



7 March 2012

Via e-mail pncoetzee@saga.co.za

The Executive Officer
South African Qualifications Authority
Postnet Suite248
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WATERKLOOF
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Dear Sirs

CRITERIA AND GUIDELINES FOR THE EVALUATION OF FOREIGN QUALIFICATIONS

1. The discussion document contained in Government Gazette 34919 dated 13 January 2012 appears to be of purely academic interest to the attorneys' profession. As is generally the case, the unique position of the legal professions makes legislation dealing with education, training, skills development and professional accreditation either inappropriate or inapplicable.
2. The recognition of foreign qualifications is at present dealt with in the Attorneys' Act, 1979 and will in due course be dealt with in the proposed Legal Practice Act.
3. The only relevant qualification is the LL.B (Bachelor of Laws) degree.
4. The Attorneys' Act requires that, for purposes of admission, the degree should have been awarded by a South African university after at least four years of study. The LSSA has recommended that a similar provision should be included in the proposed Legal Practice Act.
5. The only acceptable foreign law degree is one conferred:
 - Under the present Attorneys' Act, by a university in a country designated by the Minister of Justice and Constitutional Development and certified by a South African university to be of comparable standard;
 - And by implication acceptable to the High Court.

The Law Society of South Africa brings together the Black Lawyers Association, the Cape Law Society, the KwaZulu-Natal Law Society, the Law Society of the Free State, the Law Society of the Northern Provinces and the National Association of Democratic Lawyers in representing the attorneys' profession in South Africa.

The attorneys' profession has recommended that the proposed Legal Practice Act provides that the only acceptable foreign law degree will be one that is conferred by a university in a country designated by the Minister and recognised by the proposed Panel for the Recognition of Legal Qualifications.

6. In the circumstances, the proposals are irrelevant to the attorneys' profession. The recognition of a foreign law degree for purposed of further study towards a master's or doctorate has no influence on the criteria for admission to the profession.
7. It must be stressed that recognition of any qualification that relates to the legal profession must take into account the legislation governing the legal profession.

Yours faithfully



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