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Kampala, Uganda.

1

Friday, 24th January, 2025.

2 To:

3 **The Hon. Minister of Justice and Constitutional Affairs,**
4 **Ministry of Justice and Constitutional Affairs,**
5 **P.O. Box 7183, KAMPALA.**

6 Dear Sir,

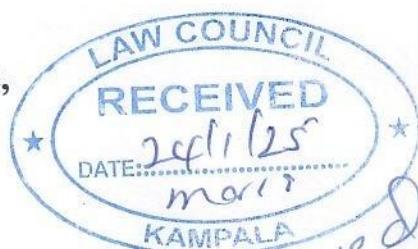
7 **Re: Presentation of Draft 3 of The Legal Education and Training Bill, 2024**

8 Thank you for the good work you are doing for our country, Uganda. God bless you.

9 In my last communication to you and others copied herein vide my letter dated
10 Thursday, 19th December, 2024, I informed you that I am working on the third draft
11 of my proposed **Legal Education and Training Bill, 2024** and promised to present it
12 to you all very soon. PLEASE FIND IT HEREON ATTACHED.

13 As before, the Bill is copyrighted, as indicated and for the same reasons. Infringers
14 will be pursued. It is also still undergoing further development and so I still welcome
15 your views and those of members of the interested general public for consideration.

16 However, I am ready and willing to surrender to you my copyright in the proposed
17 Bill so that then you may do with it as you deem appropriate. Since I am giving you
18 good value, I request that you also give me good value in return. After all, as the
19 saying goes, one good turn deserves another. You may, for instance, give me a full
20 masters scholarship (preferably at a Ugandan university), or give me a job, or
21 money. Of these, a scholarship would be my most preferred choice. A Master of
22 Laws (LLM) or the Interdisciplinary PhD Programme in Social Studies (MPhil/PhD
23 in Social Studies) of Makerere Institute of Social Research (MISR) are notable
24 examples that quickly come to my mind. I am aware that Ministry of Education and



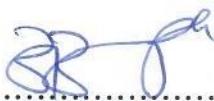
Received by
Cathy for
Chair person
LC

25 Sports as well as State House usually give out scholarships to people. Please liaise
26 with them so that you get me one this coming academic year. Upon admission, I
27 shall surrender to you the copyright in the proposed Bill except for moral rights
28 which, under section 10 (3) of *The Copyright and Neighbouring Rights Act, 2006*,
29 are not assignable to any person. I shall use the knowledge and skills acquired from
30 further studies to develop my country more. Moreover, such a generous gesture from
31 you will go a long way to encourage and assure other people that once they do good
32 things for their country, their country will appreciate and reward them as well.

33 I look forward to your positive response, sir.

34 For God and my country,

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Bakampa Brian Baryaguma

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Initiator of the Bill

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Copy to:

1. Hon. Attorney General
2. Solicitor General
3. Hon. Deputy Attorney General
4. Deputy Solicitor General
5. Chairperson, Law Council
6. President, Uganda Law Society
7. Secretary, Law Council
8. Director, Law Development Centre

THE LEGAL EDUCATION AND TRAINING BILL, 2024

MEMORANDUM

1. The Purpose/Rationale of the Bill

The purpose of this Bill is to create an enabling legal regime that is calculated to improve the quality of legal education in Uganda. Universities in Uganda today churn out numerous lawyers every year, who are so undertrained and ill-equipped that they can hardly help anyone with the simplest legal problem. There is too much theoretical cram-work and too little practical training, thus rendering our universities a mockery of themselves as bastions of knowledge. There is, quite embarrassingly, not much real learning going on in universities.

Consequently, the Bill aims at producing graduates who are holistic lawyers that are thoroughly educated, well trained and equipped, to effectively handle important legal and other development matters. Graduates of law should be truly useful as such to society. For instance, they should be employable. By and large, this is not the case today.

The Bill recognizes that it is uneconomic for Government to continue funding postgraduate legal education, yet there are many viable alternative avenues for even better quality training at accredited public and private universities. It is the spirit of the Bill that Government should cut costs, by mainly concentrating on regulation and supervision – not actual service delivery.

The Bill appreciates that unlike creating more “LDCs,” the de-monopolization of the Bar course by devolving it to universities is cheaper and therefore more affordable for Ugandan taxpayers, since universities already have the necessary infrastructure and materials to ably teach the course’s components. Creating more “LDCs” will require land, furniture, reading materials, staff members and so on. It is very costly for Government and definitely time consuming.

2. The Objectives of the Bill

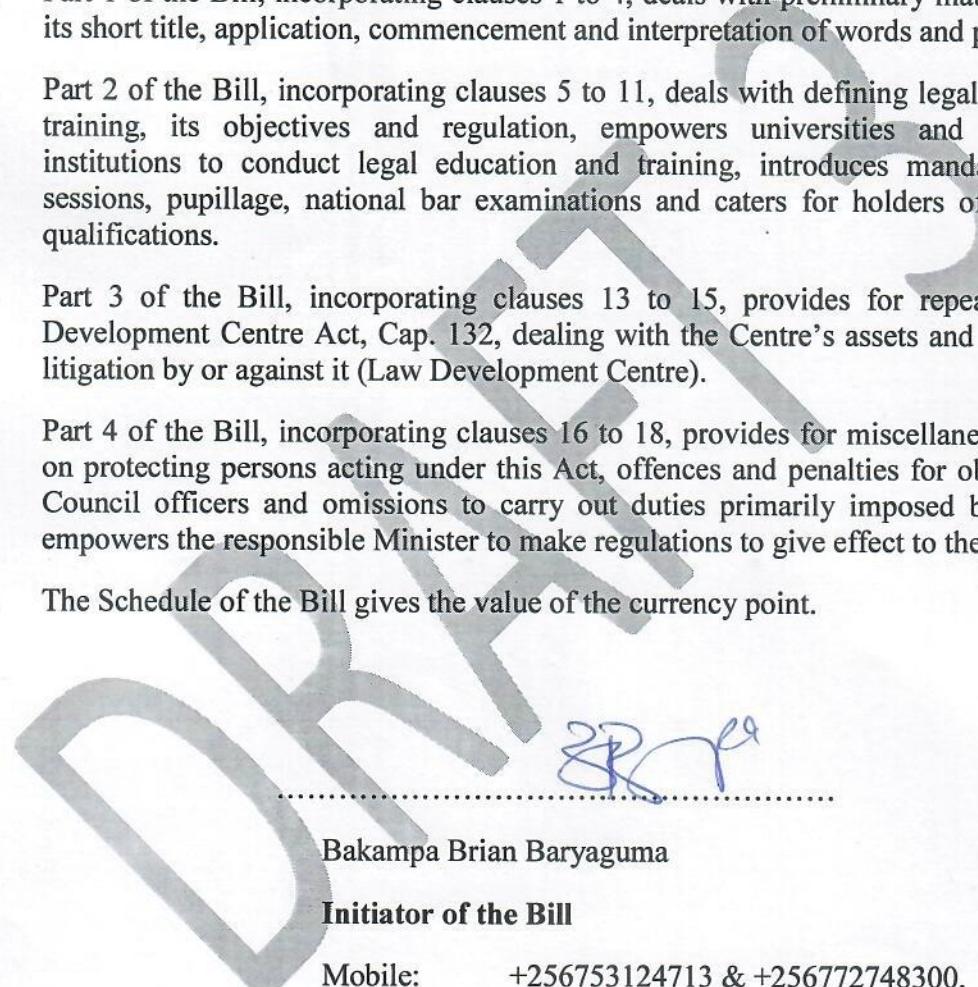
The objectives of the Bill are:

- (a) To impart quality knowledge in students and produce lawyers and paralegals of high academic standards, who are competent to handle complex legal matters.
- (b) To create employment and other related opportunities for law practitioners and support staff at universities and other tertiary institutions, due to more teaching needs.
- (c) To bring service delivery closer to the people of Uganda, through established universities, other degree awarding institutions and other tertiary institutions, in line with Government’s decentralization and liberalization policies and strategies.
- (d) To reduce the financial burden on the Government of Uganda and donors, through incurring unnecessary expenses, by funding postgraduate legal education at the Law Development Centre, whose services can be better provided by other service providers, particularly universities, other degree awarding institutions and tertiary institutions.

- (e) To streamline and harness the regulatory and supervisory frameworks of the Law Council, already existing at university level, in order to ensure good quality teaching and high learning standards.
- (f) To simplify the process of admission and enrollment of advocates in Uganda by eliminating cumbersome procedures and other red tape.

3. Summary of the Bill

- 3.1. Part 1 of the Bill, incorporating clauses 1 to 4, deals with preliminary matters relating to its short title, application, commencement and interpretation of words and phrases used.
- 3.2. Part 2 of the Bill, incorporating clauses 5 to 11, deals with defining legal education and training, its objectives and regulation, empowers universities and other tertiary institutions to conduct legal education and training, introduces mandatory practical sessions, pupillage, national bar examinations and caters for holders of foreign legal qualifications.
- 3.3. Part 3 of the Bill, incorporating clauses 13 to 15, provides for repeal of the Law Development Centre Act, Cap. 132, dealing with the Centre's assets and liabilities, and litigation by or against it (Law Development Centre).
- 3.4. Part 4 of the Bill, incorporating clauses 16 to 18, provides for miscellaneous provisions on protecting persons acting under this Act, offences and penalties for obstructing Law Council officers and omissions to carry out duties primarily imposed by law. It also empowers the responsible Minister to make regulations to give effect to the Act.
- 3.5. The Schedule of the Bill gives the value of the currency point.



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THE LEGAL EDUCATION AND TRAINING BILL, 2024

ARRANGEMENT OF CLAUSES

Clause.

PART 1 – PRELIMINARY

1. Short Title
2. Application
3. Commencement
4. Interpretation

PART 2 – PROVISION OF LEGAL EDUCATION AND TRAINING

5. Legal Education and Training Defined
6. Objectives of Legal Education and Training
7. Regulation of Legal Education and Training
8. Universities and Other Tertiary Institutions to Provide Legal Education and Training
9. Mandatory Practical Sessions
10. Pupillage
11. National Bar Examination
12. Holders of Foreign Legal Qualifications

PART 3 – TRANSITIONAL PROVISIONS

13. Repeal and Savings
14. Assets and Liabilities of the Law Development Centre
15. Litigation by or against the Law Development Centre

PART 4 – MISCELLANEOUS

16. Protection for Persons Acting under this Act
17. Offences and Penalties

18. Regulations

SCHEDULE

Currency Point

DRAFT 3

A BILL FOR AN ACT
ENTITLED
THE LEGAL EDUCATION AND TRAINING ACT, 2024

An Act to regulate legal education and training in institutions of higher learning; integrate postgraduate bar course training into undergraduate degree academic education; repeal the Law Development Centre Act, Cap 132; and to provide for other related matters.

BE IT ENACTED by Parliament as follows:

PART 1 – PRELIMINARY

1. Short Title

This Act may be cited as the Legal Education and Training Act, 2024.

2. Application

- (1) This Act shall apply to institutions of higher learning offering law programmes.
- (2) If the provisions of any other law (other than the Constitution) or practice, related to or concerning matters covered by this Act, are inconsistent with any provision of this Act, the Act shall prevail, and that other law or practice shall, to the extent of the inconsistency, be void.

3. Commencement

This Act shall come into force on a date appointed by the Minister, by statutory instrument, and different dates may be appointed for the commencement of different provisions.

4. Interpretation

In this Act, unless the context otherwise requires—

- (a) “Act” means this Act;
- (b) “advocate” includes judicial officer and state attorney;
- (c) “agent” means employee, delegate, contractor, including an independent contractor;
- (d) “Disciplinary Committee” means the Disciplinary Committee established under the Advocates Act, Cap. 267;
- (e) “ICT” means Information Communication Technology;
- (f) “Law Council” means the Law Council established under the Advocates Act, Cap. 267;
- (g) “Minister” means the Minister responsible for education;

- (h) “paralegal” means a person that holds an ordinary diploma in law from a teaching institution and who has apprenticed for at least three years under supervision of an advocate of not less than six years standing, performing specifically delegated legal work for which the supervisor is responsible in his or her legal practice, such as filing papers, issuing process, and keeping records of court proceedings;
- (i) “person” means natural, or corporate entities;
- (j) “pupil-advocate” means a person undergoing pupillage;
- (k) “pupillage” means professional apprenticeship of one year, for a holder of a degree in law, which the degree holder serves before he or she can become eligible to practise law as an advocate;
- (l) “teaching institution” means a university, other degree institution or tertiary institution, whether public or private, duly established or registered under the Universities and Other Tertiary Institutions Act, 2001.

PART 2 – PROVISION OF LEGAL EDUCATION AND TRAINING

5. Legal Education and Training Defined

For purposes of this Act, legal education and training means academic and practical teaching in courses of study in substantive and procedural law, including but not limited to, lectures, tutorials, moots, clerkship, examinations and research, leading to the award of certificates, diplomas, or degrees.

6. Objectives of Legal Education and Training

The objectives of legal education and training shall include, but not limited to, the following—

- (a) to teach students laws, principles and concepts of the laws, for the acquisition of legal knowledge, professional skills and experience;
- (b) to teach students to apply the laws, legal principles and concepts, to real-life situations;
- (c) to provide training on the basic skills of legal practice such as drafting, adjudicating, counseling, negotiating and advocacy techniques; and
- (d) to guide students on professional behavior and conduct.

7. Regulation of Legal Education and Training

- (1) The Law Council shall supervise and control legal education and training in Uganda.
- (2) Supervision and control shall entail setting accreditation standards for law faculties and schools, including admission requirements, approving courses of study, duration of study, classroom space and facilities, ICT connectivity, library facilities and management, professional qualifications of academic staff and teaching methods.

8. Teaching Institutions to Provide Legal Education and Training

- (1) A teaching institution may provide legal education and training courses to persons wishing to pursue studies in law.
- (2) The Law Council shall, by statutory instrument, prescribe course durations which in any event shall not be less than two years for undergraduate programmes, apart from short certificate courses.
- (3) The Law Council may limit the number of persons a teaching institution can admit as students in an academic year.
- (4) A teaching institution shall impose a pre-entry examination for applicants of the undergraduate degree programme before admission.
- (5) The head, by whatever title called, of a department, faculty, or school of legal education and training, of a teaching institution, shall, within three months of the close of the academic year, submit annual quality assurance reports to the Law Council.
- (6) The annual quality assurance report shall state the following—
 - (a) quality of teaching staff and their qualifications;
 - (b) staff development programmes;
 - (c) ratios of staff to students;
 - (d) content, design and duration of courses of study;
 - (e) quality of teaching and examination methods;
 - (f) availability of facilities, notably classroom space, staff office space, library, ratios of books to students and ICT connectivity; and
 - (g) quality of graduates in the job market.
- (7) The Law Council may within three months after receiving the annual quality assurance report, make binding recommendations to the reporting department, faculty, or school of legal education and training.

9. Mandatory Practical Sessions

- (1) A teaching institution shall administer practical legal training to undergraduate students including, but not limited to, legal drafting, moot sessions and clerkship.
- (2) Practical legal training shall be undertaken from the second last academic year of study for undergraduate degree programmes; but nothing in this section shall prevent a teaching institution from administering practical legal training earlier.

10. Pupillage

- (1) A holder of a degree in law who is desirous of enrolling as an advocate shall undergo pupillage at a facility recognized by the Law Council.
- (2) Pupillage shall be for one year, on full-time and continuous basis; but a person may take a break, for good cause, and continue where they left off within a year from when the break begins until completion; provided that the person serves or had served for at least six continuous months out of the mandatory year.
- (3) A person desirous of undergoing pupillage shall apply to facilities of his or her choice for pupillage placement; and he or she may split the pupillage period into two six-month intervals by opting to undergo pupillage at different facilities.
- (4) Upon a facility accepting an application for pupillage placement, the applicant shall be supervised by an advocate or advocates of not less than six years standing.
- (5) The supervising advocate or advocates shall, upon completion of pupillage, issue an assessment report confirming that the person underwent pupillage.
- (6) In the event of split pupillage, a pupil-advocate shall obtain a signed record of time spent in pupillage with each supervising advocate.
- (7) A certificate of completion of pupillage, to be issued by the last supervising advocate, shall not expire.
- (8) A supervising advocate shall not, without good cause, refuse to issue a record of time spent with a pupil-advocate or a certificate of completion of pupillage confirming that the pupil-advocate carried out pupillage as required.
- (9) A pupil-advocate shall be educated and trained, subject to the usual regulations of the facility, but free of tuition or any other charge.
- (10) A person who—
 - (a) passed clerkship as part of bar course studies at the Law Development Centre; or
 - (b) is a paralegal;shall be exempted from undergoing pupillage as a condition for sitting the national bar examination stipulated under section 12 of this Act.
- (11) A pupil-advocate shall not have a right of audience in court and accordingly shall—
 - (a) not sit at the bar during proceedings; and
 - (b) also be excluded in proceedings closed to the public.

11. Conduct of Pupil-Advocates

- (1) A pupil-advocate shall, while undergoing pupillage—

- (a) conduct himself or herself with decorum;
- (b) abide by the dress code for advocates; and
- (c) observe confidentiality, even after termination of pupillage, but shall not necessarily be bound by the standard of professional conduct of advocates.
- (d) Without prejudice to the generality of subsection (1) of this section or any other provision of this Act, the Law Council may make regulations with regard to any matter concerning the conduct and discipline of pupil-advocates.
- (e) A pupil-advocate who contravenes or fails to comply with the provisions of any regulations made under subsection (2) shall be guilty of improper conduct, and the Law Council or any person may make a complaint to the Disciplinary Committee in respect of that conduct.

12. National Bar Examination

- (1) The Law Council shall set a national bar examination to be done by any person who is a–
 - (a) holder of a degree in law after undergoing pupillage;
 - (b) paralegal; and
 - (c) holder of foreign legal qualifications who has been examined in core subjects as stipulated under section 13 of this Act and has undergone pupillage.
- (2) A person desirous of sitting for the national bar examination shall apply to the Law Council in the prescribed manner and pay a prescribed fee.
- (3) A person who passes the national bar examination shall be entitled to have his or her name entered on the Roll of Advocates in Uganda, upon payment of a fee prescribed by law for issuance of a practising certificate.

13. Holders of Foreign Legal Qualifications

- (1) A person, being a citizen of Uganda, or ordinarily resident in Uganda, who holds a law degree or other equivalent legal qualifications, from an institution outside Uganda, shall enroll in a teaching institution in Uganda of his or her choice, to study and be examined in core subjects, designated by the Law Council, by regulations.
- (2) For purposes of this Act, a person is ordinarily resident in Uganda, if he or she has a permanent place of abode in Uganda, or exhibits an intention never to leave.

PART 3 – TRANSITIONAL PROVISIONS

14. Repeal and Savings

- (1) The Law Development Centre Act, Cap 132 in force immediately before the commencement of this Act shall stand repealed at the full commencement of this Act.
- (2) Any statutory instrument made under the Law Development Centre Act repealed under subsection (1) and which is in force immediately before the commencement of this Act, shall remain in force, so far as it is not inconsistent with this Act, until it is revoked by a statutory instrument made under this Act and until that revocation, shall be deemed to have been made under this Act.
- (3) Until the full commencement of this Act, any authorization granted under the repealed Act and anything done under that Act shall continue to take effect as if done under this Act, unless it is expressly or by necessary implication revoked under this Act.

15. Assets and Liabilities of the Law Development Centre

All assets and liabilities of the Law Development Centre shall be dealt with in accordance with the laws on winding up in Uganda.

16. Litigation by or against the Law Development Centre

At the full commencement of this Act—

- (a) any litigation by or against the Law Development Centre still pending in any court or tribunal shall be succeeded by the Attorney General;
- (b) any unfulfilled obligation resulting from any litigation by or against the Law Development Centre shall, as far as is possible, be satisfied by the Attorney General.

PART 4 – MISCELLANEOUS

17. Protection for Persons Acting under this Act

No officer or agent of the Law Council, or any other person performing a function or exercising power under this Act is personally liable for any civil proceedings for act or omission on his or her part, acting in good faith, in the performance of any function or exercise of power conferred on that officer, agent or person under this Act.

18. Offences and Penalties

- (1) Any person, or agent of the person, who—
 - (a) obstructs an officer or agent of the Law Council, in the performance of his or her duties;
 - (b) fails to implement a decision of the Law Council;
 - (c) contravenes any provision of this Act, or of regulations made under it; by commission or omission, commits an offence and is liable on conviction:

- (i) in case of a natural person, to a fine of not less than fifty currency points, or to imprisonment for a term not exceeding twelve (12) months, or to both such fine and imprisonment;
- (ii) in case of a corporate person, to a fine of not less than one hundred currency points.

(2) Where a person guilty of an offence under subsection (1) is—

- (a) a body of persons being a body corporate, every director and corporation secretary of the body corporate shall be deemed to be guilty of that offence;
- (b) a body of persons being a firm, every partner of that firm shall be deemed to be guilty of that offence.

(3) No person shall be convicted for an offence under subsection (2) if he or she proves that the offence was committed without his or her knowledge, or that he or she exercised due diligence to prevent the commission of the offence.

(4) One currency point shall be equivalent to the amount specified in the Schedule to this Act.

(5) The Minister may, by statutory instrument, after consultation with the minister responsible for finance, revise the currency point.

(6) For purposes of this section, “body corporate” includes an agency, department, or organ of Government, and “person” includes employees thereof.

19. Regulations

The Minister may, by statutory instrument, make regulations for enforcement and better carrying out of the provisions of this Act.

Cross references:

Advocates Act, Cap. 267.

Companies Act, No. 1 of 2012.

Insolvency Act, No. 14 of 2011.

Law Development Centre Act, Cap. 132.

Universities and Other Tertiary Institutions Act, 2001.

SCHEDULE

Section 18

One currency point is equivalent to twenty thousand Uganda shillings.

DRAFT 3