

**LEGAL PRACTICE COUNCIL
NOTICE 437 OF 2020**

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Date: 14 August 2020

**THE SOUTH AFRICAN LEGAL PRACTICE COUNCIL
REQUEST FOR COMMENT: LANGUAGE POLICY**

All interested parties are invited to comment on the draft Language Policy of the South African Legal Practice Council.

The draft Policy is published herewith for comment.

All interested parties are called upon to submit their comments to Council in writing within a period of 30 days from the date of publication of this notice.

All comments must be sent by email to rules@lpc.org.za on or before 14 September 2020.

SIGNED AT MIDRAND THIS 14TH DAY OF AUGUST 2020

Ms Kathleen Matolo-Dlepu

Chairperson: Legal Practice Council

EXECUTIVE COMMITTEE: Ms Kathleen Matolo-Dlepu (*Chairperson*) | Adv Anthea Platt SC (*Deputy Chairperson*) |
Adv. Greg Harpur SC | Ms Trudie Nichols | Mr Lutendo Sigogo | Mr Jan Stemmett | Adv. Phillip Zilwa SC
Executive Officer: Ms Charity Nzuza



The South African Legal Practice Council Policy Manual

Language Policy

Policy Owner	Legal Practice Council		
Effective date	When finalised		
Authorized by	Chairperson Ms Kathleen Matolo-Dlepu		
		Signature	Date
	Executive Officer Ms Charity Nzuza		
		Signature	Date
Note	The South African Legal Practice Council reserves the right to amend the contents of this policy as and when required.		

1. INTRODUCTION

1.1 The South African Legal Practice Council (“the LPC”) is a statutory body established in terms of Section 4 of the Legal Practice Act No. 28 of 2014 (“the LPA”).

1.2 The purpose of the LPA is to, *inter alia*:-

- create a single unified statutory body to regulate the affairs of all legal practitioners and all candidate legal practitioners in pursuit of the goal of an accountable, efficient and independent legal profession;
- protect and promote the public interest;
- provide a fair, effective, efficient and transparent procedure for the resolution of complaints against legal practitioners and candidate legal practitioners

1.3 The objects of the LPC are to, *inter alia*:-

- facilitate the realisation of the goal of a transformed and restructured legal profession that is accountable, efficient and independent;
- preserve and uphold the independence of the legal profession;
- determine, enhance and maintain appropriate standards of professional practice and ethical conduct of all legal practitioners and all candidate legal practitioners;
- promote access to the legal profession, in pursuit of a legal profession that broadly reflects the demographics of the Republic;



- provide for procedures for complaints and disciplinary action in respect of misconduct by legal practitioners and candidate legal practitioners.
 - uphold and advance the rule of law, the administration of justice, and the Constitution of South Africa.
- 1.4 The LPC recognises that the legal practitioners and candidate legal practitioners who are regulated by it form part of the rich multicultural and multilingual tapestry of South Africa.

2. SCOPE AND OBJECTIVE OF THE POLICY

- 2.1 This policy is applicable to the employees of the LPC, its Council and Provincial Council members, its Committees, Provincial Committees and its service providers and all documents published, printed and distributed in any format (including electronic) by the LPC. It is expected of all to comply with the letter and spirit of this policy.
- 2.2 The purpose of the policy is to:
- 2.2.1 improve on both internal and external communication;
 - 2.2.2 promote good language management for efficient service administration by the LPC to meet all stakeholders expectations and needs;
 - 2.2.3 demonstrate support for the promotion of language equity and language rights and in this regard to accommodate and encourage linguistic diversity and multilingualism particularly at the interface with members of the public and in relation to the lodgement of complaints against legal practitioners and candidate legal practitioners.
 - 2.2.4 recognise that the above-stated purposes are subject to the qualifications that:
 - 2.2.4.1 the Council may use any particular official language for the purpose of regulation, taking into account usage, practicality, expense, regional circumstances, and all other reasonable and/or relevant factors including the balance of the needs and preferences of the population as a whole, or in the province concerned;
 - 2.2.4.2 the Council will endeavour to take all reasonable measures within its available resources to achieve the progressive realization of the rights embodied in section 30 of the Constitution that everyone has the right to use the language of their choice, but no one exercising these rights may do so in a manner inconsistent with any provision of the Bill of Rights.



3. DEFINITIONS

- 3.1 **Constitution** means the Constitution of the Republic of South Africa, 1996.
- 3.2 **External communication** means communication between the LPC, Provincial Councils, the legal profession, its stakeholders and members of the public. It also includes examinations and assessments conducted through the LPC.
- 3.3 **Internal communication** means communication with LPC employees and Committees (national, provincial, divisions, units, departments).
- 3.4 **Multilingual** means the use of more than one language or the ability to use more than one language.
- 3.5 **Official languages** means any one of the languages recognised as such by the Constitution.

4. LEGAL PRINCIPLES

This policy recognises that the following legislation, amongst others, takes precedence over any provisions of this policy and are applicable to this policy:

- 4.1 The Constitution of the Republic of South Africa 1996.
- 4.2 The Legal Practice Act, 28 of 2014.

5. THE POLICY

- 5.1 The LPC recognises its accountability to all its stakeholders under the legal and regulatory requirements applicable to its operations and is committed to high standards in terms of business conduct.
- 5.2 The LPC commits itself to:
- 5.2.1 recognising the constitutional basis towards multilingualism;
- 5.2.2 promoting and understanding that all official languages must be treated equitably;
- 5.2.3 promoting good language management; and
- 5.2.4 preventing the use of any language for the purpose of exploitation, domination and discrimination within the LPC.
- 5.3 The language policy is based on the following principles:
- 5.3.1 Effective communication within the framework of multilingualism;
- 5.3.2 Equity of language rights as outlined in the Constitution of the Republic of South Africa;
- 5.3.3 Facilitating internal and external communication;



- 5.3.4 Viewing multilingualism as a resource; and
- 5.3.5 Redressing marginalization of indigenous languages.
- 5.4 South Africa is a multi-lingual society with 11 official languages. Section 6 of the Constitution provides the legal framework for embracing linguistic and cultural diversity within the LPC.
- 5.5 The Employment Equity Act protects employees from unfair discrimination. Section 6(1) of the Employment Equity Act prohibits discrimination on, *inter alia*, the grounds of culture and language.
- 5.6 The LPC's policy is also informed by the fact that English is the language of record in court proceedings and the predominant language used in business, international law and politics, commerce and industry.
- 5.7 Accordingly, English is the language of record for the LPC and all internal and external communication will be in English.
- 5.8 The LPC hereby determines that its language of record shall be English.

6. COMPLAINTS MECHANISM FOR COMPLAINTS OF MISCONDUCT

- 6.1 The LPC's Code of Conduct serves as the prevailing standard of conduct, which legal practitioners and candidate legal practitioners must adhere to, and failure to do so constitutes misconduct.
- 6.2 Based on the importance of promoting the use and development of all the official languages and in order to facilitate the manner in which members of the public may lodge complaints at the LPC's Provincial Councils, the LPC will, in addition to English, seek to ensure that it is able to receive and interpret complaints from members of the public in other official languages to the extent that this may be practicable and convenient according to the means and abilities that are present in the provincial office of the LPC concerned.
- 6.3 This service will be provided by Provincial Council employees who are multilingual and not by formal language practitioners or interpreters.