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GOVERNMENT GAZETTE

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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:—

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

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

No. 102 van 1991: Wysigingswet op Prokureurs, 1991

- “(i) if 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 company, or is employed full-time at a law clinic, so practised or been so employed for a period of three years or periods of three years in the aggregate during the preceding four years;”;
- (d) by the substitution for paragraphs (a) and (b) of subsection (3) of the following paragraphs, respectively:
- “(a) on the death or retirement from practice of any attorney, any of his surviving or remaining partners, [or] any member of the professional company of which he was a member or any other person who as an attorney is employed full-time at the law clinic concerned;
- (b) where an attorney has been debarred under section 72(1)(a)(iii) from continuing with a contract of articles, any of his partners, [or] any other member of the professional company of which he is a member or any other person who as an attorney is employed full-time at the law clinic concerned.”.

Amendment of section 6 of Act 53 of 1979, as substituted by section 4 of Act 87 of 1989

3. Section 6 of the principal Act is hereby amended by the deletion of the word “or” at the end of paragraph (a) of subsection (1), the insertion of the word “or” at the end of paragraph (b) of subsection (1), and the addition after paragraph (b) of subsection (1) of the following paragraph:

- “(c) in the case of a candidate attorney articulated to an attorney employed full-time at a law clinic, under the direct personal supervision of that attorney or another attorney who is also employed full-time at the law clinic concerned.”.

Insertion of section 40A in Act 53 of 1979

4. The following section is hereby inserted in the principal Act after section 40:

“Acquisition, forming and administration of insurance company or scheme”

40A. The board of control may—

- (a) (i) acquire or form, and administer, a public company; or
 (ii) together with any other person or institution establish a scheme, underwritten by a registered insurer,
 so as to provide insurance cover, subject to the provisions of the Insurance Act, 1943 (Act No. 27 of 1943), to practitioners in respect of claims which may proceed from the professional conduct of such practitioners;
- (b) enter into deeds of suretyship to the satisfaction of the Master of the Supreme Court so as to provide security on behalf of a practitioner in respect of work to be done by such practitioner as executor in the estate of a deceased person, or as trustee in an insolvent estate, or as curator to the person or property in the case of a person who is unable to manage his own affairs, or in any other similar capacity, or by any other person in such capacity where a practitioner acts as agent for the person concerned; and
- (c) levy premiums and fees for the provision of such insurance or security, as the case may be.”.

Amendment of section 69 of Act 53 of 1979, as amended by section 23 of Act 87 of 1989

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

- 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 existing 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

6. (1) This Act shall be called the Attorneys Amendment Act, 1991, and shall 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.