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

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### LATEST ON THE LEGAL PRACTICE ACT

The plenary meeting of the National Forum on the Legal Profession (NF) will be held on Saturday, 14 October. Practitioners will receive an advisory on the outcome of the plenary meeting in the week following the meeting. The NF will be finalising its recommendations for submission to Justice Minister Michael Masutha, which are due by the end of October.

The NF must also, by the end of October, conclude its agreements with the four statutory provincial law societies for the transfer of staff and assets from the law societies to the Legal Practice Council.

### NO RESTRAINT OF TRADE CLAUSES IN CONTRACTS OF ARTICLES

The Council of the Law Society of South Africa (LSSA) has resolved that the inclusion of a restraint of trade clause in a contract of articles of clerkship is unacceptable. Such contracts will not be registered by the provincial law societies.

### MID-TERM REPORT BY LSSA CO-CHAIRPERSONS TO CONSTITUENT MEMBERS

LSSA Co-Chairpersons, Walid Brown and David Bekker, have submitted their mid-term report to the four provincial law societies, the Black Lawyers Association and Nadel. The

report will be presented at the AGMs of the law societies and the BLA, which take place in October and November. Nadel's AGM takes place in early 2018. The report covers developments in the LSSA since April this year when they took office. Read the report by the Co-Chairpersons [here](#)

### **APPLY FOR YOUR 2018 FIDELITY FUND CERTIFICATE NOW**

Practitioners are expected to apply for their FFCs between October and December 2018 in order to comply with the requirement to hold an FFC in order to practise.

Application procedure and guidelines for online applications - [Read more here](#)

Fidelity Fund certificate application form - [Read more here](#)

Frequently asked questions - [View here](#)

Additional resource: The clock is ticking ... time to start applying for Fidelity Fund certificates [Read here](#)

If you have not received communication in this regard, please contact your provincial law society:

Law Society of the Northern Provinces:

[database@lsnp.org.za](mailto:database@lsnp.org.za) or [records@lsnp.org.za](mailto:records@lsnp.org.za) or [anette.vaneck@lsnp.org.za](mailto:anette.vaneck@lsnp.org.za) or [brenda.sonto@lsnp.org.za](mailto:brenda.sonto@lsnp.org.za) or call 012 338 5861 / 012 338 5915 / 012 338 5916.

Cape Law Society: [clsffc@capelawsoc.law.za](mailto:clsffc@capelawsoc.law.za) or call (021) 443 6700.

KwaZulu-Natal Law Society: [records@lawsoc.co.za](mailto:records@lawsoc.co.za) or call (033) 345 1304.

Law Society of the Free State: [ilze@fs-law.co.za](mailto:ilze@fs-law.co.za) or [jacoline@fs-law.co.za](mailto:jacoline@fs-law.co.za) or call (051) 447 3237.

### **CHANGES TO COURT RULES AND TARIFFS**

The Justice Department has advised that the changes to the rules relating to the conduct of proceedings in the Supreme Court of Appeal, High Court and magistrate's courts of South Africa, including the tariffs, were gazette on 29 September 2017.

Download the *Government Gazette* [here](#)

### **NOTICE ON SUBMISSION OF L&D ACCOUNTS**

Practitioners are advised that the Master's Office has issued a notice warning that liquidation and distribution accounts which do not contain an affidavit signed by all joint appointees, will not be regarded as an account and will be returned without being examined. In the notice the Master's Office states that it has become a trend that L&D accounts are submitted without the compulsory affidavit of the jointly appointed trustees/liquidators on the matter.

### **COMMENT ON THE POPI REGULATIONS**

The Information Regulator is calling for comment on the draft regulations relating to the Protection of Personal Information Act 4 of 2013. The regulations cover various areas, including:

- the manner of objecting to the processing of personal information;
- requests for correction or deletion of personal information;
- duties and responsibilities of information officers;
- requests for a data subject's consent to direct electronic marketing; and
- submitting complaints or grievances.

Comments must be e-mailed to Ms M Mphelo at [inforegcomments@justice.gov.za](mailto:inforegcomments@justice.gov.za) by 7 November 2017.

View the draft POPI regulations [here](#).

### **COMMENT ON THE GUIDELINES FOR SCC COMMISSIONERS**

The Department of Justice and Constitutional Development has called for comments on the *Draft Guidelines for Commissioners of the Small Claims Courts*. The guidelines were first compiled in 2010 and are currently being updated. Comments must be e-mailed to Carol Johnson-Newham at [cjohnsonnewham@gmail.com](mailto:cjohnsonnewham@gmail.com) by 16 October 2017.

View the draft guidelines [here](#).

### **LSSA THANKS ATTORNEYS FOR PARTICIPATING IN WILLS WEEK**

The LSSA thanks all attorneys who participated in National Wills Week that took place from 11 to 15 September this year. A total of 1 251 attorneys' firms participated.

The [National Wills Week](#) has become a major campaign by the attorneys' profession that is recognised and acknowledged by all major stakeholders, the media and the public.

### **LSSA SMALL CLAIMS COURT INFORMATION BROCHURE**

The LSSA's Small Claims Court Committee has prepared an information brochure aimed at the public. The brochure is available in multiple languages. It is also available for attorneys' firms to use for client/public information. This brochure is an addition to the other LSSA brochures which are: Labour law: Protect your rights; Marriage: The legal aspects; Deceased estates; Claiming from the Road Accident Fund: Why you must use an attorney; Applying for a temporary or permanent residence visa; Buying and selling a house; and the Consumer Protection Act.

LSSA information brochures for use by attorneys' firms can be requested from the LSSA at [LSSA@LSSA.org.za](mailto:LSSA@LSSA.org.za) or by calling (012) 366 8800.

View all the LSSA brochures [here](#).

### **LSSA COMMENTS ON DRAFT TAXATION LAWS AMENDMENT BILL**

The LSSA has submitted comments on the draft Taxation Laws Amendment Bill, 2017. In its submission the LSSA welcomed some of the amendments and also suggested different wording to some of the proposed amendments. In its conclusion it said: 'In our view, as a firm principle, the legislature should steer clear of retrospective legislation, as such creates additional uncertainty in an already uncertain tax system with the result that taxpayers are not able to properly plan their affairs for fear of retrospective amendments altering the anticipated tax position. An uncertain tax system is detrimental to investment in an economy.' The LSSA's submission can be viewed [here](#).

### **RECENT PRESS RELEASES**

6 October 2017: NADEL perturbed by the attack on the independence of the legal profession by Oscar Mabuyane. [Read press release here](#).

15 September 2017 NADEL media release: NADEL associates itself fully with calls for direct UN intervention in the humanitarian catastrophe occurring in the Rakhine Province of Myanmar. [Read press release here](#).

**FIND A NEW FIELD OR SHARPEN YOUR SKILLS: LEAD TRAINING**

### **Cybersecurity seminar: Will the threat of cybercrime kill your law firm?**

South Africa is in the process of adopting legislation in this regard and firms will see an influx of these cases. The legal profession has seen a lack of security and internal operating procedures focused on technology security. Law firms can easily be seen as instrumental to criminal cyber activities if caution is not applied in a well-informed manner. Law firms are also increasingly victims of cybercrime and should be proactive in protecting their practices as well as their clients from falling victim.

Midrand: 20 November 2017

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

### **Child law seminar: How to present a child's case**

The legal representation of children is becoming more and more prevalent in South Africa's courts. This seminar will outline the knowledge you need of the family law system, types of representation; how to consult with a child; presenting a child's case; difficulties, legislation and case studies.

East London: 10 October; Johannesburg: 16 October; Cape Town: 17 October;

Durban: 19 October and Pretoria: 20 October.

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

### **Pointers for and pitfalls in drafting specific business contracts**

Cape Town: 30 October and Durban: 31 October

Covering the basic principles of contractual drafting; partnerships; JV agreements; sales of business; memoranda of incorporation.

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

## **INTERNATIONAL CONFERENCES TO DIARISE**

### **2017 IBA African Regional Forum Conference: Ghana 15 - 17 November 2017**

The International Bar Association's Africa Regional Forum Conference will be held in Accra, Ghana from 15-17 November 2017 under the theme 'Rising to the Challenge of Africa's Economic Development - the Role of the Legal Profession'.

The conference will focus on assisting African lawyers and lawyers generally to have a better response to the challenges faced by African lawyers as a result of the continent's economic growth and other global trends. Over 600 lawyers from Africa and other parts of the world are expected to attend the conference in Accra. In addition to the programme, there will be young lawyers' training facilitated by the Young Lawyers' Committee of the IBA. Read more about the IBA African Regional Forum Conference [here](#).

### **IBA Africa - Opportunities and Challenges in M&A Transactions Conference: Cape Town 19 - 20 March 2018**

The conference is presented by the International Bar Association (IBA) Corporate and M&A Law Committee and supported by the IBA African Regional Forum.

The event will bring together practitioners from across the globe to explore current trends and the latest developments in the African M&A market as well as providing commentary from some of the world's leading experts. This event is a must attend for all legal professionals doing business in and with the African market.

Topics to be discussed include:

- Common trends driven by country and sector specific opportunities
- Shift from energy and mining M&A towards TMT, myth or reality?
- Impact of cultural differences on negotiation and deal structuring

- Practical tools for risk mitigation - Case studies
- How to exit a deal
- The opportunities and limits of alternate dispute resolution in Africa.

Read more about the Africa: Opportunities and Challenges in M&A Transactions Conference [here](#).



Have you read the October issue of *De Rebus*?  
Highlights include:

- Possible consequences of the 'failure' of an adopted business rescue plan
- Identifying the beneficial owner of a legal entity or legal arrangement
- The National Consumer Commission's planned opt-out registry
- Does your partnership agreement address the event of a claim against the firm?
- Case note: Debt review - points of order
- Case note: The effect of cancelling collective agreements regulating ancillary duties
- Does the electorate have effective remedies under the South African Electoral System?
- From LLB to admission - are there any guarantees?

Read the October issue online [here](#).



LAW SOCIETY  
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