TUITION, PROGRESSION AND EXCLUSION RULES

TUITION/ENROLMENT RULE

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.

Relaxation of tuition rule

The Examinations Committee of the Legal Profession Admission Board may relax the tuition rule. An application for relaxation of this rule 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.

A student may apply to be exempt from tuition in a subject in a given session. If the application is successful the student may enrol for the examination in that subject without enrolling for tuition. The application must be in statutory declaration form accompanied by any relevant documentation such as a medical certificate. The application must show that in the immediately preceeding session the student:

- had completed tuition in the subject to the satisfaction of the Law Extension Committee;
- had prepared appropriately to sit for the examination;
- and was prevented from sitting for the examination by serious illness or misadventure close to the time of the examination. An exemption from tuition in a subject would not be granted unless it appeared plausible that the student would have passed the examination but for the illness or misadventure.

Exemption from tuition will not be granted to a student who sat and failed the examination, and can only be approved for the session immediately following the one in which the misadventure had occurred.

An application in relation to the 2007 Winter Session must be accompanied by the prescribed fee of $35.00 and, subject to what appears below in relation to late applications, must be forwarded so as to reach the Board’s office by 27 April 2007.

An application for enrolment must not be lodged until you have received the Board’s decision on your application for a relaxation of the tuition rule.

The Law Extension Committee has agreed that if you wish to study another subject you may attend lectures in that subject while you await the Board’s decision.

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 credited with or 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 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.

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 proposes to take the subjects in an alternative order.

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 considers that the proposed workload is not excessive.

An application in relation to the Winter 2007 session must be accompanied by the prescribed fee of $35.00 and, subject to what appears below in relation to late
applications, must be forwarded so as to reach the Board’s office by 27 April 2007.

Please note if you are applying for relaxation of Rules 59(1) and 59(3), separate applications, with a $35 fee for each, are required. The separate applications may be submitted at the same time. Decisions in response to these applications are made with respect to a particular session.

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.

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 desirable 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 a previously passed subject if it seems that the learning in that subject was “stale” owing to changes to the Law or simply the effluxion of time. Students-at-Law make themselves vulnerable to the imposition of such conditions whenever they breach Rule 64 or 66.

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 2007 Winter Session must be accompanied by the prescribed fee of $35.00 and, subject to what appears below in relation to late applications, must be forwarded so as to reach the Board’s office by 27 April 2007. 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. However, you may attend lectures while awaiting the Board’s decision.

LATE APPLICATIONS

An application for relaxation of the tuition, progression or exclusion rules which reaches the Board’s office later than Friday 27 April 2007 but not later than Friday 4 May 2007 will be processed in relation to the 2007 Winter Session, but only upon payment of a late fee of $50.00 in addition to the prescribed fee of $35.00.

Applications received later than Friday 4 May 2007 will not be processed in relation to the 2007 Winter Session.