



LAW SOCIETY
OF SOUTH AFRICA
PRESS RELEASE

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**LAW SOCIETY WELCOMES IMPLEMENTATION OF THE NATIONAL FORUM ON
THE LEGAL PROFESSION**

The Law Society of South Africa (LSSA) welcomes the implementation of Parts 1 and 2 of Chapter 10 of the Legal Practice Act 28 of 2014, which on Sunday, 1 February 2015 will bring into effect the National Forum of the Legal Profession.

'The LSSA is committed to cooperating and participating actively with the other stakeholders in the National Forum to ensure that an independent, uniform, efficient and transparent dispensation for the regulation of the legal profession can be implemented within the prescribed three-year period, culminating in the implementation of the Legal Practice Council,' say LSSA Co-Chairpersons Ettienne Barnard and Max Boqwana. They add: 'The Legal Practice Act puts the public interest and transparency at the centre of the new dispensation. From the side of the profession, the independence and status of the profession, as well as the sustainability of practitioners is also paramount to ensure an independent judiciary and a functioning justice system.'

In terms of section 96 (1)(a)(i) of the Legal Practice Act, the LSSA represents the attorneys' profession on the National Forum (NF) through its eight nominees (in turn representing its six constituent members) as follows:

- Max Boqwana -- National Association of Democratic Lawyers
- Krish Govender -- National Association of Democratic Lawyers
- Jan Maree – Law Society of the Free State
- Martha Mbhele -- Black Lawyers Association
- Janine Myburgh – Cape Law Society
- Praveen Sham – KwaZulu-Natal Law Society
- Lutendo Sigogo – Black Lawyers Association
- Jan Stemmett – Law Society of the Northern Provinces.

The other stakeholders on the NF are five advocates designated by the General Council of the Bar, one advocate designated by the National Bar Council of South Africa, one advocate designated by Advocates for Transformation, one teacher of law designated by the South African Law Deans Association, one person designated by Legal Aid South Africa and one person designated by the Board of Control of the Attorneys Fidelity Fund.

The duration of the NF is for a period of three years.

Within 24 months of 1 February 2015, the NF must make rules relating to legal practitioners (attorneys and advocates) in respect of the following:

- a competency-based examination or assessment for candidate legal practitioners, conveyancers and notaries;
- the minimum conditions and procedures for the registration and administration of practical vocational training;
- the procedure and directions pertaining to the assessment of persons undergoing practical vocational training;
- the criteria for a person, institution, organisation or association to qualify to conduct an assessment;
- the procedures to be followed by disciplinary bodies;
- the manner and form in which complaints of misconduct relating to legal practitioners, candidate legal practitioners or juristic entities must be lodged with the Legal Practice Council; and
- any other matter in respect of which rules must be made in terms of Chapter 10 of the Act.

Before the NF makes any rule, it must publish a draft of the proposed rule in the *Government Gazette* together with a notice, calling on interested persons to comment in writing within a period stated in the notice, which may not be less than 30 days from the date of publication of the notice. If the NF alters the draft rules as a result of any comments, it need not publish those alterations before making the rule.

The NF may, if circumstances necessitate the publication of a rule without giving notice, publish that rule without prior publication of a draft as provided for above, provided that the notice of publication states

- the reason why circumstances necessitated that publication without prior publication of a draft as provided for above; and
- that any person who is aggrieved by the rule may make representations to the NF within a period stated in the notice, which may not be less than 30 days from the date of publication of the notice.

The Minister must, within six months after receiving recommendations from the NF as provided for in s 97(1)(a) of the Act, make regulations by publication in the *Government Gazette*, in consultation with the NF, in order to give effect to the recommendations of the NF.

If the NF fails to make recommendations within the timeframe provided for in s 97 of the Act, the Minister must, within six months, make the regulations in question, after consultation with the NF.

ISSUED ON BEHALF OF THE CO-CHAIRPERSONS OF THE LAW SOCIETY OF SOUTH AFRICA, ETTIENNE BARNARD AND MAX BOQWANA

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[Download the Legal Practice Act 28 of 2014.](#)

Editor's note:

The Law Society of South Africa brings together its six constituent members – the Cape Law Society, the KwaZulu-Natal Law Society, the Law Society of the Free State, the Law Society of the Northern Provinces, the Black Lawyers Association and the National Association of Democratic Lawyers – in representing South Africa's 22 900 attorneys and 5 500 candidate attorneys.