

FOR COMMENT

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

No. R.

2020

**LEGAL PRACTICE ACT, 2014: AMENDMENT OF REGULATIONS UNDER SECTION
94(1), READ WITH SECTIONS 97(1) AND 109(1)**

I, Ronald Ozzy Lamola, Minister of Justice and Correctional Services, hereby, under section 94(1), read with sections 97(1) and 109(1) of the Legal Practice Act, 2014 (Act No. 28 of 2014), make the regulations in the Schedule.

R O LAMOLA, MP

Minister of Justice and Correctional Services

SCHEDULE

Definitions

1. In this Schedule "the Regulations" means the regulations published by Government Notice No. R. 921 of 31 August 2018.

Amendment of the Classification of the Regulations

2. The Classification of Regulations of the Regulations is hereby amended by the insertion after "7. Practical vocational training requirements that pupils must comply with before they can be admitted by the court as legal practitioners" of the following:

"7A. Programme of structured course work"

Amendment of Regulation 6 of the Regulations

3. Regulation 6 of the Regulations is hereby amended by —

- (a) the substitution for subregulation (6) of the following subregulation:

“(6) An attorney engaging a candidate attorney as contemplated in subregulation (5)(a) to (d) and (f) must have practised as an attorney for a period of not less than three years, or for periods of not less than three years in the aggregate, during the preceding four years or during the four years prior to being engaged by Legal Aid South Africa or the institution concerned.”;
- (b) the deletion of subregulations (10) and (11).

Amendment of Regulation 7 of the Regulations

- 4.** Regulation 7 of the Regulations is hereby amended by —
- (a) the substitution for subregulation (1) of the following subregulation:

“(1) A person intending to be admitted and enrolled as an advocate must, after that person has satisfied all the requirements for a degree referred to in section 26(1)(a) or (b) of the Act serve under a practical vocational training contract with a person referred to in subregulation (4)—

 - (a) for an uninterrupted period of 12 months, and—
 - (i) during the service under a practical vocational training contract; or
 - (ii) within a period of no longer than 12 months after the termination of a practical vocational training contract,

must complete a programme of structured course work of not less than 150 notional hours: Provided that if a pupil fails to complete the programme of structured course work within a period of 36 months after the date of registration of a practical vocational training contract, he or she will be required to repeat the course work programme; or

 - (b) for an uninterrupted period of 12 months if, prior to the registration of a practical vocational training contract, he or she has completed a programme of structured course work, comprising compulsory modules, of not less than 400 notional hours duration in the aggregate over a period of no longer than six months.”;
 - (b) the substitution for subregulation (5) of the following subregulation:

- “(5) An advocate engaging a pupil as contemplated in subregulation (4) must have practised as an advocate for a period of not less than three years, or for periods of not less than three years in the aggregate during the preceding four years.”;
- (c) the substitution for subregulation (7) of the following subregulation:
- “(7) An advocate referred to in subregulation (4)(a) may, at no time, have more than two pupils and an advocate referred to in subregulation (4)(b) may, at no time, have more than six pupils in the aggregate engaged or retained in terms of a practical vocational training contract.”;
- (d) the substitution for subregulation (8) of the following subregulation:
- “(8) When an advocate dies or retires from practice or has been struck off the Roll any advocate who complies with the requirements of these regulations may take cession of the practical vocational training contract of the pupil, despite the fact that the cessionary may then have more than two or six, as the case may be, pupils, under contract.”; and
- (e) the deletion of subregulations (9) and (10).

Insertion of Regulation 7A in the Regulations

5. The following regulation is hereby inserted after regulation 7 of the Regulations:

“Programme of structured course work

7A. (1) The programme of structured course work referred to in regulations 6(1) and 7(1) must be standardised and uniform throughout the Republic and must comprise the following modules, all of which require satisfactory completion by persons intending to be admitted and enrolled as legal practitioners:

- (a) taking instructions and obtaining a mandate;
- (b) plain language writing and analytical thinking;
- (c) drafting legal documents, pleadings and motions;
- (d) ethics for legal practitioners;
- (e) civil procedure and trial advocacy;
- (f) criminal court practice and trial advocacy;

- (g) insolvency practice;
- (h) drafting of contracts;
- (i) matrimonial matters and divorce;
- (j) delictual claims, including personal injury claims;
- (k) legal practitioners' accounts management;
- (l) labour dispute resolution;
- (m) alternative dispute resolution;
- (n) wills and estates;
- (o) introduction to e-commerce and application of the Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002), including the electronic signatures;
- (p) basic business transactions;
- (q) business rescue;
- (r) constitutional law;
- (s) legal technology: Provided that this module will be conducted online;
- (t) introduction to cyber law: Provided that this module will be conducted online;
- (u) customary law: Provided that this module will be conducted online;
- (v) numeracy skills training; and
- (x) legal costs.

(2) The Council must from time to time determine the course content in respect of each of the modules referred to in subregulation (1), and may in addition determine whether any of the modules or parts of the modules, and in the case of parts of the modules, which parts, should be presented by face-to-face instruction, or through e-learning, digital learning and distance learning, or through a combination of face-to-face instruction, e-learning, digital learning or distance learning.

(3) The training provided in terms of this regulation must be standardised by the Council in terms of norms and standards.”.