

LEGAL PRACTICE COUNCIL

GENERAL NOTICE 2006 OF 2023

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THE SOUTH AFRICAN LEGAL PRACTICE COUNCIL

NOTICE IN TERMS OF SECTION 95(1) & (4) OF THE LEGAL PRACTICE ACT, 28 OF 2014

Notice is hereby given that the Council intends to amend the Rules of the Council made under the authority of sections 95(1), 95(3) and 109(2) of the Legal Practice Act, 28 of 2014 (as amended) by amendment of the following Rules:

Explanatory Note

The Council resolved to amend Rule 21 competency (based examinations and/or assessments) & Rule 22 (practical vocational training and remuneration for candidate legal practitioners), more particularly Rules: 21.11, 22.1.2.2, 22.1.5.1, 22.2.2.2, and 22.2.4.1.

Words in bold type square brackets [] indicate proposed deletions from the existing Rules.

Words in *italics* and underlined with a solid line indicate proposed insertions to the existing Rules.

Proposed amendment to Rule 21.11 of the Legal Practice Council Rules (Competency-based examinations or assessments).

21.11 An assessment referred to in rules 21.2 and 21.5 shall not be conducted in respect of any person unless that person-
21.11.1 has complied with the provisions of the Act in regard to practical vocational training; or
21.11.2 is undergoing practical vocational training and has so undergone for a continuous period of not less than six months;
or
[21.11.3 is, under the provisions of the Act, exempt from undergoing practical vocational training]; or
21.11.4 only in the case of a person wishing to be admitted and enrolled as an attorney, has completed, to the satisfaction of
Council, a programme of structured coursework referred to in regulation 6(1)(b) of the regulations made under section
109(1)(a) of the Act.

Proposed amendment to Rule 22.1.2 of the Legal Practice Council Rules (Lodging, examination, and registration of practical vocational training contract).

- 22.1.2.1 A practical vocational training contract shall be substantially in the form set out in Schedule 2 of these rules.
- 22.1.2.2 The original of any practical vocational training contract shall, **[within two months of its date]** within two months of the date of signature of the contract, be lodged by the principal concerned with the Council.
- 22.1.2.3 The Council shall, on payment of the prescribed fee, examine any practical vocational training contract lodged with it and, if it is satisfied that the practical vocational training contract is in order and the Council has no objection to its registration, register the practical vocational training contract, and shall advise the principal and the candidate attorney concerned in writing of such registration.
- 22.1.2.4 If a practical vocational training contract is not lodged for registration within two months from the date thereof, any service under any such contract will be deemed to commence on the date of registration.

Proposed amendment to Rule 22.1.5 of the Legal Practice Council Rules (Restriction on pecuniary interests of candidate attorneys).

- 22.1.5.1 A candidate attorney shall not have any pecuniary interest in the practice and service of an attorney, other than in respect of bona fide remuneration for his or her services as a candidate attorney, and shall not, without prior written consent of the Council, hold or occupy any office in respect of which he or she receives any form of remuneration, directly or indirectly, or engage in any other business other than that of a candidate attorney, **[where holding that office or engaging in that business is likely to interfere with the proper training of the candidate attorney.]**
- 22.1.5.2 If any candidate attorney contravenes the provisions of rule 22.1.5.1 the contract concerned shall be void ab initio and service rendered thereunder shall be ineffective unless the court on good cause shown otherwise directs.

Proposed amendment to Rule 22.2.2 of the Legal Practice Council Rules (Lodging, examination and registration of practical vocational training contract for pupils).

- 22.2.2.1 A practical vocational training contract shall be substantially in the form set out in Schedule 3 of these rules.
- 22.2.2.2 The original of any practical vocational training contract shall, **[within two months of its date]** within two months of the date of signature of the contract, be lodged by the training supervisor concerned with the Council.
- 22.2.2.3 The Council shall, on payment of the prescribed fee, examine any practical vocational training contract lodged with it and, if it is satisfied that the practical vocational training contract is in order and the Council has no objection to its registration, register the practical vocational training contract, and shall advise the training supervisor and the pupil concerned in writing of such registration.
- 22.2.2.4 If a practical vocational training contract is not lodged for registration within two months from the date thereof, any service under any such contract will be deemed to commence on the date of registration.

Proposed amendment to Rule 22.2.4. of the Legal Practice Council Rules (Restriction on pecuniary interests of pupil).

- 22.2.4.1 A pupil shall not have any pecuniary interest in the practice and service of an attorney, or in the practice of an advocate, and shall not, without the prior written consent of the Council, hold or occupy any office in respect of which he or she receives any form of remuneration, directly or indirectly, or engage in any business *other than that of a pupil*, [where holding that office or engaging in that business is likely to interfere with the proper training of the pupil.]
- 22.2.4.2 If a pupil contravenes the provisions of rule 22.2.4.1, the contract concerned shall be void ab initio and ineffective unless the court on good cause shown otherwise directs.

In terms of Section 95(4)(a) of the Legal Practice Act, interested persons are called upon to comment to the Council in writing on the draft amendments.

Please note that 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