

DIRECTIVE

APPLICATION OF RULE 22.1.3.1 OF THE SOUTH AFRICAN LEGAL PRACTICE COUNCIL RULES: DIRECT PERSONAL SUPERVISION OF CANDIDATE LEGAL PRACTITIONERS, AND WITHDRAWAL OF THE NOTICE TO LEGAL PRACTITIONERS DATED 23 NOVEMBER 2022 (REMOTE WORKING)

To:	All legal practitioners, candidate legal practitioners and juristic entities
Issued by:	The South African Legal Practice Council
Date of issue:	31 July 2026
Effective date:	03 August 2026

1. Purpose

- 1.1 This directive is issued by the South African Legal Practice Council (“the Council”) pursuant to a resolution of the Council adopted on 5 and 6 June 2026, in the exercise of its powers and the performance of its functions under the Legal Practice Act 28 of 2014 (“the Act”), including its function under section 6(1)(b)(i) of the Act to develop norms and standards to guide the conduct of legal practitioners, candidate legal practitioners and the legal profession.
- 1.2 The purpose of this directive is to:
- 1.2.1 confirm the proper application of rule 22.1.3.1 of the South African Legal Practice Council Rules made under the authority of sections 95(1), 95(3) and 109(2) of the Act (GenN 401 in *Government Gazette* 41781 of 20 July 2018, as amended) (“the Rules”), and to direct that legal practitioners and candidate legal practitioners comply strictly with that rule;
 - 1.2.2 confirm that every candidate legal practitioner serving under a practical vocational training contract (“PVTC”) must, throughout the term of that contract, serve under direct personal supervision as required by the Act, the Regulations and the Rules; and
 - 1.2.3 withdraw the administrative notice issued by the Council on 23 November 2022 concerning remote working by candidate legal practitioners (“the 2022 Notice”).

2. Legal framework

- 2.1 Section 26(1)(c) of the Act provides that a person qualifies to be admitted and enrolled as a legal practitioner only if he or she has, among other requirements, undergone all the practical vocational training requirements as a candidate legal practitioner prescribed by the Minister.
- 2.2 Section 27(1) of the Act obliges the Council to determine, in the rules, the minimum conditions and procedures for the registration and administration of practical vocational training. The Rules give effect to that obligation, read with section 95(1)(o) of the Act.

- 2.3 Regulation 6(1) of the Regulations made under section 109(1)(a) of the Act (GN R921 in *Government Gazette* 41879 of 31 August 2018, as amended) (“the Regulations”) requires a person intending to be admitted and enrolled as an attorney to serve under a practical vocational training contract for an uninterrupted period of 24 months, or for an uninterrupted period of 12 months where regulation 6(1)(b) applies.
- 2.4 Rule 22.1.3 of the Rules provides:
“22.1.3 Supervision over candidate attorney
A candidate attorney shall, during the whole term of service specified in the practical vocational training contract –
22.1.3.1 serve in the office of his or her principal under the direct personal supervision of the principal or under the direct personal supervision of an attorney who is a partner or other admitted attorney in the office of the principal;
22.1.3.2 in the case of a candidate attorney serving under a practical vocational training contract with the State Attorney or a practising attorney employed by the State Attorney, serve in the office of the State Attorney or in any branch thereof and under the direct personal supervision of the State Attorney or a practising attorney employed by him or her; or
22.1.3.3 in the case of a candidate attorney serving under a contract of service with a law clinic or Legal Aid South Africa, serve under the direct personal supervision of a legal practitioner who is employed full time at the law clinic or at the office of Legal Aid South Africa.”
- 2.5 Rule 22.1.3.1 is peremptory. Its requirements are twofold and cumulative: the candidate attorney must
 (a) serve **in the office** of his or her principal; and
 (b) do so **under the direct personal supervision** of the principal, or of an attorney who is a partner or other admitted attorney in the office of the principal.
- 2.6 The only absences from office permitted during the term of a PVTC are those for which the Rules themselves provide, namely:
- absence with the consent of the principal not exceeding thirty working days in any one year of the contract (rule 22.1.4.1);
 - absence authorised by the Council (rule 22.1.4.2);
 - attendance at a training course approved by the Council (rule 22.1.4.5);
 - service with another attorney approved in advance in writing by the Council (rule 22.1.4.6); and
 - study leave for competency-based examinations (rule 21.12).
- 2.7 In terms of paragraph 2A of the Code of Conduct (GenN 168 in *Government Gazette* 42337 of 29 March 2019, as amended), a breach of, or a failure to comply with, the Act, the Code or any rule with which it is a legal practitioner’s, candidate legal practitioner’s or juristic entity’s duty to comply, constitutes misconduct.

3. The 2022 Notice

- 3.1 On 23 November 2022 the Council published a “Notice to Legal Practitioners” concerning remote working by candidate attorneys. The 2022 Notice recorded that, as a result of technological advances in remote working environments arising from the COVID-19 pandemic, many firms required or permitted their staff, including candidate attorneys, to work from home; acknowledged that rules 22.1.3 and 22.1.4.1 were drafted before those advances; and stated that, to the extent that a candidate attorney worked away from the office on a remote basis, the Council would not consider this to be a breach of rules 22.1.3 or 22.1.4.1, provided that the candidate attorney and the principal made full disclosure, in their affidavits in support of the admission application, of the extent to which the candidate attorney worked away from the office and of the manner in which direct personal supervision was exercised.

- 3.2 The 2022 Notice referred in places to “Rule 22.3.1”. In context, that reference was intended to be, and is construed in this directive as, a reference to rule 22.1.3.1.
- 3.3 The 2022 Notice further referred to a notice issued by the Council on 6 April 2020, during the COVID-19 national lockdown, relating to rule 22.1.4.1. For the avoidance of doubt, that notice was directed at the exceptional circumstances of the lockdown and has no continuing application to service rendered thereafter.

4. The Council’s position

- 4.1 The 2022 Notice was an administrative communication. It did not, and could not, amend, suspend or relax rule 22.1.3.1 or any other provision of the Act, the Regulations or the Rules. The Rules may be amended only in the manner provided for in the Act, by notice published in the Government Gazette. Rule 22.1.3.1 has at all times remained of full force and effect.
- 4.2 Experience since the publication of the 2022 Notice, including matters that have come to the attention of the Council through its Provincial Councils, its inspection processes and admission applications, has shown that the 2022 Notice has created uncertainty regarding the supervision requirement and has, in some instances, been relied upon to justify arrangements under which candidate attorneys receive little or no direct personal supervision, including arrangements in which supervision is purportedly exercised only by electronic correspondence, or by practitioners who are not in the office of the principal, or where the principal is absent from the practice for extended periods.
- 4.3 Such arrangements defeat the object of practical vocational training, which is to ensure that persons admitted and enrolled as legal practitioners have, under proper supervision, attained an adequate level of competence, and they are inconsistent with the objects of the Council in section 5 of the Act, including the promotion and protection of the public interest and the determination, enhancement and maintenance of appropriate standards of professional practice and ethical conduct (section 5(c) and (g)).
- 4.4 The Council has accordingly resolved to withdraw the 2022 Notice and to direct strict compliance with rule 22.1.3.1. The question whether rule 22.1.3.1 should be amended to make express provision for supervision in modern working environments remains under consideration by the Council. Any such amendment, if adopted, will be effected in the manner prescribed by the Act and published in the Government Gazette. Unless and until the rule is so amended, it applies according to its terms.

5. Directive

Withdrawal of the 2022 Notice

- 5.1 The Notice to Legal Practitioners dated 23 November 2022 concerning remote working by candidate legal practitioners is hereby withdrawn with effect from the effective date of this directive.
- 5.2 From the effective date, no legal practitioner, candidate legal practitioner or juristic entity may rely on the 2022 Notice for any purpose, including in support of an application for admission and enrolment in respect of service rendered on or after that date.

Strict compliance with rule 22.1.3.1

- 5.3 Every candidate attorney must, during the whole term of service specified in the PVTC, serve in the office of his or her principal under the direct personal supervision of the principal, or under the direct personal supervision of an attorney who is a partner or other admitted attorney in the office of the principal, as rule 22.1.3.1 requires; alternatively, where rule 22.1.3.2 or rule 22.1.3.3 applies, in accordance with those rules.

- 5.4 Every principal must ensure that each candidate attorney engaged by him or her serves in accordance with rule 22.1.3.1, and must personally exercise direct personal supervision over the candidate attorney's work and training or ensure that such supervision is exercised by an attorney who is a partner or other admitted attorney in the office of the principal.

Direct personal supervision

- 5.5 For the purposes of rule 22.1.3.1, "direct personal supervision" requires the regular, day-to-day, in-person oversight, guidance and control of the candidate attorney's work and training, at the office at which the candidate attorney serves, by the principal or by an attorney who is a partner or other admitted attorney in that office.
- 5.6 Without limiting paragraph 5.5, the following do not constitute compliance with rule 22.1.3.1:
- (a) arrangements under which a candidate attorney works remotely or from home as a standing, recurring or default arrangement;
 - (b) supervision exercised only or predominantly by telephone, e-mail, video conference or other electronic or virtual means;
 - (c) supervision by a legal practitioner who is neither the principal nor a partner or other admitted attorney in the office of the principal, including an attorney practising at another firm; and
 - (d) service during any period in which the principal is absent from the practice for an extended period, including by reason of an acting judicial or other appointment, and no attorney contemplated in rule 22.1.3.1 is present in the office to exercise direct personal supervision, unless the requirements of rule 22.1.4.6 have been satisfied or the PVTC has been ceded in terms of rule 22.1.6.
- 5.7 Nothing in this directive detracts from the absences permitted by rules 22.1.4 and 21.12, which remain the only lawful bases upon which a candidate attorney may be absent from the office during the term of the PVTC.

Admission applications and disclosure

- 5.8 Applicants for admission and their principals must continue to make full and frank disclosure, in the affidavits filed in support of admission applications, of any period during which the candidate attorney did not serve in the office of the principal and of the manner in which direct personal supervision was exercised throughout the term of the PVTC.
- 5.9 In respect of service rendered on or after the effective date, the Council will assess compliance with rule 22.1.3.1 strictly in accordance with this directive and may, where service was not rendered in compliance with the rule, oppose the application or bring the non-compliance to the attention of the court. The powers of the court in relation to irregular service, including under rule 22.1.9, are unaffected.

Transitional arrangements

- 5.10 This directive operates prospectively. Service rendered before the effective date will be assessed with due regard to the 2022 Notice, provided that the disclosure required by that Notice is made in the admission application.
- 5.11 Principals and candidate attorneys whose current working arrangements do not comply with rule 22.1.3.1 must regularise those arrangements by no later than the effective date.

Consequences of non-compliance

- 5.12 A failure by a legal practitioner, candidate legal practitioner or juristic entity to comply with rule 22.1.3.1 constitutes misconduct in terms of paragraph 2A of the Code of Conduct and may result in referral to the Council's disciplinary bodies.
- 5.13 In addition, service rendered otherwise than in compliance with rule 22.1.3.1 may not be recognised as proper service under a PVTC, with serious consequences for the candidate attorney's admission and enrolment. Principals are reminded that non-compliance on their part may gravely prejudice the candidate attorneys in their employ.

Other categories of candidate legal practitioners

- 5.14 Corresponding supervision obligations apply to candidate attorneys serving in terms of rules 22.1.3.2 and 22.1.3.3, and to pupils serving under practical vocational training contracts in terms of rule 22.2 of the Rules read with regulation 7 of the Regulations. Nothing in this directive detracts from those obligations.

6. Status, commencement and enquiries

- 6.1 This directive is issued for the guidance of the profession and records the Council's interpretation and application of the existing legislative framework. It does not amend the Act, the Regulations, the Rules or the Code of Conduct and must be read subject to them. In the event of any conflict, the Act, the Regulations, the Rules and the Code of Conduct prevail.
- 6.2 This directive takes effect on 3 August 2026 and applies to all service rendered under a practical vocational training contract on or after that date.
- 6.3 Enquiries concerning this directive may be directed to the Office of the Executive Officer at info@lpc.org.za.

SIGNED at MIDRAND on this the 31st day of July 2026.



**MS. PEARL ARNOLD MFUSI
ACTING EXECUTIVE OFFICER
SOUTH AFRICAN LEGAL PRACTICE COUNCIL**