Government Gazette
Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Vol. 594 Cape Town, Kaapstad, 9 December 2014 **No. 38316**

THE PRESIDENCY

No. 1014 9 December 2014

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

Act No. 40 of 2014: Attorneys Amendment Act, 2014

DIE PRESIDENSIE

No. 1014 9 December 2014

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

Wet No 40 van 2014: Wysigingswet op Prokureurs, 2014

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GENERAL EXPLANATORY NOTE:

[ ]	Words in bold type in square brackets indicate omissions from existing enactments.
______	Words underlined with a solid line indicate insertions in existing enactments.

(English text signed by the President)
(Assented to 9 December 2014)

ACT

To amend the Attorneys Act, 1979, as an interim measure, pending the enactment of legislation aimed at rationalising the legal profession, so as to address disparities in relation to attorneys and candidate attorneys in the territories comprising the former Republics of Transkei, Bophuthatswana, Venda and Ciskei, and, for that purpose, repeal the laws of the former territories in so far as they are still applicable to attorneys and candidate attorneys in these territories; to further regulate the engagement of candidate attorneys and their right of appearance in courts; to give effect to a Constitutional Court judgment; to further regulate juristic persons conducting a legal practice; to enable actions against the Attorneys Fidelity Fund to be instituted in other courts than the High Court; to change the names of certain law societies; to restructure the areas of jurisdiction of law societies; to amend or delete certain obsolete provisions and expressions; to provide for transitional arrangements; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 53 of 1979, as amended by section 1 of Act 87 of 1989, section 1 of Act 102 of 1991, section 1 of Act 115 of 1993 and section 17 of Act 62 of 2000

1. Section 1 of the Attorneys Act, 1979 (hereafter referred to as the principal Act), is hereby amended—

(a) by the substitution for the definition of ''advocate'' of the following definition:

'' **'advocate'** means an advocate of the **[Supreme Court]** High Court of South Africa;'';

(b) by the substitution for the definition of ''attorney'' of the following definition:

'' **'attorney'** means any person **[duly]** admitted to practise as an attorney in any part of the Republic, whether in terms of this Act or any other law listed in the Schedule to the Attorneys Amendment Act, 2014;'';

(c) by the deletion of the definition of ''building society'';

ALGEMENE VERDUIDELIKENDE NOTA:

[ ] Woorde in vet druk in vierkantige hakies dui skrappings uit bestaande verordenings aan.

__________ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

(English text signed by the President)
(Assented to 9 December 2014)

WET

Tot wysiging van die Wet op Prokureurs, 1979, as 'n tussentydse maatreël, hangende die verordening van wetgewing gemik op die rasionalisering van die regsberoep, ten einde verskille aangaande prokureurs en kandidaat-prokureurs in die gebiede bestaande uit die voormalige republieke van Transkei, Bophuthatswana, Venda en Ciskei te hanteer, en, vir daardie doel, die wette van die voormalige gebiede te herroep in soverre hulle steeds op prokureurs en kandidaat-prokureurs in hierdie gebiede van toepassing is; die indiensneming van kandidaat-prokureurs en hul reg op verskyning in howe verder te reël; aan 'n uitspraak van die Konstitusionele Hof gevolg te gee; regspersone wat 'n regspraktyk bedryf verder te reël; die instelling van aksies teen die Getrouheidsfonds vir Regspraktisyns in ander howe as die Hooggeregshof moontlik te maak; die name van sekere prokureursordes te verander; die regsgebiede van prokureursordes te herstruktureer; sekere uitgediende bepalings en uitdrukkings te wysig of te skrap; voorsiening te maak vir oorgangsmaatreëls; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 1 van Wet 53 van 1979, soos gewysig deur artikel 1 van Wet 87 van 1989, artikel 1 van Wet 102 van 1991, artikel 1 van Wet 115 van 1993 en artikel 17 van Wet 62 van 2000

1. Artikel 1 van die Wet op Prokureurs, 1979 (hierna die Hoofwet genoem), word hierby gewysig—

(a) deur die omskrywing van ''advokaat'' deur die volgende omskrywing te vervang:
'' **'advokaat'** 'n advokaat van die Hooggeregshof van Suid-Afrika;'';

(b) deur die omskrywing van ''beroep'' deur die volgende omskrywing te vervang:
'' **'beroep'** die beroep van prokureur, notaris of transportbesorger en, met betrekking tot 'n orde, daardie beroep in die **[provinsie]** regsgebied van daardie orde;'';

(c) deur die omskrywing van ''bouvereniging'' te skrap;

(d) by the substitution in the definition of ''community service'' for paragraph *(a)* of the following paragraph:

''*(a)* at a law clinic in respect of which the **[council]** society **[of the province]** having jurisdiction in the area in which that law clinic is operated, certifies that the law clinic concerned complies with the requirements prescribed by **[such]** the council of such society for the operation of such clinic; or;'';

(e) by the substitution for the definition of ''court'' of the following definition:

'' **'court'** means any **[court of a provincial division]** Division of the High Court referred to in section 6(1) of the Superior Courts Act, 2013 (Act No.10 of 2013), or any local seat thereof having jurisdiction;'';

(f) by the insertion after the definition of ''fund'' of the following definition:

'' **'High Court'** means the High Court of South Africa as constituted in terms of section 6(1) of the Superior Courts Act, 2013 (Act No. 10 of 2013);'';

(g) by the substitution for the definition of ''practitioner'' of the following definition:

'' **'practitioner'** means any attorney, notary or conveyancer and includes a juristic person referred to in section 23;'';

(h) by the substitution for the definition of ''profession'' of the following definition:

'' **'profession'** means the profession of attorney, notary or conveyancer and, in relation to a society, means such profession within the **[province]** area of jurisdiction of that society;'';

(i) by the substitution for the definition of ''secretary'' of the following definition:

'' **'secretary'**, in relation to a society, includes an assistant secretary, a director or an assistant director of that society;'';

(j) by the deletion of the definition of ''Supreme Court'';

(k) by the insertion before the definition of ''trust account'' of the following definition:

'' **'this Act'** includes the regulations made in terms of section 81;''; and

(l) by the substitution for the definition of ''unprofessional or dishonourable or unworthy'' of the following definition:

'' **'unprofessional or dishonourable or unworthy'**, in relation to conduct, includes any conduct **[prescribed]** determined as such.''.

Amendment of section 2 of Act 53 of 1979, as amended by section 1 of Act 108 of 1984, section 2 of Act 115 of 1993, section 2 of Act 78 of 1997 and section 17 of Act 42 of 2013

2. Section 2 of the principal Act is hereby amended by the substitution in subsection (1) for paragraph *(d)* of the following paragraph:

''*(d)* three years after he or she has passed **[the matriculation examination conducted and controlled by the joint matriculation board referred to in section 15 of the Universities Act, 1955, or an examination certified by that matriculation board]**—

(i) the grade 12 external assessment referred to in section 17A of the General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001), of the National Senior Certificate as registered on the National Qualifications Framework contemplated in the National Qualifications Framework Act, 2008 (Act No. 67 of 2008), and complies with the requirements for an endorsement by the Matriculation Board referred to in section 74 of the Higher Education Act, 1997 (Act No. 101 of 1997); or

(ii) a qualification advised by the South African Qualifications Authority, in terms of section 13(1)*(a)* and *(h)* or *(m)* of the National Qualifications Framework Act, 2008, as a qualification to be equivalent or superior thereto,

(d) deur in die omskrywing van ‘‘gemeenskapsdiens’’ paragraaf *(a)* deur die volgende paragraaf te vervang:

‘‘*(a)* by ’n regskliniek ten opsigte waarvan die **[raad van die provinsie]** orde met jurisdiksie in die gebied waarin daardie regskliniek bedryf word, sertifiseer dat die betrokke regskliniek voldoen aan die vereistes deur **[sodanige]** die raad van sodanige orde vir die bedryf van sodanige kliniek voorgeskryf; of’’;

(e) deur die volgende omskrywing na die omskrywing van ‘‘getroudheidsfonds-sertifikaat’’ in te voeg:

‘‘ **‘hierdie Wet’** ook die regulasies ingevolge artikel 81 uitgevaardig;’’;

(f) deur die omskrywing van ‘‘hof’’ deur die volgende omskrywing te vervang:

‘‘ **‘hof’** ’n **[hof van ’n provinsiale afdeling]** afdeling van die Hooggeregshof bedoel in artikel 6(1) van die Wet op Hoër Howe, 2013 (Wet No. 10 van 2013), of enige plaaslike setel daarvan met jurisdiksie;’’;

(g) deur die omskrywing van ‘‘Hooggeregshof’’ deur die volgende omskrywing te vervang:

‘‘ **‘Hooggeregshof’** die Hooggeregshof van Suid-Afrika soos saamgestel **[deur artikel 2 van die Wet op die Hooggeregshof, 1959 (Wet No. 59 van 1959)]** ingevolge artikel 6(1) van die Wet op Hoër Howe, 2013 (Wet No. 10 van 2013);’’;

(h) deur die omskrywing van ‘‘onprofessioneel of oneerbaar of onbetaamlik’’ deur die volgende omskrywing te vervang:

‘‘ **‘onprofessioneel of oneerbaar of onbetaamlik’**, met betrekking tot gedrag, ook enige gedrag as sodanig **[voorgeskryf]** bepaal.’’;

(i) deur die omskrywing van ‘‘praktisyn’’ deur die volgende omskrywing te vervang:

‘‘ **‘praktisyn’** ’n prokureur, notaris of transportbesorger en ook ’n regspersoon soos in artikel 23 bedoel;’’;

(j) deur die omskrywing van ‘‘prokureur’’ deur die volgende omskrywing te vervang:

‘‘ **‘prokureur’** iemand wat **[behoorlik]** toegelaat is om in enige deel van die Republiek as prokureur te praktiseer, hetsy ingevolge hierdie Wet of enige ander wetsbepaling gelys in die Bylae tot die Wysigingswet op Prokureurs, 2014;’’; en

(k) deur die omskrywing van ‘‘sekretaris’’ deur die volgende omskrywing te vervang:

‘‘ **‘sekretaris’**, met betrekking tot ’n orde, ook ’n assistent-sekretaris, ’n direkteur of ’n assistent-direkteur van daardie orde;’’.

Wysiging van artikel 2 van Wet 53 van 1979, soos gewysig deur artikel 1 van Wet 108 van 1984, artikel 2 van Wet 115 van 1993, artikel 2 van Wet 78 van 1997 en artikel 17 van Wet 42 van 2013

2. Artikel 2 van die Hoofwet word hierby gewysig deur in subartikel (1) paragraaf *(d)* deur die volgende paragraaf te vervang:

‘‘*(d)* drie jaar nadat hy of sy geslaag het in **[die matrikulasie-eksamen afgeneem deur en onder toesig van die gemeenskaplike matrikulasieraad in artikel 15 van die Wet op Universiteite, 1955, bedoel, of ’n eksamen wat volgens ’n sertifikaat van daardie matrikulasieraad]**—

(i) die graad 12 eksterne assessering bedoel in artikel 17A van die Wet op Gehalteversekering vir Algemene en Verdere Onderwys en Opleiding, 2001 (Wet No. 58 van 2001), van die Nasionale Senior Sertifikaat soos geregistreer op die Nasionale Kwalifikasieraamwerk soos beoog in die ‘National Qualifications Framework Act, 2008’ (Wet No. 67 van 2008), en voldoen aan die vereistes vir ’n endossering deur die Matrikulasieraad bedoel in artikel 74 van die Wet op Hoër Onderwys, 1997 (Wet No. 101 van 1997); of

(ii) ’n kwalifikasie wat, ingevolge artikel 13(1)*(a)* en *(h)* of *(m)* van die ‘National Qualifications Framework Act, 2008’, deur die Suid-Afrikaanse Kwalifikasieowerheid aanbeveel is as ’n kwalifikasie wat van gelyke of hoër standaard is,

and thereafter has served continuously for a period of at least two years as a clerk to any judge of **[the Supreme]** the High Court, the Supreme Court of Appeal, or the Constitutional Court **[, provided]**: Provided that he or she enters into articles of clerkship within a period of one year after he or she has ceased to serve in such manner; or''.

Amendment of section 3 of Act 53 of 1979, as substituted by section 2 of Act 87 of 1989 and amended by section 2 of Act 102 of 1991, section 18 of Act 66 of 2008 and section 17 of Act 42 of 2013

3. Section 3 of the principal Act is hereby amended—

(a) by the substitution in subsection (1) for paragraph *(f)* of the following paragraph:

''*(f)* in the full-time employment of a law clinic, and if the council **[of the province]** of the society having jurisdiction in the area in which that law clinic is operated, certifies that the law clinic concerned complies with the requirements prescribed by the council for the operation of the clinic;'';

(b) by the deletion in subsection (1)*(i)*(ii) after the word ''articles'' of the full-stop and the insertion of the expression ''; and''; and

(c) by the addition in subsection (1) of the following paragraph:

''*(j)* if he or she is an attorney who has practised as a professional assistant in a firm of attorneys or at a professional company for a period of five years within the preceding six years.''.

Amendment of section 4 of Act 53 of 1979, as amended by section 3 of Act 108 of 1984, section 4 of Act 78 of 1997 and section 17 of Act 42 of 2013

4. Section 4 of the principal Act is hereby amended by the substitution for the words preceding paragraph *(a)* of the following words:

''Any person intending to serve any attorney under articles of clerkship shall submit to the secretary of the society **[of the province]** having jurisdiction in the area in which the service under such articles is to be performed, the following, namely—''.

Amendment of section 4A of Act 53 of 1979, as inserted by section 4 of Act 115 of 1993, and amended by section 5 of Act 78 of 1997 and section 17 of Act 42 of 2013

5. Section 4A of the principal Act is hereby amended by the substitution for the words preceding paragraph *(a)* of the following words:

''A candidate attorney intending to perform community service shall submit to the secretary of the society **[of the province]** having jurisdiction in the area in which the community service is to be performed, the following, namely—''.

Amendment of section 5 of Act 53 of 1979, as substituted by section 5 of Act 115 of 1993 and amended by section 17 of Act 42 of 2013

6. Section 5 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

''(1) The original of any articles of clerkship or contract of service shall within two months of the date thereof be lodged by the principal concerned with the secretary of the society **[of the province]** having jurisdiction in the area in which the service under such articles or contract of service is to be performed.''.

Amendment of section 8 of Act 53 of 1979, as substituted by section 6 of Act 87 of 1989 and amended by section 8 of Act 115 of 1993, section 6 of Act 78 of 1997, section 10 of Act 31 of 2008 and section 17 of Act 42 of 2013

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

(a) by the substitution in subsection (1) for the words preceding the proviso of the following words:

''Any candidate attorney who has satisfied all the requirements for the degree referred to in paragraph *(a)* of section 2(1), or for the degrees referred to in paragraph *(a*A*)* of that section, or for a degree or degrees

en daarna as klerk gedien het by 'n regter van die Hooggeregshof, die Hoogste Hof van Appèl, of die Konstitusionele Hof vir 'n onafgebroke tydperk van minstens twee jaar**[, mits]**: Met dien verstande dat die leerkontrak binne een jaar nadat hy of sy opgehou het om aldus te dien, gesluit word; of''.

Wysiging van artikel 3 van Wet 53 van 1979, soos vervang deur artikel 2 van Wet 87 van 1989 en gewysig deur artikel 2 van Wet 102 van 1991, artikel 18 van Wet 66 van 2008 en artikel 17 van Wet 42 van 2013

3. Artikel 3 van die Hoofwet word hierby gewysig—

(a) deur paragraaf *(f)* in subartikel (1) deur die volgende paragraaf te vervang:

''*(f)* in die voltydse diens van 'n regskliniek, en indien die raad **[van die provinsie]** van die orde met jurisdiksie in die gebied waarin daardie regskliniek bedryf word, sertifiseer dat die betrokke regskliniek voldoen aan die vereistes deur die raad vir die bedryf van die kliniek voorgeskryf;'';

(b) deur in subartikel (1)*(i)*(ii) na die woord ''het'' die punt te skrap en die uitdrukking ''; en'' in te voeg; en

(c) deur die volgende paragraaf in subartikel (1) by te voeg:

''*(j)* indien hy of sy 'n prokureur is wat as 'n professionele assistent in 'n prokureursfirma of by 'n professionele maatskappy gepraktiseer het vir 'n tydperk van vyf jaar in die voorafgaande ses jaar.''.

Wysiging van artikel 4 van Wet 53 van 1979, soos gewysig deur artikel 3 van Wet 108 van 1984, artikel 4 van Wet 78 van 1997 en artikel 17 van Wet 42 van 2013

4. Artikel 4 van die Hoofwet word hierby gewysig deur die woorde wat paragraaf *(a)* voorafgaan deur die volgende woorde te vervang:

''Iemand wat 'n prokureur onder leerkontrak wil dien, lê aan die sekretaris van die orde **[van die provinsie]** met jurisdiksie in die gebied waarin onder die leerkontrak gedien sal word, die volgende voor, naamlik—''.

Wysiging van artikel 4A van Wet 53 van 1979, soos ingevoeg deur artikel 4 van Wet 115 van 1993, en gewysig deur artikel 5 van Wet 78 van 1997 en artikel 17 van Wet 42 van 2013

5. Artikel 4A van die Hoofwet word hierby gewysig deur die woorde wat paragraaf *(a)* voorafgaan deur die volgende woorde te vervang:

'' 'n Kandidaat-prokureur wat gemeenskapsdiens wil verrig, lê aan die sekretaris van die orde **[van die provinsie]** met jurisdiksie in die gebied waarin die gemeenskapsdiens verrig sal word, die volgende voor, naamlik—''.

Wysiging van artikel 5 van Wet 53 van 1979, soos vervang deur artikel 5 van Wet 115 van 1993 en gewysig deur artikel 17 van Wet 42 van 2013

6. Artikel 5 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

''(1) Die oorspronklike leerkontrak of dienskontrak moet binne twee maande vanaf die datum daarvan deur die betrokke prinsipaal ingelewer word by die sekretaris van die orde **[van die provinsie]** met jurisdiksie in die gebied waarin kragtens die leerkontrak of dienskontrak gedien moet word.''.

Wysiging van artikel 8 van Wet 53 van 1979, soos vervang deur artikel 6 van Wet 87 van 1989 en gewysig deur artikel 8 van Wet 115 van 1993, artikel 6 van Wet 78 van 1997, artikel 10 van Wet 31 van 2008 en artikel 17 van Wet 42 van 2013

7. Artikel 8 van die Hoofwet word hierby gewysig—

(a) deur in subartikel (1) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

'' 'n Kandidaat-prokureur wat aan al die vereistes vir die in paragraaf *(a)* van artikel 2(1) bedoelde graad, of in paragraaf *(a*A*)* van daardie artikel bedoelde grade, of vir 'n in paragraaf *(a*B*)* van daardie artikel bedoelde graad of grade ten opsigte waarvan 'n sertifisering ooreenkomstig

referred to in paragraph *(a*B*)* of that section in respect of which a certification in accordance with that paragraph has been done, shall be entitled to appear in any court, other than **[any]** the High Court, the Supreme Court of Appeal or the Constitutional Court and before any board, tribunal or similar institution in or before which his or her principal is entitled to appear, instead of and on behalf of such principal, who shall be entitled to charge the fees for such appearance as if he or she himself or herself had appeared: Provided that such a candidate attorney shall not be entitled to appear in a court of a regional division established under section 2 of the Magistrates' Courts Act, 1944 (Act No 32 of 1944), unless he or she'';

(b) by the insertion before subsection (3) of the following subsection:

''(2A) Any candidate attorney who—

(a) is entitled to appear under any law repealed by section 35 of the Attorneys Amendment Act, 2014, may, notwithstanding that repeal, continue to so appear; and

(b) may so continue to appear, may apply to the society having jurisdiction for a certificate referred to in subsection (3), which the society may or may not issue.'';

(c) by the substitution for subsection (3) of the following subsection:

''(3) The secretary of the society concerned shall, upon the written application of the principal of any candidate attorney referred to in subsection (1) or (2A) and upon the payment of the fees prescribed under section 80(*b*A), issue to such candidate attorney a certificate that he or she complies with the relevant provisions of subsection (1).'';

(d) by the substitution in subsection (4) for paragraph *(a)* of the following paragraph:

''*(a)* Any candidate attorney who is entitled to appear as contemplated in subsection (1) or (2A), shall at the expiry of his or her articles or contract of service, and provided he or she remains in the employ of the attorney who was his or her principal immediately before such expiry, or provided he or she remains in the service of the law clinic or the Legal Aid Board concerned, as the case may be, remain so entitled until he or she is admitted as an attorney, but not for longer than six months.'' ; and

(e) by the substitution for subsection (5) of the following subsection:

''(5) In the event of the death, mental illness, insolvency, conviction for crime, **[imprisonment for debt,]** suspension, striking off the roll or discontinuance of practice of the attorney who was the principal of a former candidate attorney referred to in subsection (4) immediately before the expiry of his or her articles, such former candidate attorney shall with the written permission of the secretary of the society **[of the province]** having jurisdiction in the area in which the candidate attorney served under articles, be entitled to take service with any other attorney and to appear as contemplated in subsection (4) under the supervision of that attorney.''.

Amendment of section 9 of Act 53 of 1979, as substituted by section 9 of Act 115 of 1993 and amended by section 17 of Act 42 of 2013

8. Section 9 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

''(1) A candidate attorney shall not have any pecuniary interest in the practice and service of an attorney, or in the organisation or institution where he or she performs community service, and shall not, without the prior written consent of the council of the society **[of the province]** having jurisdiction in the area in which he or she performs service under the articles or contract of service, hold or occupy any office or engage in any other business other than that of candidate attorney.''.

Amendment of section 10 of Act 53 of 1979, as substituted by section 11 of Act 104 of 1996

9. Section 10 of the principal Act is hereby amended by the substitution in subsection (4) for the words preceding paragraph *(a)* of the following words:

daardie paragraaf gedoen is, voldoen het, is geregtig om in plaas van en ten behoewe van sy of haar prinsipaal te verskyn in enige hof, behalwe **['n Hoë Hof]** die Hooggeregshof, die Hoogste Hof van Appèl of die Konstitusionele Hof en voor enige raad, regbank of soortgelyke instelling waarin of voor wie sy of haar prinsipaal geregtig is om te verskyn, en die prinsipaal van so 'n kandidaat-prokureur is geregtig om die gelde vir so 'n verskyning te bereken asof hy of sy self verskyn het: Met dien verstande dat so 'n kandidaat-prokureur nie geregtig is om in 'n hof van 'n streekafdeling ingestel kragtens artikel 2 van die Wet op Landdroshowe, 1944 (Wet 32 van 1944), te verskyn nie tensy hy of sy'';

(b) deur die volgende subartikel voor subartikel (3) in te voeg:

''(2A) Enige kandidaat-prokureur wat—

(a) geregtig is om kragtens enige wet wat deur artikel 35 van die Wysigingswet op Prokureurs, 2014, herroep is, kan ondanks daardie herroeping, voortgaan om aldus te verskyn; en

(b) aldus kan voortgaan om te verskyn, kan by die orde met jurisdiksie aansoek doen om 'n sertifikaat in subartikel (3) bedoel, wat die orde dan kan uitreik of nie.'';

(c) deur subartikel (3) deur die volgende subartikel te vervang:

''(3) Die sekretaris van die betrokke orde reik aan 'n in subartikel (1) of (2A) bedoelde kandidaat-prokureur op die skriftelike aansoek van sy prinsipaal en teen betaling van die gelde kragtens artikel 80*(b*A*)* voorgeskryf 'n sertifikaat uit dat hy of sy aan die betrokke bepalings van subartikel (1) voldoen.'';

(d) deur in subartikel (4) paragraaf *(a)* deur die volgende paragraaf te vervang:

''*(a)* 'n Kandidaat-prokureur wat geregtig is om te verskyn soos in subartikel (1) of (2A) beoog, bly by die verstryking van sy leerkontrak of dienskontrak, en mits hy of sy aanbly in die diens van die prokureur wat sy prinsipaal onmiddellik voor daardie verstryking was, of aanbly in die diens van die betrokke regskliniek of die Regshulpraad, na gelang van die geval, aldus geregtig totdat hy of sy as prokureur toegelaat word, maar nie vir langer as ses maande nie.''; en

(e) deur subartikel (5) deur die volgende subartikel te vervang:

''(5) In die geval van die dood, geestesongesteldheid, insolvensie, veroordeling weens misdaad, **[gyseling,]** skorsing, skrapping van die rol of staking van praktyk van die prokureur wat die prinsipaal van 'n voormalige kandidaat-prokureur in subartikel (4) vermeld, was onmiddellik voor die verstryking van sy leerkontrak, is daardie voormalige kandidaat-prokureur geregtig om, met die skriftelike toestemming van die sekretaris van die orde **[van die provinsie]** met jurisdiksie in die gebied waarin die kandidaat-prokureur kragtens leerkontrak gedien het, by enige ander prokureur in diens te tree en onder die toesig van daardie prokureur te verskyn soos in subartikel (4) beoog.''.

Wysiging van artikel 9 van Wet 53 van 1979, soos vervang deur artikel 9 van Wet 115 van 1993 en gewysig deur artikel 17 van Wet 42 van 2013

8. Artikel 9 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

''(1) 'n Kandidaat-prokureur mag nie 'n geldelike belang in die praktyk en diens van 'n prokureur, of in die inrigting of instelling waar hy of sy gemeenskapsdiens verrig, hê nie en mag nie, sonder die voorafverkreë skriftelike toestemming van die raad van die orde **[van die provinsie]** met jurisdiksie in die gebied waarin hy of sy kragtens die leerkontrak of dienskontrak dien, enige ander amp beklee of besigheid dryf behalwe dié van kandidaat-prokureur nie.''.

Wysiging van artikel 10 van Wet 53 van 1979, soos vervang deur artikel 11 van Wet 104 van 1996

9. Artikel 10 van die Hoofwet word hierby gewysig deur in subartikel (4) die woorde wat paragraaf *(a)* voorafgaan deur die volgende woorde te vervang:

"An agreement whereby articles or a contract of service is ceded shall within two months of the date on which the services of the candidate attorney concerned have been terminated with the cedent, or within such further period as the court may for good cause allow, be lodged with the society **[of the province wherein]** <u>having jurisdiction in the area where</u> service under the said articles or the said contract of service so ceded is to be performed, by the cessionary together with the affidavits—".

Amendment of section 13B of Act 53 of 1979, as inserted by section 8 of Act 55 of 2003 and substituted by section 6 of Act 22 of 2005

10. Section 13B of the principal Act is hereby amended by the substitution in subsection (1) for the words following paragraph *(b)* of the following words:

"complete a legal practice management course approved by the council **[of the province]** <u>of the society having jurisdiction in the area</u> in which he or she practises.".

Amendment of section 14 of Act 53 of 1979, as amended by section 1 of Act 80 of 1985, section 13 of Act 115 of 1993 and section 17 of Act 42 of 2013

11. Section 14 of the principal Act is hereby amended—

(a) by the substitution in subsection (1) for the words preceding paragraph *(a)* of the following words:

"The judge president of a **[provincial division]** <u>Division of the High Court</u> may after consultation with the president of the society concerned appoint two or more examiners for the purpose of arranging, controlling and conducting examinations in respect of—"; and

(b) by the substitution in subsection (1) for paragraph *(a)* of the following paragraph:

"*(a)* the practice and procedure in the **[Supreme]** <u>High</u> Court and in magistrates' courts established under the Magistrates' Courts Act, 1944 (Act No. 32 of 1944);".

Amendment of section 15 of Act 53 of 1979, as substituted by section 7 of Act 108 of 1984 and amended by section 11 of Act 87 of 1989, section 14 of Act 115 of 1993, section 3 of Act 33 of 1995, section 9 of Act 78 of 1997 and section 17 of Act 42 of 2013

12. Section 15 of the principal Act is hereby amended by the substitution in subsection (1)*(b)*(ivA) for the words following item *(bb)* of the following words:

"has attended a training course approved by the society **[of the province]** <u>having jurisdiction in the area</u> in which he or she completed his or her service under articles or contract of service, or, in the case of section 2A*(c)*, has attended a training course approved by the society **[of the province]** <u>having jurisdiction in the area</u> in which the candidate attorney intends to practise, and has completed such training course to the satisfaction of that society: Provided that this subparagraph shall not apply to a person who attended a training course referred to in section 2(1A)*(a)* or 2A*(a)*(i) and who has completed such course to the satisfaction of the society concerned; and".

Amendment of section 16 of Act 53 of 1979, as amended by section 52 of Act 129 of 1993 and section 17 of Act 42 of 2013

13. Section 16 of the principal Act is hereby amended by the substitution for the words preceding paragraph *(a)* of the following words:

"Any person who applies to **[the]** <u>a</u> court to be admitted or readmitted and enrolled as an attorney, shall satisfy the society **[of the province]** <u>having jurisdiction</u> wherein he or she so applies—".

Amendment of section 19 of Act 53 of 1979, as amended by section 17 of Act 42 of 2013

14. Section 19 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“ ’n Ooreenkoms waarby ’n leerkontrak of ’n dienskontrak oorgedra word, word binne twee maande na die datum waarop die dienste van die betrokke kandidaat-prokureur by die oordraggewer beëindig is, of binne die verdere tydperk wat die hof om gegronde rede toelaat, by die orde **[van die provinsie waarin]** met jurisdiksie in die gebied waar onder die leerkontrak of die dienskontrak, soos oorgedra, gedien moet word, deur die oordragnemer ingelewer tesame met beëdigde verklarings—”.

Wysiging van artikel 13B van Wet 53 van 1979, soos ingevoeg deur artikel 8 van Wet 55 van 2003 en vervang deur artikel 6 van Wet 22 van 2005

10. Artikel 13B van die Hoofwet word hierby gewysig deur in subartikel (1) die woorde wat op paragraaf *(b)* volg deur die volgende woorde te vervang:

“ ’n praktiese regspraktykbestuurskursus voltooi wat goedgekeur is deur die raad van die **[provinsie]** orde met jurisdiksie in die gebied waarbinne hy of sy praktiseer.”.

Wysiging van artikel 14 van Wet 53 van 1979, soos gewysig deur artikel 1 van Wet 80 van 1985, artikel 13 van Wet 115 van 1993 en artikel 17 van Wet 42 van 2013

11. Artikel 14 van die Hoofwet word hierby gewysig—

(a) deur in subartikel (1) die woorde wat paragraaf *(a)* voorafgaan deur die volgende woorde te vervang:

“Die regter-president van ’n **[provinsiale]** afdeling van die Hooggeregshof kan na oorleg met die president van die betrokke orde twee of meer eksaminatore benoem om eksamens te reël, te beheer en af te neem ten opsigte van—”; en

(b) deur paragraaf *(a)* in subartikel (1) van die Engelse teks deur die volgende paragraaf te vervang:

“*(a)* the practice and procedure in the **[Supreme]** High Court and in magistrates’ courts established under the Magistrates’ Courts Act, 1944 (Act No. 32 van 1944);”.

Wysiging van artikel 15 van Wet 53 van 1979, soos vervang deur artikel 7 van Wet 108 van 1984 en gewysig deur artikel 11 van Wet 87 van 1989, artikel 14 van Wet 115 van 1993, artikel 3 van Wet 33 van 1995, artikel 9 van Wet 78 van 1997 en artikel 17 van Wet 42 van 2013

12. Artikel 15 van die Hoofwet word hierby gewysig deur in subartikel (1)*(b)*(ivA) die woorde wat op item *(bb)* volg deur die volgende woorde te vervang:

“ ’n opleidingskursus goedgekeur deur die orde **[van die provinsie]** met jurisdiksie in die gebied waarin hy sy diens onder leerkontrak of dienskontrak voltooi, of, in die geval van artikel 2A*(c)*, ’n opleidingskursus goedgekeur deur die orde **[van die provinsie]** met jurisdiksie in die gebied waarin die kandidaat-prokureur wil praktiseer, bygewoon en ten genoeë van daardie orde voltooi het: Met dien verstande dat hierdie subparagraaf nie van toepassing is nie op ’n persoon wat ’n opleidingskursus bedoel in artikels 2(1A)*(a)* of 2A*(a)*(i) bygewoon het en sodanige kursus ten genoeë van die betrokke orde voltooi het; en”.

Wysiging van artikel 16 van Wet 53 van 1979, soos gewysig deur artikel 52 van Wet 129 van 1993 en artikel 17 van Wet 42 van 2013

13. Artikel 16 van die Hoofwet word hierby gewysig deur die woorde wat paragraaf *(a)* voorafgaan deur die volgende woorde te vervang:

“Iemand wat by die hof aansoek doen om as prokureur toegelaat of hertoegelaat en ingeskryf te word, moet die orde **[van die provinsie]** met jurisdiksie waarin hy of sy aldus aansoek doen, oortuig—”.

Wysiging van artikel 19 van Wet 53 van 1979, soos gewysig deur artikel 17 van Wet 42 van 2013

14. Artikel 19 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

"(1) Any person who applies to a court to be—

(a) admitted **[or readmitted]** as a practitioner, shall at least one month; or

(b) readmitted as a practitioner, shall at least three months,

before the date of his or her application deliver to the secretary of the society **[of the province]** having jurisdiction in the area in which the court to which such application is made, is situated, together with his or her notice of application, a copy of his or her application for admission or readmission and copies of all affidavits, certificates and other documents or papers which are referred to therein or connected therewith.".

Amendment of section 20 of Act 53 of 1979, as amended by section 17 of Act 42 of 2013

15. Section 20 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

"(1) Any person admitted and enrolled as an attorney, or a notary or conveyancer **[under this Act]** by any court in the Republic or in the former Republics of Transkei, Bophuthatswana, Venda and Ciskei may in the manner prescribed by subsection (2), apply to the registrar of any court other than the court by which he or she was so admitted and enrolled to have his or her name placed on the roll of attorneys or of notaries or of conveyancers, as the case may be, of the court for which such registrar has been appointed."; and

(b) by the substitution in subsection (2) for paragraphs *(c)* and *(d)* of the following paragraphs:

"*(c)* a certificate signed by the secretary of **[the]** every society **[of each province]** in which the applicant is so enrolled that no proceedings are pending or contemplated to strike his or her name off the roll or to suspend him or her from practice;

(d) proof to the satisfaction of the registrar that a copy of the application and copies of the documents referred to in paragraphs *(a)*, *(b)* and *(c)* have been served on the secretary of the society **[of the province]** in which such other court is situated; and".

Amendment of section 23 of Act 53 of 1979, as amended by section 17 of Act 42 of 2013

16. Section 23 of the principal Act is hereby amended—

(a) by the substitution in subsection (1) for the words preceding paragraph *(a)* of the following words:

"A **[private]** company may, notwithstanding anything to the contrary contained in this Act, conduct a practice if—";

(b) by the substitution in subsection (1) for paragraph *(a)* of the following paragraph:

"*(a)* such company is **[incorporated and registered as a private company under the Companies Act, 1973 (Act No. 61 of 1973), with a share capital, and its memorandum of association provides that all present and past directors of the company shall be liable jointly and severally with the company for the debts and liabilities of the company contracted during their period of office]** a personal liability company contemplated in the Companies Act, 2008 (Act No. 71 of 2008);";

(c) by the substitution in subsection (1)*(c)* for the words preceding the proviso of the following words:

"the name of the company, other than the expression 'Incorporated' or 'Inc.', consists solely of the name or names of any of the present or past members of the company or of persons who conducted, either **[of]** on their own account or in partnership, any practice which may reasonably be regarded as a predecessor of the practice of the company, unless the

"(1) Iemand wat by 'n hof aansoek doen om as 'n praktisyn—

(a) toegelaat **[of hertoegelaat]** te word, moet minstens een maand; of

(b) hertoegelaat te word, moet minstens drie maande,

voor die datum van sy aansoek by die sekretaris van die orde **[van die provinsie]** met jurisdiksie in die gebied waarin die hof waarby so 'n aansoek gedoen word, gestel is, tesame met die kennisgewing van sy aansoek, 'n afskrif van sy aansoek om toelating of hertoelating en afskrifte van alle beëdigde verklarings, sertifikate en ander dokumente of stukke wat daarin vermeld of daarby betrokke is, inlewer.".

Wysiging van artikel 20 van Wet 53 van 1979, soos gewysig deur artikel 17 van Wet 42 van 2013

15. Artikel 20 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

"(1) Iemand wat **[kragtens hierdie Wet]** deur enige hof in die Republiek of in die voormalige republieke van Transkei, Bophuthatswana, Venda en Ciskei as prokureur, notaris of transportbesorger toegelaat en ingeskryf is, kan op die in subartikel (2) voorgeskrewe wyse by die griffier van 'n ander hof as dié waardeur hy of sy aldus toegelaat en ingeskryf is, aansoek doen om sy naam op die rol van prokurerurs of van notarisse of van transportbesorgers, na gelang van die geval, van die hof ten opsigte waarvan so 'n griffier aangestel is, te plaas."; en

(b) deur in subartikel (2) paragrawe *(c)* en *(d)* deur die volgende paragrawe te vervang:

"*(c)* 'n sertifikaat onderteken deur die sekretaris van **[die]** elke orde **[van elke provinsie]** waarin die aansoeker aldus ingeskryf is dat geen verrigtinge aanhangig is of beoog word om sy naam van die rol te skrap of hom of haar in sy praktyk te skors nie;

(d) bewys tot bevrediging van die griffier dat 'n afskrif van die aansoek en afskrifte van die in paragrawe *(a)*, *(b)* en *(c)* bedoelde dokumente aan die sekretaris van die orde **[van die provinsie]** waarin daardie ander hof geleë is, beteken is; en".

Wysiging van artikel 23 van Wet 53 van 1979, soos gewysig deur artikel 17 van Wet 42 van 2013

16. Artikel 23 van die Hoofwet word hierby gewysig—

(a) deur in subartikel (1) die woorde wat paragraaf *(a)* voorafgaan deur die volgende woorde te vervang:

" 'n **[Private maatskappy]** Maatskappy kan ondanks andersluidende bepalings van hierdie Wet, 'n praktyk voortsit indien—";

(b) deur in subartikel (1) paragraaf *(a)* deur die volgende paragraaf te vervang:

"*(a)* die maatskappy **[as 'n private maatskappy, met 'n aandelekapitaal, kragtens die Maatskappywet, 1973 (Wet No. 61 van 1973), ingelyf en geregistreer is en sy akte van oprigting bepaal dat al die huidige en voormalige direkteure van die maatskappy gesamentlik met en afsonderlik van die maatskappy aanspreeklik is vir die skulde en verpligtinge van die maatskappy gedurende hul ampstermyne aangegaan]** 'n in die Maatskappywet, 2008 (Wet No. 71 van 2008), beoogde maatskappy met persoonlike aanspreeklikheid is;";

(c) deur in subartikel (1)*(c)* die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

"die naam van die maatskappy, buiten die uitdrukking 'Ingelyf' uitsluitlik bestaan uit die naam of name van enige van die huidige of voormalige lede van die maatskappy of van persone wat, hetsy **[vir]** op eie rekening of in vennootskap, 'n praktyk voortgesit het wat redelikerwys as 'n voorganger van die praktyk van die maatskappy beskou kan word, tensy die raad van die prokureursorde met jurisdiksie

council of the law society having jurisdiction has approved any other name in writing in accordance with the rules of such law society'';

(d) by the substitution for subsection (3) of the following subsection:

''(3) If a shareholder of the company or a person having any interest in the shares of the company, dies or ceases to conform to any requirement of subsection (1)*(b)*, he or she or his or her estate, as the case may be, may, as from the date on which he or she dies or ceases so to conform, continue to hold the relevant shares or interest in the shares in the company for a period of six months or for such longer period as the council of the society **[of the province]** having jurisdiction in the area in which the company's registered office is situate, may approve.'';

(e) by the deletion of subsections (5) and (6);

(f) by the substitution for subsection (7) of the following subsection:

''(7) Notwithstanding anything to the contrary contained in any other law, the **[articles of association]** memorandum of incorporation of the company may provide that a **[member]** shareholder of the company may not appoint a person who is not a **[member]** shareholder of the company, to attend, speak or vote in his or her stead at any meeting of the company.''; and

(g) by the substitution for subsection (9) of the following subsection:

''(9) Any reference in this Act or in any other law to a practitioner or to a partner or partnership in relation to practitioners, shall be deemed to include a reference to a company under this section or to a **[member]** shareholder of such a company, as the case may be, unless the context otherwise indicates.''.

Substitution of section 24 of Act 53 of 1979

17. The following section is hereby substituted for section 24 of the principal Act:

''**Applications in terms of this Chapter to be delivered to secretary of society concerned**

24. Subject to provisions to the contrary in this Chapter contained, any person who makes an application to a court in terms of this Chapter, shall, at least one month before the date of his or her application, deliver to the secretary of the society **[of the province]** having jurisdiction in the area in which the court to which such application is made is situated, a copy of the application, together with copies of the other documents and papers referred to therein or connected therewith.''.

Amendment of section 43 of Act 53 of 1979, as substituted by section 15 of Act 55 of 2002

18. Section 43 of the principal Act is hereby amended by the substitution for subsection (6) of the following subsection:

''(6) *(a)* A practitioner who is not in possession of a fidelity fund certificate and who intends to commence to practise on his or her own account or in partnership, shall, before commencing so to practise, give notice of such intention to the secretary of the society **[of the province]** having jurisdiction in the area in which he or she intends to practise, and he or she shall thereupon become liable to pay to the fund the amount of the contribution referred to in subsections (1) and (4).

(b) Any practitioner who is in possession of a fidelity fund certificate but who intends to commence to practise **[for]** on his or her own account or in partnership in the area of jurisdiction of any **[provincial division]** law society other than that in which he or she usually practises **[for]** on his or her own account or in partnership, shall give notice of such intention to the secretary of the other society concerned.''.

’n ander naam ooreenkomstig die reëls van sodanige prokureursorde skriftelik goedgekeur het, ”;

(d) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) Indien ’n aandeelhouer van die maatskappy of belanghebbende in die aandele van die maatskappy te sterwe kom of ophou om aan ’n vereiste van subartikel (1)*(b)* te voldoen, kan sy of haar boedel, na gelang van die geval, vanaf die datum waarop hy of sy te sterwe kom of ophou om aldus te voldoen, die betrokke aandele of belang in aandele in die maatskappy bly behou vir ’n tydperk van ses maande of vir so ’n langer tydperk as wat die raad van die orde **[van die provinsie]** met jurisdiksie in die gebied waarin die maatskappy se geregistreerde kantoor geleë is, goedkeur.”;

(e) deur subartikels (5) en (6) te skrap;

(f) deur subartikel (7) deur die volgende subartikel te vervang:

“(7) Ondanks andersluidende wetsbepalings kan die **[statute]** akte van oprigting van die maatskappy bepaal dat ’n **[lid]** aandeelhouer van die maatskappy nie iemand wat nie ’n **[lid]** aandeelhouer van die maatskappy is nie, mag aanstel om namens hom of haar op ’n vergadering van die maatskappy teenwoordig te wees, te praat of te stem nie.”; en

(g) deur subartikel (9) deur die volgende subartikel te vervang:

“(9) ’n Verwysing in hierdie Wet of in ’n ander wet na ’n praktisyn of na ’n vennoot of vennootskap met betrekking tot praktisyns, word geag ’n verwysing in te sluit na ’n maatskappy ingevolge hierdie artikel of na ’n **[lid]** aandeelhouer van so ’n maatskappy, na gelang van die geval, tensy uit die samehang anders blyk.”.

Vervanging van artikel 24 van Wet 53 van 1979

17. Artikel 24 van die Hoofwet word hierby deur die volgende artikel vervang:

“**Aansoeke ingevolge hierdie Hoofstuk moet by sekretaris van betrokke orde ingelewer word**

24. Behoudens andersluidende bepalings van hierdie Hoofstuk, moet iemand wat ’n aansoek by ’n hof ingevolge hierdie Hoofstuk doen, minstens een maand voor die datum van sy aansoek, by die sekretaris van die **[order van die provinsie]** orde met jurisdiksie in die gebied waarin die hof waarby die aansoek gedoen word, geleë is, ’n afskrif inlewer van die aansoek, tesame met afskrifte van die ander dokumente en stukke wat daarin vermeld of daarby betrokke is.”.

Wysiging van artikel 43 van Wet 53 van 1979, soos vervang deur artikel 15 van Wet 55 van 2002

18. Artikel 43 van die Hoofwet word hierby gewysig deur subartikel (6) deur die volgende subartikel te vervang:

“(6) *(a)* ’n Praktisyn wat nie in besit van ’n getrouheidsfondssertifikaat is nie en voornemens is om **[vir]** op eie rekening of in vennootskap te begin praktiseer, gee, alvorens hy of sy aldus begin praktiseer, aan die sekretaris van die orde **[van die provinsie]** met jurisdiksie in die gebied waarin hy of sy voornemens is om te praktiseer, kennis van daardie voorneme, en daarna is hy of sy aanspreeklik om die bedrag van die in subartikels (1) en (4) bedoelde bydrae aan die fonds te betaal.

(b) ’n Praktisyn wat in besit is van ’n getrouheidsfondssertifikaat, maar wat voornemens is om **[vir]** op eie rekening of in vennootskap te begin praktiseer in die regsgebied van ’n ander **[provinsiale afdeling]** prokureursorde as dié waarin hy of sy gewoonlik **[vir]** op eie rekening of in vennootskap praktiseer, gee aan die sekretaris van die betrokke ander orde kennis van daardie voorneme.”.

Amendment of section 49 of Act 53 of 1979, as amended by section 21 of Act 87 of 1989 and section 17 of Act 42 of 2013

19. Section 49 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection:

"(4) Any action against the fund may, subject to the provisions of this Act **[and the regulations made thereunder]**, be brought in **[any provincial or local division of the Supreme]** the High Court or a magistrate's court having jurisdiction within the area of jurisdiction of which the cause of action arose.".

Repeal of section 55 of Act 53 of 1979

20. Section 55 of the principal Act is hereby repealed.

Substitution of section 56 of Act 53 of 1979, as amended by section 15 of Act 115 of 1993

21. The following section is hereby substituted for section 56 of the principal Act:

"**Continued existence of certain law societies**

56. (1) The law societies known as—

(a) **[in the case of the law society of the province of the Cape of Good Hope,]** The Law Society of the Cape of Good Hope;
(b) **[in the case of the law society of the province of the Orange Free State,]** The Law Society of the Orange Free State;
(c) **[in the case of the law society of the province of the Transvaal,]** The Law Society of the Transvaal;
(d) **[in the case of the law society of the province of Natal,]** The Natal Law Society;

shall, **[notwithstanding the provisions of section 86,]** from the commencement of section 21 of the Attorneys Amendment Act, 2014, continue to exist as juristic persons under the following names:

(i) The Cape Law Society in the case of the law society referred to in paragraph *(a)*;
(ii) The Law Society of the Free State in the case of the law society referred to in paragraph *(b)*;
(iii) The Law Society of the Northern Provinces, in the case of the law society referred to in paragraph *(c)*; and
(iv) The KwaZulu-Natal Law Society in the case of the law society referred to in paragraph *(d)*.

(2) The societies referred to in subsection (1) have jurisdiction over all attorneys practising in their areas of jurisdiction as follows:

(a) The Cape Law Society has jurisdiction over all attorneys practising in the provinces of the Western Cape, the Eastern Cape and the Northern Cape;
(b) The Law Society of the Free State has jurisdiction over all attorneys practising in the province of the Free State;
(c) The Law Society of the Northern Provinces has jurisdiction over all attorneys practising in the provinces of Gauteng, Mpumalanga, the North West and Limpopo; and
(d) The KwaZulu-Natal Law Society has jurisdiction over all attorneys practising in the province of KwaZulu-Natal.

(3) Any law society not mentioned in subsection (2) and which still exists or operates in terms of any other law immediately before section 21 of the Attorneys Amendment Act, 2014, comes into operation, shall dissolve on the date on which that section comes into operation: Provided that the Minister may, by notice in the *Gazette*, after consultation with the Law Society of South Africa, the law society into which the dissolving law society is to be amalgamated and the law society which is to be dissolved, determine any necessary arrangements in relation to the dissolution, including, subject to subsection (4), the transfer or disposal of assets and

Wysiging van artikel 49 van Wet 53 van 1979, soos gewysig deur artikel 21 van Wet 87 van 1989 en artikel 17 van Wet 42 van 2013

19. Artikel 49 van die Hoofwet word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

"(4) 'n Aksie teen die fonds kan, behoudens die bepalings van hierdie Wet **[en die regulasies daarkragtens uitgevaardig]**, in **['n provinsiale of plaaslike afdeling van]** die Hooggeregshof of 'n landdroshof met jurisdiksie binne **[wie se]** die regsgebied waarvan die skuldoorsaak ontstaan het, ingestel word.".

Herroeping van artikel 55 van Wet 53 van 1979

20. Artikel 55 van die Hoofwet word hierby herroep.

Wysiging van artikel 56 van Wet 53 van 1979, soos gewysig deur artikel 15 van Wet 115 van 1993

21. Artikel 56 van die Hoofwet word hierby deur die volgende artikel vervang:

"**Voortgesette bestaan van sekere prokureursordes**

56. (1) Die prokureursordes bekend as—

(a) **[in die geval van die prokureursorde van die provinsies die Kaap die Goeie Hoop,]** Die Wetsgenootskap van die Kaap die Goeie Hoop;

(b) **[in die geval van die prokureursorde van die provinsie Oranje-Vrystaat,]** Die Prokureursorde van die Oranje-Vrystaat;

(c) **[in die geval van die prokureursorde van die provinsie Transvaal,]** Die Prokureursorde van Transvaal;

(d) **[in die geval van die prokureursorde van die provinsie Natal,]** Die Natalse Wetsgenootskap;

bly, **[ondanks die bepalings van artikel 86,]** vanaf die inwerkingtreding van artikel 21 van die Wysigingswet op Prokureurs, 2014, as regspersone onder die volgende name voortbestaan:

(i) Die Kaapse Wetsgenootskap in die geval van die prokureursorde in paragraaf *(a)* bedoel;

(ii) Die Prokureursorde van die Vrystaat, in die geval van die prokureursorde in paragraaf *(b)* bedoel;

(iii) Die Prokureursorde van die Noordelike Provinsies, in die geval van die prokureursorde in paragraaf *(c)* bedoel; en

(iv) Die KwaZulu-Natalse Wetsgenootskap in die geval van die prokureursorde in paragraaf *(d)* bedoel.

(2) Die ordes in subartikel (1) bedoel het soos volg jurisdiksie oor alle prokureurs wat in hul gebiede praktiseer:

(a) Die Kaapse Wetsgenootskap het jurisdiksie oor alle prokureurs wat in die provinsies van die Wes-Kaap, die Oos-Kaap en die Noord-Kaap praktiseer;

(b) Die Prokureursorde van die Vrystaat het jurisdiksie oor alle prokureurs wat in die provinsie van die Vrystaat praktiseer;

(c) Die Prokureursorde van die Noordelike Provinsies het jurisdiksie oor alle prokureurs wat in die provinsies van Gauteng, Mpumalanga, die Noordwes en Limpopo praktiseer; en

(d) Die KwaZulu-Natalse Wetsgenootskap het jurisdiksie oor alle prokureurs wat in die provinsie van KwaZulu-Natal praktiseer.

(3) Enige prokureursorde wat nie in subartikel (2) genoem is nie en wat onmiddellik voor die inwerkingtreding van artikel 21 van die Wysigingswet op Prokureurs, 2014, steeds bestaan of sake doen, sal op die datum waarop daardie subartikel van krag word, ontbind: Met dien verstande dat die Minister, by kennisgewing in die *Staatskoerant*, na oorleg met die Prokureursorde van Suid-Afrika, die prokureursorde waarmee die ontbindende prokureursorde moet saamsmelt en die prokureursorde wat ontbind moet word, enige nodige reëlings aangaande die ontbinding bepaal, met inbegrip van, behoudens subartikel (4), die oordrag van of beskikking

<u>liabilities, the payment of costs and the manner in which surplus staff members of such society are to be dealt with.</u>

<u>(4) All the rights and obligations of any society which dissolves in terms of subsection (3) shall, on dissolution, transfer as follows:</u>

<u>*(a)* The rights and obligations of any society in the former Republic of Bophuthatswana or Venda transfer to the Law Society of the Northern Provinces referred to in subsection (2)*(c)*; and</u>

<u>*(b)* the rights and obligations of any society in the former Republic of Transkei or Ciskei transfer to the Cape Law Society referred to in subsection (2)*(a)*.</u>

<u>(5) *(a)* Any pending court proceedings by or against a law society referred to in subsection (3) shall, after its dissolution, be continued by or against the society to which the rights and obligations have been transferred in terms of subsection (4).</u>

<u>*(b)* Any pending disciplinary enquiries or steps taken or those enquiries or steps which may have been taken by a law society referred to in subsection (3) before its dissolution, shall be continued or taken by the society to which those rights and obligations have been transferred in terms of subsection (4), as if the former society had not been dissolved.</u>''.

Amendment of section 57 of Act 53 of 1979, as amended by section 17 of Act 42 of 2013

22. Section 57 of the principal Act is hereby amended—

(a) by the substitution for subsections (1) and (2) of the following subsections, respectively:

''(1) Every practitioner who practises **[in any province]**, whether **[for]** <u>on</u> his or her own account or otherwise, shall be a member of the society **[of that province]** <u>referred to in section 56(2) that applies to him or her</u>.

(2) A society may by notice in writing addressed to any person who has been admitted and enrolled as an attorney or a notary or conveyancer in any court **[in the province of its]** <u>within the area of jurisdiction of that</u> society, or whose name has been placed on the roll of such court, but who does not practise in that **[province]** <u>area of jurisdiction</u>, declare such person to be a member of such society with effect from a date fixed in that notice.''; and

(b) by the addition of the following subsection:

''<u>(6) Every practitioner who becomes a member of any society for the first time must, within the period determined by that society, provide the society with such information as may be determined by the rules of the society in question.</u>''.

Amendment of section 69 of Act 53 of 1979, as amended by section 23 of Act 87 of 1989, section 5 of Act 102 of 1991, section 54 of Act 129 of 1993 and section 17 of Act 42 of 2013

23. Section 69 of the principal Act is hereby amended—

(a) by the substitution in paragraph *(e)* for subparagraphs (i) to (iv) of the following subparagraphs:

''(i) commences or discontinues to practise in the **[province]** <u>area of jurisdiction</u> of **[its]** <u>the</u> society;

(ii) takes up employment in **[that]** <u>the</u> **[province]** <u>area of jurisdiction</u> or ceases to be employed therein as a practitioner;

(iii) enters into or withdraws from a partnership with any person practising in **[that]** <u>the</u> **[province]** <u>area of jurisdiction</u>; <u>or</u>

(iv) practises in **[that]** <u>the</u> **[province]** <u>area of jurisdiction</u> and who changes his or her business or residential address;''; and

(b) by the substitution for paragraph *(j)* of the following paragraph:

''*(j)* subject to such conditions as it may deem fit to impose, permit members of its society to form associations of such members, to be known as circles, in respect of such areas **[of the province]** <u>within the area of jurisdiction of the society</u> concerned as the council may

oor bates en laste, die betaling van uitgawes en die wyse waarop surplus personeellede van sodanige orde hanteer moet word.

(4) Al die regte en verpligtinge van 'n orde wat ingevolge subartikel (3) ontbind dra, by ontbinding, soos volg oor:

(a) Die regte en verpligtinge van enige orde in die voormalige Republiek van Bophuthatswana of Venda dra oor na die in subartikel (2)*(c)* bedoelde Prokureursorde van die Noordelike Provinsies; en

(b) die regte en verpligtinge van enige orde in die voormalige Republiek van Transkei of Ciskei dra oor na die in subartikel (2)*(a)* bedoelde Kaapse Wetsgenootskap.

(5) *(a)* Enige hangende hofverrigtinge deur of teen 'n in subartikel (3) bedoelde prokureursorde word, na ontbinding, voortgesit deur of teen die orde waarheen die regte en verpligtinge ingevolge subartikel (4) oorgedra is.

(b) Enige hangende dissiplinêre navrae of stappe gevoer of daardie navrae of stappe wat gevoer mag gewees het voor ontbinding deur of teen 'n in subartikel (3) bedoelde prokureursorde, word voortgesit of gevoer deur die orde waarheen daardie regte en verpligtinge ingevolge subartikel (4) oorgedra is, asof die voormalige orde nie ontbind is nie.''.

Wysiging van artikel 57 van Wet 53 van 1979, soos gewysig deur artikel 17 van Wet 42 van 2013

22. Artikel 57 van die Hoofwet word hierby gewysig—

(a) deur subartikels (1) en (2) onderskeidelik deur die volgende subartikels te vervang:

''(1) Elke praktisyn wat **[in 'n provinsie]** praktiseer, hetsy **[vir]** op eie rekening of op 'n ander wyse, is lid van die in artikel 56(2) bedoelde orde **[van daardie provinsie]** wat op hom of haar van toepassing is.

(2) 'n Orde kan by skriftelike kennisgewing gerig aan iemand wat in 'n hof in die **[provinsie]** regsgebied van daardie orde as 'n prokureur, notaris of transportbesorger toegelaat en ingeskryf is, of wie se naam op die rol van so 'n hof geplaas is, maar wat nie in daardie **[provinsie]** regsgebied praktiseer nie, so iemand tot lid van daardie orde verklaar met ingang van 'n datum wat in daardie kennisgewing vasgestel is.''; en

(b) deur die volgende subartikel by te voeg:

''(6) Elke praktisyn wat die eerste keer 'n lid van 'n orde word moet, binne die tydperk deur daardie orde bepaal, die orde voorsien van die inligting wat die betrokke orde se reëls bepaal.''.

Wysiging van artikel 69 van Wet 53 van 1979, soos gewysig deur artikel 23 van Wet 87 van 1989, artikel 5 van Wet 102 van 1991, artikel 54 van Wet 129 van 1993 en artikel 17 van Wet 42 van 2013

23. Artikel 69 van die Hoofwet word hierby gewysig—

(a) deur in paragraaf *(e)* subparagrawe (i) tot (iv) deur die volgende subparagrawe te vervang:

''(i) in die **[provinsie]** regsgebied van **[sy]** die orde begin praktiseer of ophou om dit te doen;

(ii) in daardie **[provinsie]** regsgebied as praktisyn diens aanvaar of ophou om daarin aldus in diens te wees;

(iii) 'n vennootskap met iemand wat in **[daardie provinsie]** die regsgebied praktiseer, aangaan of daaruit uittree; of

(iv) in **[daardie provinsie]** die regsgebied praktiseer en wat sy besigheids- of woonadres verander;''; en

(b) deur paragraaf *(j)* deur die volgende paragraaf te vervang:

''*(j)* onderworpe aan die voorwaardes wat hy of sy goedvind om op te lê, lede van sy orde toelaat om verenigings van sodanige lede, wat sirkels heet, te stig ten opsigte van die gebiede **[van die]** binne die regsgebied van die betrokke **[provinsie]** prokureursorde wat die raad van tyd tot tyd bepaal; die pligte, werksaamhede en

determine from time to time; determine the duties, functions and powers of such circles; designate places as the headquarters of such circles; and determine the constitution of bodies responsible for the management of the affairs of such circles;''.

Amendment of section 71 of Act 53 of 1979, as amended by section 24 of Act 87 of 1989, section 16 of Act 115 of 1993 and section 17 of Act 42 of 2013

24. Section 71 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

''(1) A council may in the prescribed manner inquire into cases of alleged unprofessional or dishonourable or unworthy conduct or contravention of any law repealed by section 35 of the Attorneys Amendment Act, 2014, on the part of or by any attorney, notary or conveyancer whose name has been placed on the roll of any court within the **[province]** area of jurisdiction of its society, whether or not he or she is a member of such society, or of any person serving articles of clerkship or a contract of service with a member of its society, or of any former candidate attorney referred to in section 8(4).''; and

(b) by the addition of the following subsection:

''(5) A council may take any of the steps provided for in this section and section 72, irrespective of when or where the alleged conduct or contravention took place or whether the alleged conduct or contravention occurred before or after a person became a member of its society or not.''.

Amendment of section 74 of Act 53 of 1979, as amended by section 26 of Act 87 of 1989, section 18 of Act 115 of 1993 and section 9 of Act 55 of 2003

25. Section 74 of the principal Act is hereby amended—

(a) by the substitution in subsection (1) for the words preceding paragraph *(a)* of the following words:

''A council may subject to the provisions of subsections (2) and (3) make rules, which shall be binding within the **[province]** area of jurisdiction of **[its]** the society, as to—'';

(b) by the deletion in subsection (3)*(a)* at the end of paragraph (ii) of the word ''or'';

(c) by the deletion in subsection (3)*(a)* at the end of paragraph (iii) of the comma and the insertion after the word ''Society'' of the expression ''; or'';

(d) by the insertion in subsection (3)*(a)* after paragraph (iv) of the following paragraph:

''(v) the Law Society of the Northern Provinces,'';

(e) by the substitution in subsection (3) for paragraph *(b)* of the following paragraph:

''*(b)* the council has consulted with the judge president of **[every provincial division in the province]** the court in the area of jurisdiction of its society **[and with the chief justice of every high court in such province]**.'';

(f) by the substitution for subsection (5) of the following subsection:

''(5) Any assessment of fees in terms of a rule contemplated in section 69*(h)* shall be subject to review in all respects as if it were a determination by such officer of **[a provincial division or high court]** the High Court as is charged with the taxation of fees and charges.''; and

(g) by the deletion of subsection (6).

Amendment of section 75 of Act 53 of 1979

26. Section 75 of the principal Act is hereby amended by the addition of the following subsection, the existing provisions becoming subsection (1):

''(2) The provisions of subsection (1) apply with the changes required by the context in respect of any law society, council, member of a council, official or employee of any such law society or any person with whom or which such council has concluded any agreement referred to in section 59*(g)*(ii) in terms of any law repealed by section 35 of the Attorneys Amendment Act, 2014.''.

bevoegdhede van daardie sirkels bepaal; plekke as die hoofkwartiere van daardie sirkels aanwys; en die samestelling van liggame wat vir die bestuur van die sake van daardie sirkels verantwoordelik is, bepaal;''.

Wysiging van artikel 71 van Wet 53 van 1979, soos gewysig deur artikel 24 van Wet 87 van 1989, artikel 16 van Wet 115 van 1993 en artikel 17 van Wet 42 van 2013

24. Artikel 71 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

''(1) 'n Raad kan op die voorgeskrewe wyse ondersoek instel na beweerde gevalle van onprofessionele of oneerbare of onbetaamlike gedrag of oortreding van enige wet deur artikel 35 van die Wysigingswet op Prokureurs, 2014, herroep, van die kant van of deur enige prokureur, notaris of transportbesorger wie se naam geplaas is op die rol van enige hof in die **[provinsie]** regsgebied van sy orde, of hy of sy 'n lid van so 'n orde is al dan nie, of van enigiemand wat 'n lid van sy orde kragtens 'n leerkontrak of dienskontrak dien, of van enige voormalige kandidaat-prokureur in artikel 8(4) vermeld.''; en

(b) deur die volgende subartikel by te voeg:

''(5) 'n Raad kan enige van die stappe doen waarvoor in hierdie artikel en artikel 72 voorsiening gemaak word, ongeag van wanneer of waar die beweerde gedrag of oortreding plaasgevind het of ongeag van hetsy voor of nadat iemand lid van daardie Raad se orde geword het of nie.''.

Wysiging van artikel 74 van Wet 53 van 1979, soos gewysig deur artikel 26 van Wet 87 van 1989, artikel 18 van Wet 115 van 1993 en artikel 9 van Wet 55 van 2003

25. Artikel 74 van die Hoofwet word hierby gewysig—

(a) deur in subartikel (1) die woorde wat paragraaf *(a)* voorafgaan deur die volgende woorde te vervang:

'' 'n Raad kan behoudens die bepalings van sub-artikels (2) en (3) reëls uitvaardig, wat in die **[provinsie]** regsgebied van **[sy]** die orde van krag is, betreffende—'';

(b) deur in subartikel (3)*(a)* aan die einde van paragraaf (ii) die woord ''of'' te skrap;

(c) deur in subartikel (3)*(a)* aan die einde van paragraaf (iii) die komma te skrap en deur na die woord ''Wetsgenootskap'' die uitdrukking ''; of'' in te voeg;

(d) deur die volgende paragraaf na paragraaf (iv) in subartikel (3)*(a)* in te voeg:

''(v) die Prokureursorde van die Noordelike Provinsies,'';

(e) deur in subartikel (3) paragraaf *(b)* deur die volgende paragraaf te vervang:

''*(b)* die raad oorleg gepleeg het met die regter-president van **[elke provinsiale afdeling in die provinsie]** die hof in die regsgebied van sy orde **[en met die hoofregter van elke hoërhof in daardie provinsie]**.'';

(f) deur subartikel (5) deur die volgende subartikel te vervang:

''(5) 'n Berekening van gelde ingevolge 'n reël in artikel 69*(h)* beoog, is onderworpe aan hersiening in alle opsigte asof dit 'n vasstelling is van daardie beampte van **['n provinsiale afdeling of Hoërhof]** die Hooggeregshof wat met die taksering van gelde en vorderings belas is.''; en

(g) deur subartikel (6) te skrap.

Wysiging van artikel 75 van Wet 53 van 1979

26. Artikel 75 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg, die bestaande bepalings word subartikel (1):

''(2) Die bepalings van subartikel (1) is van toepassing met die veranderinge deur die samehang vereis ten opsigte van enige prokureursorde, raad, lid van 'n raad, beampte of werknemer van so 'n prokureursorde of iemand met wie 'n raad 'n ooreenkoms in artikel 59*(g)*(ii) bedoel, ingevolge 'n deur artikel 35 van die Wysigingswet op Prokureurs, 2014, herroepe wet, aangegaan het.''.

Repeal of section 77 of Act 53 of 1979

27. Section 77 of the principal Act is hereby repealed.

Amendment of section 78 of Act 53 of 1979, as substituted by section 28 of Act 87 of 1989 and amended by section 17 of Act 42 of 2013 and section 1 of Act 14 of 2014

28. Section 78 of the principal Act is hereby amended—

(a) by the substitution for subsection (5) of the following subsection:

"(5) The council of the society **[of the province]** which has jurisdiction in the area in which a practitioner practises may by itself or through its nominee, and at its own cost, inspect the accounting records of any practitioner in order to satisfy itself that the provisions of subsections (1), (2), (2A), (3) and (4) are being observed, and, if on such inspection it is found that such practitioner has not complied with such provisions, the council may write up the accounting records of such practitioner and recover the costs of the inspection or of such writing up, as the case may be, from that practitioner.";

(b) by the substitution for subsection (8) of the following subsection:

"(8) The court may on application made by the society **[of the province]** concerned or by the board of control, in consultation with the society **[of the province]** concerned, and on good cause shown, prohibit any practitioner from operating in any way on his or her trust account, and may appoint a *curator bonis* to control and administer such trust account, with such rights, duties and powers in relation thereto as the court may deem fit.";

(c) by the substitution in subsection (9) for the words following paragraph *(a)*(vi) of the following words:

"the Master of the **[Supreme]** High Court may, on application made by the society **[of the province]** concerned or by any person having an interest in the trust account of that practitioner, appoint a *curator bonis* to control and administer such account, with such of the prescribed rights, duties and powers as the Master may deem fit."; and

(d) by the substitution for subsection (13) of the following subsection:

"(13) Any banking institution **[or building society]** at which a practitioner keeps his or her trust account or any separate account forming part of his or her trust account, shall, if so directed by the council of the society **[of the province]** having jurisdiction in the area in which such practitioner is practising, furnish the council with a signed certificate which indicates the balance of such account at the date or dates stated by the council.".

Amendment of section 82 of Act 53 of 1979, as amended by section 13 of Act 104 of 1996

29. Section 82 of the principal Act is hereby amended by the substitution for the words preceding paragraph *(a)* of the following words:

"The Chief Justice may, after consultation with the judges president of the **[several provincial divisions]** Divisions of the High Court and with the presidents of the **[several]** societies make rules of court so as to provide for—".

Amendment of section 83 of Act 53 of 1979, as amended by section 6 of Act 76 of 1980, section 5 of Act 60 of 1982, section 30 of Act 87 of 1989, section 1 of Act 49 of 1996, section 9 of Act 122 of 1998 and section 17 of Act 42 of 2013

30. Section 83 of the principal Act is hereby amended by the substitution in subsection (11) for paragraph *(e)* of the following paragraph:

"*(e)* to any practitioner who makes known in such manner as may be approved by the society **[of the province]** having jurisdiction in the area in which he or she practises, that he or she does such work;".

Herroeping van artikel 77 van Wet 53 van 1979

27. Artikel 77 van die Hoofwet word hierby herroep.

Wysiging van artikel 78 van Wet 53 van 1979, soos vervang deur artikel 28 van Wet 87 van 1989 en gewysig deur artikel 17 van Wet 42 van 2013 en artikel 1 van Wet 14 van 2014

28. Artikel 78 van die Hoofwet word hierby gewysig—

(a) deur subartikel (5) deur die volgende subartikel te vervang:

"(5) Die raad van die orde **[van die provinsie]** met jurisdiksie in die gebied waarin 'n praktisyn praktiseer, kan self of deur sy benoemde, en op sy eie koste, die rekeningkundige aantekeninge van 'n praktisyn ondersoek ten einde homself te oortuig dat aan die bepalings van subartikels (1), (2), (2A), (3) en (4) voldoen word, en, indien daar by so 'n ondersoek bevind word dat so 'n praktisyn nie aan daardie bepalings voldoen het nie, kan die raad die rekeningkundige aantekeninge van so 'n praktisyn bywerk en die koste van die ondersoek of van sodanige bywerking, na gelang van die geval, op daardie praktisyn verhaal.";

(b) deur subartikel (8) deur die volgende subartikel te vervang:

"(8) Die hof kan op aansoek van die betrokke orde **[van die betrokke provinsie]** of deur die beheerraad, in oorleg met die betrokke orde **[van die betrokke provinsie]**, indien goeie redes aangevoer word, 'n praktisyn verbied om op enige wyse op sy of haar trustrekening te werk, en kan 'n *curator bonis* aanstel om daardie trustrekening te beheer en te administreer, met die regte, pligte en bevoegdhede met betrekking daartoe wat die hof goedvind.";

(c) deur in subartikel (9) die woorde wat op paragraaf *(a)*(vi) volg deur die volgende woorde te vervang:

"kan die Meester van die Hooggeregshof, op aansoek van die betrokke orde **[van die betrokke provinsie]** of van iemand wat 'n belang by die trustrekening van daardie praktisyn het, 'n *curator bonis* aanstel om daardie rekening te beheer en te administreer, met soveel van die voorgeskrewe regte, pligte en bevoegdhede as wat die Meester goedvind."; en

(d) deur subartikel (13) deur die volgende subartikel te vervang:

"(13) 'n Bankinstelling **[of bouvereniging]** waar 'n praktisyn sy trustrekening of enige afsonderlike rekening wat deel van sy trustrekening uitmaak, hou, verstrek wanneer daartoe gelas deur die raad van die orde **[van die provinsie]** met jurisdiksie in die gebied waarin so 'n praktisyn praktiseer, aan die raad 'n ondertekende sertifikaat wat aandui wat die balans is van so 'n rekening op die datum of datums deur die raad vermeld.".

Wysiging van artikel 82 van Wet 53 van 1979, soos gewysig deur artikel 13 van Wet 104 van 1996

29. Artikel 82 van die Hoofwet word hierby gewysig deur die woorde wat paragraaf *(a)* voorafgaan deur die volgende woorde te vervang:

"Die Hoofregter kan, na oorlegpleging met die regters-president van die **[onderskeie provinsiale afdelings]** afdelings van die Hooggeregshof en met die presidente van die onderskeie ordes, hofreëls uitvaardig ten einde voorsiening te maak vir—".

Wysiging van artikel 83 van Wet 53 van 1979, soos gewysig deur artikel 6 van Wet 76 van 1980, artikel 5 van Wet 60 van 1982, artikel 30 van Wet 87 van 1989, artikel 1 van Wet 49 van 1996, artikel 9 van Wet 122 van 1998 en artikel 17 van Wet 42 van 2013

30. Artikel 83 van die Hoofwet word hierby gewysig deur in subartikel (11) paragraaf *(e)* deur die volgende paragraaf te vervang:

"*(e)* op 'n praktisyn wat op die wyse goedgekeur deur die orde **[van die provinsie]** met jurisdiksie in die gebied waarin hy of sy praktiseer, bekend maak dat hy of sy sodanige werk verrig;".

Repeal of section 84 of Act 53 of 1979

31. Section 84 of the principal Act is hereby repealed.

Repeal of section 84A of Act 53 of 1979

32. Section 84A of the principal Act is hereby repealed.

Amendment of section 86 of Act 53 of 1979, as amended by section 31 of Act 87 of 1989 and section 17 of Act 42 of 2013

33. Section 86 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

"(1) Subject to the provisions of subsections (2) **[and]**, (3) and (4), the laws set out in the Schedule are hereby repealed to the extent set out in the third column thereof."; and

(b) by the addition of the following subsections:

"(4) Any person who, immediately before the commencement of section 33*(b)* of the Attorneys Amendment Act, 2014, was admitted and entitled to practise as a practitioner in terms of any of the laws repealed by section 35 of that Act continues to be so entitled under this Act, provided that the person complies with all the other requirements of this Act.

(5) Despite the provisions of section 15(1)*(b)*(ivA), any person who, in terms of the Attorneys, Notaries and Conveyancers Act, 1984 (Act 29 of 1984) (Bophuthatswana), was, immediately before the commencement of section 33*(b)* of the Attorneys Amendment Act, 2014, entitled to be admitted and enrolled as an attorney, continues to be so entitled: Provided that all other requirements of this Act for admission and enrolment as an attorney have been met.

(6) A degree at any university in the former Republics of Transkei, Bophuthatswana, Venda and Ciskei, which has been designated in terms of section 2(1)*(a*B*)*, will be acknowledged for purposes of articles of clerkship referred to in section 4A*(b)*(ii) and admission as attorney referred to in 15(1)*(b)*(iii): Provided that all other requirements of this Act for entering into articles of clerkship or admission as an attorney have been met.

Insertion of section 86A in Act 53 of 1979

34. The following section is hereby inserted in the principal Act after section 86:

"**Application of Act**

86A. This Act applies throughout the Republic.".

Repeal or amendment of laws

35. The Acts specified in the Schedule are hereby amended or repealed to the extent set out in the third column of that Schedule.

Short title and commencement

36. This Act is called the Attorneys Amendment Act, 2014, and comes into operation on a date fixed by the President by proclamation in the *Gazette*.

Herroeping van artikel 84 van Wet 53 van 1979

31. Artikel 84 van die Hoofwet word hierby herroep.

Herroeping van artikel 84A van Wet 53 van 1979

32. Artikel 84A van die Hoofwet word hierby herroep.

Wysiging van artikel 86 van Wet 53 van 1979, soos gewysig deur artikel 31 van Wet 87 van 1989 en artikel 17 van Wet 42 van 2013

33. Artikel 86 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Behoudens die bepalings van subartikels (2) **[en]**, (3) en (4) word die wette in die Bylae vermeld hierby herroep in die mate in die derde kolom daarvan uiteengesit.”; en

(b) deur die volgende subartikels by te voeg:

“(4) Iemand wat, onmiddellik voor die inwerkingtreding van artikel 33*(b)* van die Wysigingswet op Prokureurs, 2014, toegelaat is en geregtig is om as ’n praktisyn ingevolge enige van die wette deur artikel 35 van daardie Wet herroep, te praktiseer, is steeds aldus geregtig kragtens hierdie Wet, met dien verstande dat die persoon aan al die ander vereistes van hierdie Wet voldoen.

(5) Ondanks die bepalings van artikel 15(1)*(b)*(ivA), is iemand wat onmiddellik voor die inwerkingtreding van die Wysigingswet op Prokureurs, 2014, ingevolge die ‘Attorneys, Notaries and Conveyancers Act’, 1984 (Wet No. 29 van 1984) (Bophuthatswana), geregtig was om as prokureur toegelaat en ingeskryf te word, steeds aldus geregtig: Met dien verstande dat alle ander vereistes van hierdie Wet vir toelating en inskrywing as prokureur aan voldoen is.

(6) ’n Graad van enige universiteit in die voormalige republieke van Transkei, Bophuthatswana, Venda en Ciskei, wat ingevolge artikel 2(1)*(a*B*)* aangewys is, sal erken word vir doeleindes van ’n in artikel 4A*(b)*(ii) bedoelde leerkontrak en in artikel 15(1)*(b)*(iii) bedoelde toelating as prokureur: Met dien verstande dat alle ander vereistes van hierdie Wet vir die aangaan van ’n leerkontrak of toelating aan voldoen is.”.

Invoeging van artikel 86A in Wet 53 van 1979

34. Die volgende artikel word hierby na artikel 86 in die Hoofwet ingevoeg:

“**Toepassing van Wet**

86A. Hierdie Wet geld regdeur die Republiek.”.

Herroeping of wysiging van wette

35. Die Wette in die Bylae vermeld word hierby gewysig of herroep tot die mate in die derde kolom van daardie Bylae uiteengesit.

Kort titel en inwerkingtreding

36. Hierdie Wet heet die Wysigingswet op Prokureurs, 2014, en tree in werking op ’n datum deur die President by proklamasie in die *Staatskoerant* bepaal.

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SCHEDULE

(Section 35)

No. and year of Act	Short title	Extent of repeal or amendment
Act No. 23 of 1934 (Transkei)	Attorneys, Notaries and Conveyancers Admission Act, 1934	Repeal of the whole Act in so far as it is still applicable in the territory which comprised the former Republic of Transkei
Act No. 74 of 1964	Admission of Advocates Act, 1964	Substitution for the definition of ''advocate'' in section 1 of the following definition: '' **'advocate'** means an advocate of the **[Supreme Court]** High Court of South Africa;''
Act No. 53 of 1979 (Ciskei)	Attorneys Act, 1979	Repeal of the whole Act in so far as it is still applicable in the territory which comprised the former Republic of Ciskei
Act No. 29 of 1984 (Bophuthatswana)	Attorneys, Notaries and Conveyancers Act, 1984	Repeal of the whole Act in so far as it is still applicable in the territory which comprised the former Republic of Bophuthatswana
Act No. 42 of 1987 (Venda)	Attorneys Act, 1987	Repeal of the whole Act in so far as it is still applicable in the territory which comprised the former Republic of Venda

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BYLAE

(Artikel 35)

Wet No. en jaar	**Kort titel**	**Omvang van herroeping of wysiging**
Wet No. 23 van 1934 (Transkei)	"Attorneys, Notaries and Conveyancers Admission Act", 1934	Herroeping van die Wet in sy geheel in soverre dit steeds van toepassing is in die gebied wat die voormalige Republiek van Transkei uitgemaak het.
Wet No. 74 van 1964	Wet op die Toelating van Advokate, 1964	Vervanging van die omskrywing van "advokaat" in artikel 1 deur die volgende omskrywing: " **'advokaat'** 'n advokaat van die Hooggeregshof van Suid-Afrika;".
Wet No. 53 van 1979 (Ciskei)	"Attorneys Act", 1979	Herroeping van die Wet in sy geheel in soverre dit steeds van toepassing is in die gebied wat die voormalige Republiek van Ciskei gevorm het.
Wet No. 29 van 1984 (Bophuthatswana)	"Attorneys, Notaries and Conveyancers Act", 1984	Herroeping van die Wet in sy geheel in soverre dit nog van toepassing is in die gebied wat die voormalige Republiek van Bophuthatswana uitgemaak het.
Wet No. 42 van 1987 (Venda)	"Attorneys Act", 1987	Herroeping van die Wet in sy geheel in soverre dit steeds van toepassing is in die gebied wat die voormalige Republiek van Venda uitgemaak het.