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LAW SOCIETY  
OF SOUTH AFRICA

LSSA NEWSLETTER  
21 FEBRUARY 2019

COMMITTED TO BUILDING A BETTER LEGAL PROFESSION FOR ALL

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## PLEASE JOIN US: LSSA CONFERENCE TO FOCUS ON CHALLENGES OF CORRUPTION, MEMBER INTERESTS AND YOUNG LAWYERS

The Law Society of South Africa's annual conference on 29 and 30 March 2019 at The [Maslow Time Square](#) hotel in Pretoria will focus on one of the key challenges for our society: the war against corruption. We have invited new National Director of Public Prosecutions, Adv Shamila Batohi, to give the profession guidance on how we as practitioners, can assist and cooperate with her office.

The rest of the day will be devoted to discussions on what paying members can expect from their professional association. There will also be a Q&A panel discussion with representatives of the Legal Practice Council, the LSSA and the Legal Practitioners' Fidelity Fund. Since the Legal Practice Act does not make provision for an annual meeting of members, this is a rare opportunity for practitioners to raise questions with representatives of the three organisations.

On Saturday, 29 March the results of the LSSA's Young Lawyer Survey will be presented and a way forward will be mapped. A second session will consider how to address risk in

your practice.

[Read more and view the draft programme here](#)

[Register online here](#)

Registration is free, but a no-show fee of R300 will be charged for registrations where there is no attendance, and that are not cancelled by 17 March 2019.

## **INVITATION TO SUBMIT COMPANY PROFILES FOR INCLUSION ON SACSSP PROSECUTORS AND ASSESSORS DATABASE**

The South African Council for Social Service Professions (SACSSP) has invited law firms to submit their company profiles in order to be included on the Council's database of pro-formas (prosecutors) and legal assessors (advisors).

The SACSSP is obliged to exercise effective control over the professional conduct of social service practitioners, including conducting disciplinary inquiries against them on allegations of unprofessional or improper conduct. Pro-formas serve as legal representatives on disciplinary matters on behalf of this Council while legal assessors serve as advisors to the Council.

Disciplinary inquiries are held at the SACSSP offices in Pretoria. Submissions can be made to Mr Seleka Hitler Sekhitla at [profconmanager@sacssp.co.za](mailto:profconmanager@sacssp.co.za). The closing date for submissions is 28 February 2019.

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

## **NEW PRESCRIBED RATE OF INTEREST OF 10.25% FROM 1 JANUARY 2019**

According to *Government Gazette* 42179 of 22 January 2019, the prescribed rate of interest has been changed to 10.25% per annum with effect from 1 January 2019. The previous rate was 10%.

[Download GG 42179, GoN R 25, 22 January 2019 here.](#)

## **OPT IN TO RECEIVE DIGITAL *DE REBUS***

As from March 2019, practising attorneys and candidate attorneys will no longer receive a free printed copy of *De Rebus*. Due to the financial constraints of the LSSA – which publishes *De Rebus* – the journal will be distributed electronically and have a paid-for subscription service for readers who wish to receive a printed copy.

[Read the editorial](#) in the January/February issue here.

With limited funding, the LSSA will continue to publish *De Rebus* in digital format. Those who wish to receive the printed version will, unfortunately, have to bear the cost for its subscription. Alternatively, [a PDF version](#) of the journal is available for downloading and personal printing. The 'Classifieds' section, however, will be available only on the website - [www.derebus.org.za](http://www.derebus.org.za).

Practising attorneys and candidate attorneys have to 'opt in' to receive an advisory, which will contain a link that will direct readers to the latest online issue.

[Click here to opt in to receive the De Rebus advisory.](#)

## CRC 1 OF 2019: AMENDMENTS TO REG 68 SUSPENDED UNTIL FURTHER NOTICE

The Deed Registries Regulation Board has resolved to suspend the implementation of amendments to regulation 68 until further notice. The addition of forms JJJ and KKK are also suspended.

**Amendment of Form E:** Form E currently provides for the purchase price of a property to be reflected in a deed of transfer. However, transfer of property may be as a result of a donation, estate transfer etc which does not involve a purchase price. The amendment to Form E caters for reference to be made to transactions other than sale agreements. This must only be applied to deeds lodged on or after 25 February 2019.

[Download Registrar's Circular 1 for 2019 here.](#)

In the meantime, the **Pretoria Deeds Office** has made available a circular that covers consultation, the processes to be followed, inserting documents after lodgement, rates clearances, references to authorities, ANC's and much more.

[Download the Pretoria Deeds Office circular here.](#)

## COMMENT ON THE DRAFT JUDICIAL MATTERS AMENDMENT BILL

The Justice Department has called for public comments on the [Draft Judicial Matters Amendment Bill](#). Written comments must be submitted by no later than 31 March 2019 to [thskhosana@justice.gov.za](mailto:thskhosana@justice.gov.za).

The Bill seeks to amend numerous Acts, most of which are administered by the Justice Department to address practical or technical issues, and to give effect to court judgements. As regards the Legal Practice Act, 2014 changes are made so as to regulate

- the qualification requirements for admission and enrolment as a legal practitioner;
- the composition of appeal tribunals established under the Act; and
- the obligations of certain legal practitioners relating to the operating of trust accounts.

## AMENDMENT TO RULE 21.11 OF THE LPA RULES

On 1 February 2019, the Legal Practice Council, gazetted an [amended Rule 21.11 of the Rules](#). Rule 21 deals with the requirements for the examinations or assessments to be undertaken by persons wishing to be enrolled as legal practitioners. This has been necessitated by the fact that a number of persons wishing to be admitted and enrolled as attorneys have completed the full-time practical training course presented by the School for Legal Practice, but are not entitled to present themselves for the competency-based examinations or assessments provided for in s 26(1)(d) of the Act, read with Rule 21, because they are not eligible to do so under the provisions of the current Rule 21.11. Section 14(3)(d) of the Attorneys Act, 1979 would have entitled the candidate attorneys concerned to present themselves for the practical examinations, but in terms of the existing Rule 21.11 they are no longer eligible to write the examinations. They are accordingly prejudiced thereby.

Any person who is aggrieved by the amendment of the Rules may make representations to the Legal Practice Council within a period of 30 days from the date of publication of the

Notice.

[View the Government Notice here.](#)

## INVEST IN UPDATING YOUR SKILLS THROUGH LEAD

*LEAD has been accredited as a legal education training provider by the Legal Practice Council for 2019.*

### Write an opinion that persuades

Every legal practitioner, corporate in-house counsel and legal advisor in all spheres must be able to write opinions effectively and in a manner that answers the client's mandate. This one-day LEAD seminar will assist you to learn techniques in writing effective legal opinions. [Click here to download the brochure and registration form.](#)

### Webinar presented by Allen West: Conveyancing and new developments updates

Did you miss Allen West's annual conveyancing update? If so, attend the online webinar. At this indispensable online overview of the latest developments in the conveyancing field, well-known conveyancing specialist, Allen West, will discuss amendments to legislation, recent case law and the resolutions taken at the 2018 Registrar's Conference and their application to conveyancing and notarial practice and procedure.

Date: 26 February 2019, 16:00 - 18:00.

**The registration deadline for this webinar is 22 February 2019.**

[Register online here.](#)

## RISK ALERT BULLETIN

In the March 2019 issue:

- The names of the AIIF and AFF have changed
- LPIIF claim statistics
- What to do in the event of a claim
- The Legal Practice Act: Some points for the financial services industry to consider
- Unauthorised 'borrowing' of trust money

[Download the March 2019 issue of the \*Risk Alert Bulletin\* here.](#)

**DE REBUS**

[www.derebus.org.za](http://www.derebus.org.za)

**Did you miss the Jan/Feb 2019 issue of *De Rebus*?**

Highlights in that issue include:

- The basic structure doctrine: A challenge to expropriation without compensation?

- Applying Uniform r 23 into the landscape of tax litigation
- The risks affecting the sustainability and viability of law firms
- Court bundles - how to prepare them properly
- Which rules apply? Some further notes on maintenance of common property at sectional title schemes

You can read the above at [www.derebus.org.za](http://www.derebus.org.za).

## RECENT PRESS RELEASES

- 18 February 2019: NADEL AGM and National Policy Conference 2019. [Read press release.](#)
- 11 February 2019: Restoring the Independence of the Prosecutorial Authority in South Africa. [Read press release.](#)
- 1 February 2019: Law Society shocked at allegations of corruption against Pretoria Chief Magistrate. [Read press release.](#)
- 1 February 2019: Law Society welcomes Adv Shamila Batohi to the NPA. [Read press release.](#)



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