

Law Society of Zimbabwe (Continuing Professional Development)
By-Laws, 2015

ARRANGEMENT OF SECTIONS

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IT is hereby notified that the Law Society with the approval of the Minister has, in terms of section 63 of the Legal Practitioners Act [*Chapter 27:07*], made the following by-laws—

Title

1. These By-laws may be cited as the Law Society of Zimbabwe (Continuing Professional Development) By-laws, 2015.

Interpretation

2. In these by-laws—
 - “calendar year” means a period of one year commencing on 1st January of each year;
 - “compulsory pupillage training” (CPT) means the pupillage training provided for in section 4(2) of the Legal Practitioners (General) Regulations, 1999;

“Continuing Professional Development” means the system of continuous legal education under which a legal practitioner who has completed his pupillage is required to undergo a minimum of twelve (12) hours of professional or academic engagements, including compulsory pupillage training, regarded as constituting professional advancement to qualify for the renewal of his practising certificate for each calendar year of practice;

“credits” means a minimum of twelve (12) hours per calendar year of professional or academic engagements undertaken by a legal practitioner as continuous professional development.

Date of commencement

3. These regulations shall have effect on the date of publication.

Application

4. These regulations shall apply to all legal practitioners:

Provided that—

- (a) the attendance of compulsory pupillage training by legal practitioners registered on or after 1st March, 2013, shall be accepted for purposes of accrual of Continuing Professional Development hours in addition to all other Continuing Professional Development activities as may be provided by the Society from time to time; and
- (b) upon reaching the age of sixty (60) years, a legal practitioner shall be exempted from compulsory continuing professional development:

Provided that such legal practitioner shall have practised law for a continuous period of at least ten (10) years before the attainment of that age.

Mandatory continuing professional development requirements

5. (1) Every legal practitioner shall undertake and complete a minimum of twelve (12) hours of continuing professional development

during that period if the legal practitioner concerned holds a practising certificate during any calendar year.

(2) Any legal practitioner to whom these regulations apply shall submit to the Society details of the continuing professional development that such legal practitioner has undertaken, before or upon application for renewal of the practising certificate for the ensuing calendar year in a form prescribed by the Society from time to time.

(3) The Society may—

- (a) specify the nature, content and format of courses and other activities that may be undertaken by a legal practitioner in order to satisfy the mandatory continuing professional development requirements; or
- (b) increase or decrease the minimum number of hours of continuing professional development courses and activities which must be completed in order to satisfy any of the mandatory requirements.

Waiver, deferment and extension

6. (1) The Society may, in its discretion, waive any or all the mandatory continuing professional development requirements in relation to any legal practitioner, in whole or in part, or defer or extend the period within which the legal practitioner must complete any of the mandatory requirements in a particular calendar year.

(2) The Society in exercising its discretion in terms of subsection (1) above shall take into account the following aspects—

- (a) illness during the course of the calendar year for which credits are sought; or
- (b) any period of suspension from practice; or
- (c) maternity leave; or
- (d) any other circumstances it may deem appropriate.

(3) An application by a legal practitioner for a waiver, deferment or extension of any of the mandatory requirements shall—

- (a) be in writing; and
- (b) set out the circumstances relied upon; and
- (c) be supported by relevant documentary evidence.

Approved continuing professional development courses and activities

7. The Society shall from time to time publish in a General Notice to its registered members a list of approved courses for purposes of continuing professional development credits.

Redemption of credit hours

8. (1) An application for the redemption of credit hours shall be in the appropriate form as prescribed by the Society from time to time.

(2) Every Legal Practitioner shall be obliged to get a continuing professional development certificate confirming the continuing professional development hours awarded at all trainings attended by the legal practitioner concerned during the year, and a copy or copies of the certificate/s must be attached to the application for a practicing certificate.

(3) A simple application with a letter of confirmation from the organisers can be sent to the Secretary requesting approval of any continuing professional development activity one may undertake if no continuing professional development certificate is available at the training attended.

(4) It shall be the duty of the legal practitioner to redeem any credit hours earned and the Society shall not be liable for any legal practitioner's failure to comply with the requirements for the application for redemption.

Approved continuing professional development providers

9. (1) The Society shall from time to time publish a list of the names of, and the programmes offered by, approved providers of continuing professional development courses and activities.

(2) Every legal practitioner shall be obliged to obtain proof of the attendance from the approved provider for any course or activity attended for the purpose of compulsory professional development.

(3) Notwithstanding the foregoing, the Society may approve on an *ad hoc* basis trainings offered by entities not on the approved list.

(4) In approving such courses in terms of subsection (3) the Society shall take into account—

- (a) the language of instruction;
- (b) the general law applicable in the jurisdiction relevant to the practice of law; and
- (c) such other circumstances that the Society may deem appropriate.

Failure to complete minimum requirements

10. (1) In the event of a legal practitioner failing to complete the minimum number of hours of continuing professional development without reasonable cause, the Society shall withhold the legal practitioner's practising certificate, and a grace period of ninety (90) days from 1 January of each year may be granted to enable the legal practitioner to comply with the minimum requirements.

(2) If the legal practitioner still fails to comply with the minimum requirements within the grace period of ninety (90) days, the Society shall be entitled to take disciplinary action against the legal practitioner and to impose an appropriate penalty for such failure.