

LEGAL PRACTICE COUNCIL**NOTICE 2309 OF 2024**

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THE SOUTH AFRICAN LEGAL PRACTICE COUNCIL
NOTICE IN TERMS OF SECTION 95(1) & (4) OF THE LEGAL PRACTICE ACT, 28 OF 2014

Notice is hereby given that the Legal Practice Council withdraws General Notice No. 2231 of 2023, which appeared in Government Gazette No. 49833 on 8 December 2023 which has an error in the amended part of the provisions of Rule(s) 22.1.5.1 and 22.2.4.1 of the Legal Practice Council Rules.

Notice is further given that the Council amends the Rules of the Council made under the authority of sections 95(1), 95(3) and 109(2) of the Legal Practice Act, 28 of 2014 (as amended) by amendment of the following rule(s) to the South African Legal Practice Council Rules:

Amendment to Rule 21.11.

- 21.11 An assessment referred to in rules 21.2 and 21.5 shall not be conducted in respect of any person unless that person-
- 21.11.1 has complied with the provisions of the Act in regard to practical vocational training; or
 - 21.11.2 is undergoing practical vocational training and has so undergone practical vocational training for a continuous period of not less than six months; or
 - 21.11.3 only in the case of a person wishing to be admitted and enrolled as an attorney, has completed, to the satisfaction of Council, a programme of structured coursework referred to in regulation 6(1)(b) of the regulations made under section 109(1)(a) of the Act.

Amendment to Rule 22.1.2.

- 22.1.2.1 A practical vocational training contract shall be substantially in the form set out in Schedule 2 of these rules.
- 22.1.2.2 The original of any practical vocational training contract shall, within two months of the date of signature of the contract, be lodged by the principal concerned with the Council.
- 22.1.2.3 The Council shall, on payment of the prescribed fee, examine any practical vocational training contract lodged with it and, if it is satisfied that the practical vocational training contract is in order and the Council has no objection to its registration, register the practical vocational training contract, and shall advise the principal and the candidate attorney concerned in writing of such registration.
- 22.1.2.4 If a practical vocational training contract is not lodged for registration within two months from the date of signature thereof, any service under any such contract will be deemed to commence on the date of registration.

Amendment to Rule 22.1.5.

22.1.5.1 A candidate attorney shall not have any pecuniary interest in the practice and service of an attorney, other than in respect of bona fide remuneration for his or her services as a candidate attorney, and shall not, without prior written consent of the Council, hold or occupy any office in respect of which he or she receives any form of remuneration, directly or indirectly, or engage in any business other than that of a candidate attorney.

22.1.5.2 If any candidate attorney contravenes the provisions of rule 22.1.5.1 the contract concerned shall be void *ab initio* and service rendered thereunder shall be ineffective unless the court on good cause shown otherwise directs.

Amendment to Rule 22.2.2.

22.2.2.1 A practical vocational training contract shall be substantially in the form set out in Schedule 3 of these rules.

22.2.2.2 The original of any practical vocational training contract shall, within two months of the date of signature of the contract, be lodged by the training supervisor concerned with the Council.

22.2.2.3 The Council shall, on payment of the prescribed fee, examine any practical vocational training contract lodged with it and, if it is satisfied that the practical vocational training contract is in order and the Council has no objection to its registration, register the practical vocational training contract, and shall advise the training supervisor and the pupil concerned in writing of such registration.

22.2.2.4 If a practical vocational training contract is not lodged for registration within two months from the date of signature thereof, any service under any such contract will be deemed to commence on the date of registration.

Amendment to Rule 22.2.4.

22.2.4.1 A pupil shall not have any pecuniary interest in the practice and service of an attorney, or in the practice of an advocate, and shall not, without the prior written consent of the Council, hold or occupy any office in respect of which he or she receives any form of remuneration, directly or indirectly, or engage in any business other than that of a pupil.

22.2.4.2 If a pupil contravenes the provisions of rule 22.2.4.1, the contract concerned shall be void *ab initio* and ineffective unless the court on good cause shown otherwise directs.

Signed at Midrand on 13 December 2023.



Ms. C Nzuzi
Executive Officer: Legal Practice Council