

LEGAL PRACTICE COUNCIL
GENERAL NOTICE 2003 OF 2023

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THE SOUTH AFRICAN LEGAL PRACTICE COUNCIL

NOTICE IN TERMS OF SECTION 36(3) & 36(4) OF THE LEGAL PRACTICE ACT, 28 OF 2014.

Notice is hereby given that the Council intends to amend the Code of Conduct [the Code] made under the authority of section 36(1) of the Legal Practice Act, 28 of 2014 (as amended) by deleting the existing Clause 21 ("Misconduct") of the Code and inserting a new Clause 2A ("Misconduct").

Explanatory Note

Clause 21 ("Misconduct") of the Code falls into the **Part III** of the Code, which deals with attorneys, candidate attorneys and juristic entities, and there is no general provision in the Code relating to misconduct by advocates and pupils.

The Council has resolved to delete the existing clause 21 ("Misconduct") from **Part III** and insert a new clause 2A ("Misconduct") under **Part I - "Definitions"** - of the Code which will be a general provision in the Code relating to misconduct by all legal practitioners, candidate legal practitioners and juristic entities.

Words in *italics* and underlined with a solid line indicate proposed insertions.

Proposed insertion of Clause 2A:

2A Misconduct

Misconduct on the part of a legal practitioner, candidate legal practitioner or juristic entity will include (without limiting the generality of these Rules)-

2A.1 a breach of the Act or of the code or of any of the rules, or a failure to comply with the Act or the code or any rule with which it is the legal practitioner's, candidate legal practitioner's or juristic entity's duty to comply;

2A.2 any conduct which would reasonably be considered as misconduct on the part of a legal practitioner, candidate legal practitioner or juristic entity or which tends to bring the legal profession into disrepute.

In terms of Section 36(5) of the Act, interested persons are called upon to comment to the Council in writing on the draft amendments. All comments must be sent by email to rules@lpc.org.za by no later than 02 October 2023.

Signed at Midrand on 18 August 2023



Ms C Nzuza

Executive Officer: Legal Practice Council