

**NEW ZEALAND LAW SOCIETY  
LEGAL EXECUTIVE DIPLOMA**

**EXAMINATION REQUIREMENTS**

April 2011

1. The New Zealand Law Society has delegated the administration of these requirements to the National Coordinator, NZLS Legal Executive Diploma, PO Box 5041, Wellington (DX SP20202, Wellington).
2. Enrolment in the NZLS Legal Executive Diploma examinations implies acceptance of the Examination Requirements as stated below, and the failure of a candidate to abide by these Requirements could result in his/her disqualification from the examinations.
3. The New Zealand Law Society shall be responsible for the appointment of the Chief Examiner. The Chief Examiner shall be responsible for the appointment of Examiners, Moderators, all other persons needed for the running of the examinations and everything incidental thereto.
4. The responsibilities of the New Zealand Law Society are as summarised above and do not include responsibility for oversight of the teaching of the prescribed subjects which is a matter between the candidates and any institution they select which teaches the relevant diploma paper(s).
5. Completion of the six subjects which make up the diploma is by examination. Students may, if appropriate, apply to be exempt from the two introductory subjects (Requirements 9 & 10) and may also apply to be granted an aegrotat pass in any subject provided the circumstances fall within the provisions of Requirement 23. However, in order to complete the NZLS Legal Executive Diploma a student must have passed at least 50% of the Diploma by way of examination. (That is, a student may not be granted a pass by way of exemption and/or aegrotat assessment in more than a total of three papers).

On completion of the six prescribed subjects that make up the NZLS Legal Executive Diploma candidates will be awarded a diploma in a form and manner determined from time to time by the New Zealand Law Society.

6. The six prescribed subjects that make up the NZLS Legal Executive Diploma (unless the candidate has the specified credits and exemptions) are:
  - (1) Introduction to the Legal System
  - (2) Introduction to Law Office Practice
  - (3) Property Law and Practice
  - (4) Business Law and Practice
  - (5) Estates Law and Practice
  - (6) Litigation Law and Practice
7. These prescribed subjects are intended to introduce legal executives to those aspects of the law and procedures commonly handled by legal executives and not to attempt to teach them to make decisions which should properly be made by a trained lawyer. So far as is reasonably possible, examinations will give effect to this principle.

**ELIGIBILITY OF CANDIDATES**

8. The New Zealand Law Society does not impose prior educational requirements for entry although teaching institutions may have such requirements. A high standard of literacy is essential and it is recommended that students should have achieved 14 credits in English or other relevant subjects such as Legal Studies at NCEA Level 2, (or achieved a grade 5 or better in 6<sup>th</sup> form English) in order to successfully complete the Diploma. The Chief Examiner may at his/her absolute discretion refuse to admit any candidate to the examinations after having regard to such reasons (including the candidate's character) as he/she thinks fit.

**CREDITS AND EXEMPTIONS**

9. All applications for the credits and exemptions specified in the prescriptions for this certificate shall be made to the National Coordinator in writing. The provision for the granting of an exemption from *Introduction to the Legal System* on the basis of at least 10 years' relevant legal work experience was abolished as of 1 January 1999 and will not apply to those students registering from that date onwards. Applicants applying for an exemption in this subject on the basis of prior learning must have completed the relevant paper in the past 10 years.
10. Each application under Requirement 9 must be accompanied by the appropriate written evidence and the fee prescribed by the National Coordinator. The Chief Examiner shall consider such application and may at his/her discretion in respect of the application:

- (1) Grant it
- (2) Request further information or evidence
- (3) Make further enquiries
- (4) Direct the candidate to complete in a satisfactory manner an appropriate course of study (including that of a prescribed subject)
- (5) Decline it.

#### 11. EXPIRY OF CREDITS

A pass in any subject of the NZLS Legal Executive Diploma will be valid for a maximum of 10 years. If the student has not completed the Diploma within 10 years of passing a subject and wishes to continue, that paper would have to be repeated **unless** the Chief Examiner is satisfied that the student has been working for a sufficient period of time in a relevant legal field during the interval since completing that subject. The student would need to provide independent references from a partner or senior solicitor confirming both the period worked and the nature of that work.

#### EXAMINATIONS

12. The method of evaluation in each of the prescribed subjects shall be by written examination under the control of the Chief Examiner.
13. An examination entry on the appropriate form and accompanied by such prescribed fee or fees as may be fixed from time to time by the National Coordinator shall be lodged (by the date specified on the form) with: The National Coordinator, NZLS Legal Executive Diploma, PO Box 5041, Wellington (DX SP20202). Examination entries will only be accepted from students registered with the New Zealand Law Society.
14. The onus of applying for entrance to examinations rests entirely on the student. Neither the New Zealand Law Society nor the teaching institutes will be held responsible for failing to notify a student of enrolment deadlines. Forms may be obtained from teaching institutions and the New Zealand Law Society.
15. An additional fee may be required from students sitting examinations outside the main centres. Such candidates will not be permitted to sit the examination until such additional fee has been paid.
16. Examination entries will be received until the due date of 30 June. Late entries shall be subject to a late fee prescribed by the National Coordinator and may be accepted after 30 June at the discretion of the National Coordinator and/or Chief Examiner. No entries will be accepted under any circumstances after 31 August.
17. Any candidate who has not received his/her examination number and other information by the first week of October should contact the National Coordinator immediately.
18. No refunds of examination entry fees for candidates shall be made unless there are exceptional circumstances. The decision of the National Coordinator shall be final.
19. A course work mark provided by the teaching institution based on the year's work may be taken into consideration (strictly in borderline cases) in determining the examination mark at the discretion of the Chief Examiner. The decision of the Chief Examiner is final and no correspondence will be entered into.
20. Examinations shall be conducted each year at times and centres established by the National Coordinator. They are usually held over three days towards the end of October, both in the morning and afternoon. In order to gain entry to the examination room candidates are required to provide photo ID and their examination entrance slip.
21. Candidates shall identify themselves on their examination answers with their allocated code number only and must not refer in their answers to their employer's name or names. It is recognised, however, that certain questions in the examinations may require reference to local practice.
22. **DISABILITY ASSISTANCE**  
Candidates who may require disability assistance in an examination must apply directly to the National Coordinator and provide current medical evidence supporting the application at least one month prior to the examinations. The Chief Examiner shall assess the application and the candidate will be notified prior to the commencement of the examinations. The decision of the Chief Examiner is final and no application will be accepted through a third party on behalf of a candidate.

### 23. AEGROTAT PASSES

A candidate who through illness, or injury, or personal bereavement, or other exceptional circumstance beyond his/her control, is either prevented from sitting any examination or considers that his/her performance in any examination has been seriously impaired by such circumstance, may upon payment of the prescribed fee make application for the granting of an aegrotat pass or impaired performance assessment. *NB:* The aegrotat assessment period refers to the *days of the examinations* only. Candidates may not apply for an aegrotat assessment prior to the examinations.

An aegrotat pass may be granted at the discretion of the Chief Examiner, subject to the following conditions:

- (1) That the application must be lodged in writing with the National Coordinator within 7 days of the date of the examination concerned or the last examination, if several are affected, or within such further period as may, in exceptional circumstances, be permitted by the Chief Examiner.
- (2) The application shall be accompanied by:
  - (a) Where appropriate a certificate at the candidate's expense from a registered medical practitioner stating:
    - (i) the date on which the candidate was examined by a medical practitioner. The candidate must be seen by the medical practitioner on the day of the examination or as soon as possible following that examination. Medical certificates dated prior to the examinations are not acceptable;
    - (ii) that in his/her opinion the candidate was unable through illness or injury to present himself/herself for examination, or that in his/her opinion the candidate's performance in the examination was likely to have been seriously impaired by illness or injury. The nature of the illness or injury shall be stated in sufficient detail to make it clear that the candidate was not responsible for his/her disability, and in a form suitable for submission to a medical referee.
  - (b) Where there are other exceptional circumstances, appropriate documentary evidence of those circumstances including evidence that the impairment disadvantaged the candidate at the date of the examination.
  - (c) Details of the candidate's teaching institute, the names of his/her lecturers, and the subjects taken that year to enable the National Coordinator to make such enquiries as are necessary to determine whether, his/her work standard was well above the minimum pass standard.
- (3) The candidate must pay all additional costs incurred (including medical enquiries) before a decision is made by the Chief Examiner. The Chief Examiner shall:
  - (a) consider all applications including the evidence of the institute responsible for teaching the candidate and information as to the names of candidates of a similar level.
  - (b) if possible, advise the candidates concerned as to whether their applications have been successful or not before 25 January of the year following the examination.

### 24. COPIES OF EXAMINATION SCRIPTS

- (1) A candidate may request in writing a copy of his/her examination script in any subject. Any such request must be accompanied by the prescribed fee and this request and fee must be received by the National Coordinator by the last day of January following the examination date. The National Coordinator will then send the candidate a copy of the script requested.
- (2) A candidate who has requested and received a copy of his/her examination script and who has good grounds to believe that the marks in that script have not been added correctly may notify the National Coordinator in writing to that effect by the last working day of February following the examination date. The National Coordinator will check the addition of marks in that script and will notify the candidate in writing of the result of that check and of any consequential change to the candidate's marks.
- (3) Appeals Any candidate who having received the copy of their examination script, believes they have grounds to appeal the marks given must notify the National Coordinator in writing to that effect by the last working day of February following the examination date stating the grounds for appeal.

The grounds for appeal may include:

- (i) A correct answer was incorrectly marked.
- (ii) The marking was inconsistent.

The appeal will be considered by the Chief Examiner. The National Coordinator will notify the candidate of the result of the appeal in writing. The decision of the Chief Examiner will be final and no discussion or correspondence will be entered into with a candidate or any other person on behalf of a candidate.

An appeal must be accompanied by the required appeal fee which is refundable should the appeal be successful.

**25. EXAMINATION MATERIALS**

- (1) Only those materials specified by the NZ Law Society may be brought into the examinations and contrary advice from teaching institutions does not override these instructions. Where the syllabus permits candidates to bring a statute into the examination room photocopies or a copy (including amendments) of the statute which is not book bound must be obtained. Statutes may be printed off computer databases but may not contain any commentary on the statute.

Use of the statute is permitted on the following conditions:

- (a) The candidate's name and address may be written on the front page of the statute;
  - (b) Words or passages may be sidelined, underlined or marked with highlighting pens;
  - (c) Any section that has been repealed or amended may be crossed out by a ruled line or lines; the name and section of the repealing or amending statute may be written alongside in the margin. Otherwise, no writing or marking of the statute is permitted.
- (2) Where the syllabus specifies that the examination has a separate drafting part which is open book candidates may bring any written or printed material into the examination. Such written material should be placed inside a named bag which is able to be closed so that material is not visible and which will fit underneath a desk or chair.
- (3) Candidates may not have a cell phone or any other means of communication with persons outside the examination room. Candidates may not bring a computer or programmable calculator into the examination room. Cell phones must be handed to the supervisor prior to the commencement of the examination and will be retained by the supervisor during the examination at the candidate's own risk.

26. Any decision of the Chief Examiner or National Coordinator made pursuant to a discretion under these Requirements shall be final and no discussion or correspondence with either the candidate or a third party will be entered into.