

BARRISTERS (ADVANCED LEGAL EDUCATION REQUIREMENT) RULES

CONTENTS

Section		Page
1.	Commencement	1
2.	Interpretation	1
3.	Advanced Legal Education Programme	2
4.	Compulsory requirement for pupils	3
5.	Obligation to keep record and duty to submit information	3
6.	ALE courses completed before pupillage	3
7.	Consequence of failure to complete Programme	4
8.	Exemptions	4
9.	Reporting	4
10.	Review	5
11.	Application	5

3. Advanced Legal Education Programme

(1) The Bar Council shall institute and organize, in accordance with these Rules, for pupils a programme of compulsory legal education to be known as the Advanced Legal Education Programme.

(2) In instituting and organizing the Programme, the Bar Council shall have the power to –

- (a) provide ALE courses;
- (b) determine the number of ALE points to be accredited to any ALE course;
- (c) subject to such conditions as the Bar Council may impose -
 - (i) authorize a person to provide ALE courses and to revoke such authorisation;
 - (ii) determine the number of ALE points to be accredited to any ALE course provided by an authorized person referred to in subparagraph (i);
- (d) revoke, vary or amend any ALE points accredited under paragraphs (b) and (c)(ii);
- (e) require pupils to attend any ALE course.

(3) The Bar Council shall provide to all persons who apply to the Bar Council for a certificate of eligibility for pupillage and make available to all pupils undergoing an approved period of pupillage information regarding –

- (i) the requirement to complete the Programme;
- (ii) the rules of the Programme in force from time to time, including the total number of points which a pupil must obtain to complete the Programme; and
- (iii) the ALE courses being offered from time to time under the Programme, including the times when such courses are intended to be offered and the number of points accredited to each such course.

4. Compulsory requirement for pupils

(1) Except as provided in section 8, a pupil must complete the Programme during his period of approved pupillage.

(2) In order to complete the Programme, a pupil must –

- (a) attend such ALE courses as the Bar Council may require for the satisfactory completion of the Programme; and
- (b) obtain a total of 14 ALE points.

5. Obligation to keep record and duty to submit information

(1) Subject to section 8, a pupil to whom section 4 applies must keep a record in a form approved by the Bar Council of all the ALE courses he has completed.

(2) A pupil shall submit to the Bar Council the record and such other information relating to his participation in the Programme in such manner and within such period as the Bar Council may consider necessary.

6. ALE courses completed before pupillage

Where –

- (a) a pupil has completed any workshop, lecture, seminar, course or other mode of instruction of a similar nature to an ALE course prior to his period of approved pupillage; and
- (b) before the completion, he has applied for pupillage to the Bar Council in accordance with –
 - (i) the Barristers (Qualification for Admission and Pupillage) Rules (L.N. of 2002); or
 - (ii) the Barristers (Qualification) Rules (Cap. 159 sub. leg.),

he may at the discretion of the Bar Council upon his application in writing be accredited with an appropriate number of ALE points.

7. Consequence of failure to complete Programme

(1) Where a pupil to whom section 4 applies has failed to complete the Programme during his period of approved pupillage, the Bar Council may refuse to extend the validity of any limited practising certificate beyond the end of such period or to grant a new limited practising certificate and may defer issuing a practising certificate until such time as the pupil has duly completed the programme.

(2) Where a pupil has satisfactorily completed the Programme, the Bar Council shall issue to the pupil a certificate to that effect.

8. Exemptions

(1) Where the period of approved pupillage of a pupil has been reduced under rule 15 of the Barristers (Qualification for Admission and Pupillage) Rules (L.N. of 2002) or rule 10 or 12 of the Barristers (Qualification) Rules (Cap. 159 sub. leg.), the Bar Council may exempt the pupil from any or all of the requirements under section 4(2).

(2) The Bar Council may, on the application in writing of a pupil, exempt the pupil from any or all of the requirements under section 4(2) if the Bar Council is satisfied that it is fair and reasonable to grant the exemption.

(3) Where exemption is granted under sub-sections (1) or (2), the Bar Council may impose such conditions as it considers necessary.

9. Reporting

(1) An authorized person must retain an attendance record of each pupil who has completed the ALE course.

(2) Such record shall be retained in accordance with guidelines issued by the Bar Council.

(3) The Bar Council may require the authorized person to produce the attendance records to the Bar Council within a reasonable period after the completion of the ALE course.

10. Review

(1) A person aggrieved by a decision made by the Bar Council in respect of the operation of the Programme may apply in writing to the Bar Council for a review of the decision within 1 month after being informed of the decision.

(2) The Bar Council shall consider the application and may confirm or vary the decision made by it.

11. Application

(1) These rules apply to pupils who apply to the Bar Council for a certificate of eligibility for pupillage in accordance with s 10 of the Barristers (Qualification for Admission and Pupillage) Rules on or after the date when these rules enter into force.

(2) Where –

- (a) a pupil has completed any workshop, lecture, seminar, course or other mode of instruction of a similar nature to an ALE course prior to the commencement of these Rules; and
- (b) before the completion, he has applied for pupillage to the Bar Council in accordance with –
 - (i) the Barristers (Qualification for Admission and Pupillage) Rules (L.N. of 2002); or
 - (ii) the Barristers (Qualification) Rules (Cap. 159 sub. leg.),

he may at the discretion of the Bar Council be accredited with an appropriate number of ALE points.

Approved this day of 2002.

Chief Justice

Made this day of 2002.

Explanatory Note

The object of these Rules is to empower the Council of the Hong Kong Bar Association (“Bar Council”) to set up a compulsory Advanced Legal Education (“ALE”) Programme for pupil barristers and to provide for related matters.

2. Section 2 defines the terms used in the Rules.
3. Section 3 empowers the Bar Council to set up the ALE Programme and to authorize other persons to provide ALE courses under the Programme. The Section also concerns the provision of information regarding the ALE Programme.
4. Section 4 provides that a pupil must complete the ALE Programme satisfactorily.
5. Section 5 provides that a pupil must keep a record of all the ALE courses he has completed and submit to the Bar Council the record and such other information as the Bar Council may consider necessary.
6. Section 6 sets out the conditions under which a pupil may obtain ALE points before the commencement of his pupillage.
7. Section 7 provides for the consequence of failure to complete the ALE Programme.
8. Section 8 empowers the Bar Council to grant exemption from any or all of the requirements under section 4(2) to a pupil whose period of approved pupillage has been reduced under rule 15 of the Barrister (Qualification for Admission and Pupillage) Rules (L.N. of 2002) or rule 10 or 12 of the Barristers (Qualification) Rules (Cap. 159 sub. leg.).
9. Section 9 requires an authorized person to retain an attendance record of each pupil who has completed the ALE course.

10. Section 10 provides a review procedure for review by persons aggrieved by a decision made by the Bar Council.
11. Section 11 is a transitional provision which provides –
 - (a) that these Rules apply to a pupil who applies to the Bar Council for a certificate of eligibility for pupillage, on or after the commencement of these Rules; and
 - (b) for the circumstances under which a pupil who has completed any workshop, lecture, seminar, course or other mode of instruction of a similar nature to an ALE course prior to the commencement of the Rules may be accredited with an appropriate number of ALE points.