

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



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GOVERNMENT GAZETTE

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OFFICE OF THE PRIME MINISTER

KANTOOR VAN DIE EERSTE MINISTER

No. 2359.

13 November 1981.

No. 2359.

13 November 1981.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

116 of 1981: Attorneys Amendment Act, 1981.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 116 van 1981: Wysigingswet op Prökureurs, 1981.

Act No. 116, 1981

ATTORNEYS AMENDMENT ACT, 1981

GENERAL EXPLANATORY NOTE:

Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Attorneys Act, 1979, so as under specified circumstances to apply certain provisions of that Act pertaining to the Attorneys, Notaries and Conveyancers Fidelity Guarantee Fund to persons who, after Ciskei's becoming independent, exercise certain legal professions in that country; to provide for the membership of such persons of the law society of the province of the Cape of Good Hope if any law of the said country authorizes it; and to empower that society and its council, president and secretary to perform certain functions assigned to them, in respect of certain matters and persons in the said country; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 16 October 1981.)

BE IT ENACTED by the State President and the House of Assembly of the Republic of South Africa, as follows:—

Substitution of section 55 of Act 53 of 1979.

1. The following section is hereby substituted for section 55 of the Attorneys Act, 1979 (hereinafter referred to as the principal Act):

55. For the purposes of this Chapter—

(a) 'practising practitioner' shall include any person who exercises a legal profession in Transkei or Ciskei, on his own account or in partnership, similar to that of a practitioner, and—

(i) who is required by a law of Transkei or Ciskei, as the case may be, as a prerequisite for exercising such profession, to be in possession of a valid fidelity fund certificate issued to him in terms of section 42 (3);

(ii) who is in possession of such a certificate, and the provisions of this Chapter shall *mutatis mutandis* apply in respect of any theft committed in Transkei or Ciskei, as the case may be, by such a person, his clerk or employee, of any money or other property referred to in section 26: Provided that every action against the board of control in relation to the fund and emanating from such theft may be instituted in any court prescribed by any law of Transkei or Ciskei, as the case may be;

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- (b) a person referred to in paragraph (a) shall be deemed to be a practitioner who is a member of the society known as the Law Society of the Cape of Good Hope.”

Substitution of section 77 of Act 53 of 1979.

2. The following section is hereby substituted for section 77 of the principal Act: 5

“Particular provisions relating to persons exercising legal profession in Transkei or Ciskei.

77. (1) Any person who exercises in Transkei or Ciskei a legal profession equivalent to that of a practitioner, shall be a member of the society known as the Law Society of the Cape of Good Hope, if such person is in terms of a law of Transkei or Ciskei, as the case may be, permitted to be a member of that society. 10

(2) The society referred to in subsection (1), may perform in respect of any person who exercises in Transkei or Ciskei a legal profession referred to in that subsection, or who undergoes training in Transkei or Ciskei in order to qualify himself for such profession, such functions as are assigned in terms of this Chapter to the society in respect of practitioners or articulated clerks, if a law of Transkei or Ciskei, as the case may be, authorizes it to do so.” 15 20

Substitution of section 84 of Act 53 of 1979.

3. The following section is hereby substituted for section 84 of the principal Act:

“Society of Cape Province may exercise certain powers in respect of certain matters and persons in Transkei and Ciskei.

84. The society of the province of the Cape of Good Hope, and its council, president and secretary, may in respect of matters and persons in Transkei and Ciskei perform any functions which are similar to the functions assigned to them by Chapter I or this Chapter and which are assigned to them in respect of such matters and persons in Transkei and Ciskei, respectively.” 25 30

Short title and commencement.

4. This Act shall be called the Attorneys Amendment Act, 1981, and shall come into operation on the date of commencement of the Status of Ciskei Act, 1981. 35