

THE COUNCIL OF LEGAL EDUCATION ACT

Acts
7 of 1974,
14 of 1982.

[1st April, 1974.]

1. This Act may be cited as the Council of Legal Education Act Short title.

2. In this Act—

“the Agreement” means the Agreement for the establishment of a Council of Legal Education for the Caribbean region the original of which Agreement is deposited with the Secretary-General of the Commonwealth Caribbean Regional Secretariat and of which the text of the Articles is set out in the Schedule to this Act;

Interpretation.

Schedule.

“Minister” means the Minister for the time being charged with responsibility for legal education.

3. The provisions of clause 2 (legal status) of Article 1, Articles 5 and 6 and clause 6 (exemptions from taxation) of Article 9 of the Agreement shall have the force of law in Jamaica.

Certain provisions of the Agreement given force of law in Jamaica. 14/1982 S. 2 (a). L.N. 153/1985

4.—(1) Where any amendment of the Agreement is accepted by the Government, the Minister may by order amend the Schedule to this Act for the purpose of including therein the amendment so accepted.

Minister may amend Schedule.

(2) Any order made under this section may contain such consequential, supplemental or ancillary provisions as appear to the Minister to be necessary or expedient for the

purpose of giving effect to the said amendment and, without prejudice to the generality of the foregoing, may contain provisions amending references in this Act to specific provisions of the Agreement.

(3) Where the Schedule to this Act is amended pursuant to this section, any reference in this Act or in any other enactment or any instrument having effect under any such enactment to the Agreement shall, unless the context otherwise requires, be construed as a reference to the Agreement as so amended.

Exemption
from
income tax
and
transfer tax.

5.—(1) The Council of Legal Education shall be exempt from income tax.

(2) Notwithstanding anything to the contrary contained in any enactment, any deed, agreement, instrument, insurance policy, writing or receipt relating to any loan made to or by the Council under this Act shall be exempt from stamp duty and recording and registration fees.

(3) There shall be exempt from taxation under the Transfer Tax Act, any transfer by the Council of property belonging to it or of any right or interest created in, over or otherwise with respect to any such property.

SCHEDULE (Sections 2 and 4)

Agreement establishing the Council of Legal Education

THE CONTRACTING PARTIES:

SHARING a common determination to establish without delay a scheme for legal education and training that is suited to the needs of the Caribbean:

AWARE that the objectives of such a scheme of education and training should be to provide teaching in legal skills and techniques as well as to pay due regard to the impact of law as an instrument of orderly social and economic change;

CONVINCED that such a scheme of education and training can best be achieved by:—

Firstly, a University course of academic training in a Faculty of Law designed to give not only a background of general legal principles and techniques but an appreciation of relevant social science subjects including Caribbean history and contemporary Caribbean affairs; Secondly, a period of further institutional training directed towards the study of legal subjects, having a practical content and emphasis, and the acquisition of the skills and techniques required for the practice of law;

RECOGNISING the need to vest responsibility for providing the institutional training in a Regional Council of Legal Education which should be established in advance of students being admitted to the Faculty of Law so as to give assurance that the whole scheme for legal education will be implemented in its entirety;

HEREBY AGREE AS FOLLOWS:

**ARTICLE 1
CONSTITUTION**

There shall be a Council of Legal Education (hereinafter called "the Council") with the following membership, status, functions and powers:

1. Membership

(a) The Council shall consist of:

- (i) The Dean of the Faculty of Law of the University of the West Indies and another member of the faculty nominated by him;
- (ii) The Principals of the Law Schools;
- (iii) The Head of the Judiciary of each participating territory;
- (iv) The Attorney-General of each participating territory;
- (v) From each of the four participating territories in which there are now two branches of the legal profession, namely Jamaica, Barbados, Trinidad and Tobago and Guyana, a Barrister and a Solicitor nominated by their appropriate professional bodies, or in the event of the

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two branches of the profession at any time becoming fused in any such territory two members of the fused profession nominated by their appropriate professional body;

- (vi) From each of the other participating territories one member of the profession nominated by the appropriate professional body.
- (b) Each member of the Council appointed under paragraphs (v) and (vi) of Clause (a) above shall hold office for three years from the date of his appointment and shall be eligible for re-appointment. The effective date of appointment of members under the said paragraphs (v) and (vi) shall be the date on which the Council is notified of the appointment.
- (c) Each member of the Council may be represented by an alternate to be appointed, in the case of (i) above by the Dean, in the case of (ii), (iii) and (iv) by the member himself and in the case of (v) and (vi) by the body represented by the member.
- (d) A casual vacancy, however, occurring in the case of a member appointed under (v) and (vi) may be filled by the body appointing such member and the person appointed to fill such casual vacancy shall hold office for the remainder of the period of the appointment of the member whose place he fills.
- (e) Any committee of the Council shall have the power to co-opt such person or persons as it thinks fit.

2. *Legal Status*

The Council shall possess full juridical personality and, in particular, full capacity—

- (a) to contract;
- (b) to acquire, and dispose of movable and immovable property; and
- (c) to institute and defend legal proceedings.

3. *Functions and Powers*

The functions and the powers of the Council shall be as follows:—

- (a) to undertake and discharge general responsibility for the practical professional training of persons seeking to become members of the legal profession;
- (b) to establish, equip and maintain Law Schools, one in Jamaica, one in Trinidad and Tobago and in such other territories as the Council may from time to time determine, for the purpose of providing post-graduate professional legal training;
- (c) to appoint a Principal of each Law School and all necessary staff;
- (d) to make proper provision for courses of study and practical instruction, for the award of scholarships, studentships,

bursaries, and prizes, and for holding examinations and granting diplomas and certificates;

- (e) to evaluate courses of study provided by and to accord appropriate recognition of legal qualifications obtained at other institutions;
- (f) in the exercise of any of the above functions or powers to enter into any such agreements with the University of the West Indies, and the University of Guyana as the Council shall think fit;
- (g) to appoint Committees of the Council and to delegate to any such Committee such of its powers as the Council shall think fit provided that the Council shall nevertheless maintain overall responsibility for co-ordinating training throughout the area on a planned and integrated basis paying due regard to the needs of the several participating territories;
- (h) to make regulations for the due discharge of its functions, for the courses and examinations at the Law Schools, and for prescribing fees to be paid and disciplinary rules to be observed by persons admitted to the Law Schools and, subject to the provisions of Articles 7 and 8, to regulate its own procedures;
- (i) to do all such other acts and things whether incidental to the powers aforesaid or not as may be requisite in order to further the objects of the Council.

ARTICLE 2

Principals of Law Schools

The Principal of each Law School shall be responsible to the Council for the organisation and administration of the Law School and of the courses of study and practical instruction and shall exercise such other functions of the Council as the Council may, from time to time, entrust to him.

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ARTICLE 3

Admission to Law Schools

Every person who holds a University of the West Indies LL. B. degree shall be eligible for admission to the Law Schools and every person who holds a degree of a University or Institution which is recognised by the Council as being equivalent to the University of the West Indies LL.B. degree shall, subject to the availability of places and to such conditions (if any) as the Council may require, be eligible for admission to the Law Schools. Provided that any national who prior to 1st October, 1972 was the holder of a University Degree or had commenced upon a degree programme other than in law and completed that programme before 1st October, 1975, shall be eligible to be admitted to one of the Professional Law Schools without being required to obtain a degree of LL.B. from the University of the West Indies or a Law Degree recog-