DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

LEGAL PRACTICE ACT, 2014: REGULATIONS UNDER SECTION 109(1)(a)

I, Tshililo Michael Masutha, Minister of Justice and Correctional Services hereby, under section 109(1)(a) of the Legal Practice Act, 2014 (Act No. 28 of 2014) and in consultation with the National Forum, make the regulations in the Schedule.

TM Masutha, MP
Minister of Justice and Correctional Services

SCHEDULE
CLASSIFICATION OF REGULATIONS

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Definitions

1. In these regulations any word or expression to which a meaning has been assigned in the Act has the meaning so assigned to it and, unless the context otherwise indicates—
"chairperson" means the chairperson of the Council;
“Eastern Cape Provincial Council” means the Provincial Council whose area of jurisdiction corresponds with the area under the jurisdiction of the Eastern Cape Division of the High Court of South Africa;
“Free State Provincial Council” means the Provincial Council whose area of jurisdiction corresponds with the area under the jurisdiction of the Free State Division of the High Court of South Africa;
“Gauteng Provincial Council” means the Provincial Council whose area of jurisdiction corresponds with the area under the jurisdiction of the Gauteng Division of the High Court of South Africa;
“KwaZulu-Natal Provincial Council” means the Provincial Council whose area of jurisdiction corresponds with the area under the jurisdiction of the KwaZulu-Natal Division of the High Court of South Africa;

“Limpopo Provincial Council” means the Provincial Council whose area of jurisdiction corresponds with the area under the jurisdiction of the Limpopo Division of the High Court of South Africa;

“Mpumalanga Provincial Council” means the Provincial Council whose area of jurisdiction corresponds with the area under the jurisdiction of the Mpumalanga Division of the High Court of South Africa;

“National Forum” means the National Forum on the Legal Profession established in terms of section 96(1) of the Act;

“Northern Cape Provincial Council” means the Provincial Council whose area of jurisdiction corresponds with the area under the jurisdiction of the Northern Cape Division of the High Court of South Africa;

“North West Provincial Council” means the Provincial Council whose area of jurisdiction corresponds with the area under the jurisdiction of the North West Division of the High Court of South Africa;

“notional hours” for purposes of regulations 6 and 7 of these regulations means the notional duration allocated to a learning activity to be undertaken by a candidate legal practitioner in order to achieve a specified learning outcome, irrespective of the actual time taken by that person to achieve that outcome;

“the Act” means the Legal Practice Act, 2014 (Act No. 28 of 2014); and

“Western Cape Provincial Council” means the Provincial Council whose area of jurisdiction corresponds with the area under the jurisdiction of the Western Cape Division of the High Court of South Africa.

Election procedure for election of legal practitioners for purposes of constituting Council

2. (1) The members of the Council referred to in section 7(1)(a) of the Act must be elected in accordance with the manner determined in these regulations.

(2) The election of members of the Council referred to in subregulation (1) must be conducted under the authority of the Council: Provided that these regulations also apply, with the necessary changes required by the context, to the first election of the members of the Council referred to in subregulation (1), which must be conducted under the authority of the National Forum and, for that purpose, a reference in these regulations to "the Council" and to the "chairperson" is deemed to be a reference to the National Forum and to the chairperson of the National Forum, respectively.

(3) Only attorneys and advocates who are admitted to practise and who are enrolled on the Roll and, in respect of the first election under these regulations, only attorneys and advocates who are in practice may —

(a) be nominated for election to the Council: Provided that attorneys may be nominated only by attorneys and advocates may be nominated only by advocates;
nominate an attorney or advocate, as the case may be, for election to the Council; and

participate in the election of members of the Council referred to in subregulation (1), as provided for in these regulations: Provided that an attorney may vote only for the election of attorneys and an advocate may vote only for the election of advocates, as members of the Council.

(4)  (a) Upon promulgation of these regulations, the chairperson must, within 14 days, send a notice to every attorney and every advocate who is admitted to practise and who is enrolled on the Roll, calling for nominations of attorneys and advocates respectively for election to the Council: Provided that in respect of the first election under these regulations the notice must be sent to every practising attorney who is admitted to practise and is enrolled as such, to every advocate who is admitted to practise and enrolled as such, to every law society, every society of advocates, the Black Lawyers Association, the National Association of Democratic Lawyers, Advocates for Transformation, the National Forum of Advocates, the National Bar Council of South Africa, and the General Council of the Bar.

(b) When a vacancy in the Council occurs, the Council must immediately send a notice to every attorney or every advocate who is admitted to practise and who is enrolled on the Roll, depending on whether the person to be elected is an attorney or an advocate, calling for nominations of attorneys or advocates, as the case may be, for election to the Council in the relevant vacancy that has occurred.

(5)  A notice referred to in subregulation (4) must —

(a) stipulate a date by which the nominations must be received by the Council, which date may not be earlier than 10 days from the date of the notice;

(b) be sent by email to the email address of every legal practitioner, unless a legal practitioner has not provided the Council with an email address, in which case the notice must be sent by prepaid post: Provided that in respect of the first election under these regulations the notice must be sent to every practising attorney at his or her email address of which the National Forum has knowledge from whatever source or, where the National Forum has no knowledge of an email address, to his or her postal address of which the National Forum has knowledge from any source;

(c) be published once in the Government Gazette on a date as close as possible to the date of dispatch of the notice;

(d) give details of the number of vacancies on the Council for attorney members and advocate members, respectively; and

(e) draw the attention of legal practitioners to the provisions of section 7(2) and (3) and section 8 of the Act.

(6)  A nomination of an attorney for election to the Council must be made by any two other attorneys in the manner prescribed by subregulations (8) and (9).

(7)  A nomination of an advocate for election to the Council must be made by any two other advocates in the manner prescribed by subregulations (8) and (9).
(8) Any nomination of an attorney or advocate must be made in a document which provides the following information in respect of each nominee named therein, in not more than 600 words:

(a) His or her name and identity number;
(b) in the case of an attorney, the name of the firm of which he or she is a proprietor or a member or by which he or she is employed, stating also whether he or she is a director, a partner or a professional assistant of that firm;
(c) in the case of an advocate, whether he or she renders legal services in terms of section 34(2)(a)(i) or section 34(2)(a)(ii) of the Act, and in either case whether or not he or she has the status of Senior Counsel;
(d) his or her race, gender, date of admission and enrolment and period in practice;
(e) if he or she has a disability and wishes to disclose that fact, a statement to that effect and the nature of the disability;
(f) the address of his or her principal place of practice; and
(g) his or her knowledge and experience in the matters set out in section 7(2)(e) of the Act.

(9) The nomination document referred to in subregulation (8) must —

(a) be signed by the two nominating attorneys or advocates, as the case may be;
(b) be endorsed, over the signature of the nominee named therein, by his or her acceptance of the nomination; and
(c) contain the nominee’s confirmation that —

(i) the information given therein is correct; and
(ii) he or she is not disqualified in terms of section 8 of the Act from membership of the Council.

(10) (a) Original signed nominations must be lodged with the Council by not later than the date stipulated in the notice referred to in subregulation (5).

(b) Any nomination which does not substantially comply with these regulations or which is not lodged within the prescribed time does not qualify to be submitted for voting purposes in terms of these regulations.

(11) If the number of candidates who are nominated exceeds the number to be elected as attorney members or as advocate members, as the case may be, the Council must, within 14 days after the last day on which nominations are required to be lodged in terms of subregulation (5), send to every attorney or advocate, as the case may be, who is eligible to vote, by email to that legal practitioner’s email address or, where the email address of that legal practitioner is not known to the Council, by prepaid post —

(a) an envelope on which the address of the Council is printed, together with the words “voting papers”, or, where the communication is by email, directions to the legal practitioner as to the size and format of an envelope to be created by the legal practitioner;
(b) a smaller envelope on which is printed the words “ballot paper” and nothing else, or where the communication is by email, directions to the legal practitioner as to the size and format of an envelope to be created by the legal practitioner;
(c) a declaration form containing appropriate spaces for —

(i) the surname and forenames of the voting legal practitioner;
(ii) a statement whether he or she is an attorney or an advocate;
(iii) his or her signature and the date of his or her signature; and
(iv) a declaration by the legal practitioner above his or her signature that he or
she has not already voted in the election concerned;

(d) a ballot paper, in a form that substantially corresponds with Annexure A to these regulations or, in the case of the election of attorneys, in a form that substantially corresponds with Annexure B to these regulations, containing the surnames and forenames in alphabetical order, by surname, of the nominated candidates and providing the information indicated in Annexure A or Annexure B, as the case may be, and nothing more;

(e) a written notice in such form as the Council may direct, requesting the legal practitioner that if he or she wishes to record a vote he or she must —
(i) place a cross on the accompanying ballot paper against the name of each
candidate for whom the legal practitioner wishes to vote, so as to indicate
a vote in favour of not more than the number of candidates for which there
are vacancies, and to make no other mark or alteration on the ballot
paper;
(ii) place the ballot paper in the envelope marked "ballot paper";
(iii) seal the envelope containing the ballot paper;
(iv) complete and sign the form of declaration;
(v) place a completed and signed declaration, together with the envelope
containing the ballot paper in and seal the envelope marked "voting
papers"; and
(vi) send the envelope marked "voting papers" with its contents to the Council
so as to reach the Council not later than a date referred to in the notice.

(12) The notice referred to in subregulation (11)(e) must —
(a) contain a warning that if —
(i) a vote is cast in favour of more than the number of names referred to in
subregulation (11)(e)(i);
(ii) any mark or alteration is made on the ballot paper other than the crosses
indicating votes in favour of the candidates for whom the legal practitioner
votes; or
(iii) the declaration referred to in subregulation (11)(c) is not duly completed
and signed by the voting legal practitioner,
the ballot paper will be void; and
(b) draw the attention of legal practitioners to the fact that the profiles of candidates,
containing the information set out in subregulation (8), will be published on the
website of the Council for a period of 30 days commencing on the date of the
written notice referred to in subregulation (11)(e).

(13) The Council must send separate notices to attorneys and
advocates for purposes of any election in terms of these regulations, and all notices
must distinguish clearly whether they are intended for the election of an attorney or for
the election of an advocate.

(14) (a) Within seven days after the last date on which nominations
were required to be lodged in terms of subregulation (5), the Council must, subject to
paragraph (b), in writing, appoint a legal practitioner who has been practising for a
continuous period of more than 15 years, as a referee for the purpose of performing the
duties assigned to a referee under these regulations.

(b) A referee may not be —
(i) a candidate for election to the Council in the election concerned;
(ii) a legal practitioner who has nominated a candidate for election to the
Council in the election concerned; or
(iii) a member of the Council or of a Provincial Council.

(15) On each day on which envelopes marked "voting papers" sent to
the Council, are received by the Council, or if it is not practicable on that day, as soon
as practicable thereafter, the chairperson or the executive officer of the Council, if so
nominated by the chairperson, must, in the presence of the referee, open each such
envelope and remove its contents.

(16) The chairperson and the referee must together note the name and
surname of each legal practitioner who has submitted a declaration and envelope
marked "ballot papers", as well as whether that legal practitioner is an attorney or an
advocate, in a voting register kept by the referee.

(17) (a) The chairperson and the referee must together —
(i) examine each declaration form; and
(ii) verify, to such extent as may appear necessary, the information contained
therein against the records of the Council, and
satisfy themselves that the declaration form has been duly completed and signed by the
legal practitioner, failing which it will be regarded as invalid.

(b) In the event of a disagreement between the chairperson and
the referee as to the validity or otherwise of any declaration form, the view of the referee
prevails and his or her judgment on the matter is final.

(18) The referee must endorse, with his or her signature, each
declaration form found to be invalid, with the reason for the invalidity.

(19) The chairperson must, in the presence of the referee, in respect of
each declaration form found to be valid, place its accompanying envelope marked
"ballot paper" unopened through a slot in a ballot box of a design and construction
approved by the Council, one ballot box for ballot papers in respect of attorneys and
one ballot box for ballot papers in respect of advocates, which must have been securely
locked and sealed in advance by the chairperson.

(20) After placing the last of such envelopes duly received in the ballot
box the chairperson must, in the presence of the referee, securely seal the slot, and
shall hand the key to the referee.

(21) The chairperson must keep the ballot box in a secure place, locked
and sealed as contemplated in subregulations (19) and (20), and must deliver the ballot
box in that condition to the scrutineers appointed in terms of subregulation (23) on the
day following the date referred to in subregulation (11)(e)(vi).

(22) (a) All envelopes marked "ballot paper" which are accompanied
by declaration forms which have been found to be invalid may not be placed in the
ballot box.

(b) The chairperson must —
(i) in the presence of the referee, replace the envelopes referred to in paragraph (a),
marked "ballot paper" unopened, together with their accompanying declaration
forms endorsed by the referee as provided in subregulation (18), in the
envelopes marked "voting papers" in which they were received;

(ii) in the presence of the referee, securely seal all the documents;

(iii) separately retain the documents, in the same manner as is provided for in
subregulations (19) to (21), for a period of three months after the date referred to
in subregulation (11)(e)(vi);

(iv) after the three month period destroy all the documents, unless ordered otherwise
by an order of court: Provided that if there is a dispute regarding the validity of
the declaration form, the documents must be retained until the dispute has been
resolved; and

(v) keep a separate record of the number of declarations and envelopes thus
retained by him or her.

(23) (a) Prior to or on the date referred to in subregulation (11)(e)(vi)
the Council must, subject to paragraph (b), appoint not less than two legal practitioners
and not more than ten legal practitioners, as scrutineers to examine the ballot papers
placed in the ballot box and to count the votes received.

(b) A scrutineer may not be —

(i) a candidate for election to the Council in the election concerned;

(ii) a legal practitioner who has nominated a candidate for election to the Council in
the election concerned;

(iii) a member of the Council or of a Provincial Council; or

(iv) the legal practitioner appointed as referee under these regulations.

(24) Upon receipt by the scrutineers of the ballot box they must, with all
of them present—

(a) break the seal;

(b) open the ballot box;

(c) remove its contents;

(d) open each of the envelopes marked "ballot paper" and remove the ballot paper
contained therein;

(e) examine the ballot paper and satisfy themselves of its validity in accordance with
these regulations or, if not so satisfied, reject the ballot paper after having
endorsed on its reverse over their signatures the reason for its rejection;

(f) count the votes recorded in the remaining ballot papers; and

(g) record the result in the presence of the chairperson and the referee.

(25) After complying with the provisions in subregulation (24), the
scrutineers must replace all the ballot papers, including those rejected, in the ballot box,
lock and re-seal it and hand it to the chairperson for safekeeping.

(26) (a) Subject to paragraph (b), the attorney candidates in the
respective categories indicated on the ballot paper who receive the greatest number of
votes of attorneys in diminishing order among the attorney candidates are deemed to
have been elected as attorney members of the Council in those categories.

(b) If there are insufficient candidates to fill a particular category
of attorneys, the Council must co-opt a suitable attorney to fill the vacancy, and the co-
opted attorney is deemed to have been elected in accordance with these regulations.

(27) (a) Subject to paragraph (b), the advocate candidates in the
respective categories indicated on the ballot paper who receive the greatest number of
votes of advocates in diminishing order among the advocate candidates are deemed to have been elected as advocate members of the Council in those categories.

(b) If there are insufficient candidates to fill a particular category of advocates, the Council must co-opt a suitable advocate to fill the vacancy, and the co-opted advocate is deemed to have been elected in accordance with these regulations.

(28) If there is a tie between two or more candidates, which results in there being uncertainty which of the candidates has been elected in the relevant category, the question which of them is deemed to have been elected must be determined immediately by lot drawn by the scrutineers in the manner determined by the scrutineers.

(29) Upon completion of their scrutiny the scrutineers must immediately report the result of the election in writing to the chairperson and the referee.

(30) The report referred to in subregulation (29) must be signed by all the scrutineers and contain the following particulars:
(a) The total number of ballot papers received;
(b) the number of ballot papers rejected and the grounds of rejection;
(c) the total number of votes in favour of each candidate in each category;
(d) the result of any lot drawn in terms of subregulation (28); and
(e) the names of those candidates who have been elected to the Council.

(31) The referee must, as soon as possible thereafter, determine whether or not the election was conducted freely and fairly or not, and must issue in writing a signed declaration in that regard to the chairperson.

(32) The chairperson must, after receipt of the report of the scrutineers referred to in subregulation (29) and the declaration from the referee referred to in subregulation (30), cause each candidate to be advised of the result of the election.

(33) The report of the scrutineers referred to in subregulation (29) and the declaration from the referee referred to in subregulation (30) constitute conclusive proof of the result of the election.

(34) The scrutineers must return the ballot box containing the examined ballot papers, which is locked in accordance with subregulations (19) and (20) to the chairperson, together with its key.

(35) The chairperson must retain the ballot box in a secure place in that condition for a period of three months after the date referred to in subregulation (11)(e)(vi), after which date he or she must break the seal, unlock the box, empty it of its contents and destroy the contents and the valid declaration forms received by the Council.

(36) If an election is declared to be not free and fair by the referee in terms of subregulation (31), or by a court on application brought within one month of the announcement of the result, the process for the election of members of the Council must be conducted afresh.

Establishment of Provincial Councils

3. (1) The nine Provincial Councils contemplated in section 23 of the Act are—
Composition of Provincial Councils


(2) The Gauteng Provincial Council must consist of twelve practising legal practitioners.

(3) The composition of the Provincial Councils is as set out in the table below.

(4) Fifty percent of the legal practitioners serving on any Provincial Council must be female and fifty percent must be male.
### Table: Composition of Provincial Councils

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Powers and functions of Provincial Councils

5. (1) A legal practitioner and a candidate legal practitioner who has registered a business address within the area of jurisdiction of a Provincial Council falls within the jurisdiction of that Provincial Council.

(2) A Provincial Council has the following powers and functions:

(a) To establish committees of the Provincial Council to assist it in the exercise of its powers and the performance of its functions, as contemplated in section 23(6) of the Act;
(b) to enroll duly admitted legal practitioners within the jurisdiction of that Provincial Council;
(c) to maintain the Roll in respect of legal practitioners, notaries and conveyancers within the area of jurisdiction of the Provincial Council;
(d) to receive and process applications for admission by persons within the jurisdiction of that Provincial Council to practise as legal practitioners, conveyancers or notaries, pursuant to the provisions of section 24(2) of the Act;
(e) to register and administer practical vocational training contracts entered into in terms of these regulations in respect of practical vocational training requirements of candidate legal practitioners within the jurisdiction of that Provincial Council;
(f) to receive and process applications by attorneys within the jurisdiction of that Provincial Council, for certificates to appear in the High Court, the Supreme Court of Appeal or the Constitutional Court, as contemplated in section 25(4) of the Act;
(g) to receive and process applications by candidate attorneys within the jurisdiction of that Provincial Council for certificates for the right of appearance in terms of section 25(5) of the Act, and to issue such certificates;
(h) to receive applications for and grant exemptions to, candidate legal practitioners or legal practitioners within the jurisdiction of that Provincial Council from performing community service, as contemplated in section 29(3) of the Act;
(i) to receive from the registrar of the Division of the High Court, and retain, the certified copies of court orders made by the High Court relating to legal practitioners within the jurisdiction of that Provincial Council, as contemplated in section 30(5) of the Act;
(j) to cancel or suspend the enrolment of a legal practitioner as contemplated in section 31 of the Act;
(k) to receive and process applications for conversion of enrolment by legal practitioners, as contemplated in section 32 of the Act;
(l) to receive applications for, and to approve, the establishment of law clinics, as contemplated by section 34(8) of the Act;
(m) to establish investigating committees and disciplinary committees, as contemplated in section 37 of the Act;
(n) to do any ancillary or administrative function that is necessary for the implementation or administration of Chapter 4 of the Act;
(o) to institute urgent legal proceedings in the High Court in order to suspend a legal practitioner from practice and to obtain alternative interim relief, as contemplated in section 43 of the Act;
(p) to receive and process applications for the issue of Fidelity Fund certificates to legal practitioners who are obliged to be in possession thereof, as contemplated in section 85 of the Act, and if satisfied as to the matters referred to in section 85(6), to issue the applicant with a Fidelity Fund certificate;

(q) to inspect, either itself or through its nominee, the accounting records of any trust account practice in order to satisfy itself that the provisions of section 86 and section 87(1) are being complied with, as contemplated in section 87(2) of the Act;

(r) to apply to the High Court to prohibit any legal practitioner referred to in section 84(1) of the Act from operating in any way on his or her trust account, and for an order appointing a curator bonis to administer and control that trust account, as contemplated in section 89 of the Act;

(s) to apply to the High Court for an order appointing a curator bonis to control and administer the trust account of a legal practitioner in the circumstances contemplated in section 90 of the Act; and

(t) to report to the Council on the exercise of the powers and the performance of the functions referred to in paragraphs (a) to (s) and to provide the information emanating from the exercise of the powers and performance of the functions, as and when required by the Council.

Practical vocational training requirements that candidate attorneys must comply with before they can be admitted by the court as legal practitioners

6. (1) Any person intending to be admitted and enrolled as an attorney must, after that person has satisfied all the requirements for a degree referred to in sections 26(1)(a) or (b) of the Act serve under a practical vocational training contract with a person referred to in subregulation (5)—

(a) for an uninterrupted period of 24 months, and —

(i) during the service under a practical vocational training contract; or

(ii) within a period of no longer than 12 months after the termination of the practical vocational training contract, must complete a programme of structured course work of not less than 150 notional hours: Provided that if a candidate attorney fails to complete the programme of structured course work within a period of 36 months after the date of registration of a practical vocational training contract, he or she will be required to repeat the course work programme; or

(b) for an uninterrupted period of 12 months if, prior to the registration of a practical vocational training contract, he or she has completed a programme of structured course work, comprising compulsory modules, of not less than 400 notional hours duration in the aggregate over a period of no longer than six months.

(2) A person referred to in subregulation (1)(a) who has entered into a practical vocational training contract for a period of 24 months may, after having served a period of 12 months under that contract, apply for admission and enrolment as an attorney if he or she has, during the course of that period of 12 months but outside of his or her normal working hours in terms of that contract, completed a programme of
structured course work, comprising compulsory modules, of not less than 400 notional hours duration in the aggregate.

(3) Attendance at any training course presented at a Practical Legal Training School of the Law Society of South Africa for purposes of the Attorneys Act, for which the candidate attorney registered before the date referred to in section 120(4) of the Act and in respect of which the required attendance was completed within a period of 12 months after that date is regarded for purposes of these regulations as compliance with the requirements of course work referred to in subregulation (1)(a) and (b).

(4) Subject to the provisions of the Act, any period of service before a candidate attorney has satisfied the requirements of the degrees referred to in 26(1)(a) or (b) of the Act is not regarded as good or sufficient service in terms of a practical vocational training contract.

(5) A candidate attorney may be engaged or retained under a practical vocational training contract by an attorney —

(a) practising for his or her own account;
(b) practising as a partner in a firm of attorneys;
(c) practising as a member of a juristic entity;
(d) practising as state attorney;
(e) who has practised as a professional assistant in a firm of attorneys for a period of five years within the preceding six years; or
(f) in the full time employ of, or who is a member of —

(i) Legal Aid South Africa, established in terms of the Legal Aid South Africa Act, 2014 (Act No. 39 of 2014); or
(ii) a legal aid institution which has been approved by the Council for the purpose of engaging candidate attorneys and who is responsible for supervising the training of candidate attorneys so engaged; or
(iii) any other institution approved by the Council for the purpose of engaging candidate attorneys and who is responsible for supervising the training of candidate attorneys so engaged.

(6) An attorney engaging a candidate attorney —

(a) as contemplated in subregulation (5)(a) to (d) must have practised as an attorney for a period of not less than three years, or for periods of not less than three years in the aggregate, during the preceding four years; and
(b) as contemplated in subregulation (f) must have practised as an attorney for a period of not less than three years, or for periods of not less than three years in the aggregate during the preceding four years prior to being engaged by Legal Aid South Africa or the institution concerned.

(7) Service by a candidate attorney to any attorney while that attorney is not practising or has not practised as provided for in subregulation (5) is not deemed to be service under a practical vocational training contract for purposes of these regulations.

(8) An attorney referred to in subregulation (5)(a) to (e) may, at no time, have more than three candidate attorneys and an attorney referred to in subregulation (5)(f) may, at no time, have more than six candidate attorneys in the aggregate engaged or retained in terms of a practical vocational training contract.
(9) When an attorney dies or retires from practice or has been struck off the Roll, any of his or her surviving or remaining partners, any member of the commercial juristic entity of which he or she was a member, or any other attorney employed full time at Legal Aid South Africa or the institution concerned may take cession of the practical vocational training contract of the candidate attorney, despite the fact that the cessionary may then have more than three or six, as the case may be, candidate attorneys, under contract.

(10) The programme of structured course work referred to in subregulation (1)(a) and (b) must be standardized and uniform throughout the Republic and comprise the following modules:

(a) constitutional practice;
(b) professional legal ethics;
(c) personal injury claims;
(d) high court practice;
(e) magistrate’s court practice;
(f) criminal court practice;
(g) labour dispute resolution;
(h) alternative dispute resolution
(i) attorneys’ bookkeeping;
(j) wills and estates;
(k) matrimonial law;
(l) legal costs;
(m) drafting of contracts;
(n) information and communication technology for practice, and associated aspects of cyber law; and
(o) introduction to practice management.

(11) The training provided in terms of this regulation must be standardized by the Council in terms of norms and standards.

Practical vocational training requirements that pupils must comply with before they can be admitted by the court as legal practitioners

7. (1) A person intending to be admitted and enrolled as an advocate must—

(a) serve under a practical vocational training contract with a person referred to in subregulation (4) for an uninterrupted period of 12 months after that person has satisfied all the requirements for a degree referred to in sections 26(1)(a) or (b) of the Act; and

(b) prior to or during service under a practical vocational training contract complete a programme of structured course work, comprising compulsory modules, of not less than 400 notional hours duration in the aggregate over a period of no longer than six months.

(2) Attendance at any training course approved by any existing society of advocates, the National Bar Council of South Africa or the General Council of the Bar for which the pupil registered before the date referred to in section 120(4) of the Act and in respect of which the required attendance was completed within a period of 12 months
(3) Subject to the provisions of the Act, any period of service before the pupil has satisfied the requirements of the degrees referred to in subregulation (1) is not regarded as good or sufficient service in terms of a practical vocational training contract.

(4) A pupil may be engaged or retained under a practical vocational training contract by an advocate—
(a) who is enrolled and practising as such; or
(b) in the full time employ of, or who is a member of—
   (i) Legal Aid South Africa, established in terms of the Legal Aid South Africa Act, 2014 (Act No. 39 of 2014);
   (ii) a legal aid institution which has been approved by the Council for the purpose of engaging pupils and who is responsible for supervising the training of pupils so engaged; or
   (iii) any other institution approved by the Council for the purpose of engaging pupils and who is responsible for supervising the training of pupils so engaged.

(5) An advocate engaging a pupil—
   (a) as contemplated in subregulation (4)(a) must have practised as an advocate for a period of not less than three years, or for periods of not less than three years in the aggregate during the preceding four years; and
   (b) as contemplated in subregulation (4)(b) must have practised as an advocate for a period of not less than three years, or for periods of not less than three years in the aggregate during the preceding four years prior to being engaged by Legal Aid South Africa or the institution concerned.

(6) Service by a pupil to an advocate while that advocate is not practising or has not practised as provided for in subregulation (5) is not deemed to be service under a practical vocational training contract for purposes of these regulations.

(7) An advocate referred to in subregulation (4)(a) may, at no time, have more than one pupil and an advocate referred to in subregulation (4)(b) may, at no time, have more than six pupils in the aggregate engaged or retained in terms of a practical vocational training contract.

(8) When an advocate dies or retires from practice or has been struck off the Roll any advocate who complies with the requirements of these regulations may take cession of the practical vocational training contract of the pupil, despite the fact that the cessionary may then have more than one or six, as the case may be, pupils, under contract.

(9) The compulsory course work referred to in subregulation (1) must be standardized and uniform and comprise the following modules:
   (a) for pupils intending to be admitted as advocates referred to in section 34(2)(b) of the Act, bookkeeping as contemplated in regulation 6(10)(i);
   (b) advocacy skills, including trial and motion court proceedings and attendance of court proceedings;
   (c) alternative dispute resolution;
   (d) civil procedure;
   (e) criminal procedure;
(f) professional conduct and legal ethics of advocates;
(g) legal writing and drafting;
(h) constitutional law and customary law; and
(i) information and communication technology for practice, and associated aspects of cyber law.

(10) The training provided in terms of this regulation must be standardized by the Council in terms of norms and standards.

Right of appearance of pupils in court or any other institution

8. (1) A pupil is entitled to appear —
(a) in any court, other than the High Court, the Supreme Court of Appeal or the Constitutional Court; and
(b) before any board, tribunal or similar institution on behalf of any person, instead of and on behalf of and with the approval of the person under whose supervision he or she is undergoing his or her practical vocational training.

(2) A pupil may appear in a regional division established under section 2 of the Magistrates' Courts Act, 1944, as contemplated in subregulation (1) only if he or she has undergone at least six months of practical vocational training.

Mechanism to wind up affairs of National Forum

9. Immediately prior to the dissolution of the National Forum in terms of section 96(4) of the Act, all liabilities and obligations of the National Forum, of whatever nature, must be settled by the National Forum so that at the date of dissolution, the National Forum has no liabilities or obligations.

ANNEXURE A
(Regulation 2)
BALLOT PAPER - ATTORNEYS

Every attorney who is on the Roll of Practising Attorneys may vote for a maximum of ten candidates from the candidates listed below. In respect of the first election to be conducted under the authority of the National Forum in terms of regulation 2(3), every practising attorney who is admitted and enrolled as such may vote for the election of candidates. Please note, however, that in order to comply with section 7(2)(a) of the Legal Practice Act, 2014 (Act No. 28 of 2014) and subject to the availability of the candidates, four black women, three black men, one white woman and two white men with the highest number of votes in their respective categories will constitute the ten attorneys who will serve as members of the South African Legal Practice Council (“Council”). A short profile of each candidate is available on the Council’s website.

A
B
C
D
When voting, please take into account the provisions of section 7(2) of the Legal Practice Act:

“When constituting the Council the following factors must, as far as is practicable, be taken into account:

(a) the racial and gender composition of South Africa;
(b) the objects of the Council;
(c) representation of persons with disabilities;
(d) provincial representation; and
(e) experience and knowledge of—
   (i) the provision of legal services;
   (ii) the principles of promoting access to justice;
   (iii) legal education and training;
   (iv) consumer affairs;
   (v) civil and criminal proceedings and the functioning of the courts and tribunals in general;
   (vi) the maintenance of professional standards of persons who provide legal services;
   (vii) the handling of complaints; and
   (viii) competition law.

NOTE:
The term “Black” has the same meaning as in section 1 of the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003), read with the Broad-Based Black Economic Empowerment Amendment Act, 2013 (Act No. 46 of 2013) as a generic term which means Africans, Coloureds and Indians who are citizens of the Republic of South Africa by birth or descent, or who became citizens of the Republic of South Africa by naturalisation before 27 April 1994 or on or after 27 April 1994 and who would have been entitled to acquire citizenship by naturalisation prior to that date and such other persons as may be categorised as black persons for purposes of that legislation.

ANNEXURE B
(Regulation 2)
BALLOT PAPER - ADVOCATES

Every advocate who is on the Roll of Practising Advocates may vote for a maximum of six candidates from the candidates listed below.
In respect of the first election to be conducted under the authority of the National Forum in terms of regulation 2(2), every advocate who is admitted as such and who is in practice may vote for the election of candidates.
Please note that in order to comply with section 7(2)(a) of the Legal Practice Act, 2014 (Act No. 28 of 2014) and subject to the availability of the candidates, two black women, two black men, one white woman and one white man with the highest number of votes in their respective categories will constitute the six advocates who will serve as members of the South African Legal Practice Council (“Council”).
A short profile of each candidate is available on the Council’s website.
When voting, please take into account the provisions of section 7(2) of the Legal Practice Act:

“When constituting the Council the following factors must, as far as is practicable, be taken into account:

(a) the racial and gender composition of South Africa;
(b) the objects of the Council;
(c) representation of persons with disabilities;
(d) provincial representation; and
(e) experience and knowledge of—
   (i) the provision of legal services;
   (ii) the principles of promoting access to justice;
   (iii) legal education and training;
   (iv) consumer affairs;
   (v) civil and criminal proceedings and the functioning of the courts and tribunals in general;
   (vi) the maintenance of professional standards of persons who provide legal services;
   (vii) the handling of complaints; and
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NOTE:
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ISEBE LOBULUNGISA NOPHUHLISO LOMGAQO-SISEKO

UMTETHO WOBUGQWETHA KA-2014: IMIMISELO NGOKUGUNYAZWA SISIQENDU 109(1)(a)
Mna, Tshililo Michael Masutha, uMphathiswa Wobulungisa Neenkonzo Zolungiso-similo, ngokugunyazwa sisiqendu 109(1)(a) soMthetho Wobugqwetha 28 ka-2014, nangokubonisana neQonga, ndenza imimiselo ekwiSihlomelo.

TM Masutha, ILUNGU LEPALAMENTE
uMphathiswa Wobulungisa Neenkonzo Zolungiso-similo

**ISIHLOMELO**

**UKUDWELISWA KWEMIMISELO**

1. Ukuchazwa kwamagama
2. Inkqubo emayilandelwe ekunyeleni amagqwetha aza kuba kwiBhunga
3. Ukusekwa kwamaBhunga Amaphondo
4. Indlela akhiwe ngayo amaBhunga Amaphondo
5. Magunyana amaBhunga Amaphondo
6. limfuneko zokuqeqeshelwa umsebenzi ekufuneka amagqwetha asaqeqeshwayo ahlangabezane nazo ngaphambi kokuba amkelwe yinkundla njengamagqwetha
7. limfuneko zokuqeqeshelwa umsebenzi ekufuneka amagqwetha eejaji asaqeqeshwayo ahlangabezane nazo ngaphambi kokuba amkelwe yinkundla njengamagqwetha
8. Ilungelo lamagqwetha eejaji asaqeqeshwayo lokumula umntu enkundleni okanye kwenyi indawo
9. Icebo lokuqoshelisa imicimbi yeQonga
    ISongezo A: Iphepha Lokuvota — Lamagqwetha
    ISongezo B: Iphepha Lokuvota — Lamagqwetha Eejaji

**Ukuchazwa kwamagama**

1. Kule mimiselo naliphi na igama okanye ibinzana elinikwe intsingiselo kuMthetho ozala le mimiselo, linaloo tsingiselo nakule mimiselo, kwaye ngaphandle kokuba okanye okubhaliweyo kubonisa ngenye indlela—
   “usihlalo” ngusihlalo weBhunga;
   “iBhunga Lephondo LaseMpuma-Koloni” liBhunga Lephondo eliphetha kummandla ekukwaphethu kuwo iCandelo LeMpuma-Koloni LeNkundla Ephakamileyo YoMzantsi-Afrika;
   “iBhunga Lephondo LaseFreyistata” liBhunga Lephondo eliphetha kummandla ekukwaphethu kuwo iCandelo LeFreyistata LeNkundla Ephakamileyo YoMzantsi-Afrika;
   “iBhunga Lephondo LaseRhawutini” liBhunga Lephondo eliphetha kummandla ekukwaphethu kuwo iCandelo LaseRhawutini LeNkundla Ephakamileyo YoMzantsi-Afrika;
   “iBhunga Lephondo LaKwaZulu-Natal” liBhunga Lephondo eliphetha kummandla ekukwaphethu kuwo iCandelo LaseRhawutini LeNkundla Ephakamileyo YoMzantsi-Afrika;
   “iBhunga Lephondo LaseLimpopo” liBhunga Lephondo eliphetha kummandla ekukwaphethu kuwo iCandelo LaseLimpopo LeNkundla Ephakamileyo YoMzantsi-Afrika;

Inkqubo emayilandelwe ekunyuleni amagqwetha aza kuba kwiBhunga

2. (1) Amalungu eBhunga ekuthethwe ngawo kwisiqendu 7(1)(a) salo Mthetho makanyulwe ngokwwendela exelwe kule mimiselulo.
   (2) Ukunyulwa kwamalungu eBhunga ekuthethwe ngako kummiselwana (1) makuqhutywe phantsi kwegunya leBhunga, kodwa ke le mimiselo ikwasebenza nasekunyulweni kokuqala kwamalungu eBhunga ekuthethwe ngako kummiselwana (1), kubekeho nje utshintsho olunokuthi lufuneka, nyolo olo omaluqhutywe phantsi kwegunya leQonga, into ke leyo ethetha ukuba xa kule mimiselo kuthethwa nge-“Bhunga” nango “sihlalo”, oko makuthathwe njengokubhekisela kwiQonga nakusihlalo weQonga.
   (3) Kuphela ngamagqwetha namagqwetha eeejaji athe amkelwa ukuba asebenze njengamagqwetha nabhalisiweyo kuLuhlu kwaye, malunga nonyulo lokuqala olungokwale mimiselulo, kuphela ngamagqwetha namagqwetha eeejaji awenza umsebenzi wobugqwetha avumelilekileyo ukuba—
      (a) anyulele ukuba kwiBhunga, kodwa ke amagqwetha anokunyulwa kuphela ngamagqwetha, amagqwetha eeejaji anokunyulwa kuphela ngamagqwetha eeejaji;
      (b) anyule igqwetha okanye igqwetha leeejaji lexyi kwiBhunga; nokuba
      (c) abe nenxaxheba ekunyulweni kwamalungu eBhunga ekuthethwe ngako kummiselwana (1), njengoko koxelwe kule mimiselo, kodwa igqwetha livumeleke kuphela ukuba livotele ukunyulwa kwamagqwetha, namagqwetha eeejaji avumeleke kuphela ukuba avotele ukunyulwa kwamagqwetha eeejaji, ukuba abe ngamalungu eBhunga.
   (4) (a) Yakuba ipapashiwe le mimiselulo, usihlalo makathi zingekapheli iintsuku ezili-14 athumele isaziso kwiggwetha ngalinye nakwiggwetha leejaji ngalinye elamkelweyo ukuba lenze umsebenzi wobugqwetha nelibhalisiweyo

(b) Xa kuthi kubekho isithuba kwIBhunga, iBhunga malithi ngoko nangoko lithumele isaziso kwigqwetha ngalinye okanye kwigqwetha leejaji ngalinye elamkelweyo ukuba lenze umsebenzi wobugqwetha nelibhalasiwelo kuLuhlu Lwamagqwetha Awenza Umsebenzi Wobugqwetha oluxelwe kwisiqendu 30(3) salo Mthetho, kuxhomekeke ekubeni umntu omakanyulwe uligqwetha okanye uligqwetha leejaji kusini na, kusisaziso esithi makunyulwe amagqwetha okanye amagqwetha eejaji aza kuba kwIBhunga kwisithuba esithe sabakho.

(5) Isaziso ekuthethwe ngaso kummiselwana (4)—

(a) masixele umhla omawungadlulile engekafunyanwa magama abanyulelwa ukuba kwIBhunga, mhlalalo omawungabi ngaphantsi kwenteoku ezil-10 ukusuka kuhla wesaziso;
(b) masithunyelwe ngo-imeyile kwidilesi ye-imeyile yegqwetha ngalinye, ngaphandle kokuba iBhunga alinikwanga dilesi ye-imeyile ligqwetha, ekuya kuthi xa kunjalo isaziso sithunyelwe ngaposi, kodwa ke xa kulunyulo lokuqala phantsi kwale mimiselo, isaziso masithunyelwe kwigqwetha ngalinye kwidilesi yalo ye-imeyile eyaziwayo liQonga, kungakhathaliseki ukuba liyifumene phi na, okanye ke ukuba iQonga aliyazi idilesi ye-imeyile, sithunyelwe kwidilesi yeposiyi eyaziwayo liQonga, kungakhathaliseki ukuba liyifumene phi;
(c) masipapashwe kube kanye kuShicilelo-Mithetho LukaRhulumente ngomhla osondele kangangoko kunokwenzeka kuhla wokuthunyelwa kwesaziso;
(d) masixele ukuba zingaphi izithuba ezikhoyo kwIBhunga zamalungu angamagqwetha namalungu angamagqwetha eejaji; size
(e) sikhumbuze amagqwetha oko kutshiwo sisiqendu 7(2) no-(3) nasisiqendu 8 salo Mthetho.

(6) Ukonuyela kwegqwetha ukuba libe kwIBhunga makwenziwela ngomnanganye amagqwetha amabini nokuba ngaphi na, ngendlele exelwe ngumiselwana (8) no-(9).

(7) Ukonuyela kwegqwetha leejaji ukuba libe kwIBhunga makwenziwela ngomnanganye amagqwetha eejaji amabini nokuba ngaphi na, ngendlele exelwe ngumiselwana (8) no-(9).

(8) Ukonuyula kwegqwetha okanye kwegqwetha leejaji makwenziwela ngoxwebhu olunika ingcombolo elandelayo ngomntu ngamanye ogama lakhe lilapho, ngamazwi angengaphezulu kwama-600:

(a) igama lakhe nenombolo yakhe yesazisi;
(b) xa kuliqwetha, igama lenkompani yamagqwetha angummini wayo okanye alilungu kuyo okanye igama aqeshwe ngalo, kuxelwe nokuthi ungumlawuli, okanye uliqabane, okanye ungunncedisi kusini na kulo nkampani;
(c) xalulana alulo, ubuni, umhla wokwamkelwa nowokubhaliswa, nobude bexesha eligqwetha;
(e) ukuba ugogetile okanye unesiphene kwaye enqwenela ukukuveza oko, kuchazwe oko nohlobo lokugogeka okanye isiphene;
(f) isiphiwo ukuphila okanye kwesiqendu 34(2)(a)(ii) salo Mthetho kusini na;
(g) nolwazi lwakhe namava kwimibandela exelwe kwesiqendu 7(2)(e) salo Mthetho.

(9) Uxwebhu lokunyula ekuthethwe ngalo kummiselwana (8)—
(a) malutyikitywe ngamagqwetha amabini okanye ngamagqwetha eejaji amabini anyule loo mntu;
(b) malubonise ukuba uyakwamkelwa ukunyulwa kwakhe, ngotyikityo lomntu onyulweni, apho kuxwebhu; kananjalo
(c) lube namazwi aqinisekisayo alowo onyulwayo athi—
(i) ingombolo enikiweyo apho ichanile; kwaye
(ii) akukho nto emenza angafaneleki ngokwesiqendu 8 salo Mthetho ukuba abe lilungu leBhunga.

(10) (a) Amaxwebhu onyulo atyikityiweyo aiyi-originali makanjeniswa kwibiBhunga ungekadulili umbola oxelwe kwisaziso ekuthethwe ngaso kummiselwana (5).
(b) Uxwebhu komntu okungahambisaniyo nale mimiselwane okanye okungafakwanga ngexesha elimiselwane akufaneleki ukuba kunjeniswa ngenjongo yokuvota ngokwale mimiselweno.

(11) Ukuba inani labantu abanyulweno lingaphezu kwenani emalunyulwe labantu abangamagqwetha okanye labantu abangamagqwetha eejaji, iBhunga malithi zingekapheli iintseku ezili-14 emva komhla wokugqibela ekufuneka abe sele efakwile ngawo amagama ngokummiselwana (5), lithumele kwiggqewetha ngalinye okanye kwiggqewetha leejaji ngalinye, elifenakele ukuba livote, lithumele nge-imeyile, okanye xa ingaziwa i-imeyile liBhunga, lithumele ngeposi—
(a) imvulophu ekubhale kuyo idilesi yeBhunga, kunye namazwi athi “voting papers” (“amaphetha okuvota”) okanye ke xa kunxityelelwana nge-imeyile, lithumele imiyalelo kwiggqewetha malunga nobungakanani nohlobo lwemvulophu emayenzwi liiggqewetha;
(b) imvulophu ekubhale kuyo amazwi athi “ballot paper” (“iphepha lokuvota”), kungabikho enyo into, okanye xa nxibelelwano lunge-imeyile, lithumele imiyalelo kwiggqewetha malunga nobungakanani nohlobo lwemvulophu emayenzwi liiggqewetha;
(c) uxwebhu lwesibhambathiso olunezithuba ezifaneleklekileyo—
(i) zefani namagama eggqewetha elivotayo;
(ii) zenkcazelo ethi uligqewetha okanye uligqewetha leejaji kusini na;
(iii) zotyikityo lwakhe nomhla atyikitye ngawo;
(iv) zamazwi eggqewetha abhalwe ngentla kutyikityo lwalo apho livakalisana khona ukuba aliqavoti kunyulo olo;
(d) iphetha lokuvota, xa kunyulwa amagqwetha, libe kwimo efana kanobom naleyo yeSonezo A esikule mimiselweno, okanye xa kunyulwa amagqwetha eejaji, libe
kwimo efana kanobom naleyo yeSongezo B esikule mimiselo, libe neefani namagama alandelana ngokoobomba bokuqala babantu abanyulweyo, kananjalo linike ingombolo eboniswe kwiSongezo A okanye kwiSongezo B, kungabikho enye into;

(e) isaziso esibhaliweyo esikwimo eyaleleliBhunga, esicela igqwetha ukuba, ukuba linqwenelana ukuvota—

(i) malibeke u-X kwiphepha lokuvota ecaleni kwegama lomntu ngamnye elinqwenelana ukumvotela, ukuze libonise ukuba lifuna kube ngubani ovala isithuba kwizithuba ezikhoyo, kwaye kungabikho olunye uphawu okanye utshintsho olwenziwayo kwiphepha lokuvota;

(ii) malifake iphepha lokuvota kwimvulophu ebhalwe “iphepha lokuvota”;

(iii) maliyitywine imvulophu enephepha lokuvota;

(iv) malizalise uxwebhu lwesibhambathiso lize liyityikitye;

(v) malifake ngaphakathi amazwi avakaliweyo aza atyikitywa, kunye nemvulophu enephepha lokuvota, lize liyitywine imvulophu ebhalwe “amaphepha okuvota” lize

(vi) lithumele imvulophu ebhalwe “amaphepha okuvota” kunye nokungaphakathathi kuyo, liyithumele kwiBhunga ukuze ifike kwBhunga ungekabethi umhla oxelwe kwisaziso.

(12) Isaziso ekuthethwe ngaso kummiselwana (11)(e)—

(a) masibhe nesilumkiso esithi ukuba—

(i) kuvotelwe inani elingaphezu kwenani lamagama ekuthethwe ngawo kummiselwana (11)(e)(i);

(ii) kuthe kwenziwa uphawu okanye utshintsho kwiphepha lokuvota, phawu olo okanye tshintsho olo olungengabo oo-X ababonisa umntu ovotelwayo; okanye

(iii) isibhambathiso ekuthethwe ngaso kummiselwana (11)(c) asipheleliswa saza satyikitywa liggwetha elivotayo, iphepha lokuvota liza kuba leliputhileyo; nesithi

(b) masikhumbuze amagqwetha ukuba ingombolo emalunga nabanyulweyo, ekuyingombolo ekummiselwana (8), iza kupapashwa kwisibhaliweyo yeBhunga ithuba eliziintsuku ezingama-30 eliqwa kumhla wesaziso esibhaliweyo ekuthethwe ngaso kummiselwana (11)(e).

(13) IBhunga malithumele izaziso ezahlukenebo kumagqwetha nakumagqwetha eejaji ngenjongo yonyulo olungokwale mimiselo, kwaye zonke izaziso mazibonise ngokucacileyo ukuba zezokunyulwa kwagqwetha okanye zezokunyulwa kwagqwetha leejaji.

(14) (a) Zingekapheli iintsuku ezisixhenxe emva komhla wokugqibela ebekufuneka agama abanyulweyo afakwe ngokwemmiselwana (5), iBhunga malithi, ngokulawulwa sisiqendu (b), ngokuhala, limisele igqwetha ebelisenzwa umsebenzi wobugqwetha ixesha elingaphezu kweshumi elinesihlanu leminyaka lingazange likhe liyeke, libe ngusompempe ngenjongo yokwenza imisebenzi eyabelwe usompempe ngokwale mimiselo.

(b) Usompempe akazumelekanga ukuba—

(i) abe ngumuntu oncwase ukunyulelwa kwBhunga;

(ii) abe liggwetha elinyule umntu ukuba abe kwBhunga; okanye
(iii) abe lilungu leBhunga okanye leBhunga Lephondo.

(15) Ngemini nganye ezifunyanwa ngayo iimvulophu ezibhalwe “amaphepha okuvota” zathunyelwa kwiBhunga, ngemini nganye ezifunyanwa ngayo liBhunga, okanye ukuba akunakwenzeka ngalo o mini, kamsinya kagangoko kunokwenzeka emva koko, usihlalo okanye igosa eliphezulu eliququzeleayo leBhunga, ukuba linyulwe ngusihlalo, makavule imvulophu nganye aze akhuphe okungaphakathi kuyo, eyivula kukho usompempe.

(16) Ushlwalo kunye nosompempe mababhale phantsi igama nefani yeggwetha ngalinye elingeni isibhambathiso nemvulophu ehbalwe “amaphepha okuvota”, nokuthi elo ggwetha liliggwetha okanye liliggwetha leejaji kusini na, kwiirejista yokuvota egcinwe ngusompempe.

(17) (a) Ushlwalo nosompempe, bekunye —

(i) bahlule uxwebhu ngalunye lwsibhambathiso; baze

(ii) bagninisekise kangangoko kunokwenzeka ingcimbo lolenelebe aphphepha okuvota, eyifaka ngoko kuyisimile ngayo, baze bazanelise kwinto yokuba uxwebhu lwsibhambathiso lusamkelela iziyanda kwiBhunga, baze bazanelise kwinto yokuba iimvulophu ezibhalwe “amaphepha okuvota”, nokuthi elo ggwetha liliggwetha okanye liliggwetha leejaji kusini na, kwiirejista yokuvota egcinwe ngusompempe.

(b) Xa usihlalo nosompempe bengavumuleni ngokwamkelela kokwebhu lwesibhambathiso, kuya kusebenza uluvo lusompempe, size isiqgibo sakhe sibe sesingenakuphikiswa.

(18) Ushlwalo nosompempe makayikite uyegwetha ngalunye lwsibhambathiso olufunyanisiwe lusamkelekileyo, axele isizathu sokuphutha kwalo.

(19) Ekho usompempe, usihlalo makathi, ngoxwebhu ngalunye olufunyanisiwe lusamkelela afake imvulophu ehumambisa nalo ebhalwe “iphepha lokuvota” ingavulwanga, eyifaka ngoko eliphokise nokukwimibhalo engacinweyo yeBhunga, baze bazanelise kwinto yokuba iimvulophu ezibhalwe “amaphepha okuvota” eyifaka ngoko eliphokise nokukwimibhalo engacinweyo yeBhunga, baze bazanelise kwinto yokuba iimvulophu ezibhalwe “amaphepha okuvota” eyifaka ngoko eliphokise nokukwimibhalo engacinweyo yeBhunga.

(20) Emva kokufaka imvulophu yokukwimisiyo ephutheliyo kwalｎe “amaphepha okuvota”, usihlalo nosompempe, ekho usompempe, alitywinisise ikroba, aze anike usompempe isitshixo.

(21) Ushlwalo makayigcine ibhokisi yokuvota kwindaow ekehlulekileyo, isitshixo yaza yatywinwa njengoko kuxelwe kummiselwana (19) nowe-(20), aze ayidulisele ibhokisi yokuvota ikuloo meko eyidululisela kwabaza kuyigocagoca abamiselwe ngokommiselwana (23) ngosuku olulandela umhla ekuthethwe ngawo kummiselwana (11)(e)(vi).

(22) (a) Zonke iimvulophu ezibhalwe “iphepha lokuvota” eziphunikwe ngamakwebhu esibhambathiso afunyanisiwe ephuthile, azivumelileka ukuba zifakwe kwabizhekise yokuvota.

(b) Usihlalo makathi,—

(i) ekho usompempe, azibuyisele iimvulophu ekuthethwe ngazo kwisiqendu (a), ezibhalwe “iphepha lokuvota”, zingavulwanga, kanye namakwebhu ezibhambathiso ahambisana nazo atyikitywe ngusompempe njengoko kuxelwe kummiselwana (18), kwamakwebhu ezibhalwe “amaphepha okuvota” afunyanwe ekuza;

(ii) ekho usompempe, awatywinisise onke amakwebhu;
(iii) awagcine ngokwahlukeneyo amaxwebhu, ngendlela ekwanye exelwe kummiselwana (19) ukuya ku-(21), ithuba eliziinyanga ezintathu ukususela kumhla ekuthethwe ngawo kummiselwana (11)(e)(vi);

(iv) emva kwelo thuba eliziinyanga ezintathu awatsishabalalise onke amaxwebhu, ngaphandle kokuba uyalelele yinkundla, kodwa ke ukuba kukho imbambano ngokwamkeleka kokoxwebhu lwesibhambathiso, amaxwebhu makagcinwe de ibe isombululekile imbambano; kananjalo

(v) agcine umbhalo osecaleni wenani lamaxwebhu esibhambathiso neemvulophu azigciniyle.

(23) (a) Ngaphambi komhla ekuthethwe ngawo kummiselwana (11)(e)(vi) okanye ngawo loo mhla, iBhunga malithi, ngokulawulwa sisiqendu (b), limisele amagwetha angengaphantsi kwesibini, kodwa angabi ngaphezu kwe-10, abe ngabagocagoci bokugocagoca amaphethe okuvota afakwe kwibhokisi lokuvota, aze abale ivoti ezifunyeneyo.

(b) Umgocagoci akavumelekanga ukuba—

(i) abe ngumgqatswa wokunyulelwa ukuba kwBhunga kolo nyulo;

(ii) abe ligqwetha elinyule umgqatswa omakanyulelwe ukuba kwBhunga kolo nyulo;

(iii) abe lilungu leBhunga okanye leBhunga LePhondo; okanye

(iv) abe ligqwetha elimiselwe ukuba libre ngusompempe ngokwale mimiselo.

(24) Abagocagoci besakulifumana ibhokisi lokuvota mabathi, bonke bekho—

(a) balivule itywina;

(b) balivule ibhokisi lokuvota;

(c) bakukhuphe okungaphakathi;

(d) bavule im vulophu nganye ebhalwe “iphepha lokuvota” baze balikhuphe iphepha lokuvota elilapho ngaphakathi;

(e) balihlolisise iphepha lokuvota baze bazanelise kwinto yokuba lamkelelele ngokwale mimiselo okanye, ukuba abaneliskanga, bale ukulamkela elo phepha lokuvota emva kokuba bebhale kwicala elingemva phezu kotyikityo lwabo, isizathu sokwaliwa kwalo;

(f) babale ivoti ezibhaliweyo kumagqwetha okuvota aseleyo; baze

(g) babhale isiphumo kokubo usihlalo nosompempe.

(25) Emva kokuba bekwenzile okutshiwo ngummiselwana (24), abagocagoci mabawabuyisele onke amaphethe okuvota, kuquka nalawo awaliweyo, bawabuyisele kwibhokisi lokuvota, bayitshixe, bayithwine kwakhona, baze bayinike usihlalo ayilondoloze.

(26) (a) Ngokulawulwa sisiqendu (b), amagqwetha angabagqatswa akwizintlu eziboniswe kwiphepha lokuvota afumene elona nani liphezu leevoti ezivela kumagqwetha, nani elo eliya lincipha kumagqwetha angabagqatswa, athatha njenganyulweyo ukuba abe ngamalungu eBhunga kwezo ndidi.

(b) Ukuba abanelanga abagqatswa ukuba bazalise udid oluthile lwamagqwetha, iBhunga malifake igqwetha elifanelekileyo ukuba livale eso sithuba; lithi ke elo gwetha lifakiweyo lithathwe njengelinyulwe ngokwale mimiselo.

(27) (a) Ngokulawulwa sisiqendu (b), amagqwetha eejaji angabagqatswa kwindidi eziboniswe kwiphepha lokuvota afumene elona nani liphezu leevoti ezivela kumagqwetha eejaji, , nani elo eliya lincipha kumagqwetha eejaji
angabagqatswa, athathwa njenganyuliweyo ukuba abe ngamalungu eBhunga kwezo ndidi.

(b) Ukuba abanelanga abagqatswa ukuba bazalise udidli oluthile lwamagqwetha eeejaji, iBhunga malifake igqwetha leejaji elfanelelekiyelo ukuba livale eso sithuba; lithi ke elo gqwetha leejaji lifakiweyo lithathwe njengelinyulwe ngokwale mimiselo.

(28) Ukuba kukho ikhonkco phakathi kwabagqatswa ababini nangaphezulu, nto leyo ebangela ukuba kungaqinisekwa ukuba ngowuphi umgqatswa onyulwe kudidi oluthile, umzubu wokufuna ngowuphi phakathi kwabo othathwa ngokuthi unyulwe mawuphenduleke ngoko nangoko ngokuthi abagocagoci benze iqashiso ngendlela egqitywe ngabo abagocagoci.

(29) Bakuba begqibile ukugocagoca abagocagoci, ngoko nangoko mababikele usihlalo nosompempe ukuba sithini isiphumo, bebabikela ngokubhala.

(30) Ingxelo ekuthethwe ngayo kummiselwana (29) mayityikitywe ngabo bonke abagocagoci kwaye ibe nezi nkcukacha zilandelayo:
   (a) inani lilonke lamaphethwa okuvota afunyenweyo;
   (b) inani lilamaphethwa okuvota aliweyo nezizathu zokwaliwa kwawo;
   (c) inani lilonke leevoti ezifuna umgqatswa ngamnye kudidi ngalunye;
   (d) isiphumo seqashiso elenziwe ngokommiselwana (28);
   (e) namagama abagqatswa abanyulelele ukuba kwibhunga.

(31) Kamsinya kangangoko kunokwenzeka emva koko, usompempe makenze isigqibo sokuba unyulo luqhutywe ngokukhulelekiyelo nangobulungisa kusini na, aze isiggibo sakhe esibhaliweyo asibhekise kusihlalo.

(32) Esakuba usihlalo eyifumene ingxelo yabagocagoci ekuthethwe ngayo kummiselwana (29) nesibhambathiso esivela kusompempe ekuthethwe ngaso kummiselwana (30), makenze ukuba umgqatswa ngamnye aziswe ngesiphumo sonyulo.

(33) Ingxelo yabagocagoci ekuthethwe ngayo kummiselwana (29) namazwi esibhambathiso avela kusompempe ekuthethwe ngawo kummiselwana (30) zibubungqina obupheleleyo besiphumo sonyulo.

(34) Abagocagoci mabayibuyisele kusihlalo ihokisi yokuvota enamaphethwa okuvota ahloliweyo netshixiweyo ngokommiselwana (19) no-(20), kunye nesitshixo sayo.

(35) Usihlalo makayigcine ibhokisi yokuvota kwinda movable ekhuselekiyelo ikuloo meko ithuba eliziinyanga ezintathu emva komhla ekuthethwe ngawo kummiselwana (11)(e),(iv), ekufuneka ukuba emva kwaloo mhla alivule itywina, ayivule ibhokisi etshixiweyo, akhuphe okungaphakathi, akutshabalalise okungaphakathi kunye namaxwebhu esibhambathiso awamakdelekiyelo afunyenwe liBhunga.

(36) Ukuba unyulo luvakalisiwe ngusompempe lungelulo olukhulelekiyelo nolunobulungisa ngokommiselwana (31), okanye luvakalisiwe ngolo hlobo yinkundla ngeisicelo esifakwe ingekhapheli inyang a sivakalisiwe isiphumo, inkqubo yokunyulwa kwamalungu eBhunga mayiqalwe ekuqaleni.

**Ukusekwa kwamaBhunga Amaphondo**

3. 1. AmaBhunga Amaphondo alithoba axelwe kwisiqendu 23 salo Mthetho ngala—
(a) iBhunga Lephondo LaseMpuma-Koloni eliofisi yalo iseMonti;
(b) iBhunga Lephondo LaseFreyistata eliofisi yalo iseBloemfontein;
(c) iBhunga Lephondo LaseRhawutini eliofisi yalo isePitoli;
(d) iBhunga Lephondo LaKwaZulu-Natal eliofisi yalo isePietermaritzburg;
(e) iBhunga Lephondo LaseLimpopo eliofisi yalo isePolokwane;
(f) iBhunga Lephondo LaseMpumalanga eliofisi yalo iseNelspruit;
(g) iBhunga Lephondo LaseMntla-Koloni eliofisi yalo iseKimberley;
(h) iBhunga Lephondo LaseMntla-Ntshona eliofisi yalo iseMahikeng;
(i) iBhunga Lephondo LaseNtshona-Koloni eliofisi yalo iseKapa.

(2) IBhunga Lephondo ngalinye malithi lakusekwa liseke ubuncinane ikomiti enye yeBhunga Lephondo kwiziko ngalinye ngaphakathi kwiphondo ekukho kwelo ziko ikomkhulu leCandelo LeNkundla Ephakamileyo, kodwa kube kungekho ofisi yeBhunga Lephondo.

(3) Ikomiti ekuthethwe ngayo kummiselwana (2) mayibe namaggwetha amabini namaggwetha eeja yi amabini, amiselwe liBhunga Lephondo kube bubude bexesha obugqitywe liBhunga Lephondo ukuze ilincedise ekusebenziseni kwalo amagunya ayo nasekwenzeni imisebenzi yalo.

(4) IBhunga Lephondo—
(a) malenze isigqibo ngamagunya ekomiti nangemisebenzi yalo;
(b) malichonge ilungu lekomiti libe ngusihlalo, lize lithi ukuba likubona kuyimfuneko, lichonge ilungu lekomiti libre ngusekela-sihlalo;
(c) linokuthi, nangaliphi na ixesha, lilishenxise ilungu lekomiti okanye liyichithe ikomiti; kwaye
(d) linokwenza isigqibo ngenkqubo emayilandelwe ekugqitywebeni kweentlanganiso zekomiti.

(5) IBhunga malithi kamsinya kangangoko kunokwenzeka licinge ngokufudusela ofisi yeBhunga Lephondo LaKwaZulu-Natal eDurban.

Indlela akhiwe ngayo amaBhuna Amaphondo


(2) IBhunga Lephondo LaseRhawutini malibe namaggwetha awenza umsebenzi wobugqwetha ali-12.

(3) Indlela amakakhiwe ngayo amaBhunga Amaphondo ichazwe kwisicangca esingezantsi.

(4) Kulo naliphi na iBhunga, isiqingatha samaggwetha makube ngabasetyhini, esinye isiqingatha kube ngamadoda.
### Isicangca: Indlela Akhiwe Ngayo AmaBhunga Amaphondo

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Amagunya amaBhunga Amaphondo nemisebenzi yawo

5. (1) Igqwetha okanye igqwetha elisaqeqeshwayo elídilesi yalo yomsebenzi wobugqwwetha ikummandla olawulwa liBhunga Lephondo elílithile, liphantsi kwegunya lelo Bhunga Lephondo.

(2) Apha ngezantsi kudweliswe amagunya eBhunga Lephondo nemisebenzi yalo:

(a) kukuseka iiikomiti zeBhunga Lephondo ukuze incedise iBhunga Lephondo ekusebenziseni amagunya alo nasekwenzeni imisebenzi yalo, njengoko kuxelwe kwisiqendu 23(6) salo Mthetho;

(b) kukubhalisa amagqwetha athe amkelwa kumsebenzi wobugqwwetha kummandla ekulawula kuwo elo Bhunga Lephondo;

(c) kukulondoloza uLuhlulwamagqwetha awenza umsebenzi wobugqwwetha jikelele, nawenza umsebenzi wokubhala izivumelwano, nawenza umsebenzi wonaniselwano ngemizi nomhlaba, kummandla ekulawula kuwo iBhunga Lephondo;

(d) kukwamkela izicelo nokuziqwalasela, izizicelo zokwamkelwa kumsebenzi wobugqwwetha jikelele, nowonaniselwano ngemizi nomhlaba okanye owokubhalwa kwezivumelwano, kummandla olawulwa iBhunga Lephondo, ngokuvumelana noko kutshiwo sisiqendu 24(2) salo Mthetho;

(e) kukubhalisa izivumelwano zokuqeqeshelwa umsebenzi ekungenwe kuzo ngokwale mimiselo, izizivumelwano eziqulethe iimfuneko zokuqeqeshelwa umsebenzi zamagqwetha asaqeqeshwayo kummandla olawulwa iBhunga Lephondo.

(f) kukwamkela izicelo zamagqwetha nokuziqwalasela, kummandla olawulwa liBhunga Lephondo, izizicelo zokufumana isiqinisekiso esinika ilungelo lokumela abantu phambi kweNkundla Ephakamileyo, neNkundla Ephakamileyo Yezibheno, neNkundla YoMgaqo-siseko, njengoko kuxelwe kwisiqendu 25(4) salo Mthetho;

(g) kukwamkela izicelo nokuziqwalasela, iezamagqwetha asaqeqeshwayo kummandla olawulwa liBhunga Lephondo, ukuze abe nelungelo lokumela abantu phambi kwenkundla ngokwesiqendu 25(5) salo Mthetho, ize iwanike isiqinisekiso zelo lungelo;

(h) kukwamkela izicelo zamagqwetha asaqeqeshwayo okanye zamagqwetha, izizicelo zokuba anganyanzeleki ukuba asebenzele uluntu, kummandla olawulwa liBhunga Lephondo, lize iBhunga Lephondo liwakhuluwe okunene ekusebenzeleni uluntu, njengoko kuxelwe kwisiqendu 29(3) salo Mthetho;

(i) kukwamkela iiikopi ezisethifayiweyo zemiyalelo yenkundla evela kumabhalane weNkundla Ephakamileyo, ize iziqinisekiso eze kopi, izezamagqwetha akummandla olawulwa liBhunga Lephondo, njengoko kuxelwe kwisiqendu 30(5) salo Mthetho;

(j) kukulicima ekubhalisweni igqwetha okanye ukunqunyanyiswa kwegama lalo njengoko kuxelwe kwisiqendu 31 salo Mthetho;

(k) kukwamkela izicelo nokuziqwalasela, izezokuba amagqwetha abhaliselwe ukwenza uhlobo oluthile lomsebenzi wobugqwwetha atshintshele kolunye uhlobo lomsebenzi wobugqwwetha, njengoko kuxelwe kwisiqendu 32 salo Mthetho;
(l) kukwamkela izicelo zokusekwa kwamaziko oncedo lomthetho nokuziphumeza ezo zicelo, njengoko kuxelwe kwisiqwendu 34(8) salo Mthetho;

(m) kukuseka ikomiti zokuphanda neekomiti zolungiso-similo, njengoko kuxelwe kwisiqwendu 37 salo Mthetho;

(n) kukwenza nawuphi na umsebenzi oncedisa kwimisebenzi eyintloko oyimfuneko ukuze senziwe sisebenze iSahluko 4 salo Mthetho;

(o) kukuqalisa amanyathelo omthetho akhawulezileyo kwINkundla Ephakamileyo ukuze kunqunyanyiswe igqwetha kumsebenzi wobugqwetha nokufumana uncedo olulolunye lwethuthyana, njengoko kuxelwe kwisiqwendu 43 salo Mthetho;

(p) kukwamkela izicelo nokuziqwalasela, izezokukhutshelwa kwamagqwetha iziqinisekiso zeFidelity Fund anyanzeleleklele kuyaba abe nezo ziqinisekiso, njengoko kuxelwe kwisiqwendu 85 salo Mthetho, lize iBhunga Lephondo lithi ukuba lanelisekile zizinto ekuthethwe ngazo kwisiqwendu 85(6) limnike umenzi-sicelo isiqinisekiso seFidelity Fund;

(q) kukuhlola, noba lihlola ngokwalo okanye lihlola iingxelo zemali zetrust account yegqwetha ukuze lizanelise kwinto yokuba okutshiwo sisiqwendu 86 nese-87(1) kuyenziwa, njengoko kuxelwe kwisiqwendu 87(2) salo Mthetho;

(r) kukwenza’ isicelo kwINkundla Ephakamileyo sokwalela naliphi na igqwetha ekuthethwe ngalo kwisiqwendu 84(1) salo Mthetho ukuba lingayisebenzisi konke-konke itrust account yalo, isicelo esifuna umailelo wenkundla wokuba kumisilekile umntu ogunyazwe yinkundla wokulawula loo trust account, njengoko kuxelwe kwisiqwendu 89 salo Mthetho;

(s) kukwenza’ isicelo kwINkundla Ephakamileyo somyalelo wokumiselwa komuntu ogunyazwe yinkundla ukuba alawule itrust account yegqwetha kwiimeko ezixelwe kwisiqwendu 90 salo Mthetho;

(t) nokwenz’ ingxelo kwiBhunga ngokusetyenziswa kwamagunya nokwenziwa kwemisebeni ekuthethwe ngayo kwisiqwendu (a) ukuya ku-(s) nokunika ingombolo evela ekusetyenzisweni kwamagunya nasekwenziweni kwemisebeni, xa ifunwa liBhunga.

limfuneko zokuqeqeshelwa umsebenzi ekufuneka ukuba amagqwetha asaqeqeshwayo ahlangozabane nazo ngaphambi kokuba amkelwe yinkundla njengamagqwetha

6. (1) Nawuphi na umntu onenjongo yokwamkelwa aze abhaliswe njengegqwetha makathi, emva kokuba ezanelise zonke limfuneko zokuqeqeshwayo isidanga ekuthethwe ngaso kwisiqwendu 26(1)(a) okanye (b) salo Mthetho, asebenze enqanyangelwe sisivumelwano sokuqeqeshelwa umsebenzi esebenza nomuntu ekuthethwe ngaye kummisielwana (5)—

(a) ithuba elinganqamkiyo eliziinyanga ezingama-24; aze

(i) ngelo xesha esebenza enqanyangelwe sisivumelwano sokuqeqeshelwa umsebenzi; okanye

(ii) kwithuba elingengaphazulu kweenyanga ezili-12 emva kokuba siphelile sisivumelwano sokuqeqeshelwa umsebenzi,
agqibe izifundo ezithatha ixesha elingekho ngaphantsi kweeyure ezi-150, kodwa ke ukuba igqwetha elisaqeqeshwayo liyoyisakala ukugqiba izifundo kwisithuba seenyanga ezingama-36 emva komhla wokubhaliswa kwesivumelwano sokuqeqeshelwa umsebenzi, kuza kufuneka ukuba aziphinde izifundo; okanye

(b) ixesha elinganqamkiyo eliziinyanga ezili-12 ukuba, ngaphambi kokubhalisela isivumelwano sokuqeqeshelwa umsebenzi, uggibe izifundo ezimiselwweyo ekukho kuzo izifundo ezisisinyanzelo ezithatha ixesha elingengagaphezulu kwama-400 eeyure xa zidibene, kwisithuba esingengagaphezulu kweenyanga eziintandathu.

(2) Umntu ekuthethwe ngaye kummiselwana (1)(a) ongene kwisivumelwano sokuqeqeshelwa umsebenzi ithuba eliziinyanga ezingama-24 unokuthi, akuba esebenze iinyanga ezili-12 kwesewo sivumelwano, enze isicelo sokuba amkelwe aze abhaliswe njenengeqgwetha ukuba uthe, kwelo thuba leenyanga ezili-12 kodwa kwixesha elingelilo elomsebenzi weso sivumelwano, waggiba izifundo ezimiselwweyo, eziquka izifundo ezisisinyanzelo, ezithatha ixesha elingekho ngaphantsi kwama-400 eeyure xa zidibene.

(3) Ukbakho kwizifundo zoqeqesho ezifumaneka kwSikolo Sokuqeqeshelwa Umsebenzi SoMbutho Wamagqwetha njengoko kufunwa yiAttorneys Act, elalisele lizibhalisele igqwetha elisaqeqeshwayo ngaphambi komhla ekuthethwe ngawo kwisiqendu 120(4) salo Mthetho kwaye lithe labakho kwezo izifundo kwisithuba seenyanga ezili-12 emva kwalo mhlala, kuya kuthathwa ngokuthi lihlangabezene neemfuneko zezifundo ekuthethwe ngazo kummiselwana (1)(a) no-(b).

(4) Ngokulawulwa koko kokitshiwo ngulo Mthetho, naliphi na ithuba lokusebenza elingaphambi kokuba igqwetha elisaqeqeshwayo lifikelele iimfuneko zesidanga ekuthethwe ngazo kwisiqendu 26(1)(a) okanye (b) salo Mthetho, alithathwa njengethuba elaneleyo lokusebenza ngokwesivumelwano sokuqeqeshelwa umsebenzi.

(5) Iggqwetha elisaqeqeshwayo lisenokugcinwa phantsi kwesivumelwano sokuqeqeshelwa umsebenzi, ligcinwa ligqwetha—
(a) elizimeleyo;
(b) elisebenza njengeqabane lelinye kwiofisi yamagqwetha;
(c) elisebenza njengelungu lenkampani ebhalisweyo;
(d) elisebenza njengeqgwetha likarhulumente;
(e) elisebenza njengeqgwetha elingumncedisi oqeshiweyo kwiofisi yamagqwetha iminyaka emihihlanu kwisithuba seminyaka emithandathu edlulileyo; okanye
(f) eliqeshwe ngokupheleleyo—
(i) yiLegal Aid South Africa eyasekwa ngokweLegal Aid South Africa Act 39 ka-2014; okanye
(ii) liziko loncedo lonkuthelo elivunywe liBhunga ngenjongo yokuqeqesha amagqwetha asaqqeshwayo, nelithi libe lilo isilo ekuqeqeshweni kwamagqwetha asaqqeshwayo; okanye
(iii) lilo naliphi na elinye iziko elivunywe liBhunga ngenjongo yokuqeqesha amagqwetha asaqqeshwayo, nelithi libe lilo isilo ekuqeqeshweni kwamagqwetha asaqqeshwayo.

(6) Iggqwetha eliqeqesha igqwetha elisaqeqeshwayo—
(a) njengoko kuxelwe kummiselwana (5)(a) ukuya ku-(d) limele ukuba lisebenze njengeqgwetha iminyaka engekho ngaphantsi kxesithathu, okanye amaxesha azizijungque angekho ngaphantsi kweminyaka emithathu xa edityaniswa, kxisithuba seminyaka emine edlulileyo; kwaye

(b) njengoko kuxelwe kummiselwana (f), limele ukuba lisebenze njengeqgwetha iminyaka engekho ngaphantsi kxesithathu, okanye amaxesha azizijungque angekho ngaphantsi kwemithathu xa edityaniswa, kxisithuba seminyaka emine ngaphambibokukuba liqeshwe yilegal Aid South Africa okanye leliyene iziko.

(7) Ukusebenza kwegqwetha elisaqeqeshwayo lisebenza phantsi kwegqwetha elingawenziyo umsebenzi wobugqwetha okanye elingakhan'eliwenze umsebenzi wobugqwetha njengoko kuxelwe kummiselwana (5), oko kusebenza kwegqwetha elisaqeqeshwayo akuthathwa njengokusebenza phantsi kxesivumelwano sokuqeqeshelwa umsebenzi ngokwale ngokwali mimalilo.

(8) Igqwetha ekuthethwe ngalo kummiselwana (5)(a) ukuya ku- (e) alivumelekanga, nangaliphi na ixesha, ukuba libe namagqwetha asaqeqeshwayo angaphezu kxesithathu, kanti lona igqwetha ekuthethwe ngalo kummiselwana (5)(f) alivumelekanga, nangaliphi na ixesha, ukuba libe namagqwetha asaqeqeshwayo angaphezu kxesithandathu xa edityaniswa ewonke ephantsi kxesivumelwano sokuqeqeshelwa umsebenzi.

(9) Xa igqwetha lisweleka okanye lithath’ umhlalamaphantsi kumsebenzi wobugqwetha okanye ligxothiwe kumsebenzi wobugqwetha, naliphi na igqwetha kumagqwetha asaphilayo okanye aselelo abengamaqabanano, naliphi na igqwetha eliliunjani kwamagqwetha ebelilunjani kuyo igqwetha eliswelekelelo, okanye naliphi na igqwetha eflieshe ngokuphelelelo yilegal Aid South Africa okanye leliyene iziko, linokusithathela kuso isivumelwano sokuqeqeshelwa umsebenzi selo gqewitha elisaqeqeshwayo, nangona oko kusenokuthetha ukuba igqwetha elithathela kulo isivumelwano liza kuba namagqwetha asaqeqeshwayo angaphezu kxesithathu okanye isithandathu, phantsi kxesivumelwano.

(10) Izifundo ezisisinyanzelo ekuthethwe ngazo kummiselwana (1)(a) no-(b) mazihloho ukuba semgangathweni kwazo kwaye zifane kuyo yonke iRiphablikhi, kwaye phakathi kwazo makubekho ezi zizidleyelo:

(a) ukusebenza ngoMgaqo-siseko;
(b) indlela efanekilelo yokuziphatha kwamagqwetha;
(c) amabango okwenzakala;
(d) ukucelwe kwikekunqanda eziphakamilelo;
(e) ukucelwe kwikekunqanda zemantyi;
(f) ukucelwe kwikekunqanda zolwapholo-mthetho;
(g) ukusonjululwa kwezivumelwano zamsebenzi;
(h) ukusonjululwa kwezivumelwano ngendlela eyenyene;
(i) ukuciniva kwezivumelwano zamsebenzi;
(j) iincwadi zemiyolelo yamafa nomtha;
(k) umthetho womthshato;
(l) iindleko zamagqwetha;
(m) ukubhalwa kwezivumelwano;
(n) ukusetyenziswa kobuchwepheshe beekhompyutha kumsebenzi wobugqwetha, nomthetho ongolwaphulo-mthetho iweekhompyutha;
(o) nentshayelelo emsebenzini wokuphatha.

(11) Uqeqesho olufumaneka ngokwale mimiselo maluhlolwe liBhunga ukuba semgangathweni kwalokwemigqaliselo.

limfuneko zokuqeqeshelwa umsebenzi ekufuneka ukuba amagqwetha eejaji asaqqeqeshwayo ahlangu abezane nazowo ngaphambhi kokuba amkelwe yinkundla njengamagqwetha

7. (1) Umntu onenjongo yokwamkelwa aze abhaliswe njengegqwetha leejaji—
(a) makasebenze enkqanyangelwe sisivumelwano sokuqeqeshelwa umsebenzi esebenza nomntu ekuthethwe ngaye kummiselwana (4) ithuba elinganqamkiyo eliziinyanga ezili-12 emva kokuba ezanelise zonke limfuneko zokusumelwana isidanga ekuthethwe ngaso kwisiqendeni 26(1)(a) okanye (b) saldo Mthetho; aze
(b) ngaphambhi kwelo xesha okanye ngelo xesha esebenza enkqanyangelwe sisivumelwano sokuqeqeshelwa umsebenzi, makaggibele izifundo ekukho phakathi kwazo izifundo ezisisinyanzelo, ezingathathi ixesha elingaphezu kweewu yezingamela-400 xa zidityanisiwe kwithuba elingekho ngaphambhi kweewu ezinyenza ezintandathu.

(2) Ukubakho kwizifundo zoqeqesho ezivunywe nanguwuphi na umbutho okhoyo wamagqwetha eejaji okanye ezivunywe yiNational General Council of the Bar okanye yiGeneral Council of the Bar, elalisele lizibhalisile igqwetha leejaji elisaqqeqeshwayo ngaphambhi komhla ekuthethwe ngawo kwisiqendeni 120(4) saldo Mthetho kwaye litha labakho kwego izifundo kwisithuba seenyanga ezili-12 emva kwaloo mhla, kuya kuthathwa ngokuthi likwenzile okufununa ngumiselwana (1)(b) ngokwale mimiselo.

(3) Ngokulawulwa koko kutshiwo ngulo Mthetho, naliphi na ithuba lokusebenza elingaphambhi kokuba igqwetha leejaji elisaqqeqeshwayo lifikelele limfuneko zesidanga ekuthethwe ngazo kummiselwana (1), alithathwa njengethuwa elaneleyo lokusebenza ngokwesivumelwano sokuqeqeshelwa umsebenzi.

(4) Igqwetha leejaji elisaqqeqeshwayo lisenokugcinwa phantsi kwesivumelwano sokuqeqeshelwa umsebenzi, ligcinwa igqwetha leejaji—
(a) elibhalisweyo nelemba umsebenzi weiqeqeshwayo leejaji; okanye
(b) eliqeqeshwe ngokupheleleayo—
(i) yiLegal Aid South Africa eyasekwa ngokweLegal Aid South Africa Act 39 ka-2014;
(ii) liziko loncedo lomthetho elivunywe liBhunga ngenjongo yokuqeqesha amagqwetha eejaji asaqqeqeshwayo, nelithi libe liliso ekuqeqeshweni kwamagqwetha eejaji asaqqeqeshwayo; okanye
(iii) lilo naliphi na elinye iziko elivunywe liBhunga ngenjongo yokuqeqesha amagqwetha eejaji asaqqeqeshwayo, nelithi libe liliso ekuqeqeshweni kwamagqwetha eejaji asaqqeqeshwayo.

(5) Igqwetha leejaji eliqeqesha igqwetha leejaji elisaqqeqeshwayo—
(a) njengoko kuxelwe kummiselwana (4)(a) limele ukuba lisebenzi njengegqwetha leejaji iminyaka engekhgo ngaphantsi kwesithathu, okanye amaxesha azizijungqe
angekho ngaphantsi kweminyaka emithathu xa edityaniswa, kwisithuba seminyaka emine edlutile; kwaye

(b) njengoko kuxelwe kummiselwana (4)(b), limele ukuba lisebenze njengeggwetha leejaji iminyaka engekho ngaphantsi kwesithathu, okanye amaxesha azizijungqe aneke ngaphantsi kwemithathu xa edityaniswa, kwisithuba seminyaka emine ngaphambili kokuba liqeshwe yiLegal Aid South Africa okanye lelinye iziko.

(6) Ukusebenza kwegqwetha leejaji elisaqeqeshwayo lisebenza phantsi kwegqwetha leejaji elingawenziyo umsebenzi wamagqwetha eejaji okanye elingakhange liwenze umsebenzi wamagqwetha eejaji njengoko kuxelwe kummiselwana (5), oko kusebenza kwegqwetha leejaji elisaqeqeshwayo akuthathwa njengokusebenza phantsi kwesivumelwano sokuqeqeshelwa umsebenzi ngokwale mimiselo.

(7) Igqwetha leejaji ekuthethwe ngalo kummiselwana (4)(a) alivumelekanga, nangaliphi na ixesha, ukuba libre namagqwetha eejaji asaqeqeshwayo angaphezu kwelinye, kanti lona igqwetha leejaji ekuthethwe ngalo kummiselwana (4)(b) alivumelekanga, nangaliphi na ixesha, ukuba libre namagqwetha asaqeqeshwayo angaphezu kwesithandathu xa edityaniswa ewonke ephantsi kwesivumelwano sokuqeqeshelwa umsebenzi.

(8) Xa igqwetha leejaji lisweleka okanye lithath’ umhlalaphantsi kumsebenzi wobugqwetha okanye liqxothisiwe kumsebenzi wobugqwetha, nali phi na igqwetha leejaji elihlangabezananayo neemfuneko zale mimiselo linokusithathela kuso isivumelwano sokuqeqeshelwa umsebenzi zelo nigqwetha leejaji eejaji ekuthethwe ngawo kwesiqendu 34(2)(b), makubekho isifundo sokugcinwa kweencwadi njengoko kuxelwe kummiselwano 6(10)(i);

(b) ubuchule bokumela umntu enkundleni, obuquka ukuxoxwa kwamatyala nokwenziwa kwezicelo enkundleni;

(c) ukusonjululwa kwembambano ngendlela eyenye;

(d) inkqubo kumatyala embambano;

(e) inkqubo kumatyala olwaphulo-mthetho;

(f) indlela efanelekileyo yokuziphathwa kwamagqwetha;

(g) indlela yokubhala amaxwebhu omthetho;

(h) umthetho omalunga noMgaqo-siseko nomthetho wesintu;

(i) ukusetyenziswa kobuchwepheshe bekhompyutha kumsebenzi wobugqwetha, kunye nemithetho engeekhompyutha;

(10) Uqeqesho olufumaneka ngokwale mimiselo maluhlolwe liBhunga ukuba semgangathweni kwalo ngokwemigqaliseloe.

Ilungelo lamagqwetha eejaji asaqeqeshwayo lokumela abantu enkundleni okanye kwenye indawo
8. (1) Igqwetha leejaji elisaqeqeshwayo linelungelo lokumela umntu—
   
   (a) nakweyiphi na inkundla, ngaphandle kwakwiNkundla Ephakamileyo, nakwiNkundla Ephakamileyo Yezibheno nakwiNkundla YoMgaqo-siseko;
   
   (b) naphambi kwebhodi, okanye abachopheli-matyala okanye iqumrhu elinjengelo, limmela umntu endaweni yomntu eliqeqeshwa nguye, okanye ngemvume yomntu eliqeqeshwa nguye.
   
   (2) Igqwetha leejaji elisaqeqeshwayo linokumela umntu kwinkundla yenqila eyasekwa ngokwesiqendu 2 se *Magistrates’ Courts Act* ka-1944 njengoko kuxelwe kummiselwana (1) kuphela ukuba seliggibe ubuncinane iinyanga ezintandathu zokuqeqeshelwa umsebenzi.

**Icebo lokuqoshelisa imicimbi**


**ISONGEZO A**

(Ummiselo 2)

**IPHEPHA LOKUVOTA — AMAGQWETHA**

Igqwetha ngalinye elikuLuhlu Lwamagqwetha Awenza Umsebenzi Wobugqwetha linokuvotela abagqatswa abanokude baye kuthi xhashhe kwi-10, libavotela bethabatha kubagqatswa abadweliswe ngezantsi.

Malunga nonyulo lokuqala oluza kughutywa phantsi kwegenya leQonga ngokommiselo 2(3), igqwetha ngalinye elenza umsebenzi wobugqwetha elamkelweyo laza labhaliswa livumelekele ukuba ivotele ukunyulwa kwabagqatswa.

Kodwa ke qaphela ukuba, ukuze kufezwe okufunwa sisiqendu 7(2)(a) soMthetho Wobugqwetha 28 ka-2014, kuxhomekeke nasekufumanekeni kwabagqatswa, amanenekazi amane aNtsundu, amadoda amathathu aNtsundu, inenekazi elinye eliMhlophe, namadoda amabini aMhlophe anelona nani liphezulu leevoti kwiindidi abakuzo, baya kuba ngamagqwetha ali-10 aya kuba ngamalungu eBhunga Lomsebenzi Wobugqwetha.

linkcukacha ezimfutshane zomqgqatswa ngaMnye ziyafumaneka kwiwebsayithi yeBhunga.
Xa nivota, ncedani nikhumbule oko kutshiwo sisiqendu 7(2) soMthetho Wobugqwetha:

"Xa kuqulunqwa iBhunga, makucingelwe izinto ezilandelayo kangangoko kunokwenzeka:

(a) ubume boMzantsi-Afrika ngokweentlanga zawo nangokwesini;
(b) injongo zeBhunga;
(c) ukumelwa kwbantu abagogekileyo okanye abaneanziphene
(d) ukumelwa kwiphondo;
(e) namava nolwazi—
   (i) lokunikwa koncedo lomthetho;
   (ii) imigaqo yokukhuthaza ukufumana ubulungisa;
   (iii) ukufundiswa nokuqeqeshwa ngomthetho;
   (iv) imicimbi ephathelele kobudwini besiyo beenkonsento.
   (v) amatyala embambano nawolwaphulo-cthetho nokusebenza kweenkundla nabachopheli-
      matyala jikelele;
   (vi) ukuziphatha ngokufanelekeleyo kwabantu abanika uncedo lomthetho;
   (vii) ukusingathwa kwezikhalazo;
   (viii) nomthetho ongokhuphiswano.

QAPHELA:
Igama elithi "oNtsundu" ("Black") linentsingiselo ekwanye elinayo kwisiqendu 1 seBroad-Based Black Economic Empowerment Act 53 ka-2003, xa ifundwa kunye
neBroad-Based Black Economic Empowerment Amendment Act 46 ka-2013; ligama
eliquka ndawonye abaNtsundu, abeBala namalIndiya abangabemib Riphablili
yoMzantsi-Afrika ngokuzalwa okanye ngemvelaphi, okanye abathu baba ngabemib
boMzantsi-Afrika ngokuthi bathi bengabelinye ilizwe benziwe abemib beli ilizwe
ngokuhlengabezana neemfuneko zomthetho weli ilizwe ngaphambi komhla wama-27
kuApril 1994 okanye ngawo umhla wama-27 kuApril okanye ngemva kwawo,
abebeya kukufanelekelu ukuzuzza umbi ngokuhlengabezana neemfuneko zomthetho
weli ilizwe ngaphambi kwaloo mhla, kwakunye nabo nabo abantu abachusetse
ngokuthi bangabaNtsundu ngokwenjongo yale mithetho exelwe apha ngaentla.

ISONGEZO B
(Ummiselo 2)
IPHEPHA LOKUVOTA — AMAGQWETHA EEJAJI

Igqwetha leejaji ngalinye elikuLhlu Lwamagqwetha Eejaji Awenza Umsebenzi
Wobugqwetha anokuvotela bagqatswa abanokude baye kuthi xhaxhe kwisithandathu,
bethabhathu kubagqatswa abadwelisiwe ngezantsi.
Malunga nonyulo lokqala oluza kuqhutywa phantsi kwegunya leQonga ngokommiselo
2(2), igqwetha leejaji ngalinye elenza umsebenzi wobugqwetha elamkelweyo nelenza
umsebenzi wobugqwetha, livumekile ukuba livotele ukunyulwa kwabagqatswa.
Ncedani niqaphele ukuba ukuse kufuze okufunwa sisiqendu 7(2)(a) soMthetho
Wobugqwetha 28 ka-2014, kuxhomekeke nasekuqebaneke kwabagqatswa,
amanekazi amabini aNtsundu, amadoda amabini aNtsundu, inenekazi elinye
eliMhlophe, nendoda enye eMhlophe, abanelona nani liphezulu leevoti kwiindidi abakuzo, baya kuba ngamagqwetha eejaji amathandathu aya kuba ngamalungu eBhunga Lomsebenzi Wobuggwetha.

Inkcazelo emfutshane yomggqatswa ngamnye iyafumaneka kwiwebsayithi yeBhunga.

Xa nivota, ncedani nikhumhule oko kutshiwo sisiqendu 7(2) soMthetho Wobuggwetha:

Xa kuqulunqwa iBhunga, makucingelwe izinto ezilandelayo kangangoko kunokwenzeka:

  (f) ubume boMzantsi-Afrika ngokweentlanga zawa nangokwesini;
  (g) injongo zeBhunga;
  (h) ukumelwa kwabantu abagogekileyo okanye abaneziphene
  (i) ukumelwa kwiphondo;
  (j) namava nolwazi—
      (ix) lokunikwa koncedo lomthetho;
      (x) imigaqo yokukhuthaza ukufumana ubulungisa;
      (xi) ukufundiswa nokuqequesha ngomthetho;
      (xii) imicimbi ephathelele kubasebenzisi beenkonzo;
      (xiii) amatyala embambano nawolwaphulo-mthetho nokusebenza kweenkundla nabachopheli-
              matyala jikelele;
      (xiv) ukuziphatha ngokufanelekileyo kwabantu abanika uncedo lomthetho;
      (xv) ukusingathwa kwezikhalazo;
      (xvi) nomthetho ongokhuphiswano.

QAPHLELA:

Igama elithi “oNtsundu” ("Black") linentsingiselo ekwanye elinayo kwisisiqendu 1 seBroad-Based Black Economic Empowerment Act 53 ka-2003, xa ifundwa kunye neBroad-Based Black Economic Empowerment Amendment Act 46 ka-2013; ligama eliquka ndawonye abaNtsundu, abeBala namalndiya abangabemi beRiphablikhi yoMzantsi-Afrika ngokuzalwa okanye ngemvelaphi, okanye abathi baba ngabembi boMzantsi-Afrika ngokuthi bathi bengabelinye ilizwe benziwe abemi beli lizwe ngokuhlanguabezana neemfuneko zomthetho weli lizwe ngaphambi komhla wama -27 kuAprili 1994 okanye ngawo umhla wama-27 kuAprili okanye ngemva kwawo, nabebeya kukufaneleleka ukuzuza ubumi ngokuhlanguabezana neemfuneko zomthetho weli lizwe ngaphambi kwaloo mhl, kwakunye nabanye abantu abanokuthi bachazwe ngokuthi bangabaNtsundu ngokwenjongo yale mithetho exelwe apha ngentla.