

New Zealand Law and Practice Examination

Information for the November 2020 Examinations

1. Introduction

The object of the New Zealand Law and Practice Examination, run by the New Zealand Council of Legal Education, is to allow the holder of an overseas university law degree of similar scope, duration and subject matter to a New Zealand Bachelor of Laws degree to learn and be tested on (in an independently moderated and assessed examination) the essential elements of New Zealand law. The Examination focuses on the laws which are unique to New Zealand, more than, for example, rules common to other common law jurisdictions. The Examination is based on an assumption of familiarity with the common law in relation to the subject matter of the respective Part(s) being undertaken.

2. Current Format

The New Zealand Law and Practice Examination consists of 6 Parts:

Part I	The New Zealand Legal System	Part IV	Property
Part II	Law of Contract	Part V	Law of Torts
Part III	Criminal Law	Part VI	Equity

Candidates are permitted a total of 90 minutes for each Part of the Examination, including reading time. The Examination is either "closed book" (no materials of any kind are permitted in the examination room), or "open book" (any written or printed materials, but no electronic resources or devices, are permitted in the examination room). Please check the Prescription to see whether the exam Part that you are sitting is "closed" or "open book". Your answer for each Part must be written in a separate script book. Marks may be deducted for illegibility and for defects in grammar and spelling.

3. Dates

The six Parts of the November 2020 will be sat over two days (three Parts per day) for each Examination. The dates for the November 2020 sitting are Thursday 26th November 2020 and Friday 27th November 2020.

4. Fees

The fee for the NZLPE has been increased to reflect increased expenditure. The fee for candidates for this sitting for a Part of the Examination in New Zealand is NZ\$750 + \$112.50 GST = \$862.50 (incl GST). *Please see the Schedule of Fees.*

Payment of these fees may be made in the form of cheque, bank cheque made payable to the *New Zealand Council of Legal Education*, or, an electronic payment. **No applications will be processed unless they are accompanied by the prescribed fee or electronic payment details.**

See sections 12 and 13, below, to determine if Late Fees are applicable.

5. **Prescription**

The Prescription for the Examination is revised and reissued each year.

Intending candidates remain responsible for ensuring that they are working from the latest Prescription.

All material referred to in the Prescription is examinable. The Prescription for each Part indicates the coverage expected. The law to be examined in any given year will be as of 31 May of the previous year unless examiners specifically state otherwise.

6. **Tuition**

The Council does not provide tuition for the Examination. However, those candidates who wish to obtain tuition should note that the College of Law (NZ) and the College of Law (Asia) provide online tuition to prepare candidates for the Examination. Contact details of the College are:

- by email: enquiries@collaw.ac.nz (NZ);
- by phone: on 0800 265 529 or +64 9 300 3151 (NZ); +60 3 2727 1609 (Asia)
- Websites: <http://www.collaw.ac.nz/nzlpe/> (NZ);
<https://www.collaw.com/learnwithus/our-programs/career-specialisation-programmes/> (Asia)

Please note that completion of the preparation courses, even if they result in any degree or diploma being awarded by the provider, will not exempt candidates from the Council's NZLPE requirements, nor will it satisfy any optional law subjects imposed by the Council.

7. **Obtaining Prescription Materials**

All of the Prescription materials are available through New Zealand law libraries. Most are also available through commercial on-line databases such as those provided by LexisNexis and Westlaw. They are also available from the following sources:

- i. Legislation may be accessed for free via the government website: www.legislation.govt.nz.
- ii. At least most judgments are available free from the relevant court websites or www.nzlii.org.

iii. Judgments and materials that are not available from free websites may be ordered from the Auckland library of the New Zealand Law Society. They are provided in PDF format. Information for obtaining exam materials is on the New Zealand Law Society's website: www.lawsociety.org.nz.

iv. Textbooks may be ordered via phone or online from Vicbooks in Wellington. This bookstore has undertaken to provide the Prescription materials. At least some of these will be on their website: www.vicbooks.co.nz. If the book you want is not showing on the website, please contact the store directly. Note that overseas orders will not attract GST and are best done via the store directly:

vicbooks: Victoria University Book Centre - Pipitea Campus
PO Box 12-337, Wellington, New Zealand
email: pipitea@vicbooks.co.nz
ph: +64-4-280 6212

v. Textbooks published by Thomson Reuters are available directly from the publisher's website, <https://www.thomsonreuters.co.nz>. Candidates for the NZLP examinations are eligible for a 25% discount when buying direct from this website. Please use the discount code "NZEXAM". Please note that this code is only available for candidates for these examinations. It is not available after you have completed the examinations. And do not forward this offer to any other person, or it may jeopardise the availability of this offer for NZLPE candidates.

8. **Past Examination Papers**

The Council supplies copies of past exam questions for sale directly to individual candidates. These are supplied in PDF form; they are not for redistribution or on-sale. You may purchase past papers pack for all sittings over the last 5 years (10 sittings). Please see the past papers application form and fees for further details. If you are sitting the exam in New Zealand you may obtain the NZ papers, if you are sitting the exam in the United Kingdom you may obtain the UK papers.

9. **Venues**

The November 2020 Examination may only be sat at one of the University law faculties in New Zealand, i.e. in Auckland, Hamilton, Wellington, Christchurch, or Dunedin.

10. **Eligibility to Sit Exam**

You cannot enrol in the Examination unless you have made an application to the Council to have your overseas qualifications assessed, or, you are required to enrol as part of an internal credit assessment, or as part of a stale qualification assessment. The Council recommends that candidates await the

receipt of their letter of assessment (following an application to have overseas qualifications assessed) before enrolling in the Examination. If a degree study requirement is imposed as a result of such assessment then passing a Part or Parts of the NZLP Examination will not obviate the need to complete the required degree study.

11. **Regulations**

The Examination is conducted and administered in accordance with the Conduct of the New Zealand Law and Practice Examination Regulations 1996. A copy of the Regulations is on our website. Candidates must comply with these Regulations at all times.

12. **Entry**

Please note that the appropriate application form and fee must reach the Council one calendar month before the first examination sitting day. Please send an electronic copy of the completed and signed application form along with the proof of payment to NZLPexam@nzcle.org.nz.

13. **Payment of Late Fees**

On payment of a late fee of \$103.50 per Part incl GST, in addition to the normal entry fee, an application for late entry may be accepted at the discretion of the Council. A candidate will need to demonstrate exceptional circumstances to qualify for a late enrolment. The late fee should be included with the application.

14. **Withdrawal**

Please select very carefully the Parts in which you wish to enrol because, should you decide to withdraw from any Part or Parts of the Exam, the Council is unable to refund or defer fees if you subsequently decide that you are unable to sit the exam. This also applies to failure to appear at an exam.

The only exception where you may be considered for a refund is where you are able to demonstrate exceptional circumstances which will or did prevent you from sitting an exam. Exceptional circumstances will generally relate to unexpected events such as in relation to your health or that of a close relative, and will need to be supported by appropriate evidence, such as a medical certificate. In such cases the Council may decide to refund a portion of your fees. Applications for refund must be made within a reasonable time of the exam, which will typically depend on the nature of the reason for refund. The amount of the refund will vary according to the circumstances, including the proximity of the withdrawal to the exam date, and the administrative work already undertaken.

This means that if you do not wish to (or simply do not) sit the exam for which you have enrolled, the only option is to withdraw and re-enrol for a later sitting. Re-enrolment requires payment of full fees for the later sitting. However, as noted above if you have exceptional circumstances requiring withdrawal, you may apply for a (typically partial) refund of the sitting you have withdrawn from.

15. **Concession passes**

A candidate who believes that his or her performance in an Examination Part has been impaired by illness, injury or other exceptional circumstances beyond the candidate's control may apply to be considered for aegrotat or compassionate passes under regulation 11(1) and (2) of the Conduct of the New Zealand Law and Practice Examination Regulations 1996. Except in exceptional circumstances, applications under regulation 11(1) and (2) must be made within seven days from the date of sitting the Examination.

A candidate who is required to pass more than one Part of the Examination, and who has passed all Parts but has failed one Part, may also apply to be considered for a compensation pass under regulation 11(4) of the Conduct of the New Zealand Law and Practice Examination Regulations 1996 if he or she subsequently fails that Part. Except in exceptional circumstances, an application under this clause must be made within a month of receipt of the Examination results.

Applications should be addressed to the Chief Executive of the Council of Legal Education.

Please see the Conduct of the New Zealand Law and Practice Examination Regulations 1996, regulation 11 and the Schedule for information and relevant forms. These are on the Council's website: www.nzcle.org.nz.

Fees for these applications are prescribed in the *Schedule of Fees*.

16. **Services**

Candidates may request examiner comments on their script for a fee. These requests must be received no more than 4 weeks from the date of release of the examination results. *Please see the schedule of fees.*

Candidates may also request a recount of marks on their script. These requests must be received no more than 4 weeks from the date of release of the examination results. Please note that a recount of marks does not involve a re-mark of the script. The marks are simply recounted. *Please see the schedule of fees.*

17. **Plagiarism**

Candidates should be aware that plagiarism in an examination is unacceptable. Plagiarism occurs when a candidate either intentionally or unintentionally

represents someone else's work as their own. Candidates must use quotation marks around any text being reproduced, and clearly source the quote to its author. Similarly, when using ideas from other people, similar referencing or acknowledgement of source must be provided. While this rule applies to both open and closed book exams, candidates sitting open book exams need to be especially mindful of this.

18. **Contacts**

For enrolments and administrative inquiries please contact the Examination Administrator Breid Keating at NZLPexam@nzcle.org.nz. For academic inquiries please contact the Academic Co-ordinator Professor Catherine Iorns Magallanes at Catherine.Iorns@vuw.ac.nz. For all other enquiries please contact operations@nzcle.org.nz.

19. **Covid-19 Information**

The Council endeavours to provide a safe environment for all candidates for the NZLPE sitting and will take all necessary precautions to do so effectively.

If a candidate feels unwell on the day of the exam or has flu like symptoms then in these circumstances the candidate should STAY AT HOME, they should not attend the exam. The candidate should notify the Council by email of their circumstances at their earliest convenience, and then apply for a partial refund of the fees paid for the sitting. A medical certificate will be required for this process (please see Item 14 for details).

NEW ZEALAND LAW AND PRACTICE EXAMINATION

OPEN/CLOSED BOOK STATUS OF EXAMS

The open and closed book exams in the November 2020 NZLP Examinations are listed below. Please note that **Part IV Property, Part V Torts and Part VI Equity** are Closed Book exams. All other Parts are Open Book.

NZLPE 2020		
Part I	Legal System	“Open Book”
Part II	Contract	“Open Book”
Part III	Criminal Law	“Open Book”
Part IV	Property	“Closed Book”
Part V	Torts	“Closed Book”
Part VI	Equity	“Closed Book”

In an Open Book examination, candidates may bring into the examination any hard copy materials. However, the desk, seat, floor space of other candidates may not be encroached on, and no electronic devices or materials are permitted.

The ability to bring material into the exam room is not a substitute for being familiar with and learning the material. Thorough answers require a familiarity with the material and, in a 90 minute examination, the time available to refer to material is limited. However, the materials are available for reference.

In responding to the question, provide the information that is necessary to answer the question. Copying out information about a case or statute for example, will not gain marks if it is not necessary to answer the particular question. This applies to both Open Book and Closed Book exams, but it is particularly necessary to stress in the case of Open Book exams because of the accessibility of material.