

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO**

**LEGAL PRACTICE
AMENDMENT BILL**

[B 11—2017]

*(As agreed to by the Portfolio Committee on Justice and Correctional Services
(National Assembly))*

[B 11A—2017]

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AMENDMENTS AGREED TO
LEGAL PRACTICE AMENDMENT BILL
[B 11—2017]

NEW CLAUSE

1. That the following be a new Clause 1:

Substitution of section 4 of Act 28 of 2014

1. The following section is hereby substituted for section 4 of the Legal Practice Act, 2014 (hereinafter referred to as the principal Act):

“Establishment of Council

4. The South African Legal Practice Council is hereby established as a body corporate with full legal capacity, and exercises jurisdiction over all legal practitioners and candidate legal practitioners as contemplated in this Act when section 120(4) comes into operation.”.

CLAUSE 2

1. Clause rejected.

NEW CLAUSE

1. That the following be a new Clause:

Amendment of section 23 of Act 28 of 2014

3. Section 23 of the principal Act is hereby amended—
 (a) by the substitution for subsection (1) of the following subsection:

“(1) The Council must[, **subject to subsection (2) and progressively,**] establish [a] Provincial [**Council in every province of the Republic**] Councils, the areas of jurisdiction of which must correspond with the areas of jurisdiction of the Divisions of the High Court of South Africa as determined by the Minister, from time to time, in terms of section 6(3) of the Superior Courts Act, 2013 (Act No. 10 of 2013), and may delegate to the Provincial Councils such powers and functions which, in the interests of the legal profession are better performed at provincial level.”; and

(b) by the deletion of subsection (2).

NEW CLAUSE

1. That the following be a new Clause 5:

Amendment of section 62 of Act 28 of 2014

5. Section 62 of the principal Act is hereby amended by the addition of the following subsection:

“(3) The members of the board of control of the Attorneys Fidelity Fund who hold office as members of that board at the date of commencement of Chapter 2 shall remain in office in that capacity as members of the Board for a period of six months after that date or until the members referred to in subsection (1) have been elected, whichever occurs later.”

NEW CLAUSE

1. That the following be a new Clause 7:

Amendment of section 94 of Act 28 of 2014

7. Section 94 of the principal Act is hereby amended by the deletion in subsection (1) of paragraph (e).

CLAUSE 5

Clause rejected.

NEW CLAUSE

1. That the following be a new Clause 8:

Amendment of section 96 of Act 28 of 2014

8. Section 96 of the principal Act is hereby amended—

- (a) by the substitution for subsection (4) of the following subsection:

“(4) The **[duration of the]** National Forum **[is for a period not exceeding three years and it]** ceases to exist on the date of the meeting with the Council as envisaged in section 105(3), which date may not be later than 31 October 2018 **[commencement of Chapter 2]**.”; and

- (b) by the deletion of subsection (5).

CLAUSE 6

1. On page 3, after line 35, to insert:

- (a) by the substitution in subsection (1)(a) for subparagraph (ii) of the following subparagraph:

“(ii) the establishment of the Provincial Councils **[and their areas of jurisdiction, taking into account the factors referred to in section 23(2)(a)]**.”.

2. On page 3, in line 36, to omit the first “(a)” and to substitute “(b)”.
3. On page 3, in line 37, to omit “(b)” and to substitute “(c)”.
4. On page 3, in line 42, to omit the first “(c)” and to substitute “(d)”.
5. On page 3, in line 45, to omit “(d)” and to substitute “(e)”.
6. On page 4, in line 3, to omit “(e)” and to substitute “(f)”.

CLAUSE 7

1. In page 4, in line 18, after “95”, to insert “(1) and (3)”.

NEW CLAUSE

1. That the following be a new Clause 11:

Amendment of section 114 of Act 28 of 2014

11. Section 114 of the principal Act is hereby amended by the addition of the following subsection:

“(5) Every attorney who, on the date referred to in section 120(4), has the right of appearance in the High Court of South Africa, the Supreme Court of Appeal or the Constitutional Court in terms of any law, retains that right after the commencement of this Act.”.

NEW CLAUSE

1. That the following be a new Clause 13:

Amendment of section 120 of Act 28 of 2014

13. Section 120 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) Chapter 2 comes into operation [**three years after the date of commencement of Chapter 10 or**] on any [earlier] date fixed by the President by proclamation in the *Gazette*.”.

LONG TITLE

1. Long title rejected.

NEW LONG TITLE

1. That the following be a new Long title:

To amend the Legal Practice Act, 2014, so as to further regulate the establishment of the South African Legal Practice Council; to further regulate the prescription of the areas of jurisdiction of the Provincial Councils; to provide that only practising legal practitioners may perform certain acts or render certain services; to further regulate the composition of the Board; to further regulate the duties of banks in respect of trust accounts; to further regulate the duration of the National Forum on the Legal Profession; to further provide for the functions of the National Forum on the Legal Profession; to further provide for the dissolution date of the law societies; to further provide for the commencement of Chapter 2; and to provide for matters connected therewith.