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SUPPLEMENT

PROCLAMATIONS, RULES AND REGULATIONS

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THE LEGAL PROFESSION ACT

**LEGAL PROFESSION (CONTINUING LEGAL PROFESSIONAL DEVELOPMENT)
(AMENDMENT) REGULATIONS, 2018**

In exercise of the power conferred upon the General Legal Council, as Legal Education Authority, by section 10 of the Legal Profession Act, and of every other power hereunto enabling, the following Regulations are hereby made:—

Short title,
construction
and
commencement.

1.—These Regulations may be cited as the Legal Profession (Continuing Legal Professional Development) (Amendment) Regulations, 2018 and shall be read and construed as one with the Legal Profession (Continuing Legal Professional Development) Regulations, 2013 (hereinafter referred to as the principal Regulations) and all amendments thereto.

Amendment of Regulation 2 of the principal Regulations.

2.—(1) Regulation 2 of the principal Regulations is amended by—

(a) inserting immediately after the definition of “accredit” the following definition—

“ “Accredited Provider” means any person or entity who has been certified by the Committee pursuant to regulations 12A and 12B to provide a CLPD programme”;

(b) inserting immediately after the definition of “CPLD” the following definition—

“ “CLPD credit” means a unit of measurement of CLPD equivalent to one hour of participation in or preparation of an approved CPLD programme in accordance with these regulations, save that in the case of private study two hours of study activity shall constitute one CLPD credit; save also that CPLD credits cannot be accumulated for courses, sessions or events which run concurrently.”

(c) inserting after the definition “Disciplinary Committee” the following definitions—

“ “Policy” means the accreditation policy approved from time by the Committee and published on its website.”.

Amendment of Regulation 5 of the principal Regulations.

3.—(1) Regulation 5 of the principal Regulations is amended by inserting the following as paragraph (f)—

“(f) certify persons as Accredited Providers for the purposes of Regulations 12A and 12B.”.

Insertion of new Regulations, Regulations 12A, 12B and 12C in the principal Regulations.

4.—(1) The principal Regulations are amended by inserting next after regulation 12 the following as regulations 12A, 12B and 12C—

“Obtaining Accredited Provider Status.

12A—(1) Any person seeking certification as an Accredited Provider may apply to the Committee by submitting an application in the forms set out as Form 1A in the Schedule accompanied by such supporting documentation as the Committee may require.

(2) In reviewing the application the Committee shall have regard to the standards and criteria specified in regulations 17 and 17A.

(3) Upon the receipt of an application made in accordance with paragraph (1) and subject to regulation 12B the Committee shall within a reasonable time, notify the applicant in writing or electronically whether the applicaton for accreditation is approved or refused.

(4) The decision of the Committee in relation to an application made pursuant to regulations 12A, 12B or 18A may be reviewed by the Council upon the applicant submitting to the Council a letter seeking such review within 15 days of notification of the decision. On such review the Council may make any of the following decisions which shall be final, namely to—

- (a) confirm the decision of the Committee;
- (b) set aside the decision of the Committee;
- (c) vary the decision of the Committee.

Renewal of
Accredited
Provider
Status.

12B—(1) Accredited Providers shall be deemed approved for a period of three years from the date they are granted certification unless such approval is suspended or terminated in the interim;

(2) Courses or activities offered by an Accredited Provider shall be deemed to be accredited.

(3) Accredited Providers shall announce in information brochures or registration material and on certificates of participation, the following:

“[Provider] has been certified by the Continuing Legal Professional Development Accreditation Committee as an Accredited Provider of CLPDs”.

(4) An Accredited Provider may request renewal of its Accredited Provider status for additional three-year periods. The request shall be made in writing to the Committee at least forty-five days before the end of the accreditation period.

(5) The Committee shall determine if there are continuing or past breaches of these Regulations and or the Policy, and the Committee, in its discretion, may condition renewal of the Accredited Provider status upon the provider meeting additional requirements specified by the Committee and remedying any breaches of the Regulations and the Policy.

(6) The Committee shall give the Provider written notice of the Committee’s determination to approve, conditionally approve, or deny the request for renewal of Accredited Provider status.

(7) If a request for renewal is timely, the Accredited Provider status shall continue until the Committee gives written notice in accordance with sub-regulation (9).

(8) If an application for renewal is not received by the Committee at least forty-five days before the end of the accreditation period, the provider’s Accredited Provider status will determine at the end of the period. Any application received thereafter shall be considered by the Committee as a new request for Accredited Provider status.

(9) Eligibility for renewal of Accredited Provider status is limited to entities that have sponsored, organized and administered, during their three-year accreditation period, eight or more separate and distinct CLPD programmes which meet the standards set out in these Regulations.

Accreditation Fees.

12C—(1) All applications for accreditation under regulation 12 or certification under regulation 12A will be subject to the fees described in the Schedule and fixed by the Council from time to time.

(2) These fees shall be non-refundable.”.

Amendment of Regulation 17 of the principal Regulations.

5.—(1) Regulation 17 of the principal regulations are amended by inserting next after paragraph (5) the following as paragraph (6)—

“ (6) The following categories of courses or programs shall not qualify for CLPD credit:

- (a) Courses or programs designed primarily for non-attorneys that do not advance the legal knowledge, legal education and legal skills of attorneys;
- (b) Law courses not taught at the post graduate or tertiary level;
- (c) Courses or programs taken in preparation for licensure examinations for non-lawyer professionals.”.

Insertion of new Regulation, Regulation 17A in the principal Regulations.

6.—(1) The principal Regulations are amended by inserting next after regulation 17 the following as regulation 17A—

“Criteria for Approval for Accredited Provider 1

17A—(1) In order for an applicant to be granted Accredited Provider Status, the Committee must be satisfied that it meets the following criteria:

- (a) The applicant has provided, within the prior three years, with at least one in each year, eight

or more separate and distinct CLPD programmes;

- (b) The applicant has complied with its obligations under regulation 18 in relation to those CLPD programmes;
- (c) The applicant has established Committee approved procedures for verifying that an attorney has completed a course, or completed a session of a course, for each format and method of presentation (group participation and/or self-study) for which approval is sought.”.

Amendment
of Regulation
18 of the
principal
Regulations.

7.—(1) Regulation 18 of the principal Regulations is amended by—

- (a) inserting as a new paragraph (1) the following—

“(1) All Providers shall include in all brochures, announcements and advertisements for a course or program the specific subject matter of the course or program.”.

- (b) renumbering paragraphs (1), (2), (3), (4) and (5) as (2), (3), (4), (5) and (6);
- (c) deleting the number “3” in the re-numbered paragraph (6) and substituting therefor the number “4”;
- (d) deleting the number “4” in re-numbered paragraph (6) and substituting therefor the number “5”; and
- (e) inserting next after the re-numbered paragraph (6) the following as paragraphs (7), (8), (9), (10) and (11)—

“(7) for the purposes of paragraphs (4) and (5) in the case of a non-traditional course format, a Provider may only issue a certificate of attendance after it has verified that an attorney has attended or otherwise participated in the program. The Provider must have procedures in place to verify an attorney’s participation in or completion of a such a program without relying solely on statements made by the participating attorney or on a record of log-in and log-out times of participants; and may put in place either procedures recommended in the Policy or similar thereto in order to satisfy this obligation.

(8) Accredited Providers shall complete a “CLPD Accredited Provider Year-End Report” using Form 4 in the schedule for each calendar year during any part of which

Accredited Provider status has been granted. The report shall describe the CLPD programmes for which CLPD credits were awarded during the calendar year. The report shall be submitted to the Committee between January 1 and January 31 of the following year.

(9) Accredited Providers shall retain for a period of at least six years, for each CLPD programme, copies of:

- (a) the timed agenda;
- (b) the course brochure or announcement or advertisement; and
- (c) the course or activity materials.

(10) Accredited Providers shall indicate in their announcements, brochures and advertisements whether a course or activity is—

- (a) a CLPD course in ethics and client welfare,
- (b) a CLPD course in business management, finance or clients' accounts, or
- (c) a CLPD course in general law.

(11) Accredited Providers shall notify the Committee of any change in address and/or contact person within 30 days of the effective date of the change.”.

Insertion of new Regulations, Regulations 18A and 18B in the principal Regulations.

8.—(1) The principal Regulations are amended by inserting next after regulation 18 the following as Regulation 18A—

“Accreditation Committee Audit”

18A—(1) Accredited Providers shall permit the Committee and its staff to attend, without notice and free of charge, any CLPD programme. Such attendance shall not qualify for continuing legal education credit.

(2) If upon review of the Accredited Provider’s performance whether upon an audit under subsection 1 or otherwise, the Committee determines that the content of the course, the program materials, the quality of the CLPD activities or the Accredited Provider’s performance do not meet the standards set out in these Regulations and the Policy, the Committee shall give the Accredited Provider thirty days written notice of any breach of these

Regulations or the Policy and require rectification of the same.

(3) Failing rectification within the time specified, to the satisfaction of the Committee, the Committee may suspend or revoke the Accredited Provider status of that Provider.

(4) If the Committee decides to suspend or revoke Accredited Provider status of a Provider, the Committee shall send the Provider a thirty-day notice of suspension or revocation containing a written statement of the reasons for the revocation and affording an opportunity for the Provider to request a review of the suspension or revocation by making an explanation and submitting facts in opposition. The Committee shall also provide for an oral hearing if requested, and unless there are special circumstances which call for greater time, the Committee shall determine the request within 180 days of receipt of such request.”.

Amendment
of the
Schedule.

9.—(1) The Schedule is amended by inserting next after Form 1, the following Forms.

“



FORM 1A

APPLICATION FOR ACCREDITED PROVIDER STATUS FOR INSTITUTIONS

Name of organization seeking accredited provider status: _____

Address: _____

Tel. No./Fax No: _____

E-mail: _____

Name and Title of contact person: _____

Number of CLPD programmes sponsored, organized and administered by your organization during the past three years:

Please describe the continuing legal professional development programmes of your organization over the past three years, and attach a list of all CLPD programmes presented by your organization during that time, including the title, date and location for each course, indicating which presenters if any, are attorneys:

Please describe your organization's financial aid policy and procedures. Include the specific application procedures and the eligibility requirements for such aid. Provider applications that do not include a financial aid policy for courses offered for a fee are ineligible for review by the accreditation committee.

Please list other bodies that have granted or denied your organization accredited provider status and include supporting documentation where applicable:

*Attach additional sheets if necessary:

REQUIRED ATTACHMENTS:

Please submit the following information for three CLPD programmes, one from each of the preceding three years and complete the applicable form(s) below. (Incomplete applications will be returned.)

1. Name(s) and credentials of course/ programme presenters, including educational background/degrees;
2. Admission restrictions for course presenters, if any;
3. Sample of evaluation questionnaire, if any;
4. Description of attendance verification procedures for each format (attach any forms associated with your verification procedures, such as sign-in sheet, electronic tracking report, attorney affirmation with codes, etc.);
5. The details of any disbarred attorneys tutoring on your course;
6. Timed course or program outline;
7. Biographies, including educational background and degrees for course presenters;
8. Computation of credit hours;
9. Breakdown of categories of credit;
10. Attendance verification procedures;
11. Sample or description of any nontraditional course format(s) as required;
12. Supporting information for three of the programmes sponsored, organized and administered by the applicant over the prior three years . if not submitted in a prior application;
13. Applicable accreditation fees; and
14. Any additional documents requested by the Committee.

Provider acknowledges and agrees to comply with all Program Rules and CLPD Regulations and Guidelines, and certifies that the above information (including all attachments) is true.

Provider Representative and Title

Signature: _____

Date: _____



FORM 2

(YEAR) __

CLPD ACTIVITY TABLE
GENERAL LEGAL COUNCIL CLPD ACCREDITED PROVIDER

PROGRAM/COURSE	Average Fee per Participant	Number of Credit Hours	Live/Simultaneous Formats		Prerecorded Formats	
			Number of CLPD Certificates of Attendance Issued	Number of CLPD Certificates of Attendance Issued in		
Name: _____	Live/Simul \$ _____	Total _____	Live VCN _____	VC WC _____	A.ACD AF _____	V.VCD.DVD VF _____
Content appropriate for newly admitted attorneys?: Y <input type="radio"/> N <input type="radio"/>	Prerecorded	Ethics	T	LB	OLA	OLV
Date: _____ location*: _____	\$ _____			Other		Other
Name: _____	Live/Simul \$ _____	Total _____	Live VCN _____	VC WC _____	A.ACD AF _____	V.VCD.DVD VF _____
Content appropriate for newly admitted attorneys?: Y <input type="radio"/> N <input type="radio"/>	Prerecorded	Ethics	T	LB	OLA	OLV
Date: _____ location*: _____	\$ _____			Other		Other
Name: _____	Live/Simul \$ _____	Total _____	Live VCN _____	VC WC _____	A.ACD AF _____	V.VCD.DVD VF _____
Content appropriate for newly admitted attorneys?: Y <input type="radio"/> N <input type="radio"/>	Prerecorded	Ethics	T	LB	OLA	OLV
Date: _____ location*: _____	\$ _____			Other		Other



FORM 2, *contd.*

(YEAR)___

CLPD ACTIVITY TABLE
GENERAL LEGAL COUNCIL CLPD ACCREDITED PROVIDER

PROGRAM/COURSE _____	Average Fee per Participant _____	Number of Credit Hours _____	Live/Simultaneous Formats		Prerecorded Formats	
			Number of CLPD Certificates of Attendance Issued		Number of CLPD Certificates of Attendance Issued in _____	
Name: _____	Live/Simul \$ _____	Total _____	Live VCN _____	VC WC _____	A.ACD AF _____	V.VCD.DVD VF _____
Content appropriate for newly admitted attorneys?: Y <input type="radio"/> N <input type="radio"/>	Prerecorded	Ethics	T	LB	OLA	OLV
Date: _____ location*: _____	\$ _____			Other		Other
Name: _____	Live/Simul \$ _____	Total _____	Live VCN _____	VC WC _____	A.ACD AF _____	V.VCD.DVD VF _____
Content appropriate for newly admitted attorneys?: Y <input type="radio"/> N <input type="radio"/>	Prerecorded	Ethics	T	LB	OLA	OLV
Date: _____ location*: _____	\$ _____			Other		Other



FORM 3:

APPLICATION TO ACCREDIT A COURSE OFFERED IN A
NONTRADITIONAL FORMAT

1. Please provide a description of the method of participation (group activity and/or self-study);

2. Please provide a description of the procedures used by the Provider to verify that an attorney completed an entire course or an entire session of a course, noting that a Provider's attendance verification procedures may not rely solely on statements made by participating attorneys, and must be appropriate for both the method of presentation and the format.

REQUIRED ATTACHMENTS:

3. Please submit a sample of each type of nontraditional format (compact disc, audiotape, etc.), or for an online program, a password and instructions for online access. Where submission of a sample may not be possible (e.g., for a web conference or teleconference), please submit a description of the technology used (including whether the program is live or archived and the level of interactivity)



FORM 4:

GENERAL LEGAL COUNCIL'S CLPD ACCREDITED PROVIDER
YEAR-END REPORT

PROVIDER:

CONTACT PERSON:

TELEPHONE: FAX:

E-MAIL:

1. Please enter the total number of traditional live classroom-format programs offered in 20xx: _____
2. Please enter the total number of simultaneously transmitted live programs offered in 20xx in each of the formats below for which Certificates of Attendance were issued to one or more attendees: _____
 VCN=Videoconference _____
 WC=Web conference _____
 T=Teleconference _____
 LB=Live Broadcast VC=Videoconference _____
 Other (explain below*) _____
3. Please enter the total number of prerecorded programs in each of the formats below for which Certificates of Attendance were issued in _____
 A•ACD=Audiotape/Audio CD V•VCD•
 DVD=Videotape/Video CD/DVD
 AF=Audio File VF=Video File
 OLA=Online Audio OLV=Online Video Other (explain below*)

4. Total number of programs offering credits in "Ethics & Client Welfare":

5. Total number of programs offering credits in "Business Management":

6. Total number of programs offering credits in "Finance":

PLEASE ATTACH TO THIS REPORT THE FOLLOWING ADDITIONAL INFORMATION:

- | | |
|-----|--|
| (1) | A description of your organization's attendance verification procedures, along with any relevant forms |
| (2) | Fees charged for all of your programs |
| (5) | Submit your Report in hard copy, along with the attachments listed, postmarked on or before January 31, of the upcoming year, to: The Accreditation Committee of the General Legal Council, 78 Harbour Street, Kingston. |
| (6) | A list of all programs taught in the year of the report. |

FEES

APPLICATION FEES as determined by the GLC from time to time shall be charged for the following:

Applications for Accreditation of a Course or Activity (FORM 1)
Applications for Credits (FORM 2)
Applications for Extensions
Applications for Exemptions
Document Processing Fee

PROVIDER STATUS FEES as determined by the GLC from time to time shall be charged for the following:

Application Fee (Form 1A)
Annual Maintenance Fee For Institutions Granted 3 Years Accreditation
Register/Participation List Administration Fee
Reasonable expenses to be paid to Committee Members annually
Venue review fee where necessary

Dated this 21st day of June, 2018.

ALLAN S. WOOD, Q.C.
Chairman,
General Legal Council.

ALTHEA RICHARDS
Secretary,
General Legal Council.