(3) A student shall carry the index number and identification card to the examination room and display them.

(4) A student who fails to comply with sub-rule (3) of this rule shall be excluded from the examination.

(5) A student who sits an examination and

(a) uses a non-existent number,

(b) uses a wrong index number,

(c) omits to state the index number,

(d) uses another candidate's index number or

(e) writes the index number illegibly on the answer book shall have

his or her results withheld pending verification.

(6) A verification fee prescribed by the Centre Administration shall be paid by the student whose results need verification under sub-rule (5) of this rule.

(7) A student who writes his or her name in or on the answer book commits an examination malpractice.

(8) Where a student writes or draws anything on or in an examination script that is likely to prejudice an examiner, the examiner shall not mark the examination script and shall forward the script with an explanation in writing to the Board of Examiners.

(9) The Board of Examiners may make an appropriate decision depending on the circumstances of each case.

## **6. Examination Malpractice**

(15) In this rule, unless the context otherwise requires, “examination malpractice” means a student engaging in any one of the conduct or activities set out in ‘Schedule 1’ of these Rules.

(16) In determining what amounts to an examination malpractice the Board of Examiners shall take into account advances in information and communication technology (ICT).

(17) An examination malpractice in any paper may be committed before, during or after the examination.

(18) The invigilator shall make a report on the particulars of examination malpractice and forward it to the Director who shall communicate to the student suspected of an examination malpractice to write an explanation about the allegation.

(19) The student suspected of examination malpractice shall give a written explanation about the alleged examination malpractice within 24 hours of receiving the Director’s communication requiring a written explanation.

(20) The Director shall submit the reports and other materials related to the examination malpractice to the Standing Committee on Examination Malpractice which shall be appointed by the Board of Examiners and

that Committee shall investigate and make a report on the examination malpractice.

(21) The Standing Committee on Examination Malpractice shall observe rules of natural justice including:

- (a) Fair and equal treatment of all students/candidates.
- (b) Fair hearing.
- (c) Right of the student/candidate to defend themselves.
- (d) Staff not to sit in judgment in their own cause.
- (e) Consistency in recommended punishments.

(22) The Standing Committee on Examination Malpractice shall give a report in writing to the Board of Examiners whose decision shall be final.

(23) If the student is not found guilty of examination malpractice, the Board of Examiners shall make appropriate orders

(24) Where, as a result of an allegation of examination malpractice, for which the student is absolved, the student is required to sit a special examination he or she shall do so without payment of an examination fee.

(25) A student who is found guilty of an examination malpractice shall:

(a) In respect of a malpractice in 'Category 1' of 'Schedule 1' to these Rules be dismissed from the Diploma in Law Course and shall not be eligible for readmission except under sub-rule (13) of this rule.

(b) In respect of a malpractice in 'Category 2' of 'Schedule 1' to these Rules be liable to any one or any combination of the following penalties:

- i. Caution.
- ii. Fine not exceeding 100 currency points.
- iii. Cancellation of examination/results.
- iv. Suspension from studies at LDC for a period not exceeding sixty (60) days.
- v. Dismissal from the Diploma in Law course.
- vi. Any other penalty that the Board of Examiners deems appropriate to the malpractice.

(26) In recommending an appropriate sentence for a 'Category 2' malpractice the Standing Committee on Examination Malpractice may take into account the following mitigating and aggravating factors:



- (a) Mitigating factors:
    - i. Remorsefulness
    - ii. Truthfulness
    - iii. Lack of substantial benefit from the malpractice
    - iv. Being a first offender
    - v. Admitting guilt and not wasting the Committee's time
    - vi. Any other relevant mitigating factor
  - (b) Aggravating factors:
    - i. Gravity of the malpractice
    - ii. Substantial benefit from the malpractice
    - iii. Frivolous and vexatious denials
    - iv. False allegations of misconduct on the part of LDC staff
    - v. General misconduct during the malpractice or investigations.
    - vi. Refusal or deliberate failure to cooperate with the Committee's investigation
    - vii. Second or multiple offender
    - viii. Any other relevant aggravating factor
- (27) A student dismissed from the Diploma in Law Course under sub-rule (10) of this rule may, within 30 days of that decision, petition to the Management Committee for readmission and the Management Committee may allow or dismiss the petition depending on the gravity of the examination malpractice.
- (28) Where the commission of an examination malpractice is established after the student has been awarded the Diploma in Law the award shall be cancelled and diploma certificate recalled by the Management Committee.

## 7. Prohibited Items During Examinations

- (1) A student shall not be in possession of or use a mobile phone or other electronic equipment for storing or retrieving information or materials not expressly allowed during an examination or assignment.
- (2) A student shall not bring any prohibited materials in an examination room.



(3) Where a student intends to use an electronic or mechanical gadget during an examination or assessment, he or she shall first declare the equipment and seek written approval from the Director.

## **8. Final Assessment**

(1) The Head of Department shall present results and grades for all subjects before the Board of Examiners.

(2) The Board shall confirm preliminary results for the First Term.

(3) The Board shall determine the final results which shall be announced by the Registrar, Law Development Centre, subject to the approval of the Management Committee.

## **9. Compensation**

(1) A student may be compensated in two subjects in the First Term and two subjects in the Third Term.

(2) The marks for the subject or subjects in which compensation may be made shall not be below 45 percent.

(3) Where a student fails two subjects and is eligible for compensation, each subject shall be compensated by a different distinct subject.

(4) The compensation marks shall be borrowed from another subject or subjects without lowering the marks in that subject or subjects below 50 percent.

(5) A mark is compensated by two marks.

(6) The compensation rule does not apply to supplementary examinations.

## **10. Supplementary Examination**

(1) A student who fails not more than five subjects will be required to re-sit the subjects he or she failed.

(2) A student who fails six or more subjects shall fail the Course.

(3) If a student fails a supplementary Examination he or she shall fail the course.

(4) A student shall sit a supplementary examination only once.

- (5) There is no compensation in Supplementary Examinations.
- (6) A student who sits and passes a supplementary examination shall get a Diploma in Law of the same grade as if the student had passed the examination at first sitting without doing a supplementary examination.
- (7) The above rules shall also apply to Special Supplementary Examinations.

## **11. Special Examinations**

- (1) Where a student fails to sit an examination, the student may on application in writing to the Board of Examiners, be allowed to sit a Special Examination.
- (2) A student shall address a request to sit Special Examinations or any explanation why the student is unable to sit examinations to the Registrar and copied to the Director and Head of the Department; and the Registrar shall forward the request to the Board of Examiners.
- (3) The reason for failure to do examinations include illness, pregnancy, detention, imprisonment, pursuit of further studies or any other justifiable cause as may be determined by the Board.
- (4) The student shall, at the time of the examinations or soon thereafter, submit documentary or other sufficient proof to support the reason for failure to do examinations.
- (5) A student shall not sit a special supplementary examinations unless the student pays the prescribed examination fees.
- (6) A student who fails a Special Examination may sit a supplementary examination.

## **12. Special needs**

- (1) A student with special needs as a result of disability or for any other reason shall, not less than two weeks before the examination, notify the Director of his or her special need and request the Director for special consideration during the examination.
- (2) A student with special needs shall present to the Director a certification of the special needs by a medical officer employed in a



Government hospital or institution or facility.

- (3) Where the Director is satisfied that the student has established special needs warranting special consideration the Director may;
- (a) authorize an invigilator or other staff of LDC to accord the student the special consideration required,
  - (b) allow the student to enter the examination room with a helper appropriate to the special need to assist the student do the examination,
  - (c) allow the student to bring into the examination a mechanical aid approved by the Director,
  - (d) authorize the examination invigilator to allocate specified extra time within which to complete the examination, or
  - (e) take such actions and give such directions as are deemed necessary.

### **13. Time Limit for Sitting Examinations**

- (1) All Examinations (including Supplementary and Special Examinations) shall be sat by a student within a three year period.
- (2) The three years is inclusive of the year of study.
- (3) Where a student does not complete the Course within the three year period he or she shall be deemed to have failed the Course but he or she may
  - (a) apply to the Board of Examiners for extension of time under rule 13 of these Rules, or
  - (b) apply for re-admission to the Course.

### **14. Extension of time**

- (1) A student who does not complete the course within the three year period may apply to the Board of Examiners for extension of time on the grounds that he or she was prevented from completing the Course on time due to
  - (a) illness, or
  - (b) detention, or
  - (c) any other sufficient cause.

(2) Where the Board allows an application under sub-rule (1) of this rule, the extension of time shall not exceed five years from the time the student started the Course.

### **15. Failure to Pay Special or Supplementary Examination Fees**

(1) A student who fails to pay Special or Supplementary examination fees shall not be allowed to sit the Special or Supplementary examinations.

(2) A student who fails to pay Special or Supplementary examination fees may, on application to the Board of Examiners, be allowed upon payment of the fees, to sit the Special or Supplementary examination within the period allowed for completion of the Course.

(3) A student who fails to comply with sub-rules (1) and (2) of this Rule shall be deemed to have failed the Course.

(4) A student who fails the Course under this Rule may re-apply for admission.

(5) The decision of the Board of Examiners under this Rule shall be communicated to the student by registered mail or by posting a notice on the Centre Notice Board or by any other means.

### **16. Repeating the Course**

A person who fails the Course may apply to repeat the Course.

### **17. Diploma Award**

A student who passes the Course shall be awarded a Diploma in Law.

### **18. Prizes**

The following students shall be awarded the following prizes:

(1) Best Overall Student – Minister Responsible for Education Prize.

(2) Second Best Overall Student - Chairperson LDC Management Committee Prize.

(3) Third Best Overall Student - LDC Director's Prize.



## **19. Verification Committee**

- (1) The Director shall appoint a Verification Committee comprising:
  - (d) a Chairperson who shall be an external person from an institution of higher learning;
  - (e) three senior administrative staff from the office of the Registrar of the Centre;
  - (f) one professional staff.
- (2) The Secretary of the Verification Committee shall be one of the persons mentioned in sub-rule (1) (b) of this rule.

## **20. Functions of the Verification Committee**

- (1) The Verification Committee shall
  - (a) tally marks on an examination script;
  - (b) ascertain whether questions required to be answered were marked and assessed;
  - (c) ascertain whether the marks were properly computed;
  - (d) ascertain whether the necessary assessments for passing the Course were considered; and
  - (e) do any other act connected to the above functions.
- (2) The Verification Committee shall not have the powers to re-mark an examination script.

## **21. Powers and duties of the Board of Examiners**

- (1) The Board of Examiners shall consider examination results and recommend them for approval by the Management Committee.
- (2) Where there is no duly constituted Management Committee the Board of Examiners may release provisional results subject to approval by the Management Committee.
- (3) The Board of Examiners may, on application by student and subject to the provisions of rules 13 and 15, order Special Examinations for any student where the circumstances warrant it.
- (4) Subject to the provisions of these Rules, the Board shall have inherent powers to make such decisions or orders as may be necessary

for the ends of fairness in order to ensure a just disposal of all matters or issues before it.

## **22. Examination Appeals Committee**

(1) There shall be an Examination Appeals Committee which shall be a sub-committee of the LDC Management Committee appointed by the Management Committee.

(2) The Examination Appeals Committee shall comprise three members one of whom shall be the Chairperson of the Committee appointed by the LDC Management Committee.

(3) The Registrar of the Centre shall be the secretary to the Examination Appeals Committee.

## **23. Functions and Powers of the Examination Appeals Committee**

(1) The Examination Appeals Committee shall hear any appeal made under these Rules.

(2) The Examination Appeals Committee may, where a reasonable cause is shown by an appellant, extend the period for lodging an appeal under these Rules.

## **24. Appeals**

(1) After publication of the provisional results, a student who is dissatisfied with a decision of the Board of Examiners may, within 14 days of the publication, appeal to the Examination Appeals Committee on the grounds that:

- (a) there are new matters of evidence;
- (b) there were errors or irregularities;
- (c) these Rules were not followed; or
- (d) the interest of justice so requires.

(2) The appeal shall be addressed to the Secretary of the Examination Appeals Committee who shall forthwith convene a meeting of the Committee.

(3) The Examination Appeals Committee shall, within fourteen days



after the expiry of the period of lodging an appeal, hear and dispose of an appeal made under these Rules.

(4) The Examination Appeals Committee shall, within seven working days communicate its decision to the Management Committee.

(5) The Committee may extend the period for disposing of an appeal.

## **25. Approval and Publication of Final Results**

(1) The Management Committee shall, within five days of consideration of results by the Board of Examiners, hold a meeting to consider the results.

(2) After the meeting of the Management Committee, the Registrar of the Centre, shall, within three working days, publish the final results.

(3) The Registrar of the Centre shall publish the final results by displaying them on notice boards at the Centre and/or through the Centre's website.

## **26. Powers of the Management Committee**

(1) Where a student's appeal under these Rules is allowed, the Management Committee may:

- (a) confirm the decision of the Board of Examiners; or
  - (b) direct the Board of Examiners to review the matter in accordance with these Rules; or
  - (c) revise the decision of the Board of Examiners; or
  - (d) make any other decision in the interest of justice.
- (2) The Management Committee shall judiciously exercise its powers under this rule.
- (3) Nothing under these Rules shall be taken to limit or otherwise affect the inherent powers of the Management Committee to make such orders as may be necessary to achieve the ends of justice or to prevent abuse of process.

### **27. Signing by student**

A student admitted to the Diploma in Law shall be availed a copy of these Rules and be required to sign an acknowledgement of receipt and undertaking to be bound by these Rules.

### **28. Commencement**

These Rules shall come into force effective 22nd September 2014 with the Academic Year 2014/15.

Approved and signed this 17th day of September 2014.



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Hon. Lady Justice Stella Arach-Amoko (J.S.C)  
Chairperson of the Management Committee of the  
Law Development Centre



## ‘Schedule 1’

### CONDUCT AND/OR ACTIVITIES DEEMED TO BE EXAMINATION MALPRACTICES

#### ‘Category 1’ – Malpractice No. 1 to No. 15

1. Cheating including but not limited to;
  - a) copying from the script of another candidate; or
  - b) exchanging answers with another student inside or outside the examination room; or
  - c) bringing into the examination room, in person or by agent, a pre-prepared answer script/booklet; or
  - d) substituting an answer script/booklet illegally prepared outside the examination room for the one already submitted to the invigilator or examiner; or
  - e) falsifying or altering marks awarded on an examination script/booklet.
2. Sitting examination without authorization or valid registration or other required documentation or payment of examination fees.
3. Uttering false documents in relation to eligibility to sit an examination at LDC.
4. Hiring or procuring services of another person to sit examinations on the student’s behalf.
5. Bribing or doing any act likely to compromise an invigilator or examiner.
6. Plagiarism.
7. Fraudulently accessing examination papers/questions or marking guide which have been illegally procured or made available.
8. Fraudulently receiving examination papers/questions before the examination is due.
9. Paying or inducing another person to illegally procure or make available examination questions/papers or marking guide.
10. Use, exchange or receipt of chits, carbons or carbon copies relating

to an examination or assignment.

11. Interfering with conduct of investigations into or hearing of an examination malpractice allegation by the Examinations Malpractice Committee including but not limited to:

- a) Intimidating members of the committee or other LDC staff or witnesses; or
- b) Destroying or concealing evidence relating to an alleged examination malpractice; or
- c) Forging or uttering false evidence relating to an alleged malpractice; or
- d) Bribing a member of the committee or LDC official or witness or any other person in relation to an alleged examination malpractice; or
- e) Harassing or procuring others to harass a member of the committee or LDC official or witness or any other person in relation to an alleged examination malpractice; or
- f) Obstructing the work of the committee.

12. Indulging in disruptive or threatening behaviour towards an invigilator or any LDC staff involved in the conduct of examinations or other student or any person including but not limited to, physical assault or threat of physical assault, shouting, using abusive or threatening language, destruction of property or threat to destroy property.

13. Collaborating or using any other means of gaining unfair



advantage during an examination.

14. Aiding or abetting any person or another candidate to commit a 'Category 1' examination malpractice.
15. Attempting to commit a 'Category 1' examination malpractice.

### **'Category 2' – Malpractice No. 16 to No. 27**

16. Giving or being in possession of prohibited material.
17. Delivering to the examiner at his or her office or residence or any other place an examination script/booklet outside the time for delivery and without due authority.
18. Breaking the rules in an examination or assignment including but not limited to failure to adhere to prescribed time within which to complete the examination or assignment.
19. Attempting to influence an examiner.
20. Writing or drawing anything on the answer booklet (such as a candidate's name) likely to compromise or influence or prejudice the examiner.
21. Being in possession of prohibited items such as a computer, cell-phone or other prohibited items during the examination.
22. Leaving the examination room without the authority of the invigilator.
23. Carrying out any form of communication with another student/candidate during an examination.
24. Taking out of the examination room an answer booklet or booklets or any examination materials other than a question paper without express permission from the invigilator.
25. Aiding or abetting any person or another candidate to commit a Category 2 examination malpractice.
26. Attempting to commit a 'Category 2' examination malpractice.
27. Any other conduct or act or omission which in the opinion of the Board of Examiners amounts to a 'Category 2' examination malpractice.



## RULES GOVERNING PASSING OF SPECIAL COURSES

### ARRANGEMENT OF RULES

#### Rule

1. Interpretation
2. Course Content
3. Supplementary Examinations
4. Compensation
5. Special Examinations
6. Time limit for Sitting Examinations
7. Extension of time
8. Special Needs
9. Examination Malpractice
10. Prohibited Materials during Examination
11. Failure to pay Special or Supplementary Examination
12. Use of Index Numbers
13. Passing the Course
14. Verification Committee
15. Functions of the Verification Committee
16. Powers of the Board of Examiners
17. Publication of Results
18. Examination Appeals
19. Functions and Powers of the Examination Appeals Committee
20. Appeals
21. Powers of the Management Committee
22. Signing by Student
23. Commencement

'Schedule 1' Conduct and/or Activities Deemed to be Examination Malpractices

## RULES GOVERNING PASSING OF SPECIAL COURSES

### 1. Interpretation

In these Rules, unless the context otherwise requires,

- (1) “Centre” means Law Development Centre;
- (2) “Director” means the Director of the Centre;
- (3) “responsible officer” means an examiner, lecturer or administrator at the Centre.

### 2. Course Content

- (1) The Centre shall design and conduct Special Courses.
- (2) The Centre shall conduct any subjects which are relevant for a Special Course.
- (3) The Centre shall conduct courses which may be examinable or not examinable.
- (4) Where the Centre conducts a non-examinable Course, a person who attends the course shall be awarded a certificate of attendance.

### 3. Supplementary Examinations

- (1) A student shall pass all the examinable subjects.
- (2) The pass mark is 50%.
- (3) A student shall do a supplementary examination in the subject he or she fails.
- (4) A student who fails a supplementary examination fails the Course and may repeat the Course.
- (5) A student shall sit a supplementary examination only once.

### 4. Compensation

- (1) Where a student fails not more than two subjects he or she shall be compensated in accordance with the provisions of this rule.
- (2) The marks for the subject or subjects in which compensation may

be made shall not be below 45 percent.

(3) Where a student fails two subjects and is eligible for compensation, each subject shall be compensated by a different distinct subject.

(4) The compensation marks shall be borrowed from another subject or subjects without lowering the marks in that subject or subjects below 50 percent.

(5) A mark is compensated by two marks.

(6) The compensation rule does not apply to supplementary examinations.

## **5. Special Examinations**

(1) Where a student fails to sit an examination, the student may, on application in writing to the Board of Examiners, be allowed to sit a Special Examination.

(2) A student shall address a request to sit Special Examinations or any explanation why the student is unable to sit examinations to the Secretary and copied to the Director and Head of the Department; and the Secretary shall forward the request to the Board of Examiners.

(3) The reason for failure to do examinations include illness, pregnancy, detention, imprisonment, pursuit of further studies or any other justifiable cause as may be determined by the Board.

(4) The student shall, at the time of the examinations or soon thereafter, submit documentary or other sufficient proof to support the reason for failure to do examinations.

(5) A student shall not sit a special supplementary examinations unless the student pays the prescribed examination fees.

(6) A student who fails a supplementary examination fails the Course.

## **6. Time Limit for Sitting Examinations**

(1) All Examinations including Supplementary and Special Examinations, shall be sat by a student within two successive sessions during which the course is offered at the venue where the student undertakes the course.



- (2) The two sessions includes the session of study.
- (3) Where a student does not complete the Course within the two session period he or she shall be deemed to have failed the Course but he or she may
  - (a) apply to the Board of Examiners for extension of time under rule 7 of these Rules, or
  - (b) apply for re-admission to the Course.

## **7. Extension of time**

- (1) A student who does not complete the course within the two session period may apply to the Board of Examiners for extension of time on the grounds that he or she was prevented from completing the Course on time due to
  - (a) illness, or
  - (b) detention, or
  - (c) any other sufficient cause.
- (2) Where the Board allows an application under sub-rule (1) of this rule, the extension of time shall not exceed five sessions from the time the student started the Course.

## **8. Special needs**

- (1) A student with special needs as a result of disability or for any other reason shall, not less than two weeks before the examination, notify the Director of his or her special need and request the Director for special consideration during the examination.
- (2) A student with special needs shall present to the Director a certification of the special needs by a medical officer employed in a Government hospital or institution or facility.
- (3) Where the Director is satisfied that the student has established special needs warranting special consideration the Director may:
  - (a) Authorize an invigilator or other staff of LDC to accord the student the special consideration required.
  - (b) Allow the student to enter the examination room with a helper

appropriate to the special need to assist the student do the examination.

- (c) Allow the student to bring into the examination a mechanical aid approved by the Director.
- (d) Authorize the examination invigilator to allocate specified extra time within which to complete the examination
- (e) Take such actions and give such directions as are deemed necessary.

### **9. Examination Malpractice**

(1) In this rule, unless the context otherwise requires, “examination malpractice” means a student engaging in any one of the conduct or activities set out in ‘Schedule 1’ of these Rules.

(2) In determining what amounts to an examination malpractice the Board of Examiners shall take into account advances in information and communication technology (ICT).

(3) An examination malpractice in any paper may be committed before, during or after the examination.

(4) The invigilator shall make a report on the particulars of examination malpractice and forward it to the Director who shall communicate to the student suspected of an examination malpractice to write an explanation about the allegation.

(5) The student suspected of examination malpractice shall give a written explanation about the alleged examination malpractice within 24 hours of receiving the Director’s communication requiring a written explanation.

(6) The Director shall submit the reports and other materials related to the examination malpractice to the Standing Committee on Examination Malpractice which shall be appointed by the Board of Examiners and that Committee shall investigate and make a report on the examination malpractice.

(7) The Standing Committee on Examination Malpractice shall observe rules of natural justice including:

- a. Fair and equal treatment of all students/candidates.
- b. Fair hearing.



- c. Right of the student/candidate to defend themselves.
  - d. Staff not to sit in judgment in their own cause.
  - e. Consistency in recommended punishments.
- (8) The Standing Committee on Examination Malpractice shall give a report in writing to the Board of Examiners whose decision shall be final.
- (9) If the student is not found guilty of examination malpractice, the Board of Examiners shall make appropriate orders
- (10) Where, as a result of an allegation of examination malpractice, for which the student is absolved, the student is required to sit a special examination he or she shall do so without payment of an examination fee.
- (11) A student who is found guilty of an examination malpractice shall:
- a. In respect of a malpractice in 'Category 1' of 'Schedule 1' to these Rules be dismissed from the Special Course and shall not be eligible for readmission except under sub-rule (11) of this rule.
  - b. In respect of a malpractice in 'Category 2' of 'Schedule 1' to these Rules be liable to any one or any combination of the following penalties:
    - i. Caution.
    - ii. Fine not exceeding 100 currency points.
    - iii. Cancellation of examination/results.
    - iv. Suspension from studies at LDC for a period net exceeding sixty (60) days.
    - v. Dismissal from the Special Course.
    - vi. Any other penalty that the Board of Examiners deems appropriate to the malpractice.
- (12) In recommending an appropriate sentence for a 'Category 2' malpractice the Standing Committee on Examination Malpractice may take into account the following mitigating and aggravating factors:
- a. Mitigating factors:
    - i. Remorsefulness
    - ii. Truthfulness
    - iii. Lack of substantial benefit from the malpractice
    - iv. Being a first offender
    - v. Admitting guilt and not wasting the Committee's time

- vi. Any other relevant mitigating factor
  - b. Aggravating factors:
    - i. Gravity of the malpractice
    - ii. Substantial benefit from the malpractice
    - iii. Frivolous and vexatious denials
    - iv. False allegations of misconduct on the part of LDC staff
    - v. General misconduct during the malpractice or investigations.
    - vi. Refusal or deliberate failure to cooperate with the Committee's investigation
    - vii. Second or multiple offender
    - viii. Any other relevant aggravating factor
- (13) A student dismissed from the Special Course under sub-rule (10) of this rule may, within 30 days of that decision, petition to the Management Committee for readmission and the Management Committee may allow or dismiss the petition depending on the gravity of the examination malpractice.
- (14) Where the commission of an examination malpractice is established after the student has been awarded a Certificate for a Special Course the award shall be cancelled and Certificate recalled by the Management Committee.

## **10. Prohibited Items During Examinations**

- (1) A student shall not be in possession of or use a mobile phone or other electronic equipment for storing or retrieving information or materials not expressly allowed during an examination or assignment.
- (2) A student shall not bring any prohibited materials in an examination room.
- (3) Where a student intends to use an electronic or mechanical gadget during an examination or assessment, he or she shall first declare the equipment and seek written approval from the Director.

## **11. Failure to Pay Special or Supplementary Examination Fees**

- (1) A student who fails to pay Special or Supplementary examination fees shall not be allowed to sit the Special or Supplementary examinations.



- (2) A student who fails to pay Special or Supplementary examination fees may, on application to the Board of Examiners, be allowed upon payment of the fees, to sit the Special or Supplementary examination within the period allowed for completion of the Course.
- (3) A student who fails to comply with sub-rules (1) and (2) of this Rule shall be deemed to have failed the Course.
- (4) A student who fails the Course under this Rule may re-apply for admission.
- (5) The decision of the Board of Examiners under this Rule shall be communicated to the student by registered mail or by posting a notice on the Centre Notice Board or by any other means.

## **12. Use of Index Numbers**

- (1) A student shall use an Index Number issued by the Secretary/Registrar of the Centre.
- (2) A student shall sign for the Index Number at the time of its issuance.
- (3) A student shall carry the index number and identification card to the examination room and display them.
- (4) A student who fails to comply with sub-rule (3) of this rule shall be excluded from the examination.
- (5) A student who sits an examination and
  - (f) uses a non-existent number,
  - (g) uses a wrong index number,
  - (h) omits to state the index number,
  - (i) uses another candidate's index number or
  - (j) writes the index number ineligibly on the answer book shall have his or her results withheld pending verification.
- (6) A verification fee prescribed by the Centre Administration shall be paid by the student whose results need verification under sub-rule (5) of this rule.

### **13. Passing the Course**

- (1) Where a student passes all the examinable subjects with 50% and above in each subject, the student shall pass the Special Course.
- (2) A student who passes the Special Course shall be awarded a Certificate in Law or a Diploma in Law depending on the nature and duration of the Course.
- (3) A student who satisfactorily attends a special course shall be awarded a Certificate of Attendance.

### **14. Verification Committee**

- (1) The Director shall appoint a Verification Committee comprising:
  - (a) a Chairperson who shall be an external person from an institution of higher learning;
  - (b) up to three senior administrative staff from the office of the Registrar of the Centre;
  - (c) one professional staff.
- (2) The Secretary of the Verification Committee shall be one of the persons mentioned in sub-rule (1) (b) of this rule.

### **15. Functions of the Verification Committee**

- (1) The Verification Committee shall
  - (a) tally marks on an examination script;
  - (b) ascertain whether questions required to be answered were marked and assessed;
  - (c) ascertain whether the marks were properly computed;
  - (d) ascertain whether the necessary assessments for passing the Course were considered; and
  - (e) do any other act connected to the above functions.
- (2) The Verification Committee shall not have the powers to re-mark an examination script.

## **16. Powers and duties of the Board of Examiners**

- (1) The Board of Examiners may, on application by student and subject to the provisions of rules 5 and 6, order Special Examinations for any student where the circumstances warrant it.
- (2) Subject to the provisions of these Rules, the Board shall have inherent powers to make such decisions or orders as may be necessary for the ends of fairness in order to ensure a just disposal of all matters or issues before it.

## **17. Publication of Results**

- (1) After the meeting of the Board of Examiners, the Secretary of the Centre, shall, within seven working days, publish the results.
- (2) The Secretary of the Centre shall publish the final results by displaying them on notice boards at the Centre and/or through the Centre's website.

## **18. Examination Appeals Committee**

- (1) There shall be an Examination Appeals Committee which shall be a sub-committee of the LDC Management Committee appointed by the Management Committee.
- (2) The Examination Appeals Committee shall comprise three members one of whom shall be the Chairperson of the Committee appointed by the LDC Management Committee.
- (3) The Secretary of the Centre shall be the secretary to the Examination Appeals Committee.

## **19. Functions and Powers of the Examination Appeals Committee**

- (1) The Examination Appeals Committee shall hear any appeal made under these Rules.
- (2) The Examination Appeals Committee may, where a reasonable cause is shown by an appellant, extend the period for lodging an appeal under these Rules.

## 20. Appeals

(1) After publication of the provisional results, a student who is dissatisfied with a decision of the Board of Examiners may, within 14 days of the publication, appeal to the Examination Appeals Committee on the grounds that:

- (a) there are new matters of evidence;
- (b) there were errors or irregularities;
- (c) these Rules were not followed; or
- (d) the interest of justice so requires.

(2) The appeal shall be addressed to the Secretary of the Examination Appeals Committee who shall forthwith convene a meeting of the Committee.

(3) The Examination Appeals Committee shall, within fourteen days after the expiry of the period of lodging an appeal, hear and dispose of an appeal made under these Rules.

(4) The Examination Appeals Committee shall, within seven working days communicate its decision to the Management Committee.

(5) The Committee may extend the period for disposing of an appeal.

## 21. Powers of the Management Committee

(1) Where a student's appeal under these Rules is allowed, the

Management Committee may:

- (a) confirm the decision of the Board of Examiners; or
  - (b) direct the Board of Examiners to review the matter in accordance with these Rules; or
  - (c) revise the decision of the Board of Examiners; or
  - (d) make any other decision in the interest of justice.
- (2) The Management Committee shall judiciously exercise its powers under this rule.
- (3) Nothing in these Rules shall be taken to limit or otherwise affect inherent powers of the Management Committee to make such orders as may be necessary to achieve the ends of justice or to prevent abuse of process.

## **22. Signing by student**

A student admitted to a Special Course shall be availed a copy of these Rules and be required to sign an acknowledgement of receipt and undertaking to be bound by these Rules.

## **23. Commencement**

These Rules shall be deemed to have come into force on the 17th day of September 2014 and apply to special courses commencing after 17th September 2014.

Approved and signed this 17th day of September.



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Hon. Lady Justice Stella Arach-Amoko (J.S.C)  
Chairperson of the Management Committee of the  
Law Development Centre

## **'Schedule 1'**

### **CONDUCT AND/OR ACTIVITIES DEEMED TO BE EXAMINATION MALPRACTICES**

#### **'Category 1' – Malpractice No. 1 to No. 15**

1. Cheating including but not limited to;
  - a) copying from the script of another candidate; or
  - b) exchanging answers with another student inside or outside the examination room; or
  - c) bringing into the examination room, in person or by agent, a pre-prepared answer script/booklet; or
  - d) substituting an answer script/booklet illegally prepared outside the examination room for the one already submitted to the invigilator or examiner; or
  - e) falsifying or altering marks awarded on an examination script/booklet.
2. Sitting examination without authorization or valid registration or other required documentation or payment of examination fees.
3. Uttering false documents in relation to eligibility to sit an examination at LDC.
4. Hiring or procuring services of another person to sit examinations on the student's behalf.
5. Bribing or doing any act likely to compromise an invigilator or examiner.
6. Plagiarism.
7. Fraudulently accessing examination papers/questions or marking guide which have been illegally procured or made available.
8. Fraudulently receiving examination papers/questions before the examination is due.
9. Paying or inducing another person to illegally procure or make available examination questions/papers or marking guide.
10. Use, exchange or receipt of chits, carbons or carbon copies relating

to an examination or assignment.

11. Interfering with conduct of investigations into or hearing of an examination malpractice allegation by the Examinations Malpractice Committee including but not limited to:

- a) Intimidating members of the committee or other LDC staff or witnesses; or
- b) Destroying or concealing evidence relating to an alleged examination malpractice; or
- c) Forging or uttering false evidence relating to an alleged malpractice; or
- d) Bribing a member of the committee or LDC official or witness or any other person in relation to an alleged examination malpractice; or
- e) Harassing or procuring others to harass a member of the committee or LDC official or witness or any other person in relation to an alleged examination malpractice; or
- f) Obstructing the work of the committee.

12. Indulging in disruptive or threatening behaviour towards an invigilator or any LDC staff involved in the conduct of examinations or other student or any person including but not limited to, physical assault or threat of physical assault, shouting, using abusive or threatening language, destruction of property or threat to destroy property.

13. Collaborating or using any other means of gaining unfair advantage during an examination.

14. Aiding or abetting any person or another candidate to commit a 'Category 1' examination malpractice.

15. Attempting to commit a 'Category 1' examination malpractice.

### **'Category 2' – Malpractice No. 16 to No. 27**

16. Giving or being in possession of prohibited material.

17. Delivering to the examiner at his or her office or residence or any other place an examination script/booklet outside the time for delivery and without due authority.

18. Breaking the rules in an examination or assignment including



but not limited to failure to adhere to prescribed time within which to complete the examination or assignment.

19. Attempting to influence an examiner.
20. Writing or drawing anything on the answer booklet (such as a candidate's name) likely to compromise or influence or prejudice the examiner.
21. Being in possession of prohibited items such as a computer, cell-phone or other prohibited items during the examination.
22. Leaving the examination room without the authority of the invigilator.
23. Carrying out any form of communication with another student/candidate during an examination.
24. Taking out of the examination room an answer booklet or booklets or any examination materials other than a question paper without express permission from the invigilator.
25. Aiding or abetting any person or another candidate to commit a Category 2 examination malpractice.
26. Attempting to commit a 'Category 2' examination malpractice.
27. Any other conduct or act or omission which in the opinion of the Board of Examiners amounts to a 'Category 2' examination malpractice.



# RULES GOVERNING THE PASSING OF THE DIPLOMA IN HUMAN RIGHTS COURSE

## ARRANGEMENT OF RULES

### Rule

- (1) Interpretation
- (2) Course Content
- (3) Grading
- (4) Examinations
- (5) Use of Index Numbers
- (6) Examination Malpractice
- (7) Prohibited Materials During Examination
- (8) Final Assessment
- (9) Compensation
- (10) Supplementary Examinations
- (11) Special Examinations
- (12) Special Needs
- (13) Time limit for Sitting Examinations
- (14) Extension of time
- (15) Failure to Pay Special or Supplementary Examination Fees
- (16) Repeating the Course
- (17) Diploma Award
- (18) Prizes
- (19) Verification Committee
- (20) Functions of the Verification Committee
- (21) Powers of Board of Examiners
- (22) Examination Appeals Committee
- (23) Functions and Powers of the Examination Appeals Committee
- (24) Appeals
- (25) Approval and Publication of Final Results
- (26) Powers of the Management Committee
- (27) Signing by Student
- (28) Commencement

‘Schedule 1’ Conduct and/or Activities Deemed to be Examination Malpractices

## **RULES GOVERNING THE PASSING OF THE DIPLOMA IN HUMAN RIGHTS COURSE**

### **1. Interpretation**

In these Rules, unless the context otherwise requires,

- (1) “Centre” means Law Development Centre;
- (2) “Director” means the Director of the Centre;
- (3) “legal practitioner” in these Rules, includes a Judge, Registrar of the Courts of Judicature, Magistrate Grade 1 and above, an advocate in private practice in chambers approved by the Law Council, an advocate or lawyer duly authorized to practice law in Government employment and an advocate in a legal department of a statutory corporation, or Justice Law and Order Sector (JLOS) institution or in employment of a human rights organization;
- (4) “lecturer” means the Director, Deputy Director, head of a teaching department, head of subject, lecturer or part-time lecturer.

### **2. Course Content**

- (1) To be awarded a Diploma in Human Rights, a student shall sit and pass;
  - (1) Nine (9) compulsory subjects and one (1) optional subject.
  - (2) Internship.
- (2) The compulsory subjects are:
  - (i) Introduction to Law
  - (ii) Introduction to Human Rights.
  - (iii) Human Rights and Criminal Justice.
  - (iv) Human Rights Mechanisms and Systems.
  - (v) Human Rights Litigation and Protection Procedures.



- (vi) Introduction to International Law.
- (vii) Economic, Social and Cultural Rights.
- (viii) Civil and Political Liberties.
- (ix) Administrative Law.

**(3) The optional subjects are:**

- (i) Human Rights and Contemporary Issues.
- (ii) Labour Law.

**(4) During the First Term, a student sits the following compulsory subjects:**

- (i) Introduction to Law
- (ii) Introduction to Human Rights.
- (iii) Human Rights and Criminal Justice.
- (iv) Human Rights Mechanisms and Systems.
- (v) Human Rights Litigation and Protection Procedures.

**(5) During the Second Term, a student does internship.**

- (i) The Board of Examiners shall approve internship placement institutions.
- (ii) It is the duty of a student to get an internship placement in an approved institution.
- (iii) A student shall, prior to being posted for internship, avail to the Head Department of Law written confirmation from the placement institution undertaking to take on the student for internship.
- (iv) A student shall pay all required fees for second term before being issued with an internship posting letter.
- (v) A student must present the posting letter to the external supervisor before commencing internship.
- (vi) A student shall be supervised by a legal practitioner of at least 5 years' experience.
- (vii) No student shall be supervised by a friend, business partner, client, relative or any person with actual or apparent bias towards the student.

- (viii) A student undertaking internship shall be required to record their daily activities in an internship journal to be provided by the Centre.
- (ix) Information recorded in the internship journal shall be discussed by the internal and external supervisor and form part of their assessment on whether the student passes or fails internship.
- (x) Both the internal and external supervisor shall present their reports to the Head Department of Law not later than two weeks from the end of internship.
- (xi) A student passes internship if both supervisors confirm in their reports that the student has satisfied all the requirements of internship and passed.
- (xii) Any student who undertakes internship without the authority of LDC shall be deemed not to have satisfied the requirements of internship and to have failed internship.
- (xiii) A student undertaking internship shall be required to keep normal working hours of the placement institution from Monday to Friday.
- (xiv) The External Supervisor or Head Department of Law may, in writing and where there is sufficient cause, give a student permission for time off for not more than three days during Clerkship.
- (xv) A student who, for sufficient cause, requires to be absent from the internship placement for three or more days shall require prior written authority from the Director.

**(6) During the Third/Final Term, a student sits the following compulsory subjects:**

- (i) Introduction to International Law.
- (ii) Economic, Social and Cultural Rights.
- (iii) Civil and Political Liberties.
- (iv) Administrative Law.
- (v) One (1) of the following optional subjects:
  - a) Human Rights and Contemporary Issues
  - b) Labour Law
- (7) Each subject shall be marked out of 100% and the pass mark is 50%.



### 3. Grading

- (1) The grading shall be as follows:
  - (a) First Class Mark - 70% and above
  - (b) Second Class Mark - 60% - 69%
  - (c) Pass - 50% - 59%
  - (d) Fail - 0 - 49%
- (2) A student obtains a First Class if he or she has an average of at least 70% in all subjects done and a First Class Mark in at least five subjects.
- (3) A student obtains a Second Class if he or she has an average of at least 60% in all subjects done and a Second Class Mark in at least five subjects.

### 4. Examinations

- (1) A student shall be examined at the end of the First and Third Terms.
- (2) If a student's average performance in the First Term subjects is below 50%, the student shall be warned but allowed to continue with the Course.

### 5. Use of Index Numbers

- (1) A student shall use an Index Number issued by the Registrar of the Centre.
- (2) A student shall sign for the Index Number at the time of its issuance.
- (3) A student shall carry the index number and identification card to the examination room and display them.
- (4) A student who fails to comply with sub-rule (3) of this rule shall be excluded from the examination.
- (5) A student who sits an examination and
  - (k) uses a non-existent number,
  - (l) uses a wrong index number,
  - (m) omits to state the index number,

- (n) uses another candidate's index number or
- (o) writes the index number ineligibly on the answer book shall have his or her results withheld pending verification.
- (6) A verification fee prescribed by the Centre Administration shall be paid by the student whose results need verification under sub-rule (5) of this rule.
- (7) A student who writes his or her name in or on the answer book commits an examination malpractice.
- (8) Where a student writes or draws anything on or in an examination script that is likely to prejudice an examiner, the examiner shall not mark the examination script and shall forward the script with an explanation in writing to the Board of Examiners.
- (9) The Board of Examiners may make an appropriate decision depending on the circumstances of each case.

## **6. Examination Malpractice**

- (1) In this rule, unless the context otherwise requires, "examination malpractice" means a student engaging in any one of the conduct or activities set out in 'Schedule 1' of these Rules.
- (2) In determining what amounts to an examination malpractice the Board of Examiners shall take into account advances in information and communication technology (ICT).
- (3) An examination malpractice in any paper may be committed before, during or after the examination.
- (4) The invigilator shall make a report on the particulars of examination malpractice and forward it to the Director who shall communicate to the student suspected of an examination malpractice to write an explanation about the allegation.
- (5) The student suspected of examination malpractice shall give a written explanation about the alleged examination malpractice within 24 hours of receiving the Director's communication requiring a written explanation.
- (6) The Director shall submit the reports and other materials related to

the examination malpractice to the Standing Committee on Examination Malpractice which shall be appointed by the Board of Examiners and that Committee shall investigate and make a report on the examination malpractice.

**(7) The Standing Committee on Examination Malpractice shall observe rules of natural justice including:**

- a. Fair and equal treatment of all students/candidates.
- b. Fair hearing.
- c. Right of the student/candidate to defend themselves.
- d. Staff not to sit in judgment in their own cause.
- e. Consistency in recommended punishments.

(8) The Standing Committee on Examination Malpractice shall give a report in writing to the Board of Examiners whose decision shall be final.

(9) If the student is not found guilty of examination malpractice, the Board of Examiners shall make appropriate orders

(10) Where, as a result of an allegation of examination malpractice, for which the student is absolved, the student is required to sit a special examination he or she shall do so without payment of an examination fee.

(11) A student who is found guilty of an examination malpractice shall:

- a. In respect of a malpractice in 'Category 1' of 'Schedule 1' to these Rules be dismissed from the Diploma in Human Rights Course and shall not be eligible for readmission except under sub-rule (11) of this rule.
- b. In respect of a malpractice in 'Category 2' of 'Schedule 1' to these Rules be liable to any one or any combination of the following penalties:
  - i. Caution.
  - ii. Fine not exceeding 1,000,000= (one million shillings).
  - iii. Cancellation of examination/results.
  - iv. Suspension from studies at LDC for a period not exceeding sixty (60) days.
  - v. Dismissal from the Diploma in Human Rights course.
  - vi. Any other penalty that the Board of Examiners deems appropriate to the malpractice.

(12) In recommending an appropriate sentence for a 'Category 2' malpractice the Standing Committee on Examination Malpractice may take into account the following mitigating and aggravating factors:

a. Mitigating factors:

i. Remorsefulness

ii. Truthfulness

iii. Lack of substantial benefit from the malpractice

iv. Being a first offender

v. Admitting guilt and not wasting the Committee's time

vi. Any other relevant mitigating factor

b. Aggravating factors:

i. Gravity of the malpractice

ii. Substantial benefit from the malpractice

iii. Frivolous and vexatious denials

iv. False allegations of misconduct on the part of LDC staff

v. General misconduct during the malpractice or investigations.

vi. Refusal or deliberate failure to cooperate with the Committee's investigation

vii. Second or multiple offender

viii. Any other relevant aggravating factor

(13) A student dismissed from the Diploma in Law Course under sub-rule (10) of this rule may, within 30 days of that decision, petition to the Management Committee for readmission and the Management Committee may allow or dismiss the petition depending on the gravity of the examination malpractice.

(14) Where the commission of an examination malpractice is established after the student has been awarded the Diploma in Law the award shall be cancelled and diploma certificate recalled by the Management Committee.

## **7. Prohibited Items During Examinations**

(1) A student shall not be in possession of or use a mobile phone or other electronic equipment for storing or retrieving information or other

materials not expressly allowed during an examination or assignment.

(2) A student shall not bring any prohibited materials in an examination room.

(3) Where a student intends to use an electronic or mechanical gadget during an examination or assessment, he or she shall first declare the equipment and seek written approval from the Director.

## **8. Final Assessment**

(1) The Head of Department shall present results and grades for all subjects before the Board of Examiners.

(2) The Board shall confirm preliminary results for the First Term.

(3) The Board shall determine the final results which shall be announced by the Registrar, Law Development Centre, subject to the approval of the Management Committee.

## **9. Compensation**

(1) A student may be compensated in two subjects in the First Term and two subjects in the Third Term.

(2) The marks for the subject or subjects in which compensation may be made shall not be below 45 percent.

(3) Where a student fails two subjects and is eligible for compensation, each subject shall be compensated by a different distinct subject.

(4) The compensation marks shall be borrowed from another subject or subjects without lowering the marks in that subject or subjects below 50 percent.

(5) A mark is compensated by two marks.

(6) The compensation rule does not apply to supplementary examinations.

## **10. Supplementary Examinations**

(1) A student who fails not more than five subjects will be required to re-sit the subjects he or she failed.

- (2) A student who fails six or more subjects shall fail the Course.
- (3) If a student fails a supplementary Examination he or she shall fail the course.
- (4) A student shall sit a supplementary examination only once.
- (5) There is no compensation in Supplementary Examinations.
- (6) A student who sits and passes a supplementary examination shall get a Diploma in Human Rights of the same grade as if the student had passed the examination at first sitting without doing a supplementary examination.
- (7) The above rules shall also apply to Special Supplementary Examinations.

## **11. Special Examinations**

- (1) Where a student fails to sit an examination, the student may on application in writing to the Board of Examiners, be allowed to sit a Special Examination.
- (2) A student shall address a request to sit Special Examinations or any explanation why the student is unable to sit examinations to the Registrar and copied to the Director and Head of the Department; and the Registrar shall forward the request to the Board of Examiners.
- (3) The reason for failure to do examinations include illness, pregnancy, detention, imprisonment, pursuit of further studies or any other justifiable cause as may be determined by the Board.
- (4) The student shall, at the time of the examinations or soon thereafter, submit documentary or other sufficient proof to support the reason for failure to do examinations.
- (5) A student shall not sit a special supplementary examinations unless the student pays the prescribed examination fees.
- (6) A student who fails a Special Examination may sit a supplementary examination.

## **12. Special needs**



- (1) A student with special needs as a result of disability or for any other reason shall, not less than two weeks before the examination, notify the Director of his or her special need and request the Director for special consideration during the examination.
- (2) A student with special needs shall present to the Director a certification of the special needs by a medical officer employed in a Government hospital or institution or facility.
- (3) Where the Director is satisfied that the student has established special needs warranting special consideration the Director may;
  - (a) authorize an invigilator or other staff of LDC to accord the student the special consideration required,
  - (b) allow the student to enter the examination room with a helper appropriate to the special need to assist the student do the examination,
  - (c) allow the student to bring into the examination a mechanical aid approved by the Director,
  - (d) authorize the examination invigilator to allocate specified extra time within which to complete the examination, or
  - (e) take such actions and give such directions as are deemed necessary.

### **13. Time Limit for Sitting Examinations**

- (1) All Examinations (including Supplementary and Special Examinations) shall be sat by a student within a three year period.
- (2) The three years is inclusive of the year of study.
- (3) Where a student does not complete the Course within the three year period he or she shall be deemed to have failed the Course but he or she may
  - (a) apply to the Board of Examiners for extension of time under rule 13 of these Rules, or
  - (b) apply for re-admission to the Course.

### **14. Extension of time**

- (1) A student who does not complete the course within the three year period may apply to the Board of Examiners for extension of time on the



grounds that he or she was prevented from completing the Course on time due to

- (a) illness, or
- (b) detention, or
- (c) any other sufficient cause.

(2) Where the Board allows an application under sub-rule (1) of this rule, the extension of time shall not exceed five years from the time the student started the Course.

### **15. Failure to Pay Special or Supplementary Examination Fees**

(1) A student who fails to pay Special or Supplementary examination fees shall not be allowed to sit the Special or Supplementary examinations.

(2) A student who fails to pay Special or Supplementary examination fees may, on application to the Board of Examiners, be allowed upon payment of the fees, to sit the Special or Supplementary examination within the period allowed for completion of the Course.

(3) A student who fails to comply with sub-rules (1) and (2) of this Rule shall be deemed to have failed the Course.

(4) A student who fails the Course under this Rule may re-apply for admission.

(5) The decision of the Board of Examiners under this Rule shall be communicated to the student by registered mail or by posting a notice on the Centre Notice Board or by any other means.

### **16. Repeating the Course**

A person who fails the Course may apply to repeat the Course.

### **17. Diploma Award**

A student who passes the Course shall be awarded a Diploma in Human Rights.

### **18. Prizes**

The following students shall be awarded the following prizes:



- (1) Best Overall Student - Chairperson, Uganda Human Rights Commission Prize.
- (2) Second Best Overall Student - Chairperson LDC Management Committee Prize.
- (3) Third Best Overall Student – Chairperson LDC Alumni Association Prize.

## **19. Verification Committee**

- (1) The Director shall appoint a Verification Committee comprising:
  - (a) a Chairperson who shall be an external person from an institution of higher learning;
  - (b) three senior administrative staff from the office of the Registrar of the Centre;
  - (c) one professional staff.
- (2) The Secretary of the Verification Committee shall be one of the persons mentioned in sub-rule (1) (b) of this rule.

## **20. Functions of the Verification Committee**

- (1) The Verification Committee shall
  - (a) tally marks on an examination script;
  - (b) ascertain whether questions required to be answered were marked and assessed;
  - (c) ascertain whether the marks were properly computed;
  - (d) ascertain whether the necessary assessments for passing the Course were considered; and
  - (e) do any other act connected to the above functions.
- (2) The Verification Committee shall not have the powers to re-mark an examination script.

## **21. Powers and duties of the Board of Examiners**

- (1) The Board of Examiners shall consider examination results and recommend them for approval by the Management Committee.
- (2) Where there is no duly constituted Management Committee the Board of Examiners may release provisional results subject to approval by

the Management Committee.

(3) The Board of Examiners may, on application by student and subject to the provisions of rules 13 and 15, order Special Examinations for any student where the circumstances warrant it.

(4) Subject to the provisions of these Rules, the Board shall have inherent powers to make such decisions or orders as may be necessary for the ends of fairness in order to ensure a just disposal of all matters or issues before it.

## **22. Examination Appeals Committee**

(1) There shall be an Examination Appeals Committee which shall be a sub-committee of the LDC Management Committee appointed by the Management Committee.

(2) The Examination Appeals Committee shall comprise three members one of whom shall be the Chairperson of the Committee appointed by the LDC Management Committee.

(3) The Registrar of the Centre shall be the secretary to the Examination Appeals Committee.

## **23. Functions and Powers of the Examination Appeals Committee**

(1) The Examination Appeals Committee shall hear any appeal made under these Rules.

(2) The Examination Appeals Committee may, where a reasonable cause is shown by an appellant, extend the period for lodging an appeal under these Rules.

## **24. Appeals**

(3) After publication of the provisional results, a student who is dissatisfied with a decision of the Board of Examiners may, within 14 days of the publication, appeal to the Examination Appeals Committee on the grounds that:

- (a) there are new matters of evidence;
- (b) there were errors or irregularities;



- (c) these Rules were not followed; or
- (d) the interest of justice so requires.
- (4) The appeal shall be addressed to the Secretary of the Examination Appeals Committee who shall forthwith convene a meeting of the Committee.
- (5) The Examination Appeals Committee shall, within fourteen days after the expiry of the period of lodging an appeal, hear and dispose of an appeal made under these Rules.
- (6) The Examination Appeals Committee shall, within seven working days communicate its decision to the Management Committee.
- (7) The Committee may extend the period for disposing of an appeal.

## **25. Approval and Publication of Final Results**

- (1) The Management Committee shall, within five days of consideration of results by the Board of Examiners, hold a meeting to approve the results.
- (2) After the meeting of the Management Committee, the Registrar of the Centre, shall, within three working days, publish the final results.
- (3) The Registrar of the Centre shall publish the final results by displaying them on notice boards at the Centre and/or through the Centre's website.

## **26. Powers of the Management Committee**

- (1) Where a student's appeal under these Rules is allowed, the Management Committee may:
  - (a) confirm the decision of the Board of Examiners; or
  - (b) direct the Board of Examiners to review the matter in accordance with these Rules; or
  - (c) revise the decision of the Board of Examiners; or
  - (d) make any other decision in the interest of justice.
- (2) The Management Committee shall judiciously exercise its powers under this rule.
- (3) Nothing under these Rules shall be taken to limit or otherwise

affect the inherent powers of the Management Committee to make such orders as may be necessary to achieve the ends of justice or to prevent abuse of process.

27. Signing by student

A student admitted to the Diploma in Human Rights shall be availed a copy of these Rules and be required to sign an acknowledgement of receipt and undertaking to be bound by these Rules.

28. Commencement

These Rules shall come into force effective 22nd September 2014 and shall apply from the Academic Year 2015.

Approved and signed this 17th day of September 2014.



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Hon. Lady Justice Stella Arach-Amoko (J.S.C)  
Chairperson of the Management Committee of the  
Law Development Centre

## ‘Schedule 1’

### CONDUCT AND/OR ACTIVITIES DEEMED TO BE EXAMINATION MALPRACTICES

#### ‘Category 1’ – Malpractice No. 1 to No. 15

1. Cheating including but not limited to;
  - a) copying from the script of another candidate; or
  - b) exchanging answers with another student inside or outside the examination room; or
  - c) bringing into the examination room, in person or by agent, a pre-prepared answer script/booklet; or
  - d) substituting an answer script/booklet illegally prepared outside the examination room for the one already submitted to the invigilator or examiner; or
  - e) falsifying or altering marks awarded on an examination script/booklet.
2. Sitting examination without authorization or valid registration or other required documentation or payment of examination fees.
3. Uttering false documents in relation to eligibility to sit an examination at LDC.
4. Hiring or procuring services of another person to sit examinations on the student’s behalf.
5. Bribing or doing any act likely to compromise an invigilator or examiner.
6. Plagiarism.
7. Fraudulently accessing examination papers/questions or marking guide which have been illegally procured or made available.
8. Fraudulently receiving examination papers/questions before the examination is due.
9. Paying or inducing another person to illegally procure or make available examination questions/papers or marking guide.
10. Use, exchange or receipt of chits, carbons or carbon copies relating

to an examination or assignment.

11. Interfering with conduct of investigations into or hearing of an examination malpractice allegation by the Examinations Malpractice Committee including but not limited to:

- a) Intimidating members of the committee or other LDC staff or witnesses; or
- b) Destroying or concealing evidence relating to an alleged examination malpractice; or
- c) Forging or uttering false evidence relating to an alleged malpractice; or
- d) Bribing a member of the committee or LDC official or witness or any other person in relation to an alleged examination malpractice; or
- e) Harassing or procuring others to harass a member of the committee or LDC official or witness or any other person in relation to an alleged examination malpractice; or
- f) Obstructing the work of the committee.

12. Indulging in disruptive or threatening behaviour towards an invigilator or any LDC staff involved in the conduct of examinations or other student or any person including but not limited to, physical assault or threat of physical assault, shouting, using abusive or threatening language, destruction of property or threat to destroy property.

13. Collaborating or using any other means of gaining unfair advantage during an examination.

14. Aiding or abetting any person or another candidate to commit a 'Category 1' examination malpractice.

15. Attempting to commit a 'Category 1' examination malpractice.

### **'Category 2' – Malpractice No. 16 to No. 27**

16. Giving or being in possession of prohibited material.

17. Delivering to the examiner at his or her office or residence or any other place an examination script/booklet outside the time for delivery and without due authority.



18. Breaking the rules in an examination or assignment including but not limited to failure to adhere to prescribed time within which to complete the examination or assignment.
19. Attempting to influence an examiner.
20. Writing or drawing anything on the answer booklet (such as a candidate's name) likely to compromise or influence or prejudice the examiner.
21. Being in possession of prohibited items such as a computer, cell-phone or other prohibited items during the examination.
22. Leaving the examination room without the authority of the invigilator.
23. Carrying out any form of communication with another student/candidate during an examination.
24. Taking out of the examination room an answer booklet or booklets or any examination materials other than a question paper without express permission from the invigilator.
25. Aiding or abetting any person or another candidate to commit a Category 2 examination malpractice.
26. Attempting to commit a 'Category 2' examination malpractice.
27. Any other conduct or act or omission which in the opinion of the Board of Examiners amounts to a 'Category 2' examination malpractice.



**LAW DEVELOPMENT  
CENTRE CONTACT:**

**Physical Address:**

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Hill Road,  
P.O. Box 7117, Kampala, Uganda.  
Website: [www ldc ac ug](http://www ldc ac ug)

**Contacts:**

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**Legal Aid Clinic**

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**Dept. of Law Reporting,  
Research and Law Reform**

Email: [dbakunzi@ldc.ac.ug](mailto:dbakunzi@ldc.ac.ug)  
0417 101 262  
0417 101 217



**LDC Publishers and Bookshop**

Email: akayongo@ldc.ac.ug

0417 101 236

0417 101 260

0417 101 237

**LDC Administration /  
Public relations officer**

Email: hlukyamuzi@ldc.ac.ug

0417 101 250

**Estates Office**

Email: dnamutamba@ldc.ac.ug

0417 101 211

**LDC Human Resource Manager**

Email: pbehangana@ldc.ac.ug

0417 101 249

**LDC Human Resource Officer**

0417 101 247

**Systems Administration & ICT  
Office**

Email: mnamukasa@ldc.ac.ug

0417 101 215

**LDC Main Store**

Email: rkaganda@ldc.ac.ug

0417 101 241

**Library Department**

Email: jsemugabi@ldc.ac.ug

0417 101 190

0417 101 184

**Procurement and Disposal Unit**

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0417 101 213

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0417 101 207

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