



+27 (0)12 366 8800
LSSA@LSSA.ORG.ZA



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

IN THIS EDITION

1. Legal Practice Council website
2. LPC Code of Conduct for public comment
3. Have your say on proposed Court Rule amendments
4. Professional examination dates for 2019
5. ICT issues at Pretoria Deeds office affecting title deed documents
6. LSSA litigation
7. LEAD bookkeeping course for trust account advocates
8. Amended AIF Master Policy for 2018/2019

THE LSSA WISHES ALL LEGAL PRACTITIONERS AND CANDIDATE LEGAL PRACTITIONERS A PEACEFUL FESTIVE SEASON AND HAPPY AND PROSPEROUS NEW YEAR.

The offices of the LSSA and LEAD will close at 16:00 on Friday, 21 December 2018 and open again at 08:15 on Wednesday, 2 January 2019.

NEW: LEGAL PRACTICE COUNCIL WEBSITE

The website for the Legal Practice Council can be accessed at www.lpc.org.za.

HAVE YOUR SAY: CODE OF CONDUCT

The Legal Practice Council (LPC) will gazette the draft amended Code of Conduct for public comment tomorrow in terms of s 36(5) of the Legal Practice Act 28 of 2014 (LPA). The deadline for comments to the LPC is 7 February 2019.

Practitioners are urged to interrogate the Code carefully and submit their comments to the LPC. In terms of s 36(2) of the LPA, the Code of Conduct serves as the prevailing standard of conduct, which legal practitioners, candidate legal practitioners and juristic entities must adhere to; and failure to do so constitutes misconduct.

Written comments should be addressed to Ms Charity Nzuzwa, Acting Executive Officer, Legal Practice Council at e-mail address codeofconduct@lpc.org.za, or hand delivered to the LPC

at Proforum Building, 123 Paul Kruger Street, Pretoria.

The draft code deals with

- the conduct of attorneys: approaches and publicity; specialisation and expertise; sharing of fees; sharing of offices; payment of commission; naming of partners and practice; replying to communications; naming in deed of alienation; specific provisions relating to conduct of attorneys; misconduct;
- the conduct of referral advocates and advocates with trust accounts;
- the conduct of legal practitioners and candidate legal practitioners in relation to appearances in court and before tribunals: general; interviewing of witnesses of the opposing party in civil proceedings; interviewing of prosecution witnesses by defence legal practitioner; and
- the conduct of legal practitioners not in private practice.

[View the notice from the Legal Practice Council here.](#)

[Download the draft Code of Conduct here.](#)

HAVE YOUR SAY: PROPOSED AMENDMENTS TO THE MAGISTRATES' COURTS RULES, UNIFORM RULES AND SCA RULES

The Rules Board for Courts of Law has requested comment on the following important proposed amendments to the Magistrates' Courts Rules, Uniform Rules and SCA Rules:

- Table A of Annexure 2 of the Magistrates' Courts Rules and Uniform Rule 70 to provide for a separate fee for necessary copies. The due date for comment is 22 February 2019.

[Download the Rules Board invitation to comment here.](#)

- Magistrates' Courts Rule 5, relating to the use of a simple summons in certain matters. The deadline for comment is 28 February 2019.

[Download the Rules Board invitation to comment here.](#)

- Uniform Rule 41A to provide for mediation as a dispute resolution mechanism in the High Court. The deadline for comment is 28 February 2019.

[Download the Rules Board invitation to comment here.](#)

Submissions to the above may be made through the LSSA at kris@lssa.org.za or to the Rules Board direct. If you prefer to submit comment through the LSSA, please let us have your views by 15 February 2019 to enable us to collate the submissions.

- Proposed amendments to Supreme Court of Appeal Rules 11; 13 and 17 to *inter alia* align those rules with the Superior Courts Act 10 of 2013.

[Download the Rules Board invitation here.](#)

Submissions to the above may be made through the LSSA at kris@lssa.org.za or to the Rules Board direct by 15 March 2019. If you prefer to submit comment through the LSSA, please let us have your views by 11 March 2019 to enable us to collate the submissions.

PROFESSIONAL EXAMINATION DATES FOR 2019

The examination dates for 2019 are as follows:

- Attorneys admission examinations
6 and 7 March 2019 (Registration deadline: 12 February 2019)
21 and 22 August (Registration deadline: 30 July 2019)

- Conveyancing examination
10 April 2019 (Registration deadline: 19 March 2019)
11 September 2019 (Registration deadline: 20 August 2019)
- Notarial examination
11 April 2019 (Registration deadline: 20 March 2019)
12 September 2019 (Registration deadline: 21 August 2019).

Registration for all the above examinations will be with the Legal Practice Council:
Gauteng provincial office: exams@lpc.org.za
Western Cape provincial office: infowc@lpc.org.za and caronj@lpc.org.za
KwaZulu-Natal provincial office: mary@lawsoc.co.za
Free State provincial office: infofs@lpc.org.za and llzem@lpc.org.za

CHIEF REGISTRAR'S OFFICE ADVISES OF ICT ISSUES AT PRETORIA DEEDS OFFICE AFFECTING 2005 TO 2009 TITLE DEED DOCUMENTS

The Office of the Chief Registrar of Deeds has advised that the Pretoria Deeds Office is facing an ICT technical issue affecting access of some title documents which fall between 2005 to 2009. The initial situation which was affecting all the documents falling in the period above has been partially addressed with an estimated 30% of the documents still affected. In resolving the issue, the Chief Registrar's Office has activated its fall back system in retrieving any documents that may not be available after the restore. The fall back process to be used will require two days to retrieve any document not available on view. It is possible on rare cases that it may take longer where a documented requested will require IT assistance with Micro Reference identification.

The Chief Registrar's Office has indicated that an alternative process is still continuing to remedy the situation completely and it will inform practitioners once everything is back to normal. The Chief Registrar's Office sincerely apologises for the inconvenience and is confident that measures that have been put in place are adequate to service all request.

LSSA LITIGATION: PROXI SMART AND SADC TRIBUNAL

Earlier this month, the LSSA was successful in the Constitutional Court in the matter of the [*Law Society of South Africa and Others v The President of the Republic of South Africa and others*](#). The Court confirmed that former President Jacob Zuma's participation in the decision-making process and his own decision to suspend the operations of the Southern African Development Community (SADC) Tribunal to be unconstitutional, unlawful and irrational. The Court also declared the President's signature of the 2014 Protocol on the SADC Tribunal to be unconstitutional, unlawful and irrational, and has consequently directed the President to withdraw his signature from the 2014 Protocol. The LSSA brought this matter to the Gauteng High Court in March 2015.

[Read more here.](#)

Also earlier this month, Proxi Smart Services was denied leave to appeal by the Gauteng High Court in the matter of *Proxi Smart Services Pty Ltd v Law Society of South Africa and others*.

[Read more here.](#)

LEAD BOOKKEEPING COURSE FOR TRUST ACCOUNT ADVOCATES

The LEAD bookkeeping course has been accredited by the Legal Practice Council for conversion of enrolment from a referral advocate to a trust account advocate. This course is primarily aimed at providing advocates with the necessary basic skills and to assist them to prepare for the legal practitioners' bookkeeping examination. This is for conversion of enrolment in terms of s 32 of the Legal Practice Act 28 of 2014.

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

AMENDED AIIF MASTER POLICY EXCLUDES INDEMNITY FOR PRACTITIONERS WHO PRACTICE WITHOUT FIDELITY FUND CERTIFICATES

The attention of practitioners is drawn to the amended Attorneys Insurance Indemnity Fund Master Policy for the 2018/2019 scheme year, to the effect that only practitioners who are in position of a valid Fidelity Fund certificate will be afforded indemnity if they had such a certificate on the date of the cause of action giving rise to the claim. Historically, the AIIF Master Policy extended cover to practitioners who were in possession of, or obliged to apply for, a Fidelity Fund certificate. This has now changed. The amended policy came into effect on 1 December 2018.

[Download the December AIIF Risk Alert Bulletin here which contains the amended AIIF Master Policy for 2018/2019.](#)

START THE YEAR BY INVESTING IN UPDATING YOUR SKILLS THROUGH LEAD

LEAD has been accredited by the Legal Practice Council to provide legal training in 2019.

2019 Conveyancing update seminar with conveyancing specialist, Allen West

Pretoria, 14 January; Johannesburg, 18 January; Durban, 21 January; Cape Town, 28 January; Bloemfontein, 25 January and East London, 1 February 2019.

[Read more here.](#)

Consumer Protection Act seminar: Protect your firm and provide innovative new remedies for your clients

Durban, 1 February 2019; Cape Town: 7 February; Midrand, 15 February; Bloemfontein, 20 February; East London, 12 March and Port Elizabeth, 25 March.

[Read more here.](#)

Did you miss the December issue of *De Rebus*?

Featured in the December issue:

- Citizenship dilemma: Denying identity numbers to children of permanent residency holders
- The expert witness and the art of listening
- Is the secondary role of the NCA preventing a South African financial crisis?
- Case note: To prove or not to prove? *Novus actus interveniens* in third-party claims
- Case note: 'Mlungu' vs 'Boer' - context is everything
- How to deal with the legal forms in a parenting plan and the Family Advocate's requirements with child participation
- Employment law update - Discrimination based on an arbitrary ground

As well as all the latest news, People & Practices, letters, the Law Reports and lots more. [Read the December issue of De Rebus online here](#) or [download the PDF here](#) for your holiday reading.



LAW SOCIETY
OF SOUTH AFRICA

Contact the LSSA
E-mail: contact@LSSA.org.za
Tel: +27 (0)12 366 8800

Twitter:
[@LawSociety_SA](https://twitter.com/LawSociety_SA)
[@DeRebusJournal](https://twitter.com/DeRebusJournal)

Contact LEAD
E-mail: info@LSSALEAD.org.za
Tel: +27 (0)12 441 4600

Contact De Rebus
E-mail: derebus@derebus.org.za
Tel: +27 (0)12 366 8800