

Legal Practice  
Act Advisory:  
National Forum  
calls for  
comments on  
Rules for legal  
practitioners by  
5 March 2018



## ADVISORY FROM THE LAW SOCIETY OF SOUTH AFRICA

Dear Colleagues

Following its eleventh meeting on 27 January 2018, the [National Forum on the Legal Profession](#) (NF) has gazetted the [South African Legal Practice Council Rules](#) which will apply to all legal practitioners - attorneys and advocates - once the Legal Practice Council (LPC) comes into operation later this year.

The Rules have been drafted in terms of ss 95(1), 95(3) and 109(2) of the [Legal Practice Act 28 of 2014](#) (as [amended](#)).

The NF has called for comments on the Rules **by 5 March 2018**.

**Comments must be submitted to:**

Charity Mhlungu  
Executive Officer, National Forum on the Legal Profession  
By e-mail: [BonGumede@justice.gov.za](mailto:BonGumede@justice.gov.za)  
or hand delivered (between 09:00 and 15:00 week days) to:  
The National Forum on the Legal Profession  
1st Floor, Spooral Park Building  
2007 Lenchen South Avenue  
Centurion

**[DOWNLOAD THE RULES HERE.](#)**

The Rules deal with the following aspects:

**Fees and charges:** Including application fees; annual fees for Fidelity Fund certificates; annual fees payable by all legal practitioners; fees payable in respect of examinations

**The Legal Practice Council (LPC):** Removal or suspension of member of the LPC; meetings; conduct of meetings of committees; appointment and conditions of service of executive officer and other employees; Executive Committee and convening of its meetings; investment of monies of the LPC.

**Provincial councils:** Election

**Professional practice:** Information to be submitted for admission; period of practice as an attorney and advocacy training programme; information to be provided by attorney for appearance in High Court.

**Education and training:** Competency-based examinations or assessments; practical vocational training (PVT) and remuneration for candidate legal practitioners; assessment of persons undergoing PVT; levels of competence for admission and enrolment as legal practitioner;

qualifications to conduct assessment of PVT; exemption from performing community service; legal practice management course.

**Admission and enrolment:** Application for enrolment; manner of keeping roll of legal practitioners; notification of cancellation or suspension of enrolment; application for conversion of enrolment by attorneys and advocates; application for conversion of enrolment by advocate practising without Fidelity Fund certificate and vice versa; circumstances in which legal practitioner can apply for conversion of enrolment.

**Rendering of legal services:** Legal services which may be rendered by advocate in possession of Fidelity Fund certificate; briefing of advocates by attorneys and by members of the public; instruction of attorneys.

**Law clinics:** Establishment; engagement of candidate legal practitioners.

**Discipline:** Procedure to be followed by disciplinary bodies; commencement of enquiry into alleged misconduct; Investigation of alleged misconduct; disciplinary procedure; subpoena; proceedings after disciplinary hearing, and sanctions; appeal against conduct or finding of investigating committee or disciplinary committee; manner and form in which complaints of misconduct must be lodged with the LPC.

**Legal Practitioners Fidelity Fund (LPFF): Procedural:** Procedure for election of legal practitioners to the board; application for Fidelity Fund certificates; contributions payable by applicants for Fidelity Fund certificates; form of application for Fidelity Fund certificate.

**Accounting rules:** Acceptable financial reporting framework; distinguishing between trust account and business account transactions; retention of accounting records and files; updating accounting records; trust money to be kept separate from other money; accounting to clients payment to clients; accounting requirements - accounting records; internal controls; prompt depositing of trust monies; transfers from trust investment account; trust moneys not to be less than trust balances; trust accounts not to be in debit; reports to LPC of non-compliance; transfer from trust bank account to business bank account; deposits on account of charges; withdrawals from trust banking account; payments from trust banking account; interest accrued on trust banking account; lists of balances; notification of trust banking account; trust account investments in terms of s 86(4); responsibility for ensuring compliance; reporting requirements; opening of practice; investment practice rules; definitions; mandates; reports to clients in relation to investments; accounting records for investment practices; pooling of investments; restrictions applicable to certain investments; investment of funds by firms on behalf of persons, otherwise than in terms of investment practice rule 51; general provisions.

**Legal Practitioners Fidelity Fund (LPFF): Compliance and enforcement:** inspections; contributions to the LPFF: insurance premiums; Issuing and costs of Fidelity Fund certificate; procedure for the appointment of the executive officer and other employees.

We urge you to take the time to study the rules and comment to the National Forum before the deadline of 5 March 2018.

Regards

**MAX BOQWANA and JAN STEMMETT**

Chairperson and Deputy Chairperson of the LSSA National Forum Committee

LSSA Advisory: 6 February 2018