

# Legal Practice Act 28 of 2014 - Implementation of Parts 1 and 2 of Chapter 10 on 1 February 2015



## ADVISORY FROM THE CO-CHAIRPERSONS

Dear Colleagues

### The National Forum on the Legal Profession

Parts 1 and 2 of Chapter 10 of the Legal Practice Act 28 of 2014 came into effect on Sunday, 1 February 2015. The implementation was signed by the President on 16 January 2015 and gazetted in Government Gazette 38412 of 23 January 2015.

This signals the start of the transitional phase which will see the National Forum on the Legal Profession (NF) bringing together various stakeholders to flesh out the framework for the future governance of the legal profession under the Legal Practice Council (LPC). The provisions of the Attorneys Act 53 of 1979 will remain in force and the four statutory provincial law societies remain the regulatory bodies for the attorneys' profession until the LPC comes into being within the next three years.

The LSSA is committed to cooperating and participating actively with the other stakeholders in the NF to ensure that an independent, uniform, efficient and transparent dispensation for the regulation of the legal profession can be implemented within the prescribed three-year period, culminating in the implementation of the LPC. The Legal Practice Act puts the public interest and transparency at the centre of the new dispensation. From the side of the profession, the independence and status of the profession, as well as the sustainability of practitioners is also paramount to ensure an independent judiciary and a functioning justice system.

### The LSSA nominees to the National Forum

Max Boqwana	National Association of Democratic Lawyers
Krish Govender	National Association of Democratic Lawyers
Jan Maree	Law Society of the Free State
Martha Mbhele	Black Lawyers Association
Janine Myburgh	Cape Law Society
Richard Scott	KwaZulu-Natal Law Society
Lutendo Sigogo	Black Lawyers Association
Jan Stemmett	Law Society of the Northern Provinces

Other stakeholders on the NF:

- five advocates designated by the General Council of the Bar;
- one advocate designated by the National Bar Council of South Africa;
- one advocate designated by the National Forum of Advocates;
- one advocate designated by Advocates for Transformation;
- one teacher of law designated by the South African Law Deans Association;
- two persons who, in the opinion of the Minister, are fit and proper persons who have knowledge of the legal profession, designated by the Minister;
- one person designated by Legal Aid South Africa; and
- one person designated by the Board of Control of the Attorneys Fidelity Fund.

[Download the Legal Practice Act 28 of 2014.](#)

[Download Government Gazette 38412 of 23 January 2015.](#)

### TELL US:

Are there aspects of the Legal Practice Act that you believe may be unworkable?

Do you require clarification on any provision in the Act?

Contact us at e-mail: [LSSA@LSSA.org.za](mailto:LSSA@LSSA.org.za)

Tel: (012) 366 8800  
Fax: (012) 362 0969

As we participate in the National Forum on the Legal Profession, we will canvass your views on specific issues.

We will be arranging road shows during this year to bring feedback on the Legal Practice Act process to you at a venue near you.

**KEEP UP TO DATE** with developments on the Legal Practice Act on our website:

► [Latest on the Legal Practice Act](#)

► [The LSSA on the National Forum](#)

► [The history of the Legal Practice Act](#)

## What the National Forum must do

The NF must, within 24 months after 1 February 2015 make recommendations to the Minister on:

- an election procedure for purposes of constituting the Council;
- the establishment of the Provincial Councils and their areas of jurisdiction;
- the composition, powers and functions of the Provincial Councils and the manner in which the Provincial Councils must be elected;
- all the practical vocational training requirements that candidate attorneys or pupils must comply with before they can be admitted by the court as a legal practitioners;
- the right of appearance of a candidate legal practitioner in court or any other institution; and
- a mechanism to wind up the affairs of the National Forum.

The NF must prepare and publish a code of conduct for legal practitioners, candidate legal practitioners and juristic entities; and make rules, as provided for in section 109(2).

The NF must also, within 24 months, negotiate with and reach an agreement with the law societies referred to in s 56 of the Attorneys Act and any other similar statutory bodies still regulating the legal profession established in the former homelands, in respect of the transfer of their assets, rights, liabilities, obligations and staff, to the Council or Provincial Councils.

(The Minister may extend the period of 24 months if he or she deems it necessary.)

Also within 24 months of 1 February 2015, the NF must make rules in respect of the following:

- a competency-based examination or assessment for candidate legal practitioners, conveyancers and notaries;
- the minimum conditions and procedures for the registration and administration of practical vocational training;
- the procedure and directions pertaining to the assessment of persons undergoing practical vocational training;
- the criteria for a person, institution, organisation or association to qualify to conduct an assessment;
- the procedures to be followed by disciplinary bodies;
- the manner and form in which complaints of misconduct relating to legal practitioners, candidate legal practitioners or juristic entities must be lodged with the Council; and
- any other matter in respect of which rules must be made in terms of Chapter 10.

Before the NF makes any rule, it must publish a draft of the proposed rule in the Gazette together with a notice, calling on interested persons to comment in writing within a period stated in the notice, which may not be less than 30 days from the date of publication of the notice.

If the NF alters the draft rules as a result of any comments, it need not publish those alterations before making the rule.

The NF may, if circumstances necessitate the publication of a rule without giving notice, publish that rule without prior publication of a draft as provided for above, provided that the notice of publication states—

- the reason why circumstances necessitated that publication without prior publication of a draft as provided for above; and
  - that any person who is aggrieved by the rule may make representations to the NF within a period stated in the notice, which may not be less than 30 days from the date of publication of the notice.
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Kind regards

**MAX BOQWANA AND ETTIENNE BARNARD**  
CO-CHAIRPERSONS

LAW SOCIETY OF SOUTH AFRICA

5 February 2015

and what he/she is not obliged to report, and

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