

TUITION, PROGRESSION AND EXCLUSION RULES

EXCLUSION RULES

Rule 64 of the Legal Profession Admission Rules provides that any candidate who, without prior leave of the Examinations Committee, fails to sit for examination in at least two subjects in any two successive sessions shall be excluded from taking any further examination.

Rule 66 provides that a candidate who fails any subject a second time shall be excluded from taking any further examination.

Relaxation of exclusion rules

Rule 67 of the Legal Profession Admission Rules provides that the Examinations Committee may in special circumstances relax the exclusion rule upon such conditions as it considers appropriate. An application for relaxation of the exclusion rules must be made to the Committee in writing and must be accompanied by a statutory declaration substantiating the matters set out in the application. An application must clearly explain why the student has not made sufficient progress in the course, or must clearly explain why the student has had difficulty with the subject which has been repeatedly failed and why the student believes that he or she is likely to be successful in the examination in that subject at a further sitting. In every case an application must set out the reasons why the student should be re-admitted to the course. It is necessary that the application also indicate whether the student wishes to take one subject or more than one subject if permitted to re-enrol.

In considering an application under Rule 67, the Examination Committee and its Performance Review Sub-Committee take account of the whole academic record of the Student-at-Law concerned, the distinctions, merits, passes, failures, did-not-sits and previous Rule 67 applications. They decide whether it is appropriate to impose conditions on re-enrolment.

As a condition of re-enrolment, they could require a Student-at-Law: to sit only one subject in a specified session; to sit and pass two subjects in a specified session; or to re-sit some or all of their previously passed subjects. A Rule 67 decision could require a Student-at-Law to repeat one or more previously passed subjects if it is deemed that the learning in such subjects is "stale" owing to changes to the Law or simply the passing of time. Students-at-Law make themselves vulnerable to the imposition of such conditions whenever they breach Rule 64 or 66.

Although there is no current time limit to complete the course this is under consideration by the Board.

It is often not necessary to await the publication of results before making an application under Rule

67. A Student-at-Law who expects to be excluded should make the application as soon as he/she has clear objectives for the following session. An early application has a greater chance of being processed quickly. An application in relation to the Summer 2009-10 Session must be accompanied by the prescribed fee of \$60.00 and, subject to what appears below in relation to late applications, must be forwarded so as to reach the Board's office by 30 October 2009. Students should note that at busy times such applications may take several weeks to process.

An application for enrolment **must not** be lodged until you have received the Board's decision on your relaxation of exclusion rules application (See bottom of page 12). You will get extra time to lodge your enrolment application if necessary.

PROGRESSION RULES

Rules 59(1) and 59(2) of the Legal Profession Admission Rules provide that a student must present himself or herself for examination in the subjects appearing on the curriculum in sequential order until he or she has passed or been exempted from 11 subjects. The student may then take the remaining subjects in any order. Rule 59(3) provides that a Student-at-Law must not, at any one sitting, enrol and sit for examination in more than two subjects until that Student-at-Law has passed or been exempted from eight compulsory subjects, after which that Student-at-Law may not, at any one sitting, enrol and sit for more than three subjects.

It is not practicable to arrange the lecture and examination timetable in such a way as to accommodate every combination of subjects a student might wish to take by lectures in a particular session. Timetable clashes may arise in particular where a student includes in his or her program of study one or more of the subjects appearing in Group B. A student can minimise the risk of timetable clashes involving subjects in Group B by including subjects from that group in his or her program of study at the earliest opportunity.

Please note a maximum of two exams may be sat in one day.

Relaxation of progression rules

The Examinations Committee may relax the progression rules. An application for relaxation of these rules must be made to the Examinations Committee in writing and must be accompanied by a statutory declaration substantiating the matters set out in the application. The rules will be relaxed only when it is found that there is good and sufficient reason to justify the change sought.

A student who wishes to enrol in subjects out of order must specify which subjects and the reasons why he or she desires to take the subjects in an alternative order.

You should also be aware that knowledge of one or more subjects is often a prerequisite to study others. A student who wishes to enrol in more than two subjects before having completed a total of 8 compulsory subjects must set out the reasons why he or she wishes to attempt additional subjects and the basis upon which he or she considers that the proposed workload is not excessive.

An application in relation to the Summer 2009-10 Session must be accompanied by the prescribed fee of \$60.00 and, subject to what appears below in relation to late applications, must be forwarded so as to reach the Board's office by 30 October 2009.

Please note if you are applying for relaxation of Rules 59(1) and 59(3), separate applications, with a \$60.00 fee for each, are required. The separate applications may be submitted at the same time. Decisions made in response to these applications are valid for one specified session only.

An application for enrolment **must not** be lodged until you have received the Board's decision on your application for relaxation of the progression rules. However, you may attend lectures while awaiting the Board's decision. You will get extra time to lodge your enrolment application if necessary.

LATE APPLICATIONS

An application for relaxation of the progression or exclusion rules which reaches the Board's office later than Friday 30 October 2009 but not later than Friday 6 November 2009 will be processed in relation to the Summer 2009-10 Session, but only upon payment of a late fee of \$60.00 in addition to the prescribed fee of \$60.00. Applications received later than Friday 6 November 2009 will not be processed in relation to the Summer 2009-10 Session.

TUITION/ENROLMENT RULES

Rule 60 of the Legal Profession Admission Rules provides that a student who wishes to take any examination under the Rules must enrol for the corresponding course of instruction conducted by the Law Extension Committee in the session immediately preceding the examination.

Rule 63A of the Legal Profession Admission Rules provides that a student who has enrolled with the Law Extension Committee in accordance with Rule 60 must complete the requirements of the course of instruction to the satisfaction of the Law Extension Committee.

Tuition rule policy

Rule 63A of the Legal Profession Admission Rules requires the Law Extension Committee to notify students and the Examinations Committee if a student is ineligible to sit for an examination.

To be eligible to sit for an examination a student must have registered in that subject with the Law Extension Committee and must have completed satisfactorily all required tasks in that subject.

The Law Extension Committee notifies students of their eligibility through the Webcampus. It is the responsibility of students to check their results and eligibility status by accessing the Webcampus.

With regard to written tasks, it is expected that students achieve at least a pass mark (50%). If a student receives a grade between 40% and 49% the Law Extension Committee may deem the student eligible to sit for the examination. In that instance, the category "deemed eligible" appears on the student's result screen.

There are some occasions when a student may be thoroughly prepared but unable to sit for an examination. Because the Board's examinations are held twice a year, and not sitting for an examination is not regarded as a failure, the usual advice is to repeat the subject in the following session. In exceptional circumstances the Board and the Law Extension Committee may be able to offer some financial relief to a student who, but for the unforeseen event, would have most likely passed the examination.

In order to qualify, a student must have been prevented from sitting for the examination by serious illness or misadventure occurring within one week of the examination. A statutory declaration and specific medical certificate must be lodged with the Law Extension Committee, if possible prior to the examination but no later than 14 days after the examination. Upon the student passing that examination in the next session, and notifying the Law Extension Committee, the Law Extension Committee and the Board will consider a partial refund of the fees for that session.

The criteria are quite strict – for example, a student must have been eligible (not deemed eligible) to sit for the examination they missed; and at the next session must have achieved a pass in the compulsory assignment and the examination. It is advisable to discuss an application with the Law Extension Committee or the Board's Legal Officer.

Students who were enrolled in the Winter 2009 Session and seek advice as to exemption should contact the Board no later than 21 October 2009.