

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.



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 709.

21 April 1982.

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21 April 1982.

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

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

No. 60 van 1982: Wysigingswet op Prokureurs, 1982.

No. 60 of 1982: Attorneys Amendment Act, 1982.

GENERAL EXPLANATORY NOTE:

- []** Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Attorneys Act, 1979, so as to further regulate exemption from service under articles; to further regulate the admission of attorneys practising in certain countries or territories; to extend the purpose for which the Attorneys, Notaries and Conveyancers Fidelity Guarantee Fund may be applied; and to further extend the prohibition on the canvassing of certain types of work; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 26 March 1982.)

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

1. Section 13 of the Attorneys Act, 1979 (hereinafter referred to as the principal Act), is hereby amended by the substitution of paragraph (a) of subsection (1) of the following paragraph: Amendment of section 13 of Act 53 of 1979, as amended by section 2 of Act 76 of 1980.
- 5 “(a) shall—
- 10 (i) if he has practised for at least 5 years as a solicitor or an attorney, as the case may be, in the country or territory in which he has been so admitted and enrolled and belongs to a class of persons (if any) which has been designated by any such regulation;
- 15 or
- (ii) if the country or territory referred to has been designated for the purposes of this subparagraph by regulation made under section 81 (1) (a), without his having practised as contemplated in subparagraph (i), and if he belongs to a class of persons (if any) which has been designated by any such regulation;
- 20 be exempted from service under articles;”.
2. Section 17 of the principal Act is hereby amended— Amendment of section 17 of Act 53 of 1979.
- (a) by the deletion at the end of paragraph (b) of the word “and”; and
- 25 (b) by the insertion after paragraph (b) of the following paragraph:
- “(bA) belongs to a class of persons (if any) which has been designated by regulation made under section 81 (1) (a); and”.
3. The following section is hereby substituted for section 26 of the principal Act: Substitution of section 26 of Act 53 of 1979.
- 30 „Purpose of fund. 26. Subject to the provisions of this Act, the fund shall be applied for the purpose of reimbursing persons who may suffer pecuniary loss as a result of—
- 35 (a) theft committed by a practising practitioner, his clerk or employee, of any money or other property entrusted by or on behalf of such persons to him or to his clerk or employee in the course of

ATTORNEYS AMENDMENT ACT, 1982

Act No. 60, 1982

his practice or while acting as executor or administrator in the estate of a deceased person or as a trustee in an insolvent estate or in any other similar capacity; and

- 5 (b) theft of money or other property entrusted to an employee referred to in paragraph (cA) of the definition of 'estate agent' in section 1 of the Estate Agents Act, 1976 (Act No. 112 of 1976),
- 10 or an attorney or clerk referred to in paragraph (d) of the said definition, and which has been committed by any such person under the circumstances contemplated in those paragraphs, respectively, and in the course of the performance—
- 15 (i) in the case of such an employee, of an act contemplated in the said paragraph (cA); and
- 20 (ii) in the case of such an attorney or clerk, of an act contemplated, subject to the proviso thereof, in the said paragraph (d).”

4. Section 81 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

- 25 “(a) the countries or territories which shall be approved of for the purposes of section 13 (1) or 17 and be designated for the purposes of section 13 (1) (a) (ii), and the class or classes of persons which shall be designated for the purposes of sections 13 (1) and 17;”

Amendment of section 81 of Act 53 of 1979, as amended by section 5 of Act 76 of 1980.

5. Section 83 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

- 35 “(2) No person shall orally or by means of any written or printed matter or in any other manner, directly or indirectly, either for himself or for any other person, canvass, advertise or tout for, or make known his preparedness or that of such other person to undertake any work, whether for or without remuneration, in connection with the drawing up of a will or other testamentary writing, [or] the administration or liquidation or distribution of the estate of any deceased or insolvent person, mentally ill person, or any person under any other legal disability, or the judicial management or the liquidation of a company.”

Amendment of section 83 of Act 53 of 1979, as amended by section 6 of Act 76 of 1980.

6. (1) This Act shall be called the Attorneys Amendment Act, 1982.

- 45 (2) The provisions of section 3 shall come into operation on a date to be fixed by the State President by proclamation in the Gazette.

Short title and commencement.