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LAW SOCIETY  
OF SOUTH AFRICA

LSSA NEWSLETTER  
24 JULY 2017

COMMITTED TO **BUILDING** A BETTER LEGAL PROFESSION FOR ALL

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## LATEST ON THE LEGAL PRACTICE ACT

The National Forum on the Legal Profession is finalising its recommendations to Justice Minister Michael Masutha, which are due on 1 August. The recommendations will deal with the election of councillors to the Legal Practice Council (LPC), the establishment of provincial councils, their areas of jurisdiction, composition, election, powers and functions; the right of appearance of candidate legal practitioners; a cost analysis of the operations of the LPC and provincial councils and their funding.

There is no consensus among stakeholders on practical vocational training. In addition, it appears that the negotiations between the NF and the statutory provincial law societies regarding the transfer of staff and assets to the Legal Practice Council may also not be finalised by 1 August.

Updates will be sent to practitioners in advisories once the recommendations to the Minister are publically available, and also once various sets of rules and regulations are gazetted for public comment.

Read more on the above [here](#).

## LEGAL PRACTICE ACT NOW AVAILABLE IN AFRIKAANS AND SETSWANA

The Legal Practice Act 28 of 2014 has now been translated into Afrikaans and Setswana. Download the Afrikaans translation [here](#). Download the Setswana translation [here](#).

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

### **SALRC CALLS FOR COMMENTS ON ISSUE PAPER 33 ON MEDICO-LEGAL CLAIMS**

Following requests from the Department of Health and the Justice Minister to the South African Law Reform Commission (SALRC) to conduct an investigation into medico-legal claims, especially claims against the State, the SALRC has released *Issue Paper 33*, the first document to be published during the course of Project 141 - Medico-legal Claims, for general information and comment. The purpose of Issue Paper 33 is to initiate and stimulate debate, to seek proposals for reform and to serve as a basis for further deliberation by the SALRC. The deadline for comments is 30 September 2017.

Download SALRC *Issue Paper 33 on Medico-Legal Claims* [here](#).

### **FIRMS SIGN PROCUREMENT PROTOCOLS FOR THE LEGAL PROFESSION**

The Procurement Protocols for the Legal Profession, drafted by the Action Group on Briefing Patterns and adopted by the attorneys' and advocates' professions, were launched at a function at Emperors Palace Convention Centre at the end of June. Special guest speakers included the Deputy Minister of Justice and Constitutional Development, John Jeffery and Deputy Chief Justice Ray Zondo.

Look out for the report on the function in the August *De Rebus* due out online at [www.derebus.org.za](http://www.derebus.org.za) on 1 August.

In the meantime, the firms that have committed to adopting the Procurement Protocols can be viewed on the LSSA website [here](#).

### **MASTER PUBLISHES PROVISIONAL LIST OF INSOLVENCY PRACTITIONERS**

The Office of the Chief Master of the High Court has published the provisional updated list of insolvency practitioners and has called on those practitioners who submitted information via e-mail and have not received an auto-generated response, indicating that the Master has received the practitioners' information, should send an e-mail to the Master at [LoMokale@justice.gov.za](mailto:LoMokale@justice.gov.za).

Once additional and outstanding information has been considered, stakeholders and the public will be advised of all green practitioners' details for inputs and objections, if any. This is to underscore the openness and transparency of the process of cleaning the Master's List. Read more [here](#)

### **PROXI SMART MATTER TO BE HEARD IN FEBRUARY 2018**

After the advisory on the *Proxi Smart v Law Society of South Africa and Others* matter was sent out, the matter was removed from the roll of 22 to 24 August 2017 by agreement between the parties. The matter is now set down for hearing in the High Court: Gauteng as a special motion on 6 to 8 February 2018. The parties have requested that the matter should be heard by a Full Court.

Since then, the Law Society of the Northern Provinces has also filed its answering affidavit. View all the parties' affidavits [here](#).

### **PROFESSIONAL EXAMINATIONS: SECOND SESSION IN 2017**

The syllabi for the Admission Exam on 22 and 23 August 2017; the Conveyancing Exam on 6 September 2017 and the Notarial Practice Exam on 11 October 2017 can be downloaded

from the LSSA website [here](#).

Registration for the exams is with the provincial law societies.

## **PAYMENT OF SHERIFFS' ACCOUNTS, *AD HOC* APPOINTMENTS AND GENERAL COURT MATTERS**

Deputy Minister of Justice and Constitutional Development John Jeffery has been delegated to deal with the sheriffs' profession. He has indicated that the sheriffs have raised some concerns with him, including the issue of delayed or non-payment of their accounts and *ad hoc* appointments. Practitioners are urged to take note of these issues.

However, the Deputy Minister has also invited practitioners to alert his office of problems as far as the level of service provided by some sheriffs is concerned, if these cannot be resolved. In addition, the Deputy Minister has indicated that practitioners can also alert his office to other problems relating to the functioning of the courts generally.

Read more [here](#).

## **TAX INDABA: 11 TO 15 SEPTEMBER 2017, SANDTON**

The 2017 Tax Indaba will be held at the Sandton Convention Centre from 11 to 15 September 2017. The Law Society of South Africa is a participating professional body at the Tax Indaba. The Tax Indaba is regarded as the largest annual gathering bringing together the tax community - tax practitioners, in-house tax staff members, government tax officials and tax academics. The Tax Indaba also seeks to involve all tax professional bodies in South Africa.

Find more information or register [here](#).

## **LAW SOCIETY LIBRARY**

A free resource for attorneys

The Law Society Library has an online help desk service available for registered members of all law societies in South Africa.

The librarians will also guide attorneys in finding materials for research, both in hard copy and online, if requested. They work cooperatively with the principal legal service providers in South Africa, as well as SAFLII and various others.

- Read [more](#).

## **ENHANCE YOUR EXPERTISE - ATTEND A LEAD TRAINING EVENT**

**LAST CHANCE TO REGISTER: National Credit Act Seminar**

**Durban: 27 July | Cape Town: 28 July | Port Elizabeth: 31 July | East London: 1 August | Bloemfontein: 3 August | Pretoria: 4 August | Johannesburg: 7 August 2017**

This one-day seminar by Frans Haupt marks the 10th anniversary of the coming into operation of the National Credit Act (NCA). The seminar will provide an overview of the most

important sections of the NCA. It will also highlight important court decisions over the past ten years, followed by a more detailed discussion of amendments to the NCA as well as court and tribunal decisions over the past two years.

- Read more, download the brochure and registration form [here](#).

### **Advanced Insolvency Law Workshop with Prof Andre Boraine and a team of experts Pretoria: 18 - 21 September**

The workshop will cover

- Insolvency applications and consequential litigation
- Effects of insolvency on the insolvent, the solvent spouse and unexecuted contracts
- Impeachable transactions
- Insolvency meetings
- Interrogations and the proof of claims
- Rehabilitation
- Drafting of liquidation and distribution accounts
- Liquidation of companies and close corporations
- Legal framework of business rescue

- Read more, download the brochure and registration form [here](#).

### **Engineering and Construction Contracts Seminars for Attorneys Cape Town: 22 - 23 August and Durban: 3 - 4 October**

This workshop by Hugh Lane will de-mystify many of the concepts peculiar to construction law and, in a practical way, assist practitioners avoid pitfalls for the unwary. This workshop will deal generically with engineering and construction contracts.

- Read more, download the brochure and registration form [here](#).

### **5-day Course in Civil Mediation**

**Pretoria 21 - 25 August | Cape Town 5 - 9 September | Port Elizabeth 4 - 8 September | Nelspruit 11 - 15 September**

The course is designed to prepare practitioners to be mediators and to equip you to advise clients on the mediation process.

- Read more, download the brochure and registration form [here](#).

For more information on these training events, e-mail the LEAD Seminars Team at [seminars@LSSALEAD.org.za](mailto:seminars@LSSALEAD.org.za) or call (012) 441 4600.

## **RISK ALERT BULLETIN**

### **Full PI and executor bond policies in the July *Risk Alert Bulletin***

The July issue of the AIIF's *Risk Alert Bulletin* contains the AIIF's full 2017 Professional Indemnity (PI) Master Policy for the 2017/2018 scheme year, which commenced on 1 July 2017, as well as the 2017 Executor Bond Policy. Practitioners are urged to study the two policies carefully.

- Download the July 2017 *Risk Alert Bulletin* [here](#).

Look out for the August *De Rebus* - online on 1 August 2017 at [www.derebus.org.za](http://www.derebus.org.za)  
Highlights in this issue:

- The challenge of mediation between parties with different world views
- Trust assets and accrual claims at divorce: The SCA opens the door
- When good close corporations go bad
- VAT and penalties: Is SARS playing according to the rules?

And all the usual columns and updates.



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