



REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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## STAATSKOERANT

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OFFICE OF THE PRIME MINISTER

KANTOOR VAN DIE EERSTE MINISTER

No. 1255.

18 June 1980.

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

No. 76 of 1980: Attorneys Amendment Act, 1980.

No. 1255.

18 Junie 1980.

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

No. 76 van 1980: Wysigingswet op Prokureurs, 1980.

## ATTORNEYS AMENDMENT ACT, 1980

Act No. 76, 1980

## 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 make provision for a certain period of absence of an articulated clerk from the office of his principal to be deemed to have been served under articles of clerkship; to further regulate the exemption from service under articles and the admission and removal from the roll of attorneys; to effect certain textual alterations; and to provide for matters connected therewith.

*(English text signed by the State President.)*  
*(Assented to 4 June 1980.)*

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

1. Section 7 of the Attorneys Act, 1979 (hereinafter referred to as the principal Act), is hereby amended by the addition of the following subsection: Amendment of section 7 of Act 53 of 1979.

“(5) Notwithstanding the provisions of section 6, any period of absence not exceeding 6 months of an articulated clerk from the office of his principal for the purpose of attending a training course approved by the society concerned, shall, if that articulated clerk has completed that course to the satisfaction of that society, be deemed to have been served under articles of clerkship.”

2. Section 13 of the principal Act is hereby amended by the substitution for the words preceding paragraph (a) of subsection (1), and the said paragraph (a), of the following words and paragraph, respectively: Amendment of section 13 of Act 53 of 1979.

“Any person lawfully admitted to the Republic for permanent residence therein who is ordinarily resident in the Republic and who has been admitted and enrolled as a solicitor or attorney of the supreme or high court of any country or territory which has been approved for the purposes of this [section] subsection by regulation made under section 81 (1) (a)—

(a) shall—

(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; 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 having practised as contemplated in subparagraph (i),

be exempted from service under articles;”.

## ATTORNEYS AMENDMENT ACT, 1980

Act No. 76, 1980

3. The following section is hereby inserted in the principal Act after section 13:

Insertion of section 13A in Act 53 of 1979.

“Certain attorneys must comply with certain conditions before being entitled to practise on their own account.”

13A. Any person contemplated in section 13 (1) (a) (ii) who has been admitted and enrolled as an attorney in terms of this Act, shall not be entitled to practise that profession on his own account, unless he has after his admission and enrolment practised for a period of not less than 3 years on such conditions as may be determined by regulation made under section 81 (1) (j).”

4. Section 22 of the principal Act is hereby amended by the addition of the following subsection, the existing section becoming subsection (1):

Amendment of section 22 of Act 53 of 1979.

“(2) If it appears to the court that a person in respect of whom a society intends making an application under subsection (1), has left the Republic and that he probably does not intend to return to the Republic and that his whereabouts are unknown, the court may order that service on that person of any process in connection with such application may be effected by the publication of such process in an Afrikaans and an English newspaper circulating in the district in which the said person’s last known business address, as entered in the records of the society concerned, is situated.”

5. Section 81 of the principal Act is hereby amended—

Amendment of section 81 of Act 53 of 1979.

(a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(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);”;

(b) by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) the examination, if any, in the principles of Roman Dutch law and statute law of the Republic, or of statute law of the Republic only, which any person referred to in section 13 (1) shall be required to pass before being admitted and enrolled as an attorney under this Act;” and

(c) by the addition to subsection (1) of the following paragraph:

“(j) the conditions for the purposes of section 13A on which a person contemplated in section 13 (1) (a) (ii) who has been admitted and enrolled as an attorney shall be allowed to practise before being entitled to practise on his own account.”

6. Section 83 of the principal Act is hereby amended by the substitution for subsection (7) of the following subsection:

Amendment of section 83 of Act 53 of 1979.

“(7) A person who contravenes any of the provisions of subsections (1) to (6) or of section 13A shall be guilty of an offence and on conviction liable to a fine not exceeding R500 in respect of each offence.”

7. The principal Act is hereby amended by the substitution for the expressions “section 2 (a)”, “section 2 (a) or (c)” and “section 2 (d)” wherever they occur of the expressions “section 2 (1) (a)”, “section 2 (1) (a) or (c)” and “section 2 (1) (d)”, respectively.

Substitution of certain expressions in Act 53 of 1979.

8. This Act shall be called the Attorneys Amendment Act, 1980.

Short title.