University of Plymouth

Regulations for Postgraduate Certificate and Postgraduate Diploma in Legal Practice

The Award Board will make recommendations for the awards of the Postgraduate Certificate and the Postgraduate Diploma in Legal Practice in accordance with the following Regulations.

1. Definitions

- “the Core Modules” means the Business Law and Practice, Property Law and Practice, and Litigation modules.
- “Deferred” and “Deferral” means a further attempt at any assessment which further attempt is treated as a first attempt because of acceptance by the Award Board of extenuating circumstances.
- “Elective” means the module(s) chosen by the candidate from those areas offered to the candidate for study as part of Stage 2.
- “the LPC” means the Legal Practice Course as regulated by the Solicitors Regulation Authority.
- “Resit” and “Referral” means a further attempt at any failed assessment which is not a deferral.
- “Stage 1” means the Core Modules and the Professional Context and Practice Skills module.
- “Stage 2” means the Elective module(s).
- “University” means Plymouth University.
- “Validated Provider” means a provider validated by the Solicitors Regulation Authority and authorised by them for the provision of Stage 1 and/or Stage 2 of the LPC.

2. Basic requirements

2.1 (a) to be awarded the Post Graduate Certificate in Legal Practice by the University a candidate will be required to secure a pass at Stage 1 with the University;

(b) to be awarded the Post Graduate Diploma in Legal Practice by the University a candidate will be required to secure passes at Stage 1 and Stage 2.
2.2 Subject to Regulation 2.3, the Post Graduate Diploma in Legal Practice may be awarded with Commendation to a candidate who:

(a) has secured a pass at the first attempt (without resit or referral) in each of the three Core Modules and the three Elective modules chosen and has achieved a mark of at least 60% in four of those six modules;

(b) has achieved an average mark of 60% in those six modules;

(c) has been assessed as competent in all elements of assessment within the Professional Context and Practice Skills module at first attempt (without resit or referral).

2.3 The Post Graduate Diploma in Legal Practice may, at the discretion of the Award Board, be awarded with Commendation to a candidate notwithstanding that that candidate has failed one element only of the assessments within the Professional Context and Practice Skills module if that one failure is made good at the first attempt on resit.

Referral in any Core Module assessment or Elective module assessment disqualifies a student from an award with Commendation.

2.4 The Post Graduate Diploma in Legal Practice may be awarded with Distinction to a candidate who:

(a) has secured a pass at the first attempt (without resit or referral) in each of the three Core Modules and the three Elective modules chosen and has achieved a mark of at least 70% in four of those six modules;

(b) has achieved an average mark of 70% in those six modules;

(c) has been assessed as competent in all elements of assessment within the Professional Context and Practice Skills module at the first attempt (without resit or referral).

3. Attendance at another Validated Provider

If a candidate successfully completes Stage 1 with a Validated Provider other than the University and produces an authenticated transcript to the satisfaction of the University then that candidate shall become subject to these Regulations and to the University regulations on the accreditation of prior learning.

4. The Core Modules - Business Law and Practice, Property Law and Practice, and Litigation

4.1 Candidates will be assessed in the Core Modules of Business Law and Practice, Property Law and Practice, and Litigation by supervised written assessments.

4.2 To secure a pass in each of these modules, candidates will be required to secure a pass in the supervised written assessments in that subject.

4.3 There will be supervised written assessments in each module as follows:
• Business: one supervised written assessment of two hours’ duration, and one supervised written assessment of two and a half hours’ duration;

• Property: one supervised written assessment of three hours’ duration;

• Litigation: Civil Litigation: one supervised written assessment of two hours’ duration;

• Criminal Litigation: one supervised written assessment of two hours’ duration;

The mark for the supervised written assessment in Litigation (for the purposes of Regulation 2) will comprise the sum of 60% of the mark in the Civil Litigation assessment and 40% of the mark in the Criminal Litigation assessment.

All assessment papers in the Core Modules will form part of the same diet of assessment.

4.4 To secure a pass in the supervised written assessment of a Core Module, candidates must achieve a mark of at least 50% of the total available marks in that module but need not achieve 50% in each assessment paper.

4.5 A candidate who fails to secure a pass in the supervised written assessments for any Core Module will be dealt with in accordance with Regulation 12.

5. The Electives

5.1 Candidates will be assessed in each of the Elective modules by means of a supervised written assessment of three hours’ duration.

5.2 To secure a pass in an Elective module candidates must achieve a mark for that module of at least 50%.

5.3 A candidate who fails to secure a pass in any Elective module will be dealt with in accordance with Regulation 12.

6. Solicitors Accounts Rules

6.1 Solicitors Accounts Rules will be assessed within the Professional Context and Practice Skills module by means of a supervised written Accounts paper of two hours’ duration.

6.2 To be assessed as competent a candidate must achieve a mark of at least 50%.

6.3 A candidate who fails to attain a mark of at least 50% must undertake a Solicitors Accounts Rules resit before the end of Stage 1. A candidate who achieves a mark of at least 50% in respect of such a resit will be treated as having passed that assessment on first attempt for the purposes of Regulation 2.

6.4 A candidate who, having undertaken any necessary resit, fails to achieve a pass will be entitled to a final referral in accordance with Regulation 13.
7. **Professional Conduct and Regulation**

7.1 Professional Conduct and Regulation will be assessed within the Professional Context and Practice Skills module by means of a discrete supervised written assessment of two hours’ duration in the same diet of assessment as the Core Module assessments.

7.2 To be assessed as competent in Professional Conduct and Regulation a candidate must achieve a mark of at least 50% on assessment.

7.3 A candidate who is fails to achieve a pass will be dealt with in accordance with Regulation 12.

8. **Skills and Wills and Administration of Estates**

8.1 Candidates will be assessed on a ‘competent/not yet competent’ basis in the five skills of Practical Legal Research, Writing, Drafting, Interviewing & Advising and Advocacy (all within the Professional Context and Practice Skills module). Each skill will be assessed as follows:

- Practical Legal Research one unsupervised written assessment in the context of Wills and Administration of Estates;
- Writing one supervised written assessment in the context of Civil Litigation within the Litigation module;
- Drafting one supervised written assessment in the context of the Property Law and Practice module;
- Interviewing & Advising one oral assessment in the context of the Business Law and Practice module;
- Advocacy one oral assessment in the context of Criminal Litigation in the Litigation module.

8.2 Each assessed exercise in the oral skills of Interviewing & Advising and Advocacy will be recorded. The recording will be made available to the external examiner with responsibility for the particular skill.

8.3 Candidates will be assessed on a ‘competent/ not yet competent’ basis in Wills and Administration of Estates in one assessment forming a part of the Practical Legal Research skills assessment.

8.4 A candidate who is assessed under these Regulations as being ‘not yet competent’ in Wills and Administration of Estates must undertake a resit before the end of Stage 1 and must be assessed as competent in order to complete Stage 1; a candidate who is assessed under these Regulations as being ‘not yet competent’ in one or more of the skills must undertake resit(s) before the end of Stage 2.

8.5 A candidate assessed as ‘competent’ on resit will be treated as having been assessed as competent for the purposes of Regulation 2.
8.6 A candidate who is assessed as ‘not yet competent’ on resit will be entitled to a final referral in accordance with Regulation 13.

9. Taxation

9.1 Taxation will be assessed in two parts: within the supervised written assessment in the context of Business Law and Practice (which part will comprise 80% of the available marks for Taxation), and within the supervised written assessment in the context of Wills and Administration of Estates (which part will comprise 20% of the available marks for Taxation).

9.2 To secure a pass in Taxation a candidate must achieve a mark of at least 50% of the total marks available but need not achieve 50% in each part of the assessment.

9.3 A candidate who fails to secure a pass in Taxation will be dealt with in accordance with Regulation 12.

10. Extenuating Circumstances

10.1 Candidates undertake each supervised assessment subject to written declaration that they are fit to undertake the assessment. Accordingly, candidates may not submit a claim for extenuating circumstances in relation to matters arising prior to the assessment notwithstanding that these matters may have materially and adversely affected the candidate’s performance in that assessment.

10.2 The Award Board may consider claims for extenuating circumstances alleged to have materially and adversely affected a candidate’s performance in an unsupervised assessment; the Award Board may also consider claims for extenuating circumstances alleged to have first arisen during any supervised assessment. Claims may be considered valid where, in either case, it is alleged that extenuating circumstances have caused or materially contributed to the candidate’s failure to pass an assessment or failure to be assessed as ‘competent’. Claims for extenuating circumstances may not be considered where the candidate has attained a pass mark or has been assessed as ‘competent’ notwithstanding the circumstances alleged to have arisen.

10.3 If the Award Board accepts that extenuating circumstances have materially and adversely affected the performance of a candidate to cause or materially contribute to the candidate’s failure to pass the assessment or his/her failure to be assessed as ‘competent’ then the Award Board may exceptionally direct that that attempt is to be disregarded and the candidate shall be required to undertake a deferred assessment.

10.4 Subject to this Regulation, the University’s standard regulations and procedures on extenuating circumstances shall apply to the Postgraduate Certificate and Postgraduate Diploma in Legal Practice.

11. Failure to Comply with Assessment Requirements - General

11.1 Subject to regulation 10, a candidate who fails to attend at the time, date and place directed for such assessment or fails to deliver any written submission in
relation to any unsupervised assessment in the required format by the due time, date and place directed for such submission will be deemed to have failed that assessment.

11.2 Where the Head of School responsible for the Post Graduate Diploma and Certificate in Legal Practice has evidence to support his opinion that a candidate’s attendance at LPC scheduled sessions has been unsatisfactory, the Head of School shall have the discretion to exclude that candidate from attending the LPC and/or undertaking relevant assessments. This discretion may be exercised only after the candidate has been given written warning that his/her attendance has been unsatisfactory and has been afforded a reasonable opportunity to improve that attendance.

11.3 The University standard regulations on plagiarism and academic dishonesty shall apply to the Postgraduate Certificate and Postgraduate Diploma in Legal Practice.

11.4 The University standard appeal regulations shall apply to the Postgraduate Certificate and Postgraduate Diploma in Legal Practice.

12. Failure to Comply with Assessment Regulations - First Referrals

12.1 A candidate who fails to attain the required pass mark in any of the assessments dealt with under Regulations 4, 5, 7 and 9 above shall be referred in each assessment concerned. A candidate who is so referred must sit such further assessment(s) as is required. In order to pass on resit the candidate requires a mark of at least 50%.

12.2 A candidate shall undertake any required resit by the end of the July in the year following the completion of the Stage 2 of the LPC and in accordance with the assessment schedule for that year.

13. Failure to comply with Assessment Regulations - Final Referral

13.1 A candidate who has failed a referral may be permitted one final referral in each assessment or module concerned.

13.2 A candidate who is given such a final referral must sit further assessment, and will be treated as having passed if he/she achieves a mark of at least 50% or is assessed as ‘competent’.

13.3 Subject to Regulation 10, final referrals are to be taken within 12 months of the first referral in that assessment.

13.4 The Award Board shall apply an overall maximum time limit for successful completion of the course of 5 years from the date on which the candidate was due to attempt the first assessment within Stage 1. Any candidate who does not successfully complete the LPC within this time limit shall be deemed to have failed the LPC and will be required to withdraw. This time limit may be waived by the Award Board only in exceptional circumstances and is subject to ratification by the Solicitors Regulation Authority.
13.5 If the time limit set out in 13.4 has been waived, the following provisions shall apply:
(a) A candidate who wishes to attempt outstanding assessments in any academic year must give notice to the Programme Manager for the Post Graduate Diploma in Legal Practice by 31st December of that academic year of his/her intention to do so. The onus is on the candidate. There is no requirement for the University to track the candidate, issue reminders or otherwise take the initiative.

(b) Having once given notice of an intention to attempt outstanding assessments, the candidate must do so unless prevented by a valid concession. A candidate in breach of this requirement will be deemed to have failed the assessments(s) in question.

14. General

14.1 In calculating a candidate’s performance on assessment marks that include a fraction of 0.5 or more will be rounded up to the next whole number. Marks that include a fraction of less than 0.5 will be rounded down to the preceding whole number.

14.2 Candidates are not permitted to make a further attempt on any assessment in which they have attained a pass mark or in which they have been assessed as ‘competent’.

14.3 Subject to any variations which the Award Board may direct, any referral under Regulations 12 or 13 will be subject to the Regulations applicable for the academic year of entry onto the LPC. The format, style, syllabus, law and procedure applicable shall be that applicable to that assessment component for the academic year in which the referred assessment is to be undertaken.

Approved by the Academic Regulations Sub-Committee 19 January 2009.

Minor amendments December 2013

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Summary of any amendments

Document objectives
To describe the University’s regulations governing the award of the Postgraduate Certificate and Postgraduate Diploma in Legal Practice effective for the academic year 2016/17

Intended recipients
Students and staff

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Contact for review
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