



LAW SOCIETY
OF SOUTH AFRICA

ADVISORY

27 May 2010

COMPETITION COMMISSION:
EXEMPTION APPLICATION BY THE LAW SOCIETY OF SOUTH AFRICA FOR
THE PROFESSIONAL RULES OF THE STATUTORY LAW SOCIETIES

The Law Society of South Africa (LSSA) has received a response from the Competition Commission to the application for exemption of the professional rules of the statutory provincial law societies, which are members of the LSSA.

The LSSA has met with the Competition Commission and it was agreed that the LSSA will engage with the Commission on specific rules and proposed legislative amendments, and that there will be consultation with the Department of Justice and Constitutional Development. The process of engagement will be conducted on an urgent basis. Thereafter, the decision of the Commission will be gazetted.

The Commission notes that the statutory law societies' rules are made in terms of the Attorneys Act and has agreed that the *status quo* will remain while the rules exist. The professional rules will, as far as possible, be amended in line with the relevant Competition legislation to the extent that consensus can be achieved with the Commission. Where matters require policy considerations, a process will be mapped out with the Commission for the necessary legislative amendments to be made.

In addition, the LSSA has been engaged in a process with the statutory provincial law societies to draft a set of uniform rules for the profession. This draft set of uniform rules will also form part of the engagement with the Commission.

If consensus on any part of the ruling cannot be reached and publication takes place, subject to advice from our legal advisors, an appeal may be noted to the Competition Tribunal.

The LSSA regards the rules for the profession as essential for the maintenance of the professional standards of the attorneys' profession, the ordinary functioning of the profession and for the protection of the public.

Attorneys who wish to make submissions to the LSSA in respect of any specific rules are invited to do so urgently **before 7 June 2010** for the attention of Nalini Gangen at
E-mail: nalini.gangen@capelawsoc.law.za
Fax: (021) 443 6751

PETER HORN AND MAX BOQWANA
CO-CHAIRPERSONS
LAW SOCIETY OF SOUTH AFRICA

The Law Society of South Africa brings together the Black Lawyers Association, the Cape Law Society, the KwaZulu-Natal Law Society, the Law Society of the Free State, the Law Society of the Northern Provinces and the National Association of Democratic Lawyers in representing the attorneys' profession in South Africa.