



# Zambia Institute of Advanced Legal Education

## **INTRODUCTION**

Because of the practical nature of the Institute's training the Student Diary Rules are an essential part of the training. Compliance or non-compliance with these rules will be taken into consideration, together with all other essential aspects of the training in deeming a student to have or to have not fulfilled the requirements of the course.

These rules are set out below:

## **THE STUDENT DIARY RULES 1976**

1. These rules may be cited as the Student Diary Rules, 1976 and shall be deemed to have come into operation on 8<sup>th</sup> November, 1976.
2. In these rules except where the context otherwise requires:
  - (a) All words and terms shall bear the same meaning as in the Legal Practitioners' Act, 1973 and the Student Rules 1973.
  - (b) The terms Director of the Institute and the Student's Principal, also referred to as the Director and the Principal respectively, shall mean and include their nominee or nominees.
  - (c) The Student Diary, also referred to as the Diary shall mean the book referred to in Rule 3 below and may include more than one such Diary where circumstances make it necessary for a Student to have more than one such Diary.
3. (a) Every Student following a course of study provided by the Institute

shall have and maintain from the commencement of the course of study, a book of a size not less than 6" x 8" with a hard cover.

- (b) Student Diaries shall be purchased at reasonable cost by the Institute and shall be the property of the Institute.
  - (c) Upon completion of his/her course a student shall return to the Institute the Diary allocated to him/her.
  - (d) It shall be the duty of every student to use the Diary allocated to him/her and no other.
4. On each page of the said Diary, or on such other pages as may by necessity, be used, Student shall keep a correct record of the following matters and particulars, viz;
- (a) The date to which the matters and/or particulars relate;
  - (b) Attendance at the office of his/her Principal or any other place directed by the said Principal. If he/she did not do so the student should state the reasons for his/her failure;
  - (c) Duties and other tasks assigned by the said Principal to the Student;
  - (d) In what manner and to what extent the Student has performed the said duties and tasks;
  - (e) Number of hours actually spent by the student in the performance of such duties and tasks;
  - (f) Any relevant matter, remark or comment.
5. The student shall deliver and hand over the said Diary for inspection from time to time as specified below till the end of his/her course of study to –
- (a) the student's principal once a fortnight or as may be directed by the latter from time to time;
  - (b) the Director of the Institute -

- (i) once in two months time or at such intervals as may be directed by the Director;
  - (ii) at the completion of all pages in the said diary if this happens prior to the end of the course of study.
  
- 6.
  - (a) Where in pursuance of rule 5(a) above the Diary is handed over to the student's Principal he shall examine the entries made by the student in the said Diary during the relevant period, certify the correctness or otherwise of the said entries, enter directions or orders any remarks, comment or censure as he deems fit and proper, and return the said Diary to the student;
  
  - (b) Where in pursuance of Rule 5(b) (i) above the said Diary is handed over to the Director he shall examine such entries as have been made by the Student and the Principal respectively, enter and record his own remarks, comments or censures or orders as he deems fit and proper, make a summary of all entries in a separate document kept in his custody and return the said Diary to the Student on the same day or as expeditiously as possible.
  
  - (c) Where in pursuance of rule 5(b)(ii) above the said Diary is handed over to the Director he shall be responsible for the safe custody of the said Diary until the said Diary is handed back to the Student.
  
- 7. Nothing in rules 5 or 6 above shall in any way limit the powers of the Principal or the Director to call for the said Diary at any time or day he deems necessary and to examine the said Diary and make any entry or any direction as he deems necessary or to retain the said Diary in his custody for a longer period of time.

- 8 (a) If at the end of the course of study the Director is of the opinion that the Student has carried out the duties and such tasks as assigned and set by the Principal satisfactorily and complied with the requirements of these rules he shall make an entry to the said effect in the said Diary and the summary maintained by the Director.
  - (b) But if the Director is of the opinion that the student has not carried out the duties and such other tasks assigned and set by the Principal satisfactorily and/or that the attendance by the student at the office of the Principal is insufficient and/or the student has not carried out sufficient duties or tasks he reasons why he has not done so, he shall make an entry to the said Diary.
9. Where the Director makes an entry under rule 8(b) above he may;
    - (a) refuse to certify that the said student has fulfilled the requirements of the course of study under S.11 of the Legal Practitioners Act; and
    - (b) require the said student to carry out further duties or tasks as he shall direct before such certificate is issued and postpone the sitting of the Legal Practitioners' Qualifying Examination until the student has complied with such directives; or
    - (c) Issue a certificate after such admonition or warning as he deems fit and proper.
  10. Where any student is dissatisfied with the entry made under rule 8(b) or the action taken pursuant to Rule 9 he may within one week of such entry or action being taken appeal against the said entry or action to the Council of the Zambia Institute of Advanced Legal Education. The said appeal shall be lodged with the Director who shall forthwith transmit the said appeal together with the diary of the said student, all relevant documents and reasons for the entry or action made by the Director to the Secretary of the Council of the Zambia Institute of Advanced Legal Education.

11. (a) The appeal shall be heard by a Committee appointed by the Council and the Committee may –
- (i) confirm the entry or action made by the Director; or
  - (ii) vacate the entry or action made by the Director; or
  - (iii) order that an entry made in respect of the said student under Rule 8(a); or
  - (iv) vary or amend the entry or action made by the Director; or
  - (v) make any order combining any of the powers enumerated above.
- (b) The said Committee shall have the power, subject to the orders of the Council, to regulate its own procedure.
12. (a) Every student shall take proper care of the said diary and prevent its loss, defacement or the entries made therein or any damage to the said Diary.
- (b) If the said Diary be lost, defaced or damaged, it shall be presumed that the said loss, defacement or damage was due to the negligence of the said student until the contrary is proved by him and adverse inferences may be drawn from the said loss, defacement or damage.
- (c) In such an event of a loss or defacement or damage, the entries made by the Director in the aforesaid summary maintained by the Director shall be the best evidence or contents of the said Diary for any relevant period and the same shall not be contradicted by any evidence, or where such entries have not been made for any period of time a report of the student's Principal shall be the best evidence of the entries-in the Diary for the said period.

- (d) The student shall forthwith made a full report to the Director in writing of the loss or defacement of, or damage to, the said book and forthwith commence another Diary.
  
- (e) It shall be the duty of a student to take back the Diary from the Director or the Student's Principal as early as possible and where he fails to do so the student shall maintain the records required by Rule 4 in separate sheets of paper and the same shall duly be incorporated in the Diary later.

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