

# THE GAMBIA LAW SCHOOL



## BAR PROFESSIONAL TRAINING COURSE

### STUDENT HANDBOOK

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## **WELCOME STATEMENT**

Dear Student,

I am delighted to welcome you to The Gambia Law School (GLS).

GLS was established by the General Legal Council in October 2011 and finds its statutory provenance in an act of parliament to wit, The Gambia Law School Act, 2016. It is the premier legal education provider in The Gambia for persons desirous of gaining admission to the Gambia Bar and other Bars in sister jurisdictions.

As you are at a cross-road in your academic journey and transitioning from your academic life to that of a professional, you must bear in mind that the Bar Professional Course is indeed challenging and calls for continuous hard work and dedication. During your time here, your lecturers are committed to assist you with this transition and are dedicated to imparting to you, knowledge of procedural law.

GLS proudly fosters in each of its students a love of learning, the habits of an intellectual life, and the character, moral strength, and qualities of leadership to serve and shape their future in the world's oldest, most noble and honourable profession.

In addition, we are also committed to offering you a conducive learning environment with the administrative staff of the school are at hand to assist you in a myriad of ways to ensure that your time with us is free of impediments.

As you prepare for the new academic year, please take time to review and be au fait with this Handbook as it contains pertinent information regarding academic integrity, the code of conduct which you will be bound by during your time with us, and the student services available to you.

I cannot conclude this statement without acknowledging the immense contribution that my predecessor in office, The Honourable Justice Raymond C. Sock, Justice of Supreme Court of The Gambia made towards the realization of this Handbook.

In the same vein, I would also like to acknowledge the efforts of Abdul Aziz Bensouda Esq., Secretary to the Academic Board of the school in this regard.

On that note, I take this opportunity to welcome you on board and wish you the best of luck as you embark on this professional academic journey.

**Hon. Mrs. Justice Amina Saho Ceesay**  
**Overseer, GLS**

## **CHAPTER 1**

### **THE BAR PROFESSIONAL TRAINING COURSE**

#### **1. INTRODUCTION**

The main emphasis of the course at the Gambia Law School (GLS) is to help you to develop relevant skills which will enable you to deal with legal problems in a practical context. During your law degree course you were taught how to identify and discuss legal problems, but as a practicing lawyer you need to be able to identify and explain legal issues and any available courses of action in the context of the client's particular circumstances to enable the client to make informed decisions. This course, thus, builds on your academic study of law while enabling you to develop the necessary skills to deal with the client's case from the preparation and filing of court processes to the hearing of the case in court.

#### **2. TEACHING METHOD**

The teaching method used reflects the main concentration of the course on preparing you to practice as a lawyer. You are, therefore, expected to prepare for classes and participate fully in the various forms of classroom activity. The basic content and the assessment of the course are determined by the General Legal Council while the structure, detailed content and delivery are determined by each lecturer. Full attendance is essential.

All lectures will be in the main hall, except where it is necessary to have working groups in the two small rooms. The teaching method is aimed at the following:

- a. To give an overview of a course or subject area;
- b. To explain, emphasize and demonstrate with appropriate examples substantive or procedural points, in particular/transactional context;
- c. To encourage you to look at the subject under discussion from a practical perspective as a trainee lawyer;
- d. To develop problem solving and other legal skills;
- e. To promote intellectual enquiry;
- f. To enable you to use your knowledge of the law in a practical way to solve clients' legal problems; and/or

g. To practice your skills.

**3. THE MAIN ELEMENTS OF THE COURSE CAN BE FOUND AT ANNEX 1 ATTACHED TO THIS HANDBOOK**

**4. ASSESSMENTS**

The course is assessed throughout the year and the assessment mark obtained in each subject constitutes 30% of the overall mark for the subject.

**5. EXTENSION OF TIME FOR SUBMISSION OF ASSIGNMENTS**

1. Extension of time for the submission of coursework assignments will not normally be given except in very exceptional circumstances.
2. In exceptional circumstances, if a student requires an extension of time for any piece of coursework, the student must provide documented proof of the circumstances underlying his or her request for an extension at least 48 hours prior to the deadline.
3. The subject lecturer has sole discretion to grant an extension of time and for a period he or she deems suitable.

**6. GRADING AND PASS MARK**

1. Each subject is marked over 100%; 30% for the continuous assessment and 70% for the final examination.
2. The pass mark is 50%.
3. The following grading boundaries are applied ;

Outstanding - 80% - 100%

Very Competent - 66% - 79%

Competent - 50% - 65%

## **7. COMPULSORY LAW OFFICES/CHAMBERS ATTACHMENT**

All students are required to be attached to selected Law Offices/Chambers for the period indicated in the course programme. This attachment is aimed at exposing you to the various aspects of legal practice and further develop your skills and knowledge in the practical and transactional context of chambers work.

Each student will be given a log book to record his/her daily activities while on attachment. The record of daily activities must include the following:

1. A description of what you have done;
2. The dates and times of what you have done;
3. Details of any interesting legal/evidential/procedural issues raised; and
4. What you have learnt from the experience about yourself and how this experience has informed your perception of the rule of law in society.

At the end of the period of attachment, the head of the Law Office/Chambers will submit a confidential assessment report on the student to the Law School.

## **8. COMPULSORY COURT ATTACHMENT**

Students are also required to be attached to the High Court for the period indicated in the course programme, following their attachment to Law Offices/Chambers. The purpose of this attachment is to allow students to closely observe the administration and dispensation of justice in the courts.

Students must be punctual and are required to enter their daily activities in log books provided for that purpose. The record of daily activities must include the following information:

1. The name of the court;
2. The time of arrival;
3. The time of leaving;
4. The time the court sat/rose;
5. The cause name and number;
6. The nature of the application/case;
7. Whether the case raised any interesting legal/evidential/procedural issues, if so they were;
8. The Student's opinion of the advocacy.

At the end of the period of attachment, the supervising judge will submit a confidential assessment report on the student to the Law School.

## **CHAPTER 2**

### **CODE OF CONDUCT FOR LAW STUDENTS**

#### **PART I – GENERAL CONDUCT**

##### **9. ATTENDANCE**

1. Every student is expected to attend all lectures in all subject areas and on time. A lecturer has the discretion to send out a student who is late in entering the lecture hall.
2. Every student shall attend at least Ninety Five percent (95%) of the lectures in all subject areas. A student's signature on the attendance register is conclusive proof of attendance unless forgery is proved. A student who is ill or otherwise unable to attend a lecture must produce written evidence to support the absence and is expected to carry out the work for that class.
3. Where a student attends less than ninety percent (90%) of the lectures in any subject, he or she shall be barred from sitting the final examination for that subject in that academic year.

##### **10. DRESS CODE**

Every student shall conform to the following dress code whilst attending lectures, formal dinners and on campus –

1. A male student shall wear –
  - (a) Black, dark blue or grey suit;
  - (b) White shirt with black, dark blue or grey tie;
  - (c) Black or brown oxford shoes.
2. A female student shall wear-
  - (a) Black, dark blue or grey top and skirt or trousers;



- (b) White blouse or shirt;
  - (c) Black or brown court shoes.
3. A student who fails to observe this dress code will be warned and reprimanded or refused entry into the lecture hall or dinner venue.

## **11. COMPORIMENT ON CAMPUS**

1. Every student is expected to display the highest degree of decorum and decency whilst on campus.
2. A student shall not –
  - (a) Use any indecent, discriminatory or insulting language against any other person;
  - (b) Sign the attendance register on behalf of an absent student;
  - (c) Harass a fellow student in or outside of campus;
  - (d) Engage in any threatening behaviour or use violence against any other person;
  - (e) Attempt to compromise the integrity of any officer of the Law School through bribes or other forms of inducements to obtain a favour;
  - (f) Smoke anything or use any intoxicating substance.
3. A student who contravenes this rule may be subject to any of the following penalties-
  - (a) Warning and reprimand;
  - (b) Suspension; or
  - (c) Expulsion.

## **12. ATTENDING FORMAL DINNERS**

1. The Academic Board shall prescribe the number of formal dinners which every student must attend as part of the academic programme.
2. Every student shall adopt the same dress code as those prescribed for lectures and comply with and observe decent etiquette and manners during dinners.
3. A student who fails to attend a dinner without a valid excuse shall not be called to the Bar until he attends the prescribed dinners in the following academic year.

## **PART II – ACADEMIC OFFENCES AND PROCEDURES FOR DEALING WITH INFRACTIONS**

A student shall not commit any of the academic offences prescribed herein. A student may be guilty of an academic offence, whether or not there has been any intention to deceive.

### **13. ACADEMIC OFFENCES RELATING TO COURSEWORK**

Academic offences relating to coursework include-

- a. Plagiarism - using, or copying the work of others (whether written, printed or in any other form) without proper acknowledgment in any assignment, examination or any other assessed work;
- b. Using work previously submitted for another assignment, without full acknowledgement;

- c. Falsifying data;
- d. Submitting a fraudulent claim of extenuating circumstances;
- e. Assisting another student to commit an academic offence;
- f. Submitting written work produced collaboratively, unless this is explicitly permitted; and
- g. Attempting to interfere with the assessment process.

#### **14. PROCEDURES FOR DEALING WITH ACADEMIC OFFENCES**

- 1. Depending on its nature and severity, an academic offence may be dealt with by the lecturer of the concerned subject, the Director General of the Law School, or the Academic Board.
- 2. Subject lecturers are responsible for the initial investigation of academic offences relating to coursework submitted by any student.
- 3. All cases of academic offences shall be handled formally.
- 4. The subject lecturer may prescribe penalties within his or her powers to impose.

#### **15. PENALTIES FOR ACADEMIC OFFENCES RELATING TO COURSEWORK**

- 1. Where a Lecturer has determined that an academic offence has been committed, he or she may prescribe the following penalties depending on the circumstances of the case-

- (a). a formal warning;
- (b). order the assignment to be re-written and assessed for the maximum of a capped pass mark;
- (c). refer the case to the Director General or the Academic Board for further investigation.

## **16. ACADEMIC OFFENCES COMMITTEE**

1. The Academic Board may establish an Academic Offences Committee to handle all matters relating to academic offences which have been referred to the Committee.
2. The Academic Offences Committee shall consist of the following persons
  - (a). The Director-General;
  - (b). Two other members of the Academic Board appointed by the Director General;
  - (c). The Registrar or Assistant Registrar of the Law School, who shall also serve as Secretary to the Committee.
3. The Committee shall regulate its own proceedings.

## **PART III - EXAMINATIONS**

### **17. EXAMINATION PROCESS**

1. A Student sitting to an examination shall-
  - (a) ensure that he or she acquaints himself or herself with the examination regulations and instructions handed out to him or her;

- (b) be seated at the time scheduled for the examination papers; no student shall be allowed to enter an examination hall later than 30 minutes after the commencement of the examination;
- (c) not communicate with any other student under any circumstance without alerting the invigilator;
- (d) not bring into the examination hall any written material, mobile phone, computer, bag or any other item that may be prohibited;
- (e) strictly adhere to the sitting arrangements in the examination hall; chairs arranged in the hall for examination purposes shall not, under any circumstance, be moved or removed;
- (f) not be allowed to leave the examination hall without being accompanied by an invigilator; time allowed a student to ease himself or herself shall not be more than what ordinarily can be considered reasonable;
- (g) observe silence in and around the examination hall; the only permissible way of attracting the attention of the Invigilator is by a show of hand;
- (h) not take his or her examination answer script outside the examination hall.

Failure to observe any of the above rules shall constitute an examination malpractice, which may attract the appropriate disciplinary penalty.

## **18. EXAMINATION RE-SITS**

### **1. Failure in a maximum of two (2) courses**

- a) A student who fails a maximum of two courses in the Bar Final examinations is entitled to do a re-sit during the following academic year on a date to be determined by the Academic Board.
- b) A student who fails a re-sit is entitled to do a second re-sit the following Bar Final examinations.
- c) A student who fails a second re-sit shall not be allowed to do any further re-sit.

### **2. Failure in more than two (2) courses**

- a) A student who fails more than two courses in the Bar Final examinations shall repeat the whole Bar professional course the following academic year.
- b) A student who for a second time fails more than two of the repeated subjects shall not be allowed to repeat the Bar Professional Course.
- c) A repeat of the Bar Professional Course shall be subject to the payment in full of the tuition fees applicable to the student affected.
- d) All students who are repeating the Bar Professional Course are required to attend all lectures, submit to all tests and assignments and will be subject to the grading and pass marks stated in section 6 herein.

4. The maximum mark on a re-sit is the bare pass mark, i.e. 50%

#### 19. COMPLETION OF THE COURSE

Students shall have two attempts to complete the course.

#### 20. EXAMINATION RELATED MALPRACTICES AND PENALTIES

1. Any student found to be involved in an examination malpractice shall have imposed on him/her the sanction prescribed under these Rules for the malpractice.
2. The Director General has the authority to investigate any examination related malpractice.
3. Where a student commits a particular form of examination malpractice which does not have a prescribed penalty, the Academic Board shall impose the appropriate penalty.
4. The following penalties are hereby prescribed –

| <b>Nature of Infraction</b>  | <b>Penalty</b>                       |
|--|--------------------------------------|
| Communication involving passing of notes or other accessories to aid performance in an examination hall  | <b>Expulsion from the Law School</b> |
| Introduction of any written, printed or electronically stored information into the examination hall, other than material expressly permitted in the instructions of that examination | <b>Expulsion from the Law School</b> |
| <b>Nature of Infraction (cont'd)</b>   | <b>Penalty</b>                       |

|  |  |
|--|--|
| Acquisition of question paper in typed, photocopy, hand-written, or any other form before an examination is held   | <b>Expulsion from the Law School</b>         |
| Stealing of another student's answer scripts with the intention of submitting it as own scripts  | <b>Expulsion from the Law School</b>         |
| Mutilation of another student's answer script  | <b>Expulsion from the Law School</b>         |
| Established cases of reproduction, copying, exchange of information during the examination (which could be evident during marking of scripts) for all parties involved | <b>Expulsion from the Law School</b>         |
| Use of mini-computer, cell phones, and similar equipment in the examination hall   | <b>Expulsion from the Law School</b>         |
| Writing of examination-related notes on body or clothes, or table  | <b>Expulsion from the Law School</b>         |
| Possession of mini-computers, cell phones and similar equipment in the examination hall  | <b>Reprimand</b>                             |
| Disrespecting the seating arrangement for the examination by the removal or movement of any piece of furniture or item in an examination hall.                         | <b>Reprimand</b>                             |
| Making noise during an examination   | <b>Reprimand</b>                             |
| Leaving the examination hall without being accompanied by a staff member after question papers have been distributed   | <b>Disqualification from the examination</b> |
| Appearing for the examination more than 30 minutes after it has started  | <b>Disqualification</b>                      |
| Failure to submit answer script to the Invigilator after an examination  | <b>Disqualification from the examination</b> |

## **CHAPTER 3 – INTERNET AND THE LIBRARY**

### **21. Internet**

#### **The Facilities**

The School provides many facilities for use by students in the course of their academic coursework or research. One of these facilities is access to the Internet (including, but not limited to, web browser, e-mail packages). The school's internet use is regulated by a voucher system wherein users cannot connect to the School's internet without a given voucher code. This system allows the School to regulate its internet connectivity and the use of its bandwidth. Each student is issued a unique voucher number (voucher code) on a monthly basis in order to connect to the internet.

This policy covers all access to the Internet by students, in any way and at any time, when School facilities, equipment or connections are involved, including access from any part of the campus network or from off-campus, if routing via School facilities. The policy applies to all students, including visiting students.

#### **22. Rules governing use of Internet Facilities**

1. These facilities are provided for use by students in undertaking their academic coursework or research. At its sole discretion, the School normally permits students to use the facilities for personal use subject to the following conditions:
  - a. Such use does not incur significant cost, nor consume significant amounts of time;
  - b. Such use does not interfere with the legitimate use of the facilities by others;
  - c. Such use does not infringe any legislation, nor any other School policy or rules.

The user accepts that the School monitors usage of its facilities to an extent necessary for the efficient operation and management of those facilities, to ensure compliance with its statutory obligations, and to ensure that the rules and policies governing use are adhered to.

This discretion is exercised jointly by the Director General, Registrar and by the admin staff and may be withdrawn if any of the above conditions are violated. Serious or repeated violation will lead to disciplinary proceedings being initiated and may lead to disciplinary action under the terms of the relevant disciplinary procedure. Such disciplinary actions can include withdrawal of their



access to computing facilities, and even suspension or expulsion from School when there has been a serious or repeated breach.

These breaches may include but are not limited to the following:

- a. Attempting to secure unauthorized access to or in damaging information held on a computer;
- b. Data protection particularly in relation to holding, disclosing or transmitting personal data;
- c. Obscene publications;
- d. Publication or browsing in relation to indecent images of a child;
- e. The transmission of grossly obscene or offensive messages and messages designed to cause annoyance, inconvenience or needless anxiety. Also regarding fraudulent use of a telecommunications system;
- f. In intercepting or disclosing messages except in the cause of duty;
- g. Copying programmes or data, publishing works of art or performances of music and/or video images;
- h. Publishing or receiving material which is discriminatory or encourages unlawful discrimination;
- i. Unlawful harassment, including the use of electronic media such as e-mail;
- j. Any statement, comment or innuendo about another individual or organization which cannot be justified.

Relevant School policies include:

The Procedure for Assessment Irregularities which covers the use of improper means by candidates in the assessment process, including plagiarism of material drawn from the Internet.

Policies on equal opportunities, and sexual and racial harassment. Arising from these policies, it is not acceptable for students to access, download, retain, distribute or disseminate any images, text, materials or software which-

- a. Are or might be considered to be indecent or obscene or
- b. Are or might be offensive or abusive in that its content is or may be considered to be a personal attack, rude or personally critical, sexist,

racist or personally harassing or which could bring the School into disrepute.

The content of any e-mail messages sent must be lawful, and not include defamatory or libelous statements. Care should be taken to ensure that it is clear whether the views expressed are those of the School, or whether the author is representing his/her personal views, where this could have implications for the School.

Severe breaches of this policy, for example by downloading material of a pornographic or unlawful nature, may be treated as gross misconduct which could lead to suspension or exclusion from the School and could result in criminal proceedings. In the event of any uncertainty, or where students may be working with material covered by the above descriptions, they are advised to consult with the Registrar of the school.

The School monitors usage of its Internet facilities to an extent necessary for the efficient operation and management of those facilities, to ensure compliance with its statutory obligations, and to ensure that the rules and policies governing use are adhered to. Such monitoring will normally concern data volumes and traffic; content will only be monitored where a breach of the above policies is suspected. You must not deliberately create, download, store or transmit unlawful material, or material that is indecent, offensive, defamatory, threatening, discriminatory or extremist, except where required for academic purposes and for which prior ethical approval has been obtained.

You should also be aware that system support staff may unavoidably see the contents of files or e-mail while performing actions that are an inherent part of the effective operation of the system, e.g. file or system recovery.

It should also be remembered that e-mail should not be regarded as a confidential medium of communication; care should therefore be taken regarding the content of e-mails, and its use generally as a means of exchanging private or confidential information.

## **24. THE LIBRARY RULES**

1. The Law School Library is a reference library only for students and lecturers of the Law School. Books are not available for loan. Readers may with the express permission of the Librarian or his or her Assistant use the photocopier in the library at a fee.
2. The main door must be used to enter and exit the library.
3. Brief cases, bags and other receptacles large enough to contain any book must be deposited at the offices of the Librarian or his or her Assistant where a disc will be given for the purpose of retrieval when leaving the library.

4. Readers must be quiet and orderly. Mobile phones must be switched off or on silent mode and must not be used in the library under any circumstances.
5. Eating is strictly prohibited in the library. Canned drinks, biscuits, groundnuts/peanuts and other snacks are not allowed in the library.
6. No visitor is allowed in the library.
7. Readers should not re-shelve books they use. Such books should be returned to the trolleys located in the library.
8. Library books, newspapers and magazines should not be marked, defaced or damaged. Newspapers should be read on and around the tables provided for them.
9. Readers should disclose their personal books and the contents of their file jackets to the Librarian or his or her Assistant.
10. Readers who fail to comply with these Rules should be formally reported by the Librarian to the Director General for appropriate disciplinary action.

#### **11. PHOTOCOPYING/PRINTING OF MATERIALS IN THE LIBRARY**

The school is only responsible for the printing/photocopying of notes emanating from a lecturer which is usually done by the admin. Any student that wishes to print/photocopy any material will be charged at a concessionary fee as follows:

- **Printing @ D5 per page**
- **Photocopying @ D1 per page**

**MADE ON THIS 10<sup>th</sup> DAY OF JULY 2018**

# **ANNEX 1**

## **COURSE OUTLINES**

### **3.1 CIVIL PROCEDURE**

Guest lecturers are usually invited from the legal profession and members of the Judiciary.

#### **About The Course**

The Civil Procedure course at the Gambia Law School is essentially about how Legal Practitioners help resolve civil disputes in our courts and tribunals through various procedures as stipulated in our laws. The course aims to equip students with the required vocational knowledge in civil procedure to be in a position to help future clients or employers obtain justice in our civil courts.

The student is exposed to all aspects of the work of a Civil Legal Practitioner from commencing a civil action in the High Court, for example, to obtaining judgment and enforcing it to the satisfaction of the client or employer, as the case may be.

The course also puts emphasis on the civil procedure knowledge required to ensure that civil disputes are settled without the need to go through the whole process of a trial, thus saving valuable time and resources.

#### **Assessment and Exams**

The student is assessed by means of two or three written assignments and/or tests, which make up 10% or 15% each of the total course marks. There is then also a final examination consisting of a written paper and multiple-choice tests with each carrying 35% of the final marks.

#### **Topics**

1. The jurisdiction of the various courts:
  - a. The Supreme Court
  - b. The Court of Appeal of The Gambia
  - c. The High Court
  - d. Magistrates' Courts
  - e. Children's Courts
  - f. Industrial Tribunals
  - g. District Tribunals
  - h. Cadi Courts

2. Computation of time and non-compliance with rules of court.
3. Commencement of action in the High Court.
  - a. High Court writ action procedure under the Amendment Rules 2013
  - b. Originating Summons
  - c. Originating Motion
  - d. Petition
4. Commencement of action in the subordinate courts and tribunals
5. Service of process within and outside the jurisdiction.
6. The law of pleadings.
  - a. Statement of claim
  - b. Defence
  - c. Counterclaim
  - d. Reply and defence to counterclaim
7. Parties and joinder of actions.
8. Procedure on interlocutory applications
9. Default judgments in the High Court and Magistrates' Courts
10. Undefended list actions
11. Interim measures
  - a. Interlocutory injunctions
  - b. Absconding debtors warrant
  - c. Interim attachment of property
  - d. Arrest of ships
12. Discovery and inspection of documents
13. Interrogatories
14. Amendment of process and pleading
15. Renewal of process
16. Termination of action
  - a. Dismissal for want of prosecution

- b. Striking out
- c. Stay of proceedings
- d. Discontinuance of actions

17. Security for cost

18. Payment in and withdrawing payment in

19. Notices

- a. Notice to admit facts
- b. Notice to produce documents

20. Trial law

21. Judgment

22. Enforcement (execution) of orders of the court.

- a. Writ of fieri facias
- b. Writ of possession
- c. Judgment debtor's summons
- d. Garnishee proceedings

23. Stay of execution

24. Interpleader summons proceedings

25. (a) Appeals from the Magistrates' Court to the High Court

(b) Appeals from the High Court to the Court of Appeal.

26. Remedies.

## **3.2 CRIMINAL PROCEDURE**

### **Topics**

1. Definition of Criminal Procedure
2. Sources of the Law of Criminal Procedure

#### **a. Principal Enactment**

- i. Criminal Procedure Code

#### **b. Secondary Enactments**

- i. Constitution of the Republic of The Gambia (1997)
- ii. Courts Act 1964 amended by Act No. 14 of 1994
- iii. Court of Appeal Act (Cap 6:02)
- iv. Court of Appeal Rules (Cap 6:02)
- v. Supreme Court Act (Cap 6:05)
- vi. Children's Act (2005)
- vii. Coroners Act (as amended by Act No. 8 of 1957)
- viii. Armed Forces Regulations for Discipline 1995
- ix. Drug Control Act
- x. Economic Crimes (Specified Offences) Act
- xi. Police Act (as amended by LN 5 of 1988)

#### **c. Application of English High Court Procedure and Practice in The Gambia**

- i. Section 3 (3) of the Criminal Procedure Code
- ii. Judicial Interpretation of Enactments

### **3. Courts Vested with Criminal Jurisdiction**

- a. The Supreme Court
- b. The Court of Appeal
- c. The High Court and the Special Criminal Court
- d. The Court Martial

- e. The Magistrates' Courts
- f. The Children's Court
- g. District Tribunals

#### **4. The Institution and Discontinuance of Criminal Proceedings**

- a. The Director of Public Prosecutions
  - i. Initiation of criminal proceedings
  - ii. Taking over and discontinuance of criminal proceedings
  - iii. Entry of *Nolle prosequi* under s. 64 of the CPC and effect thereof.
  - iv. Delegation of powers on the DPP
- b. Institution of criminal proceedings by the Police
- c. Institution of Criminal Proceedings by other Officers (NEDA)
- d. Private Prosecutions
- e. Withdrawal from prosecution under s.68 of the CPC and effect thereof.

#### **5. Procedure/Methods of Instituting Criminal Proceedings**

- a. The Magistrates' Court
- b. District Tribunals
- c. The High Court/Special Criminal Court

#### **6. Limitation of Time for Institution of Criminal Proceedings**

#### **7. Processes to Compel Attendance of an Offender before a Court**

- a. Summons
  - i. Forms and Content of summons
  
  - b. Service of summons
    - i. Personal service
    - ii. Service when person summoned cannot be found
    - iii. Service of summons under s. 73 of the CPC
    - iv. Service on servant of Government
    - v. Service on Company
    - vi. Where summons may be served
    - vii. Disobedience of service
  - c. Warrant of Arrest
    - i. Form, content and life of warrant of arrest
    - ii. Issuance of warrant of arrest
    - iii. Execution of warrant of arrest



- iv. Procedure after arrest
- v. Warrant of arrest endorsed with bail
- vi. Procedure on arrest of person outside jurisdiction
- vii. Irregularity of processes compelling attendance

## **8. Arrest Without Warrant**

- a. By Police Officers
- b. By the National Intelligence Agency
- c. By the Gambia National Guard
- d. By Judicial Officers
- e. By Private persons
- f. By the National Drug Enforcement Agency (NDEA)

## 9. Arrest Generally

- a. Mode of effecting an arrest
- b. Notification of arrest
- c. Bail of person arrested without a warrant

## 10. Searches and seizure

- a. Search of persons
- b. Search of premises
- c. Search of things
- d. General Provisions on search warrant
  - i. Form, content and life of search warrant
  - ii. Issuance of search warrant
  - iii. Execution of search warrant
  - iv. Irregularities in procuring and execution of search warrant
- e. Seizures and detention of articles
- f. Liability for procuring a search warrant
- g. Evidence illegally obtained

## 11. Bail

### Definition of Bail

- a. Police Bail
- b. Court Bail
  - i. Bail pending trial
  - ii. Bail pending appeal
- c. Principles governing decisions to grant bail
- d. Provisions as to recognizance generally

- I. Deposit in lieu of recognizances
- II. Variation of recognizance
- III. Application for discharge of surety
- IV. Recognizance in respect of minors
- V. Person bound by recognizance absconding
- VI. Forfeiture of recognizances
- e. Restrictions to the grant of bail in The Gambia

## 12. Charges

- a. Drafting of charges
- b. Contents of a charge sheet
- c. Form of charges
  - i. Magistrates' Courts
  - ii. High Court
- d. Service of charge sheet
- e. Amendment of a charge
- f. General provisions on charges

## 13. Rules on Drafting Charges

- a. Rule against misjoinder of offenders
- b. Rule against misjoinder of offences
- c. Rule against duplicity
- d. Rule against ambiguity
- e. Effect of non-compliance

## 14. Trial 1

- a. Sitting of the Court and publicity of trial
- b. Presence of parties in court
- c. Commencement of trial
  - i. Preliminary objection
  - ii. Refusal to plead
  - iii. Stand mute
  - iv. Plea of guilty and effect thereof
  - v. Plea of not guilty and effect thereof
  - vi. Plea of *autre fois acquit* or *autre fois convict*

## 15. Trial 2

- a. Presentation of case by the prosecution
- b. Adjournments

- c. No case submissions
- d. Trial within a trial
- e. Resting of defence's case on that of the prosecution
- f. Entering of Defence by the accused
- g. Witnesses
- h. Final addresses

## 16. Judgments

- a. *Allocutus*
- b. Sentence

## 17. Appeals

- a. Right of Appeal
- b. Notice and grounds of appeal
- c. Appeals from Magistrates' Court
- d. Appeals from the High Court
- e. Appeals from the Court of Appeal
- f. Brief writing
- g. Adoption of briefs

### **3.3. LAW OF EVIDENCE**

#### **About the Course**

The law of evidence course is of paramount importance for a practising lawyer. The rules of evidence ought to be known to the lawyer for objections to evidence are made at the time the evidence is offered which is usually in court while the witness is giving evidence orally.

It is also essential for the lawyer to be able to present admissible evidence to the court so as to have all the facts relied on for his client's case to be admitted before the court.

The course covers all the various aspects of the law of evidence approached from a practical point of view to equip the intending lawyer with practical knowledge of the law of evidence, especially with its applicability to The Gambia.

#### **Topics**

1. introduction
  - What is evidence?
  - Types of evidence
  - Sources of the law on evidence in The Gambia
  
2. Circumstances under which proof is unnecessary
  - Confessions
  - Admissions
  - Judicial notice
  - Estoppel
  - Privilege
  
3. Burden and Standard of Proof
  - Burden in criminal cases
  - Standard in criminal cases
  - Burden in civil cases
  - Standard in civil cases
  - Presumptions
  
4. Relevance and admissibility
  - Test for admissibility
  - Relevant facts
    - Res gestae
    - Facts which are cause or effect of relevant facts
    - Facts which explain or introduce relevant facts
    - Things said or done by co-conspirator
    - Circumstantial evidence
    - Evidence of custom
    - Facts showing intention

Similar fact evidence  
Improperly obtained evidence

5. Evidence of Opinion

General rule

Exceptions

Expert witnesses

Handwriting

Fingerprints

Identification

Turnbull guidelines

State of Islamic law

6. Evidence of Character

Civil cases

Criminal cases

7. The Rule against Hearsay evidence

Meaning of Hearsay

Rationale for the rule

Civil cases

Criminal cases

Exceptions

Admissions

Confessions

Res Gestae

Statements from computers

Statements by deceased persons

Dying declarations

Statements in ordinary course of business

Opinion on customs or public rights

Statements against interest

Statements of opinion

Declaration as to pedigree

Declaration as to testamentary intention

Statements by absent public officers

Certificates by public officers in criminal cases

Entries in books of account

Entries in public records

Statements of fact in maps

8. Visit to the Locus

Purpose of visit

Procedure at the locus

9. Documentary Evidence

- Definition
- Admissibility of documents
- Primary and secondary evidence
- Admissibility of secondary evidence
- Banker's books
- Stamping of documents
- Illiterate's protection
- Execution of documents
- Public documents
- Presumptions as to documents
- The no parole evidence rule
- Interpretation of documents

#### 10. Affidavits

- Rules for preparing affidavits
- Effect of non-compliance with the rules

#### 11. Competence and Compellability of Witnesses

- The rule
- Child of tender years
- Physical disability
- Diplomatic immunity
- Compellability
- Spouses

#### 12. Corroboration

- Definition
- Nature of corroboration
- Can lies amount to corroboration?
- When is corroboration required by law?
- Evidence of accomplices
- Evidence of child of tender years

#### 13. Presentation of Oral Evidence

- Duty to call or make witnesses available
- Discretion of court
- Examination-in-chief
- Hostile witnesses
- Refreshing memory
- Cross-examination
- Re-examination
- General principles in examination of witnesses
- Admissibility and weight of evidence

#### 14. Rules of procedure in presenting evidence

- Criminal Cases

Civil Cases

Magistrates Court

High Court

Rationale for frontloading evidence

Rules of the High Court in presenting evidence

15. Evidence on appeal

Appeal against findings of fact

Wrongful admission or rejection of evidence

Admissibility of new evidence on appeal

### **3.4. COMPANY LAW AND COMMERCIAL PRACTICES**

**Guest Lecturers are invited from companies and other commercial houses.**

#### **Topics**

The first part of this course aims to provide students with an in-depth understanding of company law through an extensive examination of the 2013 Companies Act. The first part contains the following topics-

#### **1. Company Formation**

- a). Capacity
- b). Legal consequence in incorporation
- c). Lifting the veil of incorporation
- d). Types of companies
- e). Memorandum and articles of association
- f). Promoters and pre-incorporation contracts
- g). Disclosure requirements

#### **2. Corporate Finance**

- a). Share capital
- b). Transfer or transmission of shares
- c). Types of shares
- d). Variation of class rights
- e). Prohibition against a company buying its own shares
- f). Dividends
- g). Loan capital
- h). Debentures
- i). Charges
- j). Receivers and managers

#### **3. Membership, Management and Administration of a Company**

- a). Membership of a company
- b). Members' rights
- c). Rule in Foss V. Harbottle
- d). Investigation of company's affairs
- e). Just and equitable winding up
- f). Board of Directors
- g). Agency by holding out
- h). Fiduciary duty of Directors
- i). Disclosure of Directors interest



- j). Company Secretary
- k). Company meetings
- l). Notice of meetings
- m). Resolutions

#### **4. Financial Statement and Audit**

- a). Accounting records
- b). Annual returns
- c). Auditors

#### **5. Winding up of a Company**

- a). Types of winding up
- b). Liquidator
- c). Distribution of assets

#### **6. Registration of Foreign Companies**

#### **7. Registered Associations**

#### **8. Offshore Companies**

The second part of the course aims to provide students with an understanding of the legal framework governing different aspects of commercial law. The topics covered in this part include-

### **1. Registration of Businesses**

- a). Application procedure
- b). Annual return and change in particulars
- c). Interconnected single window services

### **2. Partnership Law**

- a). Rules for determining the existence of partnership
- b). Relationship between or among Partners
- c). External relationship of partners
- d). Dissolution of a partnership
- e). Authority and rights of partners after dissolution
- f). Distribution of assets
- g). Limited liability partnerships
- h). Internal regulation of limited liability partnerships
- i). Dissolution

**3. The Law of Agency**

- a). Creation of agency
- b). Authority of an agent
- c). The doctrine of Undisclosed Principal
- d). Duties of an agent
- e). Rights of the agent
- f). Termination

**4. Bankruptcy Law**

- a). Administration orders
- b). Insolvency proceedings

**5. Contracts for the Sale of Goods**

- a). Contracts of sale
- b). Types of goods
- c). Terms implied by the Sale of Goods Act
- d). Passing of property in goods
- e). Reservation of right of disposal
- f). Nemo Dat Rule
- g). Risk and frustration
- h). Delivery
- i). Remedies for breach of contract

**6. International Sales Transactions**

- a). Vienna convention on International sale of goods
- b). Carriage of goods by sea
- c). Bill of lading

**7. Credit and Security**

- a). Nature and forms of credit
- b). Documentary credit
- c). Forms of Security
- d). Enforcement of security

**8. Intellectual Property Law**

- a). Legal framework of I.P. in The Gambia
- b). Types of intellectual property
- c). Application procedures
- d). Infringement of I.P
- e). International I.P regime

9. **Commercial Arbitration**

- a). Advantages and disadvantages of arbitration
- b). Types of arbitration
- c). Submission to arbitration
- d). Role of the court in arbitration
- e). Final award
- f). Recourse against an award
- g). Enforcement of international arbitral award

### **3.5. ADVOCACY SKILLS**

#### **Overview of Course:**

This course is an introduction to the basic concepts and skills required to be an advocate. Consequently, students will be exposed to the development of advocacy skills as a professional area of knowledge and practice. We will cover the basic components for applications and submissions, learning to speak, specific questioning techniques, memory and recall, note-taking, basic components of witness handling, examination–in-chief, cross-examination, examination of experts, re-examination, pleading in mitigation, skeleton arguments, default judgments, Interim payments, applying for an injunction and non-adversarial advocacy etc. The ethics of the profession will be infused into the various topics of discussion.

#### **Student Learning Objectives:**

Thus, this course is designed to help the student:

1. learn the various practices and procedures encountered by an advocate;
2. familiarize themselves with basic techniques for advocacy; including questioning techniques and preparation for court;
3. acquire a general understanding of the complex environment within which cases are conducted;
4. understand the duties and responsibilities of the advocate;
5. understand the ethical boundaries and rules within which an advocate must work;
6. through all of the forgoing, to perform one or more advocacy tasks with a degree of competence that shows they are ready for pupillage and are likely to benefit from pupillage through their continuous practice and observation of advocacy.

After successfully completing this course (together with the knowledge and skills that the student will acquire generally during the Bar Professional Training Course) students should be able to:

1. demonstrate the basic qualities of a good advocate (other qualities will be learnt with experience);
2. demonstrate a certain degree of competence in case management, speaking in court and witness handling;
3. make certain applications in court;
4. demonstrate an ability to employ non-adversarial methods of advocacy.

## **INTRODUCTION**

*Explaining the syllabus and course requirements and lecturer's expectations.*

Class conversation about our biographies and career aspirations. What are students' expectations from this course?

Getting into teams and other logistical arrangements.

*Introduction to the course*

## **Part I**

The qualities and personality of an advocate

Ethics, Etiquette and cross-cultural communication in the court room

Client conferencing

### **The Basic components of applications and submissions**

Recognising competence

Preparing For Court

Your voice and speech

Memory and recall

Note taking

Modes of address

The Advocate as a story teller

The course of a trial

## **Part II**

### **OPENING AND CLOSING A CASE**

Opening speeches & Closing Speeches

### **WITNESSES**

Basic components of witness handling

Basic questioning skills

Examination-in-Chief

Cross-examination

Cross examination of experts

Re-examination

## **PART III**

### **HOW-TO-DO-IT GUIDES**

Skeleton arguments

Default Judgments

Summary Judgments

Interim Payments

Applying for an injunction

Recognizing competence

Preparation

Learning to speak

Speaking in court

Opening speeches

Applying for costs

Applications for adjournments

Bail applications

Conducting a voire dire

Submissions of no case

Pleading in mitigation  
The Do's and Dont's

| <b>INDIVIDUAL ASSESSMENTS &amp; EXAMS</b>                                       |     |
|---|-----|
| Continuous Assessment (includes assignments, tests and/or moot court arguments) | 30% |
| Final Exam  | 70% |

Assessment: this course will be assessed as follows:

This course is assessed throughout the year with a final exam at the end of the course. The final exams are aimed at testing your content knowledge, critical thinking, analytical and writing skills. The final exams may also include an oral component wherein the students may be asked to present a case before a Judge.

The continuous assessment will include assignments and a multiple-choice test (30%) and will cover all lectures and assigned readings from the beginning of the year to the time when the assignment or test is given. The final exams (70%) will be comprehensive and will include materials covered throughout the year. The final exams will comprise of multiple choice and short essay questions. Essays will be graded based on your ability to reflect on the materials covered, think critically and write in a succinct, coherent and convincing manner. As stated hereinbefore, students may also be required to plead a case before a Judge.

### **Classroom Engagement Activities/Participation**

**Class participation in this course:** Class attendance is required and students are encouraged to contribute to class discussion. Participation is the key to a lively class. **Classroom engagement activities provide the opportunity to practice speaking and persuasive skills, as well as the ability to listen.** Comments, which are vague, repetitive, unrelated to the current topic, disrespectful of others, or without sufficient foundation, will be evaluated negatively. What matters is the quality of one's contributions to the class discussion, not the number of times one speaks.

### **ASSIGNMENT REQUIREMENTS**

Assignments should be written in a compelling and succinct manner and must be a minimum six (5) pages, single-sided, double line spacing, 12 points font

OR about 1650 words. Where you do not have access to a computer, you are required to present your assignment in clear and legible handwriting. You are required to submit a hard copy of each assignment to the Gambia Law School Office for onward transmission to me.

**Extension of time for submission of assignment will only be granted in very exceptional circumstances.**

In such exceptional circumstances, if a student should require an extension of time for any coursework or assignment, the student must provide documented proof of the circumstances underlying his or her request for an extension at least 48 hours prior to the deadline.

Please note that the Lecturer has the sole discretion to grant an extension and only for a period that she deems suitable taking into consideration the reasons upon which the application for extension is grounded.

**Team Exercises and Case Analysis**

Teamwork is a reality in today's work environment and valuable for your own personal growth. In this course, you may be required to get into teams of 5-6 members. Make sure your teams are diverse, members work well together and everyone contributes to the effectiveness and success of the team. You will be working in these teams throughout the year and should ensure every team member works hard! This includes in-class team exercises, case analyses and final group project. Lecturer will give out tasks randomly throughout the semester and these are done and presented in class. Thus, Students should be prepared for all classes by reading assigned topics where applicable.

**POLICIES**

**Attendance and Tardiness**

Attendance is an indispensable element of the educational process. In compliance with Gambia Law School rules, lecturers are required to monitor attendance and inform the relevant authority when students miss significant amounts of class time. Students who fail to attend at least 95% of classes in this course might fail the course.

Being punctual and managing your time well is a habit we would like you to cultivate. Therefore, tardiness will not be tolerated. Once class starts and the doors are closed, please do not disrupt the learning process by entering the classroom.



## **Classroom Decorum**

As a bar final course, the highest standards of professionalism and etiquette are expected of you. Class attendance, on time, is expected in this course. You are expected to stand when the lecturer walks in at the beginning and at the conclusion of the class. Cell phone use, texting and surfing the net in class is strictly prohibited. When you come into class, kindly turn off your cell phones. Please refrain from having side conversations with friends, which is disrespectful and disruptive. I look forward to a transformative learning experience with you this year. Welcome on board!

## **Reporting Illness or Other Circumstances**

You may send an email to report illness or any emergencies to the Gambia Law School secretary. Please note that these will be counted as absences. Therefore, be wary about using or abusing this excuse.

## **Standard for Academic Honesty and Penalties for Infractions**

Academic work always relies on other people's work, and there are standards on how to do that while acknowledging those people. To understand what plagiarism is, see:

Leeds University's "Recognizing Plagiarism" at:

[https://library.leeds.ac.uk/tutorials/activities/plagiarism/recognising-plagiarism/story\\_html5.html](https://library.leeds.ac.uk/tutorials/activities/plagiarism/recognising-plagiarism/story_html5.html)

Purdue University's "Avoiding Plagiarism" at:

**<https://owl.english.purdue.edu/owl/resource/589/01/>**

Georgetown University's "What is Plagiarism," at:

<https://honorcouncil.georgetown.edu/whatisplagiarism>

The procedure and penalties for academic offences can be found in the student handbook.

### 3.6. LEGAL DRAFTING & CONVEYANCING

The purpose of this course is to assist students to acquire the professional drafting skills necessary for legal practice in a fused profession. At the end of the course students should have learnt the purpose of legal drafting and how to:

- Draft the legal documents covered by the course
- Draft legal opinions
- Improve their writing skills in specialized areas of drafting
- Use precedents to aid their drafting

#### Topics

1. Introduction
  - What is Legal Drafting?
  - Aim of Drafting
  - Skills required
  - Preparation
  - Use of Precedents
  - Approach to drafting
  
2. Deeds
  - Definition, Types and formal parts of a Deed
  - Use of Deeds in real property transactions
  - Precedents
  
3. Sale/Purchase of Freehold/Leasehold Property
  - Taking instructions
  - Action up to Exchange of Contracts
  - Proceedings after Exchange of Contracts
  - Preparing for Completion-Vendor
  - Preparing for Completion – Purchaser
  - Transferring title
  - Completion
  - After completion
  - Letters:
    - Acting for a Vendor
    - Acting for a Purchaser
    - Sale/purchase of customary land
  
4. Leases, Tenancy Agreements & Licences
  - Introduction
  - Modes of creating lease
  - Essentials terms
  - Covenants

- Rent Act 2012
  - Licences
  - Difference between tenancies and licences
5. Powers of Attorney
  6. Guarantees and Indemnities
  7. Mortgages
    - Legal Mortgages
    - Equitable Mortgages
    - Mortgage of moveables
  8. Wills
    - Wills & codicils
    - Revocation of Will
    - Probate
  9. Intestacy
    - Letters of Administration
    - Assent and vesting instruments
  10. Affidavits
  11. Registration of deeds and Legal documents
  12. Taxation, Stamp duty
  13. Opinion writing
  14. Drafting Statement of Case/Pleadings
    - Particulars of claim in Tort and Contract
    - Basic Defence in Tort and Contract
    - Statement of Claim
    - Statement of Defence

## **3.7. PROFESSIONAL CONDUCT, OFFICE MANAGEMENT AND SOLICITORS' ACCOUNTS**

### **I. LEARNING OBJECTIVES**

The overall objective of this course is to encourage students to engage in an expansive, moral conversation about lawyering that will lead to a reflective and critical approach to legal ethics and professional responsibility.

By the end of the course, students should be able to:

1. Understand the defining features of the lawyer-client relationship such as competence, confidentiality and the duty of loyalty;
2. Appreciate the requirements of being an ethical lawyer in the Gambian legal profession;
3. Demonstrate the ability to think critically about the legal profession and professionalism in society and in their own lives;
4. Think critically and imaginatively about individual and collective professional issues such as access to justice and the public interest;
5. Engage in ethical deliberations about legal problems in manners that are open to multiple viewpoints, moral perspectives and legal orders;
6. Appreciate the diverse practices of lawyers and the multicultural and international, comparative and transnational norms and contexts that shape those practices;
7. Identify, analyze and evaluate ethical problems faced by lawyers in the day to day practice of law ;
8. Develop one's own ethical framework for analysis of issues that you will face as a lawyer and as a member of the Gambian legal profession.

### **OUTLINE**

This course is composed of several modules each with various sections and subsections as follows:

## **MODULE 1. INTRODUCTION AND BACKGROUND**

- History of the Profession- Legal traditions and conventions, Wig and Gown, bibs etc
- Procedure and requirements for Call to Bar and enrolment as a Legal Practitioner in The Gambia
- Regulation of the Profession. The Legal Practitioner's Act, Code of Conduct for Legal Practitioners (CCLP),
- The Judges (Supplementary Code of Conduct) Act 2009, General Legal Council and the GBA
- Conduct of a Legal Practitioner -Part II CCLP 2011
- Dress Code
- Dinners

## **MODULE 2 THE LAWYER-CLIENT RELATIONSHIP – Part III CCLP**

- Confidentiality
- Entity Clients
- Agency
- Fiduciary Duty
- Informed Advise
- Autonomy
- Competence
- Duty in Civil cases and matters

## **MODULE 2 LEGAL FEES – Part IV CCLP**

- Contingency Fees.
- Mandatory Pro Bono.
- Retainers

## **MODULE 3 CONFLICT OF INTEREST**

- . Client-Lawyer Conflicts

- . Client-Client Conflicts
- . Criminal
- . Imputed
- . Duty in Criminal Cases
- . Private Practice.
- . Government Lawyers
- . Prosecutors
- . In house Corporate Lawyers
- . Duty in Commercial Practice

#### **MODULE 4 ETHICS IN ADVOCACY**

- Relationship with the Court
- Relationship with other Legal Practitioners- Part V CCLP
- Relationship with the Public- Part VI CCLP

#### **MODULE 5 ETHICS IN CONVEYANCING**

- Mortgages
- Conveyances
- Legal opinions

#### **MODULE 6 JUDICIAL ETHICS AND ACCESS TO JUSTICE**

- Code of Conduct for judges and other judicial officers
- Retired Judges

#### **MODULE 7 SOLICITORS' ACCOUNTS**

## **3.8 ENGLISH & LEGISLATIVE DRAFTING**

Modern-day legal practice and academic legal study requires expertise in working with legislation. Yet little attention had been paid to giving law students tools to understand the way in which legislation comes into being, and how it is interpreted. This course aims, in some small degree, to remedy that deficiency.

The course focuses on the nature of legislation and the steps in preparing legislation, using legislative punctuation and grammar, and drafting legislative sentences. Students will develop drafting skills, become familiar with approaches to legislative drafting that are typical in common law jurisdictions and acquire skills relevant to interpretation and application of statutes in real life legal situations.

### **Outline**

This course is composed of several modules each with various sections and subsections as follows:

### **THE BASICS**

#### **Section 1: WHAT IS LEGISLATIVE DRAFTING ALL ABOUT?**

1. Purpose of Legislation
2. Communication of Legislation
3. The Legislative Draftsperson

#### **Section 2: WORDS AND THE MEANING OF LANGUAGE**

1. The meaning of Words
2. Vagueness of Words
3. Ambiguity of Words
4. Instability of Words

### **MODULE 2: WRITING LEGISLATIVE SENTENCES**

#### **Section 1: WHAT DO WE NEED TO KNOW ABOUT GRAMMAR?**

1. Why is grammar important for drafting?
2. The significance of Syntax
3. What common grammatical mistakes we watch for?

#### **Section 2: WHAT ARE THE BASICS OF WRITING LEGISLATIVE SENTENCES?**

1. Starting to write
2. Basic components of legislative sentences
3. Types of legislative sentence

### **Section 3: HOW DO WE PUT TOGETHER THE COMPONENTS OF LEGISLATIVE SENTENCES?**

1. Subject Predicate Relationship
2. Elements of the Sentence
3. Sentence Problems – Modifiers, Incomplete and fused sentences, Subject/Verb Disagreements, Negatives

### **Section 4: HOW DO WE PUNCTUATE LEGISLATION?**

1. Punctuation – Four General Rules
2. The Comma
3. The Semi-Colon
4. Full Stop
5. Parenthesis
6. Apostrophe
7. Hyphen

## **MODULE 3: LEGISLATIVE STYLE**

### **Section 1: PURSUIT OF CLARITY**

1. Simplicity and Precision
2. General Rules for drafting sentences and word choice

### **Section 2: SPECIFIC MATTERS OF STYLE**

1. Sections
2. The Proviso
3. Numbering, lettering and Indentation
4. Reference to dates
5. Reference to numbers
6. Reference to legislation
7. Spelling
8. Capitals
9. Symbols

### **Section 3: MISCELLANEOUS WORDS AND EXPRESSIONS**

1. Words and Expressions to avoid
2. Words and Expressions to use carefully

## **MODULE 3: THE DRAFTING PROCESS**

1. The Role of The Legislative Drafter
2. When should Drafters become involved in legislative proposals



3. The Role of instructing Officers
4. The Five stages of the Drafting process

## **MODULE 4: GENERAL PROVISIONS**

1. Preliminary Provisions
2. Final Provisions
3. Subordinate Legislation
4. Powers and duties

### **Learning Outcomes**

Upon completion of this course, students should be able to:

- Describe the nature of legislative drafting;
- Explain the duties and responsibilities of legislative Draftsperson;
- Present an overall picture of why legislative tests take the form they do;
- Use the correct expressions to describe the main features of English grammar;
- Apply the basic principles of legislative syntax and expression for writing legislative sentences;
- Comply with standards drafting conventions when punctuating legislative sentences;  
and
- Compose simple legislative sentences that are unambiguous and free from common errors of expression;

### **Evaluation**

Students should be prepared to devote the time necessary to complete the various activities in this course. This includes: reading actively and critically researching the law and legal principles and recording the results of that research and engaging in self-study exercises.