



KENYA SCHOOL OF LAW

INTERNAL MEMO

FROM: DIRECTOR/CHIEF EXECUTIVE

DATE: 17TH NOVEMBER, 2016

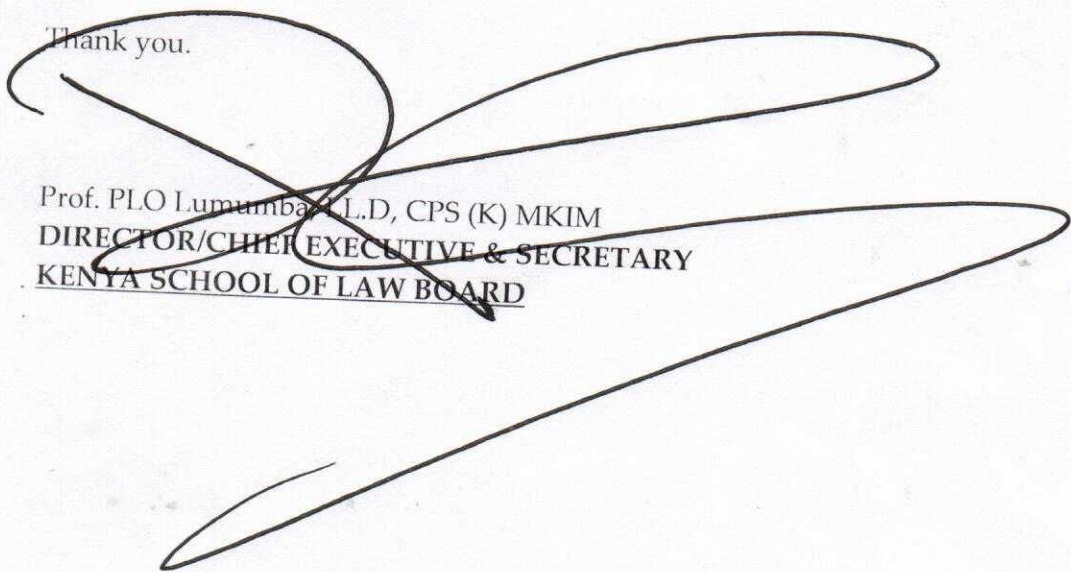
TO: ALL NON - KENYAN APPLICANTS TO THE ATP – 2017/2018 ACADEMIC YEAR

SUBJECT: ADMISSION OF NON – KENYANS TO THE ADVOCATES TRAINING PROGRAMME (ATP)

We have received a letter dated 25th October, 2016 from the Council of Legal Education (CLE) informing us that Non – Kenyans are not eligible for admission to the Advocates Training Programme (ATP) at the Kenya School of Law.

In light of the contents of the letter, Non - Kenyans should stand informed that the Admission Committee has not considered their applications. The Council of Legal Education's (CLE) letter is posted for ease of reference.

Thank you.



Prof. PLO Lumumba LL.D, CPS (K) MKIM
DIRECTOR/CHIEF EXECUTIVE & SECRETARY
KENYA SCHOOL OF LAW BOARD



Council of Legal Education

AM
Kindly developed
a memo to be
signed by the
director
capturing the
admission
criteria
Mwinda
27/10/2016

When replying please quote

Ref. No: CLE/INS/23/Vol. II/(14)

Date: 25th October, 2016



Prof. PLO Lumumba, LL.D, CPS (K), MKM
Director/Chief Executive &
Secretary, Kenya School of Law Board
P.O. Box 30369 - 00100
NAIROBI

Dear Prof. Thomas Obandemji,

ADMISSION OF NON-KENYANS TO THE ADVOCATES TRAINING PROGRAMME (ATP)

Kindly refer to the above.

While at the Taskforce on Legal Sector Reforms convened by the Office of the Attorney General and Department of Justice, several issues were discussed including admissibility of foreign nationals as candidates of the Advocates Training Programme. It was noted that there has been an error in the procedure of admitting these foreign nationals so far.

After a close study of the law, Council was mandated to state the law in relation to the admission of persons who are not Kenyan citizens to the Advocates Training Programme as follows:

1. The provisions of the Kenya School of Law Act 2012 under Section 4 state that:

- 4(1) The School shall be a public legal education provider responsible for the provision of professional legal training as an agent of the Government.
- (2) Without prejudice to the generality of subsection (1), the object of the School shall be to-
 - a) train persons to be advocates under the Advocates Act;
 - b)

The provisions of the Advocates Act Cap 16 under Sections 12 & 13 as relates to admission of Advocates are unequivocal that:

2. The Provisions of Section 12 state that:

Subject to this Act, no person shall be admitted as an advocate unless-

- (a) he is a citizen of Kenya, Rwanda, Burundi, Uganda or Tanzania; and
- (b) he is duly qualified in accordance with section 13

3. The Provisions of Section 13 of the Advocates Act Cap 16 states that:

Professional and academic qualifications

(1) A person shall be duly qualified if—

(a) having passed the relevant examinations of any recognized university in Kenya he holds, or has become eligible for the conferment of, a degree in law of that university; or

(b) having passed the relevant examinations of such university, university college or other institution as the Council of Legal Education may from time to time approve, he holds, or has become eligible for conferment of, a degree in law in the grant of that university, university college or institution which the Council may in each particular case approve:

and thereafter both—

(i) he has attended as a pupil and received from an advocate of such class as may be prescribed, instruction in the proper business, practice and employment of an advocate, and has attended such course or tuition as may be prescribed for a period which in the aggregate including such instruction, does not exceed eighteen months; and

(ii) he has passed such examinations as the Council of Legal Education may prescribe; or

(c) he possesses any other qualifications which are acceptable to and recognized by the Council of Legal Education;

(d) he is an Advocate for the time being of the High Court of Uganda, the High Court of Rwanda, the High Court of Burundi or the High Court of Tanzania;

(e) he is for the time being admitted as an advocate of the superior court of a country within the Commonwealth and—

i) has practised as such in that country for a period of not less than five years; and

(ii) is a member in good standing of the relevant professional body in that country: Provided that the Council may, in addition, require that a person to whom this paragraph applies undergo such training, for a period not exceeding three months, as the Council may prescribe for the purpose of adapting to the practice of law in Kenya.

As per the aforementioned provisions of the Law, the Kenya School of Law should not admit any foreign candidates from the other East African Community member states to the Advocates Training programme (ATP) for qualifying as advocates candidates for automatic admission to the Roll of Advocates in Kenya under Sections 12 and 13 of the Advocates Act, Cap 16 of the Laws of Kenya unless such persons have also been similarly admitted as advocates in their respective countries of origin.

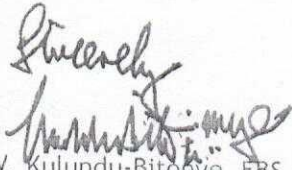
Kindly advise foreign candidates on the provisions of Section 4 (2) (a) of the Kenya School of Law Act 2012 as read with Section 12 and 13 of the Advocates Act Cap. 16 as relates to admission to the Roll of Advocates in Kenya.

Please note that the Council shall not henceforth Gazette any person who does not meet the aforementioned criteria for purposes of admission to the Roll.

It is expected that going forward the School shall apply these admission criteria starting with the January 2017/2018 intake.

Thank you for your continued co-operation.

Yours



Prof. W. Kulundu-Bitonye, EBS
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c.c.

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