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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No. 13349

STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 1498.

3 July 1991

No. 1498.

3 Julie 1991

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

-o. 102 of 1991: Attorneys Amendment Act, 1991

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

No. 102 van 1991: Wysigingswet op Prokureurs, 1991

Act No. 402, 1991

ATTORNEYS AMENDMENT ACT, 1991

GENERAL EXPLANATORY NOTE:

Words in bold type in square brackets indicate omissions from existing enactments.

Words underlined with a solid line indicate insertions in existing enactments.

\mathbf{ACT}

To amend the Attorneys Act, 1979, so as to further regulate the engagement of candidate attorneys; to provide that the Attorneys Fidelity Fund Board of Control may acquire or form, and administer, a public company, or establish a scheme, so as to provide insurance cover to practitioners; and to further regulate the powers of the council of a law society; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.) (Assented to 27 June 1991.)

B^E IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 53 of 1979, as amended by section 1 of Act 87 of 1989

1. Section 1 of the Attorneys Act, 1979 (hereinafter referred to as the principal Act), is hereby amended by the insertion after the definition of "fund" of the following definition:

" 'law clinic' means a centre for the practical legal education of students in the faculty of law at a university in the Republic, and includes a law centre controlled by a non-profit making organization which provides

legal services to the public free of charge;".

Amendment of section 3 of Act 53 of 1979, as substituted by section 2 of Act 87 of 1989

2. Section 3 of the principal Act is hereby amended—

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

"(e) as Deputy State Attorney, Senior Assistant State Attorney or Assistant State Attorney in the office of the State Attorney or any branch thereof; [and] or";

(b) by the insertion after paragraph (e) of subsection (1) of the following paragraph:

"(f) in the full-time employment of a law clinic, and if the council of the province in which that law clinic is operated, certifies that the law clinic concerned complies with the requirements prescribed by such council for the operation of such clinic; and—";

(c) by the substitution for subparagraph (i) of paragraph (i) of subsection (1) 25 of the following subparagraph:

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Act No. 102	2, 1991	ATTORNEYS AMENDMENT ACT, 1991	
	p co <u>b</u> y by the sub following p	f he is an attorney so practising on his own account or as a partner in a firm of attorneys or as a member of a professional ompany, or is employed full-time at a law clinic, so practised or even so employed for a period of three years or periods of three ears in the aggregate during the preceding four years;"; and stitution for paragraphs (a) and (b) of subsection (3) of the paragraphs, respectively:	5
	surviv sional as an (b) where from o	e death or retirement from practice of any attorney, any of his ring or remaining partners, [or] any member of the profescompany of which he was a member or any other person who attorney is employed full-time at the law clinic concerned; an attorney has been debarred under section 72(1)(a)(iii) continuing with a contract of articles, any of his partners, [or]	10
	memb	ther member of the professional company of which he is a per or any other person who as an attorney is employed me at the law clinic concerned,".	15
Amendm 1989	nent of secti	on 6 of Act 53 of 1979, as substituted by section 4 of Act 87 of	
"or" at the end of subsection	he end of pad of pad of paragra d of paragra ction (1) of	aph (b) of subsection (1), and the addition after paragraph (b) the following paragraph:	20
•	full-tir attorn	case of a candidate attorney articled to an attorney employed me at a law clinic, under the direct personal supervision of that ley or another attorney who is also employed full-time at the inic concerned.".	25
Insertion	of section	40A in Act 53 of 1979	
4. The	following s	section is hereby inserted in the principal Act after section 40:	
1.0.	"Acquis scheme	sition, forming and administration of insurance company or	30
(a)	(i) acquir	The board of control may— re or form, and administer, a public company; or ner with any other person or institution establish a scheme,	
• .	under so as to p Insurance	written by a registered insurer, provide insurance cover, subject to the provisions of the Act, 1943 (Act No. 27 of 1943), to practitioners in respect of ich may proceed from the professional conduct of such	35
(b)	Supreme C respect of of a decease to the person	deeds of suretyship to the satisfaction of the Master of the Court so as to provide security on behalf of a practitioner in work to be done by such practitioner as executor in the estate sed person, or as trustee in an insolvent estate, or as curator on or property in the case of a person who is unable to manage	40
(c)	in such ca		45
	as the case	e may be.". on 69 of Act 53 of 1979, as amended by section 23 of Act 87 of	,

5. Section 69 of the principal Act is hereby amended—

(a) by the substitution for paragraph (h) of the following paragraph:

"(h) prescribe the manner of assessment of the fees payable by any person to a practitioner in respect of the performance [on behalf of such person] of any work other than litigious work and in respect 55

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ATTORNEYS AMENDMENT ACT, 1991

of expenses reasonably incurred by such practitioner in connection with the performance of that work and, at the request of such person or practitioner, assess such fees in the prescribed manner;"; and

(b) by the insertion after paragraph (n) of the following paragraph, the sexisting paragraph (o) becoming paragraph (p):

"(o) prescribe the requirements to be complied with by a law clinic referred to in section 3(1)(f);".

Short title and commencement

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- 6. (1) This Act shall be called the Attorneys Amendment Act, 1991, and shall 10 come into operation on a date fixed by the State President by proclamation in the Gazette.
 - (2) Different dates may be so fixed in respect of different provisions of this Act.