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COMMITTED TO BUILDING A BETTER LEGAL PROFESSION FOR ALL

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## LSSA HOUSE OF CONSTITUENTS

The control of the Law Society of South Africa (LSSA) vests in the House of Constituents (HoC). The HoC as the governance structure, determines the policies, strategy and priorities of the LSSA in accordance with its aims and objectives as set out in its [constitution](#).

The Inaugural Meeting of the HoC took place in Kempton Park on 25 April 2019. At the meeting, the LSSA welcomed the complement of the HoC and noted that it consists of a number of young practitioners and that there was an increased presence of women members. [Click here to view the full list of members of the HoC.](#)

At the meeting, the HoC once again aligned itself with transformation and affirmed its full support for a change in briefing patterns in the profession. It highlighted that it will be engaging with the Justice Department for more transparency

on the briefing of attorneys.

## **YOUNG LAWYERS TASK TEAM**

The Young Lawyers Task Team has been established to promote young lawyers through capacity building and support. The task team will consider all issues raised by young lawyers and will table recommendations with action required, including the [young lawyers survey](#) conducted by the LSSA. The members of the task team are:

Zincedile Tiya (NADEL)  
Danielle du Plessis (Independents)  
Nape Masipa (BLA)

## **CONVEYANCING**

The pass rate of the conveyancing examination has long been of concern to the legal profession. Various measures have been put in place to try and assist practitioners to prepare better for the exam, without much success. Considering this, the HoC has established a task team to investigate the historically low pass rate of the conveyancing examination holistically, despite various interventions, as well as the efficacy of past interventions. The task team will look at conveyancing training and the examinations, as well as transformation, including admission and training. The members of the task team are:

Mabaeng Lenyai (BLA)  
Zincedile Tiya (NADEL)  
Dave Bennett (Independents)

## **NEW CONVEYANCING FEES GUIDELINE AVAILABLE SOON**

The LSSA has approved the new Conveyancing Fees Guideline. The guideline will be applicable to instructions received as from 1 June 2019 and it will be available on the LSSA website soon. The conveyancing guideline is adjusted based on the official 2018 CPI rate of 4,5%.

It must be noted that this will be only a guideline, issued in the interest of both the practitioners and the public. The guideline is necessary in the market and, in the absence of an agreement, the guideline should be the benchmark.

## **FINAL REMINDER: RIGHT OF APPEARANCE CERTIFICATES**

The Legal Practice Council has reminded legal practitioners that, in terms of Rule 20.6, every attorney, who at the date of coming into effect of this rule, was in possession of a certificate issued in terms of s 4(2) of the Right of Appearance in Courts Act 62 of 1995 shall, within six months of the date of coming into effect of this Rule, lodge a copy of the certificate

issued to them in terms of that Act, with the LPC. Practitioners have until tomorrow, **30 April**, to send the certificate to:

**Gauteng, North West, Limpopo and Mpumalanga**  
Estelle Jordaan - [Estellej@lpc.org.za](mailto:Estellej@lpc.org.za)

**KwaZulu Natal**  
Anita Willoughby - [Anitaw@lpc.org.za](mailto:Anitaw@lpc.org.za)

**Free State and Northern Cape**  
Margarette van Wyk - [Margarettev@lpc.org.za](mailto:Margarettev@lpc.org.za)

**Western and Eastern Cape**  
Frank Dorey - [directorwc@lpc.org.za](mailto:directorwc@lpc.org.za)

Please note that practitioners that have already submitted their Right of Appearance Certificate should not resend it.

[View the LPC notification here.](#)

## **ADF MANAGER APPLICATIONS: DEADLINE EXTENSION**

The Attorneys Development Fund (ADF) has extended its application deadline for the vacant post of manager. The position is based in Gauteng and the closing date for applications is tomorrow, 30 April.

[View the advertisement here.](#)

## **CHIEF MASTER'S DIRECTIVE: GUARDIAN FUND INCREASE**

From 1 May 2019, the amount that may be paid directly to the natural guardian of the minor, instead of depositing into the Guardian's Fund, will increase from R5 000 to R20 000. The Assistant Master may allow the payment only on receipt of an acceptable maintenance certificate. The recipient of the money must provide the executor with a receipt which will be lodged by the executor in compliance with s 35(12)(c)(ii) of the Administration of Estates Act.

[Read the directive here.](#)

## **JUDGE PRESIDENT'S PRACTICE DIRECTIVE: RULE 46(11)**

The Judge President of the Gauteng Division of the High Court, Judge Dunstan Mlambo, has issued a practice directive regarding applications in terms of the recently amended Rule 46A of the Uniform Rules relating to foreclosures and the sale in execution of properties. The directive came into effect on 18 April 2019 and includes the following:

- All applications in terms of Rule 46(11) shall no longer be dealt with by a judge in chambers, but these

applications will be referred to and/or set down in the interlocutory court.

- In all cases where the sheriff wishes to resell the property and where no reserve price was previously set by the court, or where the price was set, but the execution creditor wishes to amend it, the execution creditor shall, at least five days before the hearing, file an affidavit with the Registrar, in terms of Rule 46A(5)(a) to (e).

[Read the full directive and view an example of a draft order here.](#)

## **LPIIF RISK ALERT BULLETIN**

### **In the May issue:**

Proposed amendments to the Legal Practitioners Indemnity Insurance Fund (LPIIF) master policy explained: The LPIIF is publishing proposed amendments at an early stage in order to give the profession and all other stakeholders sufficient notice of the conditions under which cover is to be offered under the policy in the new insurance scheme year commencing on 1 July 2019.

[Click here to download the May issue and view the proposed amendments to the master policy.](#)

## **KEEP UPDATED WITH LEAD TRAINING**

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

### **LEGAL PRACTICE ACT SEMINAR WITH JAN STEMMETT**

May/June 2019

Since the Legal Practice Council (LPC) took over the regulation of the legal profession on 1 November 2018, all legal practitioners are subject to the Legal Practice Act, new Regulations, Rules and a Code of Conduct. The Act is in the process of being amended, and the Rules and the Code have also been revised recently. It is essential that legal practitioners (attorneys and advocates) keep abreast of the new measures applicable to them, new developments and new opportunities. Jan Stemmett, who was closely involved with the establishment of the LPC and is now a council member of the LPC, will take you through all the relevant information. Seminar participants will be supplied with comprehensive documentation.

Venues and dates: Bloemfontein: 23 May | Midrand: 27 May | Durban: 3 June | Port Alfred: 7 June | Cape Town: 12 June

[Click here to read more and download the brochure and registration form](#)

## LABOUR LAW UPDATE SEMINAR WITH ADV MOKSHA NAIDOO

May/June 2019

The full-day seminar will focus on binding and important judgments handed down within the past year. Participants will receive summaries of the judgments discussed, which will include extracts from the decisions under review. In approaching each judgment, the presenter will detail a certain scenario and ask participants what they, as practitioners, would do under such circumstances. Once all views and approaches have been discussed, participants will be referred to a judgment to see how the courts have deliberated on the same or similar set of facts.

Venues and dates: Cape Town: 31 May | Durban: 24 June | Midrand: 28 June

[Click here to read more and download the brochure and registration form](#)

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Are you aware that *De Rebus* is available in digital format online only and as a PDF download?

Ensure that you receive notification of the upcoming May issue out on 1 May 2019.

**[Please opt in here to receive the \*De Rebus\* notifications.](#)**

Did you miss the April issue? Read it [online here](#) or download the [PDF here](#).