



# Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA  
REPUBLIEK VAN SUID AFRIKA

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**IMPORTANT NOTICE:**

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**No FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.**

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government  
printing

Department:  
Government Printing Works  
REPUBLIC OF SOUTH AFRICA

## HIGH ALERT: SCAM WARNING!!!

### TO ALL SUPPLIERS AND SERVICE PROVIDERS OF THE GOVERNMENT PRINTING WORKS

It has come to the attention of the *GOVERNMENT PRINTING WORKS* that there are certain unscrupulous companies and individuals who are defrauding unsuspecting businesses disguised as representatives of the *Government Printing Works (GPW)*.

The scam involves the fraudsters using the letterhead of *GPW* to send out fake tender bids to companies and requests to supply equipment and goods.

Although the contact person's name on the letter may be of an existing official, the contact details on the letter are not the same as the *Government Printing Works*. When searching on the Internet for the address of the company that has sent the fake tender document, the address does not exist.

The banking details are in a private name and not company name. Government will never ask you to deposit any funds for any business transaction. *GPW* has alerted the relevant law enforcement authorities to investigate this scam to protect legitimate businesses as well as the name of the organisation.

Example of e-mails these fraudsters are using:

[PROCUREMENT@GPW-GOV.ORG](mailto:PROCUREMENT@GPW-GOV.ORG)

Should you suspect that you are a victim of a scam, you must urgently contact the police and inform the *GPW*.

*GPW* has an official email with the domain as [@gpw.gov.za](mailto:gpw@gpw.gov.za)

Government e-mails DO NOT have org in their e-mail addresses. All of these fraudsters also use the same or very similar telephone numbers. Although such number with an area code 012 looks like a landline, it is not fixed to any property.

*GPW* will never send you an e-mail asking you to supply equipment and goods without a purchase/order number. *GPW* does not procure goods for another level of Government. The organisation will not be liable for actions that result in companies or individuals being resultant victims of such a scam.

*Government Printing Works* gives businesses the opportunity to supply goods and services through RFQ / Tendering process. In order to be eligible to bid to provide goods and services, suppliers must be registered on the National Treasury's Central Supplier Database (CSD). To be registered, they must meet all current legislative requirements (e.g. have a valid tax clearance certificate and be in good standing with the South African Revenue Services - SARS).

The tender process is managed through the Supply Chain Management (SCM) system of the department. SCM is highly regulated to minimise the risk of fraud, and to meet objectives which include value for money, open and effective competition, equitability, accountability, fair dealing, transparency and an ethical approach. Relevant legislation, regulations, policies, guidelines and instructions can be found on the tender's website.

## Fake Tenders

National Treasury's CSD has launched the Government Order Scam campaign to combat fraudulent requests for quotes (RFQs). Such fraudulent requests have resulted in innocent companies losing money. We work hard at preventing and fighting fraud, but criminal activity is always a risk.

### How tender scams work

There are many types of tender scams. Here are some of the more frequent scenarios:

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to a company to invite it to urgently supply goods. Shortly after the company has submitted its quote, it receives notification that it has won the tender. The company delivers the goods to someone who poses as an official or at a fake site. The Department has no idea of this transaction made in its name. The company is then never paid and suffers a loss.

OR

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to Company A to invite it to urgently supply goods. Typically, the tender specification is so unique that only Company B (a fictitious company created by the fraudster) can supply the goods in question.

Shortly after Company A has submitted its quote it receives notification that it has won the tender. Company A orders the goods and pays a deposit to the fictitious Company B. Once Company B receives the money, it disappears. Company A's money is stolen in the process.

Protect yourself from being scammed

- If you are registered on the supplier databases and you receive a request to tender or quote that seems to be from a government department, contact the department to confirm that the request is legitimate. Do not use the contact details on the tender document as these might be fraudulent.
- Compare tender details with those that appear in the Tender Bulletin, available online at [www.gpwonline.co.za](http://www.gpwonline.co.za)
- Make sure you familiarise yourself with how government procures goods and services. Visit the tender website for more information on how to tender.
- If you are uncomfortable about the request received, consider visiting the government department and/or the place of delivery and/or the service provider from whom you will be sourcing the goods.
- In the unlikely event that you are asked for a deposit to make a bid, contact the SCM unit of the department in question to ask whether this is in fact correct.

Any incidents of corruption, fraud, theft and misuse of government property in the *Government Printing Works* can be reported to:

Supply Chain Management: Ms. Anna Marie Du Toit, Tel. (012) 748 6292.  
Email: [Annamarie.DuToit@gpw.gov.za](mailto:Annamarie.DuToit@gpw.gov.za)

Marketing and Stakeholder Relations: Ms Bonakele Mbhele, at Tel. (012) 748 6193.  
Email: [Bonakele.Mbhele@gpw.gov.za](mailto:Bonakele.Mbhele@gpw.gov.za)

Security Services: Mr Daniel Legoabe, at tel. (012) 748 6176.  
Email: [Daniel.Legoabe@gpw.gov.za](mailto:Daniel.Legoabe@gpw.gov.za)

# Closing times for **ORDINARY WEEKLY** **2024** **GOVERNMENT GAZETTE**

The closing time is **15:00** sharp on the following days:

- **28 December 2023**, Thursday for the issue of Friday **05 January 2024**
- **05 January**, Friday for the issue of Friday **12 January 2024**
- **12 January**, Friday for the issue of Friday **19 January 2024**
- **19 January**, Friday for the issue of Friday **26 January 2024**
- **26 January**, Friday for the issue of Friday **02 February 2024**
- **02 February**, Friday for the issue of Friday **09 February 2024**
- **09 February**, Friday for the issue of Friday **16 February 2024**
- **16 February**, Friday for the issue of Friday **23 February 2024**
- **23 February**, Friday for the issue of Friday **01 March 2024**
- **01 March**, Friday for the issue of Friday **08 March 2024**
- **08 March**, Friday for the issue of Friday **15 March 2024**
- **14 March**, Thursday for the issue of Friday **22 March 2024**
- **20 March**, Wednesday for the issue of Thursday **28 March 2024**
- **27 March**, Wednesday for the issue of Friday **05 April 2024**
- **05 April**, Friday for the issue of Friday **12 April 2024**
- **12 April**, Friday for the issue of Friday **19 April 2024**
- **19 April**, Friday for the issue of Friday **26 April 2024**
- **25 April**, Thursday for the issue of Friday **03 May 2024**
- **03 May**, Friday for the issue of Friday **10 May 2024**
- **10 May**, Friday for the issue of Friday **17 May 2024**
- **17 May**, Friday for the issue of Friday **24 May 2024**
- **24 May**, Friday for the issue of Friday **31 May 2024**
- **31 May**, Friday for the issue of Friday **07 June 2024**
- **07 June**, Friday for the issue of Friday **14 June 2024**
- **13 June**, Thursday for the issue of Friday **21 June 2024**
- **21 June**, Friday for the issue of Friday **28 June 2024**
- **28 June**, Friday for the issue of Friday **05 July 2024**
- **05 July**, Friday for the issue of Friday **12 July 2024**
- **12 July**, Friday for the issue of Friday **19 July 2024**
- **19 July**, Friday for the issue of Friday **26 July 2024**
- **26 July**, Friday for the issue of Friday **02 August 2024**
- **01 August**, Thursday for the issue of Thursday **08 August 2024**
- **08 August**, Thursday for the issue of Friday **16 August 2024**
- **16 August**, Friday for the issue of Friday **23 August 2024**
- **23 August**, Friday for the issue of Friday **30 August 2024**
- **30 August**, Friday for the issue of Friday **06 September 2024**
- **06 September**, Friday for the issue of Friday **13 September 2024**
- **13 September**, Friday for the issue of Friday **20 September 2024**
- **19 September**, Thursday for the issue of Friday **27 September 2024**
- **27 September**, Friday for the issue of Friday **04 October 2024**
- **04 October**, Friday for the issue of Friday **11 October 2024**
- **11 October**, Friday for the issue of Friday **18 October 2024**
- **18 October**, Friday for the issue of Friday **25 October 2024**
- **25 October**, Friday for the issue of Friday **01 November 2024**
- **01 November**, Friday for the issue of Friday **08 November 2024**
- **08 November**, Friday for the issue of Friday **15 November 2024**
- **15 November**, Friday for the issue of Friday **22 November 2024**
- **22 November**, Friday for the issue of Friday **29 November 2024**
- **29 November**, Friday for the issue of Friday **06 December 2024**
- **06 December**, Friday for the issue of Friday **13 December 2024**
- **12 December**, Thursday for the issue of Friday **20 December 2024**
- **18 December**, Wednesday for the issue of Friday **27 December 2024**

# LIST OF TARIFF RATES FOR PUBLICATION OF NOTICES

**COMMENCEMENT: 1 APRIL 2018**

## NATIONAL AND PROVINCIAL

Notice sizes for National, Provincial & Tender gazettes 1/4, 2/4, 3/4, 4/4 per page. Notices submitted will be charged at R1008.80 per full page, pro-rated based on the above categories.

Pricing for National, Provincial - Variable Priced Notices		
Notice Type	Page Space	New Price (R)
Ordinary National, Provincial	1/4 - Quarter Page	252.20
Ordinary National, Provincial	2/4 - Half Page	504.40
Ordinary National, Provincial	3/4 - Three Quarter Page	756.60
Ordinary National, Provincial	4/4 - Full Page	1008.80

## EXTRA-ORDINARY

All Extra-ordinary National and Provincial gazette notices are non-standard notices and attract a variable price based on the number of pages submitted.

The pricing structure for National and Provincial notices which are submitted as **Extra ordinary submissions** will be charged at **R3026.32** per page.

## GOVERNMENT PRINTING WORKS - BUSINESS RULES

The **Government Printing Works (GPW)** has established rules for submitting notices in line with its electronic notice processing system, which requires the use of electronic *Adobe Forms*. Please ensure that you adhere to these guidelines when completing and submitting your notice submission.

### CLOSING TIMES FOR ACCEPTANCE OF NOTICES

1. The *Government Gazette* and *Government Tender Bulletin* are weekly publications that are published on Fridays and the closing time for the acceptance of notices is strictly applied according to the scheduled time for each gazette.
2. Please refer to the Submission Notice Deadline schedule in the table below. This schedule is also published online on the Government Printing works website [www.gpwonline.co.za](http://www.gpwonline.co.za)

All re-submissions will be subject to the standard cut-off times.

**All notices received after the closing time will be rejected.**

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
National Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Regulation Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Petrol Price Gazette	Monthly	Tuesday before 1st Wednesday of the month	One day before publication	1 working day prior to publication
Road Carrier Permits	Weekly	Friday	Thursday 15h00 for next Friday	3 working days prior to publication
Unclaimed Monies (Justice, Labour or Lawyers)	January / September 2 per year	Last Friday	One week before publication	3 working days prior to publication
Parliament (Acts, White Paper, Green Paper)	As required	Any day of the week	None	3 working days prior to publication
Manuals	Bi- Monthly	2nd and last Thursday of the month	One week before publication	3 working days prior to publication
State of Budget (National Treasury)	Monthly	30th or last Friday of the month	One week before publication	3 working days prior to publication
<i>Extraordinary Gazettes</i>	As required	Any day of the week	<i>Before 10h00 on publication date</i>	<i>Before 10h00 on publication date</i>
Legal Gazettes A, B and C	Weekly	Friday	One week before publication	Tuesday, 15h00 - 3 working days prior to publication
Tender Bulletin	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Gauteng	Weekly	Wednesday	Two weeks before publication	3 days <b>after</b> submission deadline
Eastern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
Northern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
North West	Weekly	Tuesday	One week before publication	3 working days prior to publication
KwaZulu-Natal	Weekly	Thursday	One week before publication	3 working days prior to publication
Limpopo	Weekly	Friday	One week before publication	3 working days prior to publication
Mpumalanga	Weekly	Friday	One week before publication	3 working days prior to publication

## GOVERNMENT PRINTING WORKS - BUSINESS RULES

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
Gauteng Liquor License Gazette	Monthly	Wednesday before the First Friday of the month	Two weeks before publication	3 working days <b>after</b> submission deadline
Northern Cape Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days <b>after</b> submission deadline
National Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days <b>after</b> submission deadline
Mpumalanga Liquor License Gazette	Bi-Monthly	Second & Fourth Friday	One week before publication	3 working days prior to publication

### EXTRAORDINARY GAZETTES

3. *Extraordinary Gazettes* can have only one publication date. If multiple publications of an *Extraordinary Gazette* are required, a separate Z95/Z95Prov *Adobe* Forms for each publication date must be submitted.

### NOTICE SUBMISSION PROCESS

4. Download the latest *Adobe* form, for the relevant notice to be placed, from the **Government Printing Works** website [www.gpwonline.co.za](http://www.gpwonline.co.za).
5. The *Adobe* form needs to be completed electronically using *Adobe Acrobat / Acrobat Reader*. Only electronically completed *Adobe* forms will be accepted. No printed, handwritten and/or scanned *Adobe* forms will be accepted.
6. The completed electronic *Adobe* form has to be submitted via email to [submit.egazette@gpw.gov.za](mailto:submit.egazette@gpw.gov.za). The form needs to be submitted in its original electronic *Adobe* format to enable the system to extract the completed information from the form for placement in the publication.
7. Every notice submitted **must** be accompanied by an official **GPW** quotation. This must be obtained from the *eGazette* Contact Centre.
8. Each notice submission should be sent as a single email. The email **must** contain **all documentation relating to a particular notice submission**.
  - 8.1. Each of the following documents must be attached to the email as a separate attachment:
    - 8.1.1. An electronically completed *Adobe* form, specific to the type of notice that is to be placed.
      - 8.1.1.1. For National *Government Gazette* or *Provincial Gazette* notices, the notices must be accompanied by an electronic Z95 or Z95Prov *Adobe* form
      - 8.1.1.2. The notice content (body copy) **MUST** be a separate attachment.
    - 8.1.2. A copy of the official **Government Printing Works** quotation you received for your notice. (*Please see Quotation section below for further details*)
    - 8.1.3. A valid and legible Proof of Payment / Purchase Order: **Government Printing Works** account customer must include a copy of their Purchase Order. **Non-Government Printing Works** account customer needs to submit the proof of payment for the notice
    - 8.1.4. Where separate notice content is applicable (Z95, Z95 Prov and TForm 3, it should **also** be attached as a separate attachment. (*Please see the Copy Section below, for the specifications*).
    - 8.1.5. Any additional notice information if applicable.

**GOVERNMENT PRINTING WORKS - BUSINESS RULES**

9. The electronic *Adobe* form will be taken as the primary source for the notice information to be published. Instructions that are on the email body or covering letter that contradicts the notice form content will not be considered. The information submitted on the electronic *Adobe* form will be published as-is.
10. To avoid duplicated publication of the same notice and double billing, Please submit your notice **ONLY ONCE**.
11. Notices brought to **GPW** by “walk-in” customers on electronic media can only be submitted in *Adobe* electronic form format. All “walk-in” customers with notices that are not on electronic *Adobe* forms will be routed to the Contact Centre where they will be assisted to complete the forms in the required format.
12. Should a customer submit a bulk submission of hard copy notices delivered by a messenger on behalf of any organisation e.g. newspaper publisher, the messenger will be referred back to the sender as the submission does not adhere to the submission rules.

**QUOTATIONS**

13. Quotations are valid until the next tariff change.
  - 13.1. **Take note:** **GPW**'s annual tariff increase takes place on **1 April** therefore any quotations issued, accepted and submitted for publication up to **31 March** will keep the old tariff. For notices to be published from 1 April, a quotation must be obtained from **GPW** with the new tariffs. Where a tariff increase is implemented during the year, **GPW** endeavours to provide customers with 30 days' notice of such changes.
14. Each quotation has a unique number.
15. Form Content notices must be emailed to the *eGazette* Contact Centre for a quotation.
  - 15.1. The *Adobe* form supplied is uploaded by the Contact Centre Agent and the system automatically calculates the cost of your notice based on the layout/format of the content supplied.
  - 15.2. It is critical that these *Adobe* Forms are completed correctly and adhere to the guidelines as stipulated by **GPW**.
16. **APPLICABLE ONLY TO GPW ACCOUNT HOLDERS:**
  - 16.1. **GPW** Account Customers must provide a valid **GPW** account number to obtain a quotation.
  - 16.2. Accounts for **GPW** account customers **must** be active with sufficient credit to transact with **GPW** to submit notices.
    - 16.2.1. If you are unsure about or need to resolve the status of your account, please contact the **GPW** Finance Department prior to submitting your notices. (If the account status is not resolved prior to submission of your notice, the notice will be failed during the process).
17. **APPLICABLE ONLY TO CASH CUSTOMERS:**
  - 17.1. Cash customers doing **bulk payments** must use a **single email address** in order to use the **same proof of payment** for submitting multiple notices.
18. The responsibility lies with you, the customer, to ensure that the payment made for your notice(s) to be published is sufficient to cover the cost of the notice(s).
19. Each quotation will be associated with one proof of payment / purchase order / cash receipt.
  - 19.1. This means that **the quotation number can only be used once to make a payment.**

**GOVERNMENT PRINTING WORKS - BUSINESS RULES****COPY (SEPARATE NOTICE CONTENT DOCUMENT)**

20. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03
- 20.1. Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.
- The content document should contain only one notice. (You may include the different translations of the same notice in the same document).
- 20.2. The notice should be set on an A4 page, with margins and fonts set as follows:
- Page size = A4 Portrait with page margins: Top = 40mm, LH/RH = 16mm, Bottom = 40mm;  
Use font size: Arial or Helvetica 10pt with 11pt line spacing;
- Page size = A4 Landscape with page margins: Top = 16mm, LH/RH = 40mm, Bottom = 16mm;  
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

**CANCELLATIONS**

21. Cancellation of notice submissions are accepted by **GPW** according to the deadlines stated in the table above in point 2. Non-compliance to these deadlines will result in your request being failed. Please pay special attention to the different deadlines for each gazette. Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.
22. Requests for cancellation must be sent by the original sender of the notice and must be accompanied by the relevant notice reference number (N-) in the email body.

**AMENDMENTS TO NOTICES**

23. With effect from 01 October 2015, **GPW** will not longer accept amendments to notices. The cancellation process will need to be followed according to the deadline and a new notice submitted thereafter for the next available publication date.

**REJECTIONS**

24. All notices not meeting the submission rules will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za)). Reasons for rejections include the following:
- 24.1. Incorrectly completed forms and notices submitted in the wrong format, will be rejected.
- 24.2. Any notice submissions not on the correct *Adobe* electronic form, will be rejected.
- 24.3. Any notice submissions not accompanied by the proof of payment / purchase order will be rejected and the notice will not be processed.
- 24.4. Any submissions or re-submissions that miss the submission cut-off times will be rejected to the customer. The Notice needs to be re-submitted with a new publication date.

**GOVERNMENT PRINTING WORKS - BUSINESS RULES****APPROVAL OF NOTICES**

25. Any notices other than legal notices are subject to the approval of the Government Printer, who may refuse acceptance or further publication of any notice.
26. No amendments will be accepted in respect to separate notice content that was sent with a Z95 or Z95Prov notice submissions. The copy of notice in layout format (previously known as proof-out) is only provided where requested, for Advertiser to see the notice in final Gazette layout. Should they find that the information submitted was incorrect, they should request for a notice cancellation and resubmit the corrected notice, subject to standard submission deadlines. The cancellation is also subject to the stages in the publishing process, i.e. If cancellation is received when production (printing process) has commenced, then the notice cannot be cancelled.

**GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY**

27. The Government Printer will assume no liability in respect of—
  - 27.1. any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;
  - 27.2. erroneous classification of a notice, or the placement of such notice in any section or under any heading other than the section or heading stipulated by the advertiser;
  - 27.3. any editing, revision, omission, typographical errors or errors resulting from faint or indistinct copy.

**LIABILITY OF ADVERTISER**

28. Advertisers will be held liable for any compensation and costs arising from any action which may be instituted against the Government Printer in consequence of the publication of any notice.

**CUSTOMER INQUIRIES**

Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While **GPW** deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.

**GPW** has a 2-working day turnaround time for processing notices received according to the business rules and deadline submissions.

Please keep this in mind when making inquiries about your notice submission at the Contact Centre.

29. Requests for information, quotations and inquiries must be sent to the Contact Centre **ONLY**.
30. Requests for Quotations (RFQs) should be received by the Contact Centre at least **2 working days** before the submission deadline for that specific publication.

## GOVERNMENT PRINTING WORKS - BUSINESS RULES

### PAYMENT OF COST

31. The Request for Quotation for placement of the notice should be sent to the Gazette Contact Centre as indicated above, prior to submission of notice for advertising.
32. Payment should then be made, or Purchase Order prepared based on the received quotation, prior to the submission of the notice for advertising as these documents i.e. proof of payment or Purchase order will be required as part of the notice submission, as indicated earlier.
33. Every proof of payment must have a valid **GPW** quotation number as a reference on the proof of payment document.
34. Where there is any doubt about the cost of publication of a notice, and in the case of copy, an enquiry, accompanied by the relevant copy, should be addressed to the Gazette Contact Centre, **Government Printing Works**, Private Bag X85, Pretoria, 0001 email: [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za) before publication.
35. Overpayment resulting from miscalculation on the part of the advertiser of the cost of publication of a notice will not be refunded, unless the advertiser furnishes adequate reasons why such miscalculation occurred. In the event of underpayments, the difference will be recovered from the advertiser, and future notice(s) will not be published until such time as the full cost of such publication has been duly paid in cash or electronic funds transfer into the **Government Printing Works** banking account.
36. In the event of a notice being cancelled, a refund will be made only if no cost regarding the placing of the notice has been incurred by the **Government Printing Works**.
37. The **Government Printing Works** reserves the right to levy an additional charge in cases where notices, the cost of which has been calculated in accordance with the List of Fixed Tariff Rates, are subsequently found to be excessively lengthy or to contain overmuch or complicated tabulation.

### PROOF OF PUBLICATION

38. Copies of any of the *Government Gazette* or *Provincial Gazette* can be downloaded from the **Government Printing Works** website [www.gpwonline.co.za](http://www.gpwonline.co.za) free of charge, should a proof of publication be required.
39. Printed copies may be ordered from the Publications department at the ruling price. The **Government Printing Works** will assume no liability for any failure to post or for any delay in despatching of such *Government Gazette*(s)

## GOVERNMENT PRINTING WORKS CONTACT INFORMATION

**Physical Address:**
**Government Printing Works**

149 Bosman Street

Pretoria

**Postal Address:**

Private Bag X85

Pretoria

0001

**GPW Banking Details:**
**Bank:** ABSA Bosman Street

**Account No.:** 405 7114 016

**Branch Code:** 632-005

**For Gazette and Notice submissions:** Gazette Submissions:

**For queries and quotations, contact:** Gazette Contact Centre:

**E-mail:** [submit.egazette@gpw.gov.za](mailto:submit.egazette@gpw.gov.za)
**E-mail:** [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za)
**Tel:** 012-748 6200

**Contact person for subscribers:** Mrs M. Toka:

**E-mail:** [subscriptions@gpw.gov.za](mailto:subscriptions@gpw.gov.za)
**Tel:** 012-748-6066 / 6060 / 6058

**Fax:** 012-323-9574

## GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

### DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 5117

16 August 2024

#### NOTICE OF INTENTION TO AMEND THE GAZETTE NOTICE IN TERMS OF SECTION 11A (2) OF THE RESTITUTION OF LAND RIGHTS ACT, NO. 22 OF 1994 (AS AMENDED).

**WHEREAS** a land claim was lodged by Mr. Matholwane Tully Chabangu, which claim was published in terms of Section 11(1) of the Restitution of Land Rights Act, No. 22 of 1994 (as amended), hereinafter referred to as "the Act".

and

**WHEREAS** during further investigation of the land claim in so far as it relates to the property referred to below, the Regional Land Claims Commissioner, has reason to believe that the criteria set out in Section 11(1) (b) of the Act, has not been met.

**NOW THEREFORE NOTICE** is hereby given in terms of Section 11A (2) of the Act that at the expiry of 30 days from the date of the publication of this notice in the Government Gazette, the notice of the claim previously published in terms of section 11(1) of the Act in Gazette No. 43632, under Notice 898 of 2020, dated 21 August 2020, to the extent that it relates to the property listed below, will be removed unless cause to the contrary is shown to the satisfaction of the Regional Land Claims Commissioner.

The details of the Gazette No 43632, under Notice 898 of 2020, dated 21 August 2020, relevant for this notice include the following:

**Reference No:** Z 0158

**Claimant:** Mr. Matholwane Tully Chabangu

**Property Description:** See below

**Owner:** See below

**Date Submitted:** 21 December 1998

No.	Property Description	Extent (Ha)	Land Owner
1.	Portion 13 of the farm Witklip 539 JR	238.3148	Hans van Rensburg Boerdery CC

The reasons the Regional Land Claims Commissioner believes that the criteria in section 11(1) of the Act may not have been met, is that:

- (a) The claimed land does not extend to portion 13 of the farm Witklip 539 JR; and/or
- (b) The claimants did not have rights (as defined in the Act) on the property listed above; and
- (c) The claimed land affects portion 4 of the farm Witklip 539 JR situated in the City of Tshwane Metropolitan Municipality, Gauteng Province.

Any party who may have an interest in the above-mentioned land claim is hereby invited to make representations, within 30 days from the publication of this notice, as to why the gazette should not be amended in terms of section 11A (3) of the Act.

The representations must be forwarded to the Regional Land Claims Commissioner

**MR L H MAPHUTHA**  
**The Regional Land Claims Commissioner**  
Private Bag X 03  
ARCADIA  
0007  
Tel: (012) 310-6500  
Fax: (012) 323-2961

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 5118

16 August 2024

**WITHDRAWAL OF A LAND CLAIM FROM GAZETTE NUMBER 46322, NOTICE 2063 OF 2022 DATED 06 MAY 2022 IN TERMS OF SECTION 11A (4) OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT NO. 22 OF 1994), AS AMENDED IN RESPECT OF MAKOLA MATLALA.**

Notice is hereby given in terms of section 11A (4) of the Restitution of Land Rights Act, Act No. 22 of 1994 as amended, that Makola Matlala lodged a claim for restitution of land rights on the farm Boschkloof 331 KT situated in Fetakgomo-Tubatse Local Municipality, Sekhukhune District of the Limpopo. This land claim was lodged on the 2<sup>nd</sup> of December 1998.

Further details of the property under claim are as follows:


PROPERTY DESCRIPTION	OWNER	TITLE DEED	EXTENT IN HECTARES	ENDORSEMENTS ENCUMBRANCES	HOLDER
Portion 1 of the farm Boschkloof 331 KT	National Government of the Republic of South Africa	T127651/1991PTA	1269.5409 H	I-11312/2000CPTA	-
				I-12922/2012CPTA	-
				KT,331,1PTA	-
				K2234/2000RMPTA	Lebowa Mineral Trust

Take further notice that the Office of the Regional Land Claims Commissioner: Limpopo has settled and finalized this land claim in terms of Section 42D on the above-mentioned property.

Any interested party affected hereby may, within a period of 90 days of publication hereof, submit his/her/its comment or objection under reference number: KRP 4512 hereto to the Office of the Regional Land Claims Commissioner at the address set out below, failing which the said notice shall automatically be withdrawn at the expiry of the said period.

The office of the Regional Land Claims Commissioner: Limpopo  
 Private Bag x9552  
 POLOKWANE 0700

Submission may also be delivered to:  
 13<sup>th</sup> – 15<sup>th</sup> Floor Thabakgolo Nedbank Building  
 50-58 Landros Mare Street  
 POLOKWANE 0700

  
 MR. L.H. MAPHUTHA  
 REGIONAL LAND CLAIMS COMMISSIONER  
 DATE: 2024/07/31

## DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. 5119

16 August 2024

## NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003

(ACT NO. 57 OF 2003)

**DECLARATION OF AREAS SITUATED IN THE NORTHERN CAPE PROVINCE TO BE PART OF THE EXISTING MOKALA NATIONAL PARK IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003 (ACT NO. 57 OF 2003)**

I, Dion Travers George, Minister of Forestry, Fisheries and the Environment, hereby under section 20(1)(a)(ii) of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), declare the areas listed in the Schedule hereto, to be part of the existing Mokala National Park.



**DR DION TRAVERS GEORGE, MP  
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT**

**SCHEDULE**

1. Portion 2 of the Farm Scholtzfontein North No. 137, Division of Herbert, Northern Cape Province, measuring 856.6376 (Eight Five Six Comma Six Three Seven Six) hectares and held by the Deed of Transfer No. T374/2016;
2. Portion 9 of the Farm Scholtzfontein North No. 137, Division of Herbert, Northern Cape Province, measuring 428.3221 (Four Two Eight Comma Three Two Two One) hectares and held by the Deed of Transfer No. T374/2016; and
3. The Remaining Extent of Portion 10 of the Farm Scholtzfontein North No. 137, Division of Herbert registration district, Northern Cape Province, measuring 433.9766 (Four Three Three Comma Nine Seven Six Six) hectares and held by the Deeds Transfer No. T374/2016.

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## GENERAL NOTICES • ALGEMENE KENNISGEWINGS

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### LEGAL PRACTICE COUNCIL

#### NOTICE 2682 OF 2024

#### NATIONAL OFFICE

851 River View Park Street  
Riverview Office Park  
Halfway Gardens  
Midrand 1685  
Tel: 010 001 8500




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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 Council intends to amend 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 the amendment of Rules 1, 40.5 and 40.7 of the Legal Practice Council Rules:

#### Explanatory Note

Rule 40.5 of the Legal Practice Council Rules only allows an investigating committee, where there is *prima facie* evidence of misconduct, to refer complaints for adjudication by a disciplinary committee. The rule does not differentiate between minor or serious offences. The Council has resolved to amend rule 40.5 of the Rules in order to empower an investigating committee to differentiate between minor and serious transgressions, and to further enable the finalisation of complaints of a minor transgression by the investigating committee, in the form of a caution, a warning or a fine.

As '*minor transgression*' and '*serious transgression*' are not defined in the current rules, and to prevent confusion, the Council proposes an amendment by the inclusion of these definitions into the rules. The inclusion in Rule 1 of definitions for "*minor transgression*" and "*serious transgression*" in the Legal Practice Council Rules is intended to provide clear and precise guidelines for the investigation and adjudication of misconduct. By distinguishing between minor and serious transgressions, the Council aims to ensure that the investigative and disciplinary processes are proportionate to the nature of the misconduct.

Words in bold type and square brackets [ ] indicate proposed deletions from the existing Rule.

Words in *italics* and underlined with a solid line indicate proposed insertions to the existing Rule.

#### **Amendment to Rule 1 (Definitions) of the Legal Practice Council Rules by the inclusion of the following new definitions:**

- 1.26 **'minor transgression'** means conduct which, in the opinion of the investigating committee, on the basis of the prima facie evidence, is misconduct of a minor nature which does not warrant a sanction more severe than those contained in rule 40.5.3.

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**Executive Committee:** Ms Janine Myburgh – Chairperson, Adv. Kennedy Tsatsawane SC - Deputy Chairperson, Ms Kathleen Matolo-Dlepu, Mr Miles Carter, Mr Priyesh Daya, Adv. Brenton Joseph SC, Mr Pritzman Busani Mabunda, Executive Officer: Ms. Charity Nzuza

1.33 **'serious transgression'** means conduct which, in the opinion of the investigating committee, on the basis of the prima facie evidence, is of such a nature that it warrants a sanction more severe than those provided for minor transgressions in rule 40.5.3.

#### **Amendment to Rule 40.5 of the Legal Practice Council Rules.**

40.5 If after investigating allegations of misconduct against the respondent the investigating committee is satisfied:

40.5.1 that the respondent, on the basis of available *prima facie* evidence, is guilty of misconduct which, on account of the nature of conduct, warrants misconduct proceedings, the investigating committee must refer the matter to the Council or to a committee of the Council established for that purpose for adjudication by a disciplinary committee;

40.5.2 that, notwithstanding the provisions of Rule 40.5.1 above, and upon reviewing the available prima facie evidence, the respondent's misconduct, while warranting misconduct proceedings, constitutes only a minor transgression, the following procedures may apply:

40.5.2.1 the investigating committee shall formulate the charges in respect of the transgression and determine an appropriate sanction, or combination of sanctions, from those provided for under Rule 40.5.3;

40.5.2.2 the investigating committee shall communicate both the charges and its proposed sanction to the respondent;

40.5.2.3 the respondent shall within 15 days from the date of receipt of the communication accept or reject the proposed sanction imposed by the investigating committee;

40.5.2.4 if the respondent accepts the proposed sanction in writing, or if no response is received from the respondent within 15 days from the date of receipt of the communication, the respondent shall be deemed to have been found guilty on the charges and the proposed sanction shall be deemed imposed by the investigating committee, and the matter shall be considered concluded; and

40.5.2.5 if the respondent rejects the proposed sanction in writing within 15 days from the date of receipt of the communication, the investigating committee must refer the matter to the Council, or to a committee of the Council as provided in rule 40.5.1. In such cases, the proposed sanction shall no longer be applicable to the matter.

40.5.3 if the respondent is deemed to be guilty of misconduct in terms of rule 40.5.2.4 the investigating committee may impose the following sanctions-

40.5.3.1. in the case of a legal practitioner:

40.5.3.1.1. a fine, payable to the Council, not exceeding the amount determined from time to time by the Minister in terms of section 40(3)(a) of the Act by notice in the Gazette, on the advice of the Council;

40.5.3.1.2. warn him or her against certain conduct and order that such warning be endorsed against his or her enrolment; or

40.5.3.1.3. caution or reprimand him or her;

40.5.3.2. in the case of a juristic entity:

40.5.3.2.1. a fine, payable to the Council, not exceeding the amount determined from time to time by the Minister in terms of section 40(3)(a) of the Act by notice in the Gazette, on the advice of the Council;

40.5.3.2.2. warn it against certain conduct; or

40.5.3.2.3. caution or reprimand it;

40.5.3.3. in the case of a candidate legal practitioner:

40.5.3.3.1. a fine, payable to the Council, not exceeding the amount determined from time to time by the Minister in terms of section 40(3)(a) of the Act by notice in the Gazette, on the advice of the Council; or

40.5.3.3.2. caution or reprimand him or her.

40.5.4. that the complaint should be dismissed on the grounds that the conduct in question does not necessarily warrant misconduct proceedings, it must dismiss the complaint and inform the Council, the complainant and the respondent of its decision and the reasons for it. Without limiting the discretion of the investigating committee, the following may be grounds for determining that the conduct in question does not warrant misconduct proceedings:

40.5.4.1. that the respondent is not guilty of misconduct; or

40.5.4.2. that the respondent has given a reasonable explanation for his or her conduct; or

40.5.4.3. that the conduct of which the respondent may be guilty is of an inconsequential nature; or

40.5.4.4. that there is no reasonable prospect of success in preferring a charge of misconduct against the respondent;

40.5.4.5. that the complaint is vexatious or that in all the circumstances it is not appropriate to charge the respondent with misconduct.

40.6. If a complainant is aggrieved by:

40.6.1 the manner in which the investigating committee conducted its investigation; or

40.6.2 the outcome of the investigation, he or she may appeal to the appeal tribunal in terms of section 41 of the Act.

40.7 When the Council, or a committee of the Council established for that purpose, receives a referral from the investigating committee in terms of rule 40.5.1 *and rule 40.5.2.5* that the legal practitioner be charged with misconduct, it must refer the matter to a disciplinary committee for adjudication.

In terms of Section 95(4)(a) of the Legal Practice Act, interested persons are called upon to comment to the Council in writing on the proposed amendments.

Please note that all comments must be sent by email to [rules@lpc.org.za](mailto:rules@lpc.org.za) by no later than 16 September 2024.

Signed at Midrand on **5 August 2024**.



**Ms C Nzuzi**

**Executive Officer: Legal Practice Council**

**LEGAL PRACTICE COUNCIL****NOTICE 2683 OF 2024****NATIONAL OFFICE**

851 River View Park Street  
 Riverview Office Park  
 Halfway Gardens  
 Midrand 1685  
 Tel: 010 001 8500



**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 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 the amendment of Rules 22.3 and 22.4 as set out below and the inclusion of schedule 2A and schedule 3A in terms of Rule 22.3 and 22.4 of the South African Legal Practice Council Rules respectively, setting the minimum remuneration, allowance, or stipend for candidate legal practitioners undergoing practical vocational training under a practical vocational training contract in terms of Rule 22 of the Rules:

**Amendment to Rules 22.3 and 22.4 of the Legal Practice Council Rules.**

**Rules 22.3 and 22.4 are hereby deleted and replaced by the following:**

- 22.3 Every candidate attorney undergoing practical vocational training in terms of a practical vocational training contract shall be entitled to not less than the minimum remuneration, allowance, or stipend, for his or her service under the practical vocational training contract as set out in Schedule 2A, which remuneration, allowance, or stipend, shall be payable not less frequently than monthly.
- 22.4 Every pupil undergoing practical vocational training in terms of a practical vocational training contract shall be entitled to not less than the minimum remuneration, allowance, or stipend as set out in Schedule 3A, which shall be payable by the Council not less frequently than monthly from the moneys raised in terms of Schedule 3B.

**SCHEDULE 2A**

**Candidate attorney minimum remuneration in terms of Rule 22.3 of the Legal Practice Council Rules.**

A candidate attorney undergoing practical vocational training in terms of a practical vocational training contract shall be entitled to not less than the minimum remuneration, allowance, or stipend as determined by the Council below, which remuneration, allowance, or stipend, shall be payable not less frequently than monthly.

	<b>DEMOGRAPHICS</b>	<b>Minimum remuneration per annum</b>	<b>Minimum remuneration per month</b>
1.	Minimum remuneration for candidate attorneys situated in <b>rural areas</b>	R72 000	R6 000

**Executive Committee:** Ms Janine Kim Myburgh – Chairperson, Adv. Kennedy Tsatsawane SC - Deputy Chairperson, Ms Kathleen Matolo-Dlepu, Mr Miles Carter,

Mr Priyesh Daya, Adv. Brenton Joseph SC, Mr Pritzman Busani Mabunda, Executive Officer: Ms. Charity Nzuza

2.	Minimum remuneration for candidate attorneys situated in <u>urban areas</u>	R96 000	R8 000
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### SCHEDULE 3A

#### Pupil minimum remuneration in terms of Rule 22.4 of the Legal Practice Council Rules.

A pupil undergoing practical vocational training in terms of a practical vocational training contract shall be entitled to not less than the minimum remuneration, allowance, or stipend as determined by the Council, which remuneration, allowance, or stipend, shall be payable by the Council not less frequently than monthly.

	Minimum remuneration per annum	Minimum remuneration per month
Minimum remuneration for pupils	R96 000	R8 000

The minimum remuneration, allowance, or stipend for candidate legal practitioners as stated above shall be reviewed from time to time by the Council to ensure that it remains fair and appropriate in light of changing economic conditions and other relevant factors.

Signed at Midrand on **5 August 2024**.



Ms C Nzuzi

Executive Officer: Legal Practice Council

**LEGAL PRACTICE COUNCIL****NOTICE 2684 OF 2024****NATIONAL OFFICE**

851 River View Park Street  
 Riverview Office Park  
 Halfway Gardens  
 Midrand 1685  
 Tel: 010 001 8500

**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 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 inclusion of schedule 3B in terms of Rule 6 of the Legal Practice Council Rules, imposing a levy on practising advocates as contributions towards a fund from which pupils will be remunerated, in accordance with Rule 22.4 of the Legal Practice Council Rules.

Effective from 1 January 2025, all Senior Counsel and all Junior Counsel of 10 years standing and more shall pay an annual levy as set out in Schedule 3B below.

**SCHEDULE 3B**

Levies (inclusive of Value Added Tax) payable by practising advocates to the Council with effect from 1 January 2025, in accordance with Rule 6 of the Legal Practice Council Rules.

	<b>CATEGORY</b>	<b>ANNUAL LEVY</b>	<b>MONTHLY LEVY</b>
1.	Senior Counsel	R8,400	R700
2.	Junior Counsel (10+ years)	R4,800	R400

Signed at Midrand on **5 August 2024**

**Ms C Nzuzi**  
**Executive Officer: Legal Practice Council**

**Executive Committee:** Ms Janine Kim Myburgh – Chairperson, Adv. Kennedy Tsatsawane SC - Deputy Chairperson, Ms Kathleen Matolo-Dlepu, Mr Miles Carter,

Mr Priyesh Daya, Adv. Brenton Joseph SC, Mr Pritzman Busani Mabunda, Executive Officer: Ms. Charity Nzuzi

**LEGAL PRACTICE COUNCIL****NOTICE 2685 OF 2024****NATIONAL OFFICE**

851 River View Park Street  
Riverview Office Park  
Halfway Gardens  
Midrand  
1685  
Tel: 010 001 8500



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**PRACTICAL VOCATIONAL TRAINING (PVT) STRUCTURED COURSEWORK PROGRAMME FOR CANDIDATE  
LEGAL PRACTITIONERS (CANDIDATE ATTORNEYS) IN TERMS OF REGULATION 6(10)  
OF THE LEGAL PRACTICE ACT  
(FOR THE 2025 PVT STRUCTURED COURSEWORK PROGRAMME ONWARDS)**

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**1. Background**

Following the Legal Education Forum held in July 2022, and the Legal Education Colloquium held in November 2023, it was resolved that candidate attorneys sitting for the competency-based examinations required an examinations curriculum that would serve as a guide on what to prepare and focus on for the examinations. The curriculum and syllabus document is prepared in terms of Regulation 6(10) of the Legal Practice Act, as well as the approved Norms and Standards guidelines published by the LPC in November 2020.

In order to be admitted as an attorney, a candidate will need to complete the PVT contract with their principal (previously called articles); complete the 150-notional or 400-notional hour PVT structured coursework programme through an LPC-accredited training provider; and pass the four competency-based, admission examinations. This document deals with the latter two requirements (being the PVT structured coursework, and the examinations).

***Regulation 6(10) provides that:***

- (10) The programme of structured course work referred to in sub-regulation (1)(a) and (b) must be standardised and uniform throughout the Republic and comprise the following modules:
- (a) constitutional practice;
  - (b) professional legal ethics;
  - (c) personal injury claims;
  - (d) high court practice;
  - (e) magistrate's court practice;
  - (f) criminal court practice;
  - (g) labour dispute resolution;
  - (h) alternative dispute resolution;
  - (i) attorneys' bookkeeping;

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**Executive Committee:** Ms Janine Myburgh – Chairperson, Adv. Kennedy Tsatsawane SC - Deputy Chairperson, Ms Kathleen Matolo-Dlepu, Mr Miles Carter, Mr Priyesh Daya, Adv. Brenton Joseph SC, Mr Pritzman Busani Mabunda, Executive Officer: Ms. Charity Nzuzi

- (j) wills and estates;
  - (k) matrimonial law;
  - (l) legal costs;
  - (m) drafting of contracts;
  - (n) information and communication technology for practice, and associated aspects of cyber law; and
  - (o) introduction to practice management.
2. The LPC-accredited training providers are required to provide training and assessment of all of the abovementioned modules in the 150-notional hour and 400-notional hour PVT structured coursework programme. If a candidate successfully completes all the abovementioned modules (attendance and assessment as required), the candidate will be entitled to receive the certificate confirming their successful completion, and their competence in the abovementioned modules.
3. The examinations are provided for in **Rule 21 Competency-based examinations or assessments [section 95(1)(n) read with section 26(1)(d), (2) and (3)]**
- 21.1 *A person wishing to qualify to be admitted and enrolled as a legal practitioner will be required to have passed a competency based assessment in terms of this rule 21, read with any rule made by the Council or the National Forum concerning levels of competence required for the admission and enrolment of legal practitioners.*
- 21.2 *The assessment of a person wishing to be admitted and enrolled as an attorney shall comprise assessment at least in relation to-*
- 21.2.1 *the practice and procedure in the High Court and in courts established under the Magistrates' Courts Act, 32 of 1944;*
  - 21.2.2 *the practice and procedure relating to the winding up and distribution of the estates of deceased persons;*
  - 21.2.3 *the practice, functions, and duties of an attorney, including the ethical duties of an attorney;*
  - 21.2.4 *a knowledge of accounting necessary for the keeping of accounting records referred to in section 87 of the Act, and compliance with accounting rules published by the Council from time to time.*
4. **Currently the four examination papers cover the following modules:**
- Paper 1 (Court Practice and Procedures):** High Court Practice, Magistrates' Court Practice, Criminal Court Practice, and Personal Injury Claims.
- Paper 2 (Wills and Estates):** Wills and Estates
- Paper 3 (Attorneys' Practice and Legal Ethics):** Constitutional Practice, Professional Legal Ethics, Labour Dispute Resolution, Alternative Dispute Resolution, Matrimonial Law, Legal Costs, Drafting of Contracts, Information

and Communication Technology for Practice, and associated aspects of Cyber Law, and Introduction to Practice Management.

**Paper 4 (Attorneys' Bookkeeping):** Attorneys Bookkeeping

5. The profession, stakeholders, and interested persons are requested to consider the proposed revised curriculum and examination syllabus and provide comment by no later than **16 October 2024**. All comments must be sent to the following email address: [comments@lpc.org.za](mailto:comments@lpc.org.za).

Signed at Midrand on **5 August 2024**



Ms C Nzuzi

Executive Officer: Legal Practice Council

**PAPER 1: COURT PRACTICE AND PROCEDURES (High Court Practice, Magistrates' Court Practice, Criminal Court Practice, Personal Injury Claims)**

MODULES	CURRICULUM AND COURSE CONTENT	READING LISTS
<p><b>High Court practice</b> Reg 6 (10)(d)</p> <p><b>The principles of drafting apply to all Courts both civil and criminal and to all ADR, tribunals and other formal forums.</b></p>	<p><b>Introduction to the High Court</b> High Court jurisdiction and courts of similar jurisdiction Superior Courts Act 10 of 2013. Uniform Rules of Court (the Rules).</p> <p>There will be emphasis on those rules that are in regular use in practice; such rules will be set out in the reading list. Practice Directives in the High Court. <b>Only practice directives specifically identified in the reading lists will be examined.</b> Candidates will not be expected to be familiar with the directives in each of the provincial and local divisions of the high court.</p> <p><u>Mediation</u></p>	<p><b>PRINCIPAL WORKS:</b></p> <ul style="list-style-type: none"> <li>• Erasmus: Superior Court Practice Vol 2 ("Erasmus")</li> <li>• Hussain: Practical Drafting Skills</li> <li>• Hussain: Trial Advocacy: The Art of Persuasion</li> <li>• Lexis Practical Guidance: online</li> <li>• Marnewick: Litigation Skills for South African Lawyers</li> <li>• Morris: Technique in Litigation 6<sup>th</sup> Edition</li> <li>• Schmidt &amp; Others: Law of Evidence</li> <li>• Zeffertt &amp; Paizes: The South African Law of Evidence</li> </ul> <p>To avoid prolixity, for the detail on the law of evidence see the module on Magistrate's Court Practice. For example remember the parol evidence rule: <i>KPMG Chartered Accountants (SA) v Securefin Ltd and Another</i> 2009 (4) SA 399 (SCA) ([2009] 2 All SA 523) at para [39].</p>

	<p>The impact of and compliance with Rule 41A of the Uniform Rules of Court.</p> <p><u>Contingency Litigation:</u> Contingency litigation and how to decide whether to take a matter on contingency. How to charge contingency fees. How to carry out a risk analysis when requested to take a matter on contingency.</p> <p><u>Case management:</u> Case Management in practice. Candidates must know how to refer a matter to case management, the process and procedures in case management. Section 60 in Part VI: Commitment of legal practitioner to an effective court process.</p> <p><u>Certification:</u> How the trial certification process works. How to discern triable issues.</p> <p><u>Trial Preparation:</u> Candidates <b>must</b> understand that there is a duty on a practitioner to settle a matter at any stage. The earlier the matter gets settled, the better. Candidates must acquire the following skills: How to obtain all the relevant facts and documents How to carry out an effective fact analysis * How to analyse pleadings. * How to determine triable issues. * How to limit the issues for trial. * How to initiate case conferences for certification and for trial readiness. * How to do pre-trial conferences, how to achieve the purpose of the conference and how to draft the agenda. * How to carry out a proof analysis. What is meant by "proof of a fact" and how to discharge the onus. * How to carry out witness and documentation analysis. * How to prepare chronology documents.</p> <p><u>Discovery:</u> * Latest developments on how to obtain, preserve and present relevant</p>	<p><b>COMPULSORY READING MATERIAL</b> "The ethics of the hopeless case", by Owen Rogers, in the Advocate magazine, December 2017 especially the summary at pages 50 and 51.</p> <p><b>1. GENERAL</b></p> <p>1.1. <i>Character of application proceedings</i> Rule 6; Form of notice of motion: <i>Mynhardt v Mynhardt</i> 1986 (1) SA 456 (T) at 458H – I.</p> <p>1.2 <i>Ex parte</i> applications <b>See the section under the corresponding heading in ethics:</b> Herbstein &amp; Van Winsen p290 <i>Mynhardt v Mynhardt</i> 1986 (1) SA 456 (T) at 458H– I <i>Mahomed NO &amp; others v NDPP</i> 2002 (4) SA 366 (W) at 373B-374B. Rules <i>nisi</i></p> <p>1.3 <i>Disputes of fact in application proceedings</i> The distinction between motion proceedings and actions: <i>Room Hire Co (Pty) Ltd v Jeppe Street Mansions (Pty) Ltd</i> 1949 (3) SA 1155 (T); <i>Soffiantini v Mould</i> 1956 (4) SA 150 (E); <i>Metallurgical and Commercial Consultants v Metal Sales Co</i> 1971 (2) SA 388 (W). Referral to trial or to oral evidence: <i>Metallurgical and Commercial Consultants v Metal Sales Co supra</i>; <i>Kalil v Decotex (Pty) Ltd and Another</i> 1988 (1) SA 943 (A) at 981D-E; <i>Lekup Prop Co No 4 (Pty) Ltd v Wright</i> 2012 (5) SA 246 (SCA) at para [32] <i>Hotz v University of Cape Town</i> 2017 (2) SA 485 (SCA) at para [29]. <i>Director-General, Department of Rural Development and Land Reform, and Another v Mwelase and Others</i> 2019 (2) SA 81 (SCA) at para [64] <i>Murray NO and Others v Humansdorp Co-Operative Ltd</i> 2023 (3) SA 66 (SCA) at paras [21] to [23]</p> <p>1.4 <i>Approach to disputes of fact in applications for final relief:</i> <i>Plascon-Evans Paints Ltd v Van Riebeeck Paints (Pty) Ltd</i> 1984 (3) SA 623 (A) at 634E-635D.</p>
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	<p>documentation including Electronic Documents. What is meta data and how to use it to authenticate documents. * The concept of narrow discovery and proportionality. * How to prepare trial bundles. The importance of sequencing.</p> <p><u>Trial or hearing</u> Case Concept: how to proceed with the hearing and discharge the onus. * Witness briefing. Candidates must know how to prepare a witness for court appearances. * Opening Statement. * Leading a witness in chief. * Cross examination. * Re-examination. * Presenting argument.</p> <p><u>Heads of Argument.</u> * When are heads required. * What are "main heads of argument". * What are Short or Concise heads. * What are Comprehensive heads. * How to draft heads of argument</p> <p>Appeal procedures Enforcement of judgments and orders Execution of process Superior Courts Act 10 of 2013 section 43 Uniform Rules of Court: rules 45, 45A, 46, 46A</p> <p>The following rules in the Uniform Rules of Court will not be examined. If candidate legal practitioners, candidate attorneys or pupils ever need to use the rules below, the rules can be mastered in practice by reading and applying the rule.</p> <p>Provisional sentence Rule 8 Administrative archiving Rule 37B Referral of particular matters for investigation by referee Rule 38A Legal assistance to indigent people Rule 40 Interpleader</p>	<p><i>Stellenbosch Farmers' Winery Ltd v Stellenvale Winery (Pty) Ltd</i> 1957 (4) SA 234 (C) at page 235</p> <p>1.5 Character of trial and motion proceedings Uniform Rules of Court The vital aspect of jurisdiction <i>Standard Bank of SA Ltd v Mpongo</i> 2021 (6) SA 403 (SCA) <i>South African Human Rights Commission v Standard Bank of South Africa Ltd and Others</i> 2023 (3) SA 36 (CC)</p> <p><b>2. INSTITUTING APPLICATIONS</b> <b>General provisions</b></p> <p>2.1 <i>Notice of motion and founding affidavit</i> Rule 6 and commentary thereon on Erasmus and Harms Important to set out the whole case in the founding affidavit: <i>Advertising Regulatory Board NPC and Others v Bliss Brands (Pty) Ltd</i> 2022 (4) SA 57 (SCA) at para [39]. See also <i>Esau v Minister of Co-op Governance &amp; Traditional Affairs</i> 2021 (3) SA 593 (SCA) ([2021] 2 All SA 357; [2021] ZASCA 9) at para [60].</p> <p>- Annexures to affidavits (numbering and reference to content) - pleadings and evidence: <i>Mostert v FirstRand Bank t/a RMB Private Bank</i> 2018 (4) SA 443 (SCA) ([2018] ZASCA 54) at paras [13]; <i>Fischer and Another v Ramahlele and Others</i> 2014 (4) SA 614 (SCA) ([2014] 3 All SA 395; [2014] ZASCA 88) at para [13] affirmed by the <i>Constitutional Court in Public Protector v South African Reserve Bank</i> 2019 (6) SA 253 (CC) (2019 (9) BCLR 1113; [2019] ZACC 29) at para [234].</p> <p>- Institution of Legal Proceedings against Certain Organs of State Act 40 of 2002 - Applications that raise constitutional issues Rule 16A ▪ <i>Shaik v Minister of Justice and Constitutional Development</i> 2004 (3) SA 599 (CC) at para [24].</p> <p>2.2 <i>Joinder under rule 10A and Joinder of respondents</i> - Who must be joined? - Joint and several liability</p> <p>2.3 <i>Service generally Rule 4</i></p>
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	<p>Rule 58 Sworn translators</p> <p>Rule 59 Translation of documents</p> <p>Rule 60 Authentication of Documents Executed Outside the Republic for Use Within the Republic</p> <p>Rule 63 Destruction of documents</p> <p>Rule 64 Tariff of court fees</p> <p>Rule 67 Tariff for sheriffs</p> <p>Rule 68 Tariff of fees and allowances for intermediaries in proceedings other than criminal proceedings</p> <p>Rule 68A Advocates' fees in civil matters in the provincial and local divisions of the supreme court</p> <p>Rule 69 Taxation and tariff of fees of attorneys</p> <p>Rule 70 Repeal of rules</p> <p>Rule 71</p> <p>Candidates will not be required to draft advice on evidence in the examinations.</p> <p style="text-align: center;"><b>Drafting Legal Documents – Pleadings and Motions</b></p> <p><u>Drafting pleadings</u></p> <p>a) Drafting on one's own without precedents and AI.</p> <p>b) Understand and apply rules 18 and 22 of the Uniform Rules.</p> <p>c) How to establish a "cause of action" or "defence" from a set of facts or instructions.</p> <p>d) Particulars of claim and a plea in contract, delict and divorce. The focus is on contract and delict.</p> <p>e) The correct lay-out of pleadings with proper paragraph numbering, appropriate spacing, font types, use of headings and point first drafting.</p> <p>f) No pleading may be vague: each pleading must disclose a cause of action or a defence and must be</p>	<p>Candidates should know the essential requirements and procedure involved in applications for substituted service Rule 4(2)</p> <p>Proceedings against firms, etc. Rule 14</p> <p>Change of parties Rule 15</p> <p>Substituted service</p> <p>Edictal citation (rules 5 and 63)</p> <p>Attachment to found or confirm jurisdiction</p> <p><b>3. URGENT APPLICATIONS</b></p> <p>Rule 6(12): <i>Luna Meubel Vervaardigers (Edms) Bpk v Makin</i> 1977 (4) SA 135 (W); <i>Cape Killarney Property Investments (Pty) Ltd v Mahamba</i> 2000 (2) SA 67 (C) paras [6] and [20].</p> <p><b>4. ANSWERING AND REPLYING AFFIDAVITS</b></p> <p>Content and form</p> <p>Points <i>in limine</i></p> <p>Late filing, barring and condonation</p> <ul style="list-style-type: none"> <li>- Rule 26</li> <li>- Rule 27</li> </ul> <p>Raising new matters in the replying affidavit – not normally permitted</p> <p>However, see <i>Mostert v FirstRand Bank t/a RMB Private Bank</i> 2018 (4) SA 443 (SCA) ([2018] ZASCA 54) at paras [13] to [15]</p> <p><b>5. ADDITIONAL AFFIDAVITS</b></p> <p>Leave required</p> <p>Form and content</p> <p><b>6. DISCOVERY IN MOTION PROCEEDINGS</b></p> <p>Obligation to put up evidence on which party intends to rely</p> <p>Rules 35(12) and (14)</p> <p>Non-application of Promotion of Access to Information Act 2 of 2000</p> <p>Cf <i>Arena Holdings (Pty) Ltd t/a Financial Mail v South African Revenue Service and Others</i> [2023] ZACC 13; 2023 (8) BCLR 905 (CC) at paras [147] to [150] and [155] to [157] and [170] to [172], Authentication of documents Rule 63</p> <p><b>7. OBJECTIONS TO PROCESS OR PLEADINGS</b></p> <p>Failure to deliver pleadings - barring Rule 26</p> <p>Extension of time periods Rule 27</p> <p>Amendments Rule 28</p> <p>Irregular proceedings Rule 30</p> <p><i>Afrocentrics Projects and Services (Pty) Ltd t/a Innovative Distribution v State Information Technology Agency (SITA) SOC Ltd and Others</i></p>
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	<p>based on the peculiar facts of your case.</p> <p>g) A plea must comply with Rule 22 of the Uniform Rules. Bare denials are not allowed. Candidates must plead their client's version, which, if proved, will amount to a defence to plaintiff's claim.</p> <p>h) Candidates must be able to draft a Special Plea and know when and how to draft a Special Plea.</p> <p><u>Drafting Notices of Motion and three sets of affidavits</u></p> <p>a) Candidates must learn the different types of notices of motion and when each is used. This must include a long form notice of motion, a short form notice of motion and a Two-Part notice of motion.</p> <p>b) Candidates must know when and how each of the three types is used.</p> <p>c) Candidates must understand what is a provisional order, interim order, a rule nisi, and a final order.</p> <p>d) Candidates must learn to draft founding, answering and replying affidavits.</p> <p>e) Candidates must know the required lay-out of each of the affidavits with reference to the requirements in the Uniform Rules and directives.</p> <p>f) Candidates must know how to index and paginate court files.</p> <p>g) Candidates must know how to prepare draft orders.</p> <p>h) Candidates must know how to draft interdicts.</p> <p><u>Managing Fact:</u></p> <p>a) How to obtain relevant facts.</p> <p>b) What are the sources of fact.</p> <p>c) Obtaining documents including electronic documents.</p> <p>d) How to preserve documents.</p> <p>e) Obtaining witness statements.</p> <p>f) Carrying out <i>in loco</i> inspections: how to record the evidence.</p> <p>g) How to obtain and preserve relevant exhibits: what is Visual Evidence and how to use it.</p>	<p>[2023] ZACC 2; 2023 (4) BCLR 361 (CC) especially at para [30]</p> <p>Non-compliance with Rules Rule 30A</p> <p>Vexatious proceedings and abuse of process</p> <p><i>PFC Properties (Pty) Ltd v Commissioner for the South African Revenue Services and Others and Brita De Robillard NO and Another v PFC properties (Pty) Ltd and Others</i> [2023] ZASCA 111</p> <p>Applications to strike out</p> <p>Security for costs</p> <p><b>8. PARTICIPATION BY OTHER PARTIES</b></p> <p>Intervention applications</p> <p>Rule 12</p> <p>Joinder and consolidation</p> <p>Rule 10</p> <p>Third party procedures</p> <p>Rule 13</p> <p>Interpleaders</p> <p>Rule 58 and commentary thereon in Erasmus</p> <p>Curators</p> <p>Rule 57</p> <p><b>9. AFTER PLEADINGS CLOSE</b></p> <p>Heads and practice note</p> <p>Set down</p> <p>Hearing</p> <p>Settlement and/or withdrawal Rule 41</p> <p><b>10. ORDERS</b></p> <p>Interim and final orders</p> <p>The <i>functus officio</i> doctrine</p> <p>Rescission Rule 42, Rule 31(2)(b), Common law requirements</p> <p>Candidates are particularly required to understand the differences between applications in terms of Rule 31, Rule 42 and the common law.</p> <p><i>Colyn v Tiger Food Industries Ltd t/a Meadow Feed Mills (Cape)</i> 2003 (6) SA 1 (SCA) at para [12], <i>HLB International (South Africa) (Pty) Ltd v MWRK Accountants and Consultants (Pty) Ltd</i> 2022 (5) SA 373 (SCA) at para [19] and <i>Ingosstrakh v Global Aviation Investments (Pty) Ltd and Others</i> 2021 (6) SA 352 (SCA) at para [21]</p> <p>Claims for interest Sections 1, 2, 2A and 4 of the Prescribed Rate of Interest Act 55 of 1975. Cf <i>Da Cruz v Bernardo</i> 2022 (2) SA 185 (GJ) at paras [17] to [62]</p> <p><b>HOW TO EXECUTE JUDGMENTS</b></p>
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	<p><u>Analysing Fact.</u></p> <p>h) Candidates must demonstrate logical sequencing of facts and documents and the use of chronology documents.</p> <p>i) Candidates must demonstrate their ability to analyse facts: only relevant facts must be obtained, retained and presented at a hearing; only facts that are admissible, in terms of the rules of evidence, can be relied on.</p> <p>j) Candidates must demonstrate that any version of facts on which they intend to rely, must be probable in the circumstances of the case.</p> <p>k) Candidates must know that they cannot rely in court on a version that is improbable, implausible or impossible.</p> <p>l) Candidates must be able to work out what facts support their client's version and what facts do not support their client's version.</p> <p><u>Working out the case concept (or theory of the case)</u></p> <p>a) What happened according to your client's version of the facts?</p> <p>b) What are the issues, factual and legal, that emerge from the facts?</p> <p>c) What are you going to tell the judge at the hearing?</p> <p>d) What version are you going to present in your papers?</p> <p>e) How will you present evidence?</p> <p>f) Who will be the witnesses and what documents will you need?</p> <p>g) How will you run the case from pleadings to final argument?</p> <p>h) This process has to be applied <b>before</b> any papers are drafted.</p> <p><b><u>Candidates will need and know the following:</u></b></p> <p>* Candidates will know how to analyse three sets of affidavits in motion matters.</p> <p>* Candidates will know how to grasp findings of facts on affidavits, including the <i>Plascon-Evans</i> test. The <i>Plascon-</i></p>	<p>Rule 45 Execution - general and movables</p> <p>45A Suspension of orders by the court <i>BP Southern Africa (Pty) Ltd v Mega Burst Oils &amp; Fuels (Pty) Ltd &amp; A Similar Matter</i> 2022 (1) SA 162 (GJ)</p> <p><i>MEC, Dept of Public Works v Ikamva Architects</i> 2022 (6) SA 275 (ECB) ([2022] 3 All SA 760) at paras [81] to [93]</p> <p>46 Execution – immovable property</p> <p>46A Execution against residential immovable property <i>Bestbier and Others NNO v Nedbank Ltd</i> 2023 (4) SA 25 (SCA) especially at paras [8] to [15]</p> <p><b>11. COSTS</b></p> <p>Ordinary rule of costs Costs in interlocutory applications Punitive costs The <i>Biowatch</i> rule</p> <p><b>12. PARTICULAR KINDS OF APPLICATIONS</b></p> <p>12.1. <i>Default judgment / Judgment by confession</i> Rule 31 and commentary thereon in Erasmus Rule 26; and see paras 15 and 20 below. <i>Havenga v Parker</i> 1993 (3) SA 724 (T).</p> <p>Relevance of the National Credit Act, 2005 Special requirements for declaring property specially executable</p> <ul style="list-style-type: none"> <li>- Form of notice of motion</li> <li>- Content of affidavits</li> <li>- Service requirements</li> <li>- Sale in execution values (Rule 43A)</li> </ul> <p>• <i>Jaftha v Schoeman; van Rooyen v Stoltz &amp; Others</i> 2005 (2) SA 140 (CC)</p> <p>• <i>Standard Bank of South Africa Ltd v Saunderson &amp; Others</i> 2006 (2) SA 264 (SCA)</p> <p>• <i>Gundwana v Steko Development &amp; Others</i> 2011 (3) SA 608 (CC)</p> <p>• <i>Nkata v FRB</i> 2016 (4) SA 257 (CC)</p> <p>• <i>Nkola v Argent Steel Group (Pty) Ltd t/a Phoenix Steel</i> 2019 (2) SA 216 (SCA) at paras [11] and [14]</p> <p>• <i>NPGS Protection and Security Services CC v Firstrand Bank</i> 2020 (1) SA 494 (SCA)</p> <p>12.2. <i>Eviction applications</i> Difference between commercial and residential evictions Requirements under PIE</p> <ul style="list-style-type: none"> <li>- Municipal joinder</li> <li>- Service</li> <li>- Risk of homelessness</li> </ul>
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	<p><i>Evans</i> test is best understood by asking the question: what are the probabilities concerning the allegations in the respective affidavits bearing in mind the undisputed facts ?</p> <p>* Candidates need good literacy skills to pass exams. * Candidates are not allowed access to the internet during the exams. * Candidates must not rely on AI, like ChatGPT, when drafting legal documents. To draft well requires personal agency not the crutch of an AI programme or a set of precedents. * Candidates will be examined and need to draft pleadings and affidavits without the assistance of the internet during the exams.</p> <p>* <b>Most importantly</b>, candidates must understand and apply the ethical precepts discussed in the article by Judge Owen Rogers in the reading list under the title: "The ethics of the hopeless case", Owen Rogers, Advocate December 2017.</p> <p>Candidates will apply the principles of drafting set out below. The principles commence with a grasp of the facts and end with the case concept.</p> <p>Writing involves thinking. There is a method in this. Candidates must apply their minds before putting pen to paper.</p> <p><b>The importance of remaining within the case pleaded</b> <i>City of Cape Town v Sanral</i> 2015 (3) SA 386 (SCA) ([2015] 2 All SA 517; 2015 (5) BCLR 560; [2015] ZASCA 58) at para [10] on page 397</p> <p><b>Candidates will learn to think before they ink.</b> <i>University of South Africa v Socikwa and Others</i> (J 675/23; J 680/23) [2023] ZALCJHB 172 (7 June 2023) especially at paras [1], [4] and [45]</p>	<p>- Process</p> <p><i>Grobler v Phillips and Others</i> 2023 (1) SA 321 (CC) <i>Stay At South Point Properties (Pty) Ltd v Mqulwana and Others (UCT intervening as amicus curiae)</i> [2023] ZASCA 108 at paras [11], [18] and [19]</p> <p>12.3. <i>Summary judgment</i> Rule 32 (as amended) <i>FirstRand Bank Ltd t/a First National Bank v Moonsammy t/a Synka Liquors</i> 2021 (1) SA 225 (GJ) <i>Firststrand Bank Ltd v Shabangu</i> 2020 (1) SA 155 (GJ)</p> <p>12.4. <i>Interdicts</i> (LAWSA, vol 11, paras 389 to 428 and 429 to 435) <i>Interdicts and mandamenten van spolie</i> <i>Ngqukumba v Minister of Safety and Security and Others</i> 2014 (5) SA 112 (CC) 2014 (2) SACR 325; 2014 (7) BCLR 788; [2014] ZACC 14</p> <p>Interim interdicts: Candidates are particularly required to understand the distinctions between: (a) applications for final relief; (b) applications for interim relief; (c) rules <i>nisi</i>; and (d) orders operating as interim interdicts, and to be able to draft appropriate prayers and draft orders illustrating same. <i>Saharawi Arab Democratic Republic v Owners &amp; Charterers of The Cherry Blossom</i> 2017 (5) SA 105 at paras [49] – [50]. <i>Camps Bay Residents and Ratepayers Association v Augoustides</i> 2009 (6) SA 190 (WCC) at paras [7] – [8].</p> <p>12.5. <i>Insolvency</i> (LAWSA Volume 11 paras 199 to 365) Candidates are required to know: (a) The essential requirements and differences between; and (b) The procedures and requirements involved in the following applications: Sequestration; Friendly sequestration; Surrender; Rehabilitation; Liquidation; <i>Afgri Operations Ltd v Hamba Fleet (Pty) Ltd</i> 2022 (1) SA 91 (SCA)</p>
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		<p>Business rescue;</p> <ul style="list-style-type: none"> <li>- Purpose</li> <li>- Requirements</li> <li>- Process, service and publication</li> <li>- Ending business rescue</li> </ul> <p>12.6. <i>Applications for Anton Piller (search &amp; seizure) orders</i> Erasmus, Anton Piller Type Orders See the Notice of Motion in the Practice Directives for the Gauteng Divisions</p> <p>12.7. <i>De lunatico inquirendo, curators ad litem, ad personam and bonis</i> Rule 57.</p> <p>12.8. <i>Rule 43 procedures</i> Rule 43 <i>Du Preez v Du Preez</i> 2009 (6) SA 28 (T) paras [3] to [6] <i>TS v TS</i> 2018 (3) SA 572 (GJ) see the court order on 573 <i>E v E</i> 2019 (5) SA 566 (GJ)</p> <p>12.9. <i>Reviews</i> Rule 53. Sections 3, 5, 6, 7 and 8 of the Promotion of Administrative Justice Act 3 of 2000. <i>Van Zyl v Govt of the RSA</i> 2008 (3) SA 294 (SCA) at paras [54] and [55]</p> <p>12.10. <i>Interpleaders</i> Rule 58.</p> <p>12.11. <i>National Credit Act</i> National Credit Act sections 65, 86, 88, 129 and 130; <i>Collett v First Rand Bank</i> 2011 (3) SA 585 (SCA); <i>Nedbank v National Credit Regulator</i> 2011 [4] All SA 131 (SCA); <i>Rossouw v First Rand Bank</i> [2011 All SA 56 (SCA); <i>Sebola v Standard Bank</i> 2012 (5) SA 142 (CC); <i>Kubyana v Standard Bank</i> 2014 (3) SA 56 (CC).</p>
<p><b>Magistrates' Courts Practice</b> Reg 6 (10)(e)</p>	<p><b>Introduction to the Magistrates' Courts and their jurisdiction</b></p> <p>Candidates must have knowledge of the rules in the Magistrates' Courts and how the rules are the same in some instances and how the rules differ in other instances from the powers and functions in the High Court.</p>	<p><b>PRINCIPAL WORKS:</b></p> <ul style="list-style-type: none"> <li>• Erasmus: Superior Court Practice Vol 2</li> <li>• Hussain: Practical Drafting Skills</li> <li>• Hussain: Trial Advocacy: The Art of Persuasion</li> <li>• Jones &amp; Buckle: Civil Practice of the Magistrates' Court in South Africa Vol 1 and 2</li> <li>• Lexis Practical Guidance: online</li> <li>• Marnewick: Litigation Skills for South African Lawyers</li> </ul>

	<p>Pleadings, motions, and discovery Trial practice and courtroom advocacy Appellate practice and procedure Enforcement of judgments and orders</p> <p>The following Magistrates' Courts rules will not be examined. If candidate legal practitioners, candidate attorneys or pupils ever need to use the rules below, the rules can be mastered in practice by reading and applying the rule.</p> <p>14A Provisional sentence 34 Fees of the Sheriff 34A Tariff of fees and allowances for intermediaries in proceedings other than criminal proceedings 43B Enforcement of foreign civil judgments 59 Assessors 68 Oath of office for interpreter 69 Repeal of rules and transitional provisions</p>	<ul style="list-style-type: none"> <li>• Morris: Technique in Litigation 6<sup>th</sup> Edition</li> <li>• Schmidt &amp; Others: Law of Evidence</li> <li>• Zeffertt &amp; Paizes: The South African Law of Evidence</li> </ul> <p><b>COMPULSORY READING MATERIAL</b> "The ethics of the hopeless case", by Owen Rogers, in the Advocate magazine, December 2017 especially the summary at pages 50 and 51.</p> <p><b>1. GENERAL</b></p> <p>1.1. <i>Character of Action Proceedings</i></p> <ul style="list-style-type: none"> <li>- When to bring an action</li> <li>- Difference from application proceedings</li> <li>- Matters that must be brought by way of action</li> <li>- Requirements of pleadings</li> </ul> <p>1.2 <i>Onus</i></p> <p>1.3 <i>Jurisdiction</i> Magistrates' Courts Sections 26, 28, 29, 30, 45, 46(2) and 110 of the Magistrates' Courts Act 32 of 1944 <i>South African Human Rights Commission v Standard Bank of South Africa Ltd and Others</i> 2023 (3) SA 36 (CC) at paras [1] and [31] and paras [42] to [45]. The Constitutional Court dismissed the appeal against, explained the decision in, <i>Standard Bank of South Africa Ltd v Mpongo</i> 2021 (6) SA 403 (SCA).</p> <p><b>2. THE PLEADING PHASE OF ACTIONS</b></p> <p>2.1. <i>Instituting Actions</i></p> <ul style="list-style-type: none"> <li>- Rule 5 – Summons</li> <li>- Rule 6 – Pleadings: Commentary on Rule in <i>Jones &amp; Buckle</i></li> <li>- Rule 7 – Amendment of summons: Commentary in <i>Jones &amp; Buckle</i></li> </ul> <p><i>Limpopo Provincial Council of the South African Legal Practice Council v Chueu Incorporated Attorneys and Others</i> [2023] ZASCA 112 at paras [20] to [23]</p> <ul style="list-style-type: none"> <li>- Rule 15 – Declaration: Commentary in <i>Jones &amp; Buckle</i></li> </ul> <p>2.2. <i>Parties</i></p> <p>2.2.1. <i>Intervention, joinder, and consolidation of actions</i></p> <ul style="list-style-type: none"> <li>- Rule 28 – Commentary on Rule 28 in <i>Jones &amp; Buckle</i>.</li> </ul> <p>2.2.2. <i>Third party procedure</i></p>
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		<p>- Rule 28A - Commentary in <i>Jones &amp; Buckle</i>. 2.2.3. <i>Proceedings against non-juristic persons as a matter of procedural convenience</i> - Rule 54 – Commentary in <i>Jones &amp; Buckle</i>.</p> <p>2.3. <i>Competent Responses to Particulars of Claim</i> - Notice of intention to defend - Calling for pre-pleading discovery - Objections that pleadings are irregular: Rule 60A</p> <p>- Exceptions: Rule 19 <i>Ocean Echo Properties 327 CC and Another v Old Mutual Life Assurance Company (SA) Ltd</i> 2018 (3) SA 405 (SCA) at paras [9] and [10]. - Pleas and special pleas: Rule 17 and the common law (case law) <i>Fairvest Property Holdings v Valdimax CC t/a Fish &amp; Chips Co and Others</i> 2020 (3) SA 202 (GJ) paras [21] to [26]</p> <p>Commentary in <i>Jones &amp; Buckle</i> - Claims-in-reconvention: Rule 20 - Commentary on Rules 21 to 22 in <i>Jones &amp; Buckle</i> - Failure to respond, barring and default judgment: Rule 21B - Commentary in <i>Jones &amp; Buckle</i></p> <p>2.4. <i>Note on pleadings in general</i> - Remember: generally the principles of pleadings in the High Court apply to the Magistrates' Courts:</p> <p>2.5. <i>Close of Pleadings and Set Down</i></p> <p>2.6. <i>Changes to Pleadings/amendments</i></p> <p><b>2.7 THE FOLLOWING NEWLY GAZETTED RULES IN 2022 REQUIRE PARTICULAR ATTENTION: note this is the introduction to case management in the Magistrates' Courts</b> 2.7.1 Rule 22A – Meeting between parties to prepare for pre-trial conference or trial 2.7.2 Rule 25 – Judicial Case Management and pre-trial Conference 2.7.3 Rule 38 – Security by execution creditor 2.7.4 Rule 54 – Proceedings against non-juristic persons as a matter of procedural convenience (mentioned above) 2.7.5 Rule 60 – Non-compliance with rules and court orders, including time limits and errors</p> <p><b>3. PREPARATION FOR TRIAL</b> 3.1. <i>Further particulars</i> - Rule 16 – Commentary in <i>Jones &amp; Buckle</i></p>
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		<p>3.2. <i>Discovery</i></p> <ul style="list-style-type: none"> <li>- Notice to discover and discovery affidavits: Rule 35</li> <li>- Rule 23 – Commentary in <i>Jones &amp; Buckle</i></li> <li>- Different kinds of discovery</li> <li>- Consequences of a failure to discover</li> <li>- Applications to compel</li> </ul> <p>3.3. <i>Inspection, Examination and Experts</i></p> <ul style="list-style-type: none"> <li>- Rule 24 – Commentary in <i>Jones &amp; Buckle</i></li> </ul> <p><b>4. SPECIAL PRE-TRIAL PROCEDURES</b></p> <p>4.1. <i>Meeting between parties to prepare for pre-trial conference or trial</i></p> <ul style="list-style-type: none"> <li>- Rule 22A - Commentary in <i>Jones &amp; Buckle</i></li> </ul> <p>4.2. <i>Offer to Settle</i></p> <ul style="list-style-type: none"> <li>- Rule 18 - Commentary in <i>Jones &amp; Buckle</i></li> </ul> <p><b>5. CONDUCT OF CIVIL TRIALS</b></p> <p>5.1. <i>Trial Procedure</i></p> <p>Rule 29 - Commentary in <i>Jones &amp; Buckle</i></p> <p>5.2. <i>Discontinuing a Trial</i></p> <ul style="list-style-type: none"> <li>- Withdrawal, dismissal and settlement</li> <li>- Rule 27 - Commentary in <i>Jones &amp; Buckle</i></li> <li>- Postponements and other mid-trial applications</li> </ul> <p>5.3. <i>Costs</i></p> <ul style="list-style-type: none"> <li>- Rule 33 - Commentary in <i>Jones &amp; Buckle</i></li> </ul> <p>5.4. <i>Interest</i></p> <ul style="list-style-type: none"> <li>- Sections 1, 1, 2A and 4 of the Prescribed Rate of Interest Act No 55 of 1975</li> <li>- Cf <i>Da Cruz v Bernardo</i> 2022 (2) SA 185 (GJ) at paras [17] to [62]</li> </ul> <p>5.5. <i>Judgments and orders</i></p> <p><b>6. AFTER JUDGMENT</b></p> <p>6.1. <i>Rescission and variation of judgments</i></p> <ul style="list-style-type: none"> <li>- Rule 49 - Commentary in <i>Jones &amp; Buckle</i></li> </ul> <p>6.2. <i>Appeals</i></p> <ul style="list-style-type: none"> <li>- Rules 50 and 51 - Commentary in <i>Jones &amp; Buckle</i></li> <li>- Sections 83 and 84 of the Magistrates' Courts Act</li> <li>- <i>Caterham Car Sales &amp; Coachworks Ltd v Birkin Cars (Pty) Ltd</i> 1998 (3) SA 938 (SCA) at paras [36] to [38].</li> <li>- Harms, <i>LTC Heads of argument in courts of appeal</i>, Advocate 2009</li> </ul> <p><b>7. LAW OF EVIDENCE</b></p>
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<p><b>Personal Injury Claims</b> Reg 6 (10)(c)</p>	<p>Introduction to personal injury law. How to plead a claim in Delict.</p> <ul style="list-style-type: none"> <li>• Wrongfulness</li> <li>• Fault</li> <li>• Causation</li> <li>• Damages</li> </ul> <p>Road Accident Fund law. Consumer protection law. A module on medical negligence claims. Pleadings and defences allowed under the law of Delict. Pleadings must comply with the rules of the High Court and Magistrates' Courts set out under Regs 6 (10)(d) and 6 (10)(e) below. Section 60 in Part VI of the Code of Conduct concerning RAF matters. Trial preparation, practice, and settlement are part of High Court and Magistrates' Court curricula. The practice directives peculiar to personal injury cases, including RAF claims.</p>	<p>Road Accident Fund Act 56 of 1996</p> <p><i>Access to court – time bar</i> <i>Engelbrecht v RAF</i> 2007 (6) SA 96 (CC)</p> <p><i>Causation</i> <i>Road Accident Appeal Tribunal v Gouws</i> 2018 (3) SA 413 (SCA) <i>Nonkwali v Road Accident Fund</i> 2009 (4) SA 333 (SCA) at para [8]</p> <p><i>Claimants</i> <i>RAF v Vogel</i> 2004 (5) SA 1 (SCA) <i>Du Plessis v RAF</i> 2004 (1) SA 359 (SCA) <i>RAF v Ngubane</i> 2008 (1) SA 432 (SCA) at para [12]</p> <p><i>Contingency</i> <i>Ronald Bobroff &amp; Partners Inc v De La Guerre</i> 2014 (3) SA 134 (CC) <i>Masango v RAF</i> 2016 (6) SA 508 (GJ) <i>TM obo MM v MEC for Health, Mpumalanga</i> 2023 (3) SA 173 (MM)</p> <p><i>Hit and run</i> <i>Geldenhuis &amp; Joubert v Van Wyk; Van Wyk v Geldenhuis &amp; Joubert</i> 2005 (2) SA 512 (SCA)</p> <p><i>Pedestrian</i> <i>RAF v Monjane</i> 2010 (3) SA 641 (SCA)</p> <p><i>Prescription</i></p>

		<p><i>Road Accident Fund v Mdeyide (Minister of Transport Intervening) 2008 (1) SA 535 (CC)</i>  <i>RAF v Masindi 2018 (6) SA 481 (SCA) at paras [19] to [21]</i>  <i>Jones v Road Accident Fund 2020 (2) SA 83 (SCA)</i>  <i>Van Zyl NO v Road Accident Fund 2022 (3) SA 45 (CC) – mental incapacity</i></p> <p><i>Road Accident Fund</i>  <i>RAF v Legal Practice Council 2021 (6) SA 230 (GP)</i></p> <p><i>Single vehicle collision</i>  <i>Road Accident Fund v Abrahams 2018 (5) SA 169 (SCA) at especially para [13]</i></p> <p><i>Tribunal</i>  <i>Road Accident Appeal Tribunal v Gouws 2018 (3) SA 413 (SCA)</i></p>
<p><b>Criminal Court Practice</b>  Reg 6 (10)(f)</p>	<p>Introduction to criminal law and procedure</p> <p><u>Course Content</u></p> <ul style="list-style-type: none"> <li>* How to obtain and analyse the charge sheet and docket.</li> <li>* How to take instructions and obtain your client's version.</li> <li>* How to obtain witness statements &amp; ensure witness presence in court.</li> <li>* How to engage prosecution and client in plea bargaining.</li> <li>* How to do bail applications.</li> <li>* How to plead effectively, including when to make a Plea explanation.</li> <li>* Candidates must know how to draft statements in terms of Section 112 and 115.</li> <li>* How to attend trial and pre-trial conferences.</li> <li>* How to cross-examine state witnesses.</li> <li>* How to present your client's version to a state witness.</li> <li>* How to lead evidence in chief and the decision to call your client.</li> <li>* How to manage experts in criminal cases</li> <li>* How to present argument</li> </ul>	<p><b>PRINCIPAL REFERENCES:</b></p> <ul style="list-style-type: none"> <li>• Criminal Procedure Act 51 of 1977 (CPA)</li> <li>• The Constitution of the Republic of South Africa, 1996</li> </ul> <p><b>ADDITIONAL REFERENCES:</b></p> <ul style="list-style-type: none"> <li>• Du Toit, et al <i>Commentary on the Criminal Procedure Act</i></li> </ul> <p>Section 60 in Part VI: Commitment of legal practitioner to an effective court process.  The Stalingrad defence is inappropriate. It is a violation of the rule of law.  <i>Zuma v Downer and Another (788/2023) [2023] ZASCA 132 (13 October 2023) especially at paras [6], [11] and [28] to [30]</i></p> <p><b>1. GENERAL</b></p> <p><i>Right to legal representation</i>  - Constitution Section 35(3)(f) and (g)  - CPA Section 73</p> <p><i>Arrest</i>  - Constitution Section 14, 35(1)(d), 35(2)(a) and 35(4)  - CPA Sections 39–53  - <i>Mahlongwana v Kwatinidubu Town Committee 1991 (1) SACR 669 (E)</i>  - <i>Minister of Safety and Security v Sekhoto and Another 2010 (1) SACR 388 (FB)</i></p>

	<p>* How to present sentencing options and evidence in mitigation.</p> <p>* Understand that the onus is on the state and how that onus is discharged In particular candidates must have a practical understanding of what is entailed with regard to:</p> <p><b>Bail:</b> Chapters 9 and 10 of the CPA. Section 35(1)(f) of the Constitution, 1996.</p> <p><b>The charge:</b> ss 80 to 104 of the CPA</p> <p><b>The plea:</b> ss 105 to 122 of the CPA How pleas are drafted (form and content) and plea and sentence agreements</p> <p><b>Conduct of proceedings:</b> ss 144 to 146 and Chapter 22 of the CPA</p> <p><b>Discharge applications</b> at the close of the State's case: section 174 of the CPA</p> <p><b>Competent verdicts:</b> Chapter 26 of the CPA</p> <p><b>Sentencing:</b> Chapter 28 and 29 of the CPA</p> <p><b>Appeals and reviews:</b> Chapters 30 and 31 of the CPA (sections 302-324) Chapter 24 evidence</p> <p><b>Private prosecutions:</b> s 7 of Chapter 1 of the CPA Section 8(5) of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998 and section 426 of the Companies Act 61 of 1973 read with section 224 of the Companies Act 71 of 2008 and section 63 (1)(i) of the Legal Practice Act 28 of 2014.</p> <p>National Prosecuting Authority Act 32 of 1998 Representations in terms of section 22 How to make representations</p>	<p><i>Bail</i></p> <ul style="list-style-type: none"> <li>- Constitution Section 35(1)(f)</li> <li>- Chapter 9 and 10 of the CPA</li> <li>- CPA Sections 307 and 309</li> <li>- <i>S v Dlamini; S v Dladla and others; S v Joubert; S v Schietekat</i> 1999 (4) SA 623 (CC) (1999 (2) SACR 51; 1999 (7) BCLR 771; [1999] ZACC 8)</li> <li><i>S v Mabena and another</i> 2007 (1) SACR 482 (SA) paras [3] to [7]</li> <li><i>S v Viljoen</i> 2002 (2) SACR 550 (SCA) ([2002] 4 All SA 10; [2002] ZASCA 81) paras [10] to [15]</li> <li><i>S v Botha and another</i> 2002 (1) SACR 222 (SCA) (2002 (2) SA 680; [2002] 2 All SA 577; [2001] ZASCA 146) paras [2] to [21]</li> <li><i>S v Bruintjies</i> 2003 (2) SACR 575 (SCA) ([2003] ZASCA 4) paras [4], [5] and [8] to [10]</li> </ul> <p><b>2. CRIMINAL TRIAL</b></p> <p>2.1. <i>Indictments and charges</i></p> <ul style="list-style-type: none"> <li>- General</li> <li>Sections 80 – 104 of the CPA</li> <li><i>S v Wannenburg</i> 2007 (1) SACR 27 (C) at 32J - 34C</li> <li><i>S v Whitehead and others</i> 2008 (1) SACR 431 (SCA) para [10]</li> <li>o CPA Chapter 14, particularly sections 54 &amp; 55 &amp; 144</li> <li>o <i>Shabalala and Others v Attorney-General of Transvaal and Another</i> 1995 (2) SACR 761 (CC) (1996 (1) SA 725; 1995 (12) BCLR 1593; [1996] 1 All SA 64; [1995] ZACC 12)</li> <li>- Joinder of Persons and Counts</li> <li>o CPA Sections 81, 155, 156, 157</li> <li>- Splitting of Charges</li> <li>o CPA Sections 336, 83</li> <li>- Particulars of Offence</li> <li>o CPA Sections 84, 85, 86–92, 104</li> </ul> <p>Representations</p> <p>Section 22 of the National Prosecuting Authority Act 32 of 1998</p> <p><i>National Director of Public Prosecutions v Zuma</i> 2009 (2) SA 277 (SCA) (2009 (1) SACR 361; 2009 (4) BCLR 393; [2009] 2 All SA 243; [2009] ZASCA 1) at paras [15] and [16], read with paras [23] to [26] and especially paras [35] to [38]. Consider also the remarks in para [44].</p> <p>2.2. <i>Pleas</i></p> <ul style="list-style-type: none"> <li>- Ordinary Pleas</li> </ul>
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		<p>o Constitution Section 35(3)(h) o CPA Sections 105, 106, 112, 113, 114, 115, 116, 117 Inclusive of how pleas should be drafted (form and content) and plea and sentence agreements - section 105A <i>S v Esterhuizen and others</i> 2005 (1) SACR 490 (T) - Exceptional Pleas o CPA Sections 57, 77, 79, 109, 85 - Autrefois Acquit and Convict o Constitution Section 35(3)(m) o CPA Sections 106 and 324 - Unreasonable delay/ permanent stay o CPA Sections 168 and 342A o <i>Sanderson v Attorney-General, Eastern Cape</i> 1998 (1) SACR 227 (CC) o <i>Director of Public Prosecutions, Transvaal v Mtshweni</i> 2007 (2) SACR 217 (SCA) o <i>Magmoed v Janse Van Rensburg and Others</i> 1993 (1) SACR 67 (A) o <i>S v Basson</i> 2004 (1) SACR 285 (CC) o <i>S v Basson</i> 2007 (1) SACR 566 (CC)</p> <p>2.3. <i>The conduct of the trial</i> - Conduct Sections 144 - 146 and Chapter 22 of the CPA</p> <p>- Discharge: CPA section 174 <i>Commentary on the Criminal Procedure Act</i> by Du Toit <i>et al</i> <i>S v Lubaxa</i> 2001 (2) SACR 703 (SCA) (2001 (4) SA 1251; [2002] 2 All SA 107) paras [8] to [23]</p> <p>- Specific issues around admissibility of evidence Entrapment ▪ Section 252A of Act 51 of 1977</p> <p>Law of Evidence Amendment Act 45 of 1988, section 3 <i>Kapa v The State</i> (CCT 292/21) [2023] ZACC 1; 2023 (4) BCLR 370 (CC); 2023 (1) SACR 583 (CC) (24 January 2023)</p> <p>Admissions and confessions ▪ Constitution Sections 35 and 36 ▪ CPA Sections 217 to 220</p> <p>o Unlawfully obtained Evidence ▪ <i>Key v Attorney-General, Cape Provincial Division and Another</i> 1996 (4) SA 187 (CC) ▪ <i>Director of Public Prosecutions, Western Cape v Killian</i> 2008 (1) SACR 247 (SCA) ▪ <i>S v Mthembu</i> 2008 (2) SACR 407 (SCA)</p>
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		<ul style="list-style-type: none"> <li>▪ <i>S v Tandwa and Others</i> 2008 (1) SACR 613 (SCA)</li> <li>▪ <i>S v Shaik and Others</i> 2008 (1) SACR 1 (CC)</li> <li>- Trial-within-a-trial</li> </ul> <p>2.4. <i>Conclusion of the trial</i></p> <ul style="list-style-type: none"> <li>- Competent Verdicts</li> </ul> <ul style="list-style-type: none"> <li>o CPA Chapter 26</li> <li>- Previous Convictions: CPA Chapter 27</li> <li>- Procedure of Judgment</li> <li>o CPA Sections 152, 274, 275–299</li> <li>o <i>S v Lubaxa</i> 2001 (2) SACR 703 (SCA)</li> </ul> <p><b>3. SENTENCING</b></p> <p>3.1. <i>Principles of sentencing</i></p> <p>Chapter 28 and 29 of the CPA Sections 51-53 of the Criminal Law Amendment Act 105 of 1997</p> <ul style="list-style-type: none"> <li><i>S v Malgas</i> 2001 (1) SAR 469 (SCA)</li> <li><i>S v Karolia</i> 2006 (2) SACR 75 (SCA)</li> <li><i>S v Mthimkulu</i> 2013 (2) SACR 89 (SCA)</li> </ul> <p>3.2. <i>Types of sentences</i></p> <ul style="list-style-type: none"> <li>- Section 276</li> <li>- Imprisonment</li> <li>- Committal to a treatment centre</li> <li>- Fine</li> <li>- Correctional supervision</li> <li>- Sentencing of juveniles</li> <li>o Sections 290 and 297 of the Code</li> <li>o Suspension of sentence of various conditions</li> <li>o Conditional/unconditional postponement of sentence</li> <li>o Caution and discharge</li> </ul> <p>3.3. <i>Sentencing discretion</i></p> <ul style="list-style-type: none"> <li>- Mandatory minimum sentencing: Criminal Law Amendment Act 105 of 1997</li> <li>- <i>S v Malgas</i> 2001 (1) SACR 469 (SCA)</li> <li>- Mitigating and aggravating factors</li> </ul> <p><b>4. APPEALS AND REVIEWS</b></p> <p>4.1. REVIEW</p> <ul style="list-style-type: none"> <li>- Constitution Section 35(3)(o)</li> <li>- CPA Chapter 30</li> </ul> <ul style="list-style-type: none"> <li>(i) the difference between appeals and reviews</li> <li>(ii) powers of the court on appeal and review</li> <li><i>R v Dhlumayo</i> 1948 (2) SA 677 (A) at 705-706</li> <li><i>S v Rabie</i> 1975 (4) SA 855 (A)</li> </ul>
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		<p><i>S v Van Aswegen</i> 2001 (2) SACR 97 (SCA) ([2001] ZASCA 61) – all evidence to be taken into account</p> <p><i>S v S</i> 1999 (1) SACR 608 (W) ([1999] 4 All SA 16)</p> <ul style="list-style-type: none"> <li>- review</li> </ul> <p><i>S v Bogaards</i> 2013 (1) SACR 1 (CC) (2012 (12) BCLR 1261; [2012] ZACC 23) – paras [37] and [41]</p> <p><b>4.2. APPEAL</b></p> <ul style="list-style-type: none"> <li>- Constitution Section 35(3)(o)</li> <li>- CPA Chapters 30 and 31</li> <li>- From Lower Courts <ul style="list-style-type: none"> <li>o CPA Sections 309 and 310</li> <li>o Magistrates' Courts: Rule 67</li> </ul> </li> <li>- From the High Courts <ul style="list-style-type: none"> <li>o CPA Sections 315–322</li> </ul> </li> </ul> <p><b>5. THE ADMISSIBILITY/ INADMISSIBILITY OF RELEVANT EVIDENCE</b></p> <p><b>5.1. Hearsay evidence</b></p> <ul style="list-style-type: none"> <li>- Common law exceptions</li> <li>- The Law of Evidence Amendment Act 45 of 1988</li> </ul> <p><b>5.2. The parol evidence rule</b></p> <ul style="list-style-type: none"> <li>- Hoffmann &amp; Zeffertt, chapter 14</li> </ul> <p><i>KPMG Chartered Accountants (SA) v Securefin Ltd and Another</i> 2009 (4) SA 399 (SCA) ([2009] 2 All SA 523) at para [39].</p> <p><b>5.3. Similar fact evidence (SFE) (SCH – CHP 7) (ZEF - CHP 9)</b></p> <ul style="list-style-type: none"> <li>- Rationale for the exclusion of SFE</li> <li>- Rule for the admissibility of SFE: the Makin formulation &amp; the Boardman formulation</li> </ul> <p><b>5.4. Character evidence (SCH – CHP 6) (ZEF – CHP 8)</b></p> <ul style="list-style-type: none"> <li>- Introduction to character evidence</li> <li>- Character in criminal cases <ul style="list-style-type: none"> <li>o Sections 197, 211 of the CPA</li> </ul> </li> <li>- Character in civil cases</li> </ul> <p><b>5.5. Opinion evidence (SCH – 8)(ZEF - CHP 10)</b></p> <ul style="list-style-type: none"> <li>- The Hollington rule</li> <li>- Opinion of a lay person</li> <li>- Expert witness</li> </ul> <p><i>Menday v Protea Assurance Co Ltd</i> 1976 1 Sa 565 (E)</p> <p><i>Coopers (SA) Pty Ltd v Deutsche Gesselschaft Fur Schadlingsbekampfung Mbh</i> 1976 3 Sa 352 (A)</p> <p><i>Schneider NO and Others v AA and Another</i> 2010 (5) SA 203 (WCC) at 211J – 212B</p>
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		<p>5.6. <i>Previous consistent statements (PCS)</i> (SCH – CHP 9) (ZEF - CHP 14)</p> <ul style="list-style-type: none"> <li>- Reason for the exclusion of previous consistent statements</li> <li>- Exceptions to the general rule <ul style="list-style-type: none"> <li>o To rebut a suggestion of recent fabrication</li> <li>o Complainant in a sexual case</li> <li>o Identification</li> </ul> </li> </ul> <p><b>6. EVIDENCE</b></p> <p>6.1. <i>Confirmation or cautionary rules in regard to:</i></p> <ul style="list-style-type: none"> <li>(i) Single witnesses: Section 208 of the CPA;</li> <li>(ii) Evidence of identification: <i>S v Mthetwa</i> 1972 (3) SA 766 (A) at 768A—C</li> <li>(iii) Complaints in matters of a sexual nature: <i>S v Jackson</i> 1998 (1) SACR 470 (SCA);</li> <li>(iv) Children;</li> <li>(v) Confessions: Section 209 of the CPA;</li> <li>(vi) Accomplices;</li> <li>(vii) Traps</li> </ul> <p>See, generally, the commentary on the cautionary rule dealt with in <i>Commentary on the Criminal Procedure Act</i> by Du Toit <i>et al</i> under Section 208 of the CPA</p> <p>6.2. <i>Presumptions</i></p> <ul style="list-style-type: none"> <li>(i) Onus (on criminal cases in respect of defences pleaded);</li> <li>(ii) Particular presumptions <ul style="list-style-type: none"> <li>(a) Drugs and Drug Trafficking Act 140 of 1992;</li> <li>(b) The CPA;</li> <li>(c) Sections 65(3) and (4) of the National Road Traffic Act 93 of 1996;</li> </ul> </li> <li>(iii) The effect of Section 35 read with Section 36 of the Constitution, 108 of 1996, and statutory presumptions. <i>S v Coetzee and others</i> 1997 (3) SA 527 (CC).</li> </ul> <p><b>6.3. Admissions and confessions</b></p> <ul style="list-style-type: none"> <li>(i) Sections 217—220 of the CPA;</li> <li>(ii) The effect of Section 35 read with Section 36 of the Constitution on admissions and confessions.</li> </ul> <p>6.4. <i>Documentary evidence</i></p> <p>Section 212, particularly ss 212(1), (4), (8), (9), (11) and (12); and Sections 213, 221, 233, 234 and 236 of the CPA.</p> <p>6.5. <i>Mental capacity of accused persons</i></p> <p>Chapter 13 of the CPA; Criminal Law Amendment Act 1 of 1988.</p>
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		<p>6.6. Search and seizures Sections 20-22 of the CPA</p> <p>6.7. <i>Entrapment</i> Section 252A of the CPA. Case law references in the commentary (Du Toit <i>et al</i>), including:</p> <p>6.8. <i>The status of evidence illegally obtained</i> (Having regard to Sections 35 and 36 of the Constitution and the commentary under Section 225 of the CPA in Du Toit <i>et al</i>)</p> <p>6.9. <i>Unreasonable delay / Permanent stay</i> Sections 168 and 342A of the CPA</p> <p><b>7. LEGISLATION</b></p> <p>7.1. Constitution of the Republic of South Africa, 1996 Sections 35 and 36</p> <p>7.2. The Law of Evidence Amendment Act 45 of 1988 (Hearsay) <i>Kapa v The State</i> 2023 ZACC 1</p> <p>7.3. Accused's right of access to information contained in the State brief / Police docket (Having regard to the provisions of Sections 35 and 36 of the Constitution.) <i>Shabalala and others v Attorney General, Transvaal and another</i> 1996 (1) SA 725 (CC) (1995 (2) SACR 761 (CC))</p> <p>7.4. Preservation, confiscation, restraint and forfeiture orders Sections 34 and 35 of the CPA</p>
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**PAPER 2: WILLS AND ESTATES**

MODULES	CURRICULUM AND COURSE CONTENT	READING LISTS
<p><b>Wills and Estates</b> Reg 6 (10)(j)</p>	<p>Introduction to Wills and Estates</p> <p><b>Wills</b> The Wills Act 7 of 1953 The Trust Property Control Act 57 of 1988.</p>	<p><b>Legislation</b> The Wills Act 7 of 1953 <i>Van der Merwe v The Master and Another</i> 2010 (6) SA 544 (SCA) <i>Delport v Le Roux</i> 2022 ZAKZD 51 Intestate Succession Act 81 of 1987</p>

	<p>Drafting Wills. Using plain language, avoid old precedents. Taking instructions, what one needs to know to draft a will. Proper consultation. The role of sound literacy skills. Interpreting (archaic) Wills. Capacity to benefit under a Will Incompetency of a person involved in the execution of a Will to inherit and the maxim of “de bloedige hand erft niet”. Formalities and the Execution of Wills - Section 2(1)(a) Amendments of Wills - Section 2(1)(b); Codicils The Court’s overriding discretion regarding the validity of wills - (Section 2(3))</p> <p>Drafting Living Wills. Does the National Health Act 61 of 2003 make provision for a living will? Testate and Intestate Succession. Intestate Succession Act 81 of 1987. Maintenance of Surviving Spouses Act 27 of 1990 Recognition of Customary Marriages Act 120 of 1998 Reform of Customary Law of Succession and Regulation of Related Matters Act 11 of 2009. Administration of deceased estates.</p> <p><b>Drafting liquidation and distribution accounts</b> Administration of Estates Act 66 of 1965</p> <p><b>Estate duty.</b> Estate Duty Act 45 of 1955. What to do when the validity of a will is contested. Drafting wills and trusts and estate administration Intestacy and inheritance law Estate planning and tax considerations Ethics and professional responsibility in wills and estates practice</p>	<p>Maintenance of Surviving Spouses Act 27 of 1990 Recognition of Customary Marriages Act 120 of 1998 Reform of Customary Law of Succession and Regulation of Related Matters Act 11 of 2009.</p> <p>Administration of Estates Act 66 of 1965 Estate Duty Act 45 of 1955 The Trust Property Control Act 57 of 1988</p> <p>National Health Act 61 of 2003</p> <p><b>PRINCIPAL WORKS</b></p> <ul style="list-style-type: none"> <li>• Jamneck &amp; Rautenbach <i>The Law of Succession in South Africa</i>, 3<sup>rd</sup> Edition, (2017) Oxford University Press, Cape Town</li> <li>• Lexis Practical Guidance <i>Trusts Wills and Estates</i>, online LexisNexis</li> </ul> <ul style="list-style-type: none"> <li>• Testamentary Succession in General</li> <li>• <i>Ngubane v RAF</i> 2022 (5) SA 231 (GJ) especially at para [27]</li> <li>• Formalities and the Execution of Wills, Amendments of Wills, and Incorporation by Reference</li> <li>• Capacity to make a will and to witness a will</li> <li>• Capacity to Benefit under a Will or on Intestacy</li> <li>• Invalidity of Wills Generally: Mistake, Fraud, Duress and Undue Influence; Revocation and Revival</li> <li>• Custody and Registration of Wills</li> <li>• Appointment of Heirs and Legatees: Dies, Conditions</li> <li>• Vesting</li> <li>• Substitution</li> <li>• Legacies</li> <li>• Accrual</li> <li>• Interpretation: Principles <ul style="list-style-type: none"> <li>○ Canons of Construction and Presumptions</li> <li>○ Specific Words and Phrases</li> </ul> </li> <li>• Intestate Succession</li> </ul> <p><i>Wilkinson and Another v Crawford NO and Others</i> 2021 (4) SA 323 (CC) (2021 (6) BCLR 618; [2021] ZACC 8) at paras [1] to [12], [23], [31] to [33], and especially paras [67] to [78]</p>
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## PAPER 3: ATTORNEYS PRACTICE AND PROFESSIONAL LEGAL ETHICS

MODULES	CURRICULUM AND COURSE CONTENT	READING LISTS
<p><b>Professional Legal Ethics</b> Reg 6 (10)(b)</p>	<p>Introduction to legal ethics and professional responsibility Lewis Golden Rule: all legal practitioners must avoid conduct which could damage their reputation as honourable people and honourable lawyers. The seven universal ethical principles</p> <p>The current Code of Conduct of 29 March 2019 applicable to attorneys: Section 3 in Part II of the general provisions in the Code of Conduct. Section 56 in Part VI: Scope and limits of legitimate cross-examination especially in the Magistrates' Courts. Section 60 in Part VI: Commitment of legal practitioner to an effective court process. Conflicts of interest, legal privilege, and confidentiality. What to do when client's instructions amount to "a hopeless case".</p> <p>How fiduciary duties are based on the principles and precepts of ethics. Consider: <i>Limpopo Provincial Council of the South African Legal Practice Council v Chueu Incorporated Attorneys and Others</i> [2023] ZASCA 112 at paras [26] to [28]</p>	<p>Legal Practice Act 28 of 2014: ss 33 - 35 ("LPA")</p> <p><b>The South African Legal Practice Council Code of Conduct in terms of s 36(1) of the LPA</b></p> <ul style="list-style-type: none"> <li>- Part I: Definitions</li> <li>- Part II: Code of Conduct: General Provisions</li> <li>- Part III: Conduct of Attorneys</li> <li>- Part VI: Conduct of legal practitioners and candidate legal practitioners in relation to appearances in court and before tribunals</li> <li>- Part VII: Conduct of legal practitioners not in private practice.</li> </ul> <p><i>University of South Africa v Socikwa and Others</i> (J 675/23; J 680/23) [2023] ZALCJHB 172 (7 June 2023) <i>Freedom Under Law v Judicial Service Commission and Another</i> (550/2022) [2023] ZASCA 103; [2023] 3 All SA 631 (SCA) (22 June 2023)</p> <p><b>All legal practitioners and candidate legal practitioners have their essential ethical duties enumerated in the Code of Conduct published in March 2019.</b></p> <p><b>Candidate attorneys are required to know those parts of the Code that relate to all legal practitioners and specifically to attorneys.</b> Candidate attorneys will be assessed accordingly.</p> <p>Principles governing the hopeless case "The ethics of the hopeless case", Owen Rogers, Advocate December 2017 <i>Motswai v Road Accident Fund</i> 2013 (3) SA 8 (GSJ) at paras [26]-[37] <i>University of South Africa v Socikwa and Others</i> (J 675/23; J 680/23) [2023] ZALCJHB 172 (7 June 2023) <i>Freedom Under Law v Judicial Service Commission and Another</i> (550/2022) [2023] ZASCA 103; [2023] 3 All SA 631 (SCA) (22 June 2023)</p>

		To exercise the duty of care and skill Code of conduct section 18.14
<b>Constitutional Practice Reg 6 (10)(a) [Including Aspects of Customary Law]</b>	<p>Introduction to Constitutional Law What is “the rule of law” How the Constitution is transformative in nature Jurisdiction of our courts to hear constitutional matters: the 2013 change to the jurisdiction of the Constitutional Court. Rules and Directives: Constitutional Court. Eleven ways to the Constitutional Court. Advising clients about their Constitutional rights, duties and obligations. Advising clients on the Constitutional Court’s stance on legal standing Advising clients on the remedies that can be awarded by the Constitutional Court How to apply Chapter 2 of the Bill of Rights and the limitations clause. How to apply the rest of the Constitution in giving advice to clients. Candidates must be up to date with case law from the Constitutional Court and the Supreme Court of Appeal to within one week before their exams.</p> <p>1. GENERAL 1.1. Historical approach to customary law - Law of Evidence Amendment Act 1988 s 1(1), (2)</p> <p>1.2. Customary law under the constitution - The Constitution, sections 30, 31, 39, 211 o Alexkor Ltd and Another v Richtersveld Community and Others 2004 (5) SA 460 (CC) (2003 (12) BCLR 1301; [2003] ZACC 18) at para [51] o Bhe and Others v Magistrate, Khayelitsha and Others; Shibi v Sithole and Others; SA Human Rights Commission and Another v President of the RSA and Another 2005 (1) BCLR 1 (CC) 2005</p>	<p>Constitution of the Republic of South Africa, 1996 Rules of the Constitutional Court, 2003 Directives of the Constitutional Court</p> <p>1. GENERAL This course will prepare candidates to understand the principles, concepts and the procedure of Constitutional litigation.</p> <p>1.1. Access to the Constitutional Court - Superior Courts Act, sections 16 and 17 - Constitutional Court Rule 19 What is a “constitutional matter”? S v Boesak 2001 (1) SA 912 (CC) especially paras [10] to [15].</p> <p>1.2. The Bill of Rights, Constitutional matters &amp; any other matter that raises an arguable point of law of general public importance which ought to be considered - Constitution, section 167(3)(b) &amp; 167(6)(a) &amp; (b) CC Rule 18. CC Rule 19. Jurisdiction of the Constitutional Court University of Johannesburg v Auckland Park Theological Seminary and Another 2021 (6) SA 1 (CC); 2021 (8) BCLR 807; [2021] ZACC 13 at paras [39] to [52]</p> <p>- Intervention in the Constitutional Court CC Rule 8. - Confirmation proceedings in the Constitutional Court Section 167(5) of Constitution. CC Rule 16.</p> <p>- The exclusive jurisdiction of the Constitutional Court CC Rules 14 to 1. Section 167(4) of Constitution</p> <p>Content and limitation of rights Chapter 2 of the Constitution, especially section 36. NM and Others v Smith 2007 (5) SA 250 (CC) especially paras [33] to [45].</p>

	<p>o Shilubana and Others v Nwamitwa and Others 2009 (2) SA 66 (CC) (2008 (9) BCLR 914; [2008] ZACC 9)</p> <p>2. CUSTOMARY LAW IN THE COURTS</p> <p>2.1. Ascertainment and proof of African customary law</p> <ul style="list-style-type: none"> <li>- Shilubana and Others v Nwamitwa and Others 2008 (9) BCLR 914 (CC)</li> <li>- Mayelane v Ngwenyama and Another (Women's Legal Centre Trust and Others as amici curiae) 2013 (8) BCLR 918 (CC)</li> </ul> <p>2.2. Conflicts between common law and customary law: choice of law guidelines</p> <ul style="list-style-type: none"> <li>- Section 211(3) of the Constitution</li> </ul> <p>2.3. Conflict of laws between customary law systems</p> <ul style="list-style-type: none"> <li>- Section 1(3) Law of Evidence Amendment Act</li> </ul> <p>3. CUSTOMARY LAW INSTITUTIONS</p> <p>3.1. Traditional leadership – s 211 and 212 of the Constitution</p> <p>4. SPECIFIC CUSTOMARY LAW ISSUES</p> <p>4.1. Land</p> <ul style="list-style-type: none"> <li>- Communal Land Bill of 2017</li> <li>- Interim Protection of Informal Land Rights Act 31 of 1996 (IPILRA)</li> </ul> <p>4.2. Customary marriage</p> <ul style="list-style-type: none"> <li>- Registration, recognition &amp; status, s 15 Constitution</li> <li>o Recognition of Customary Marriages Act 120 of 1998 sections 2, 3, 4, 8 &amp; 10</li> <li>o Mayelane v Ngwenyama and Another (Women's' Legal Centre Trust and others as amici curiae) 2013 (8) BCLR 918 (CC)</li> <li>- Proprietary consequences</li> <li>o Gumedé v President of the Republic of South Africa and Others 2009 (3) SA 152 (CC) (2009 (3) BCLR 243; [2008] ZACC 23)</li> <li>o Ngwenyama v Mayelane and Another 2012 (10) BCLR 1071 (SCA)</li> <li>o Ramuhovhi v President of the Republic of South Africa 2016 (6) SA 210 (LT)</li> </ul>	<p>Government of the Republic of South Africa and Others v Grootboom 2001 (1) SA 46 (CC) especially paragraphs [39] to [46].</p> <p>1.3. Costs in Constitutional matters</p> <ul style="list-style-type: none"> <li>- Biowatch Trust v Registrar Genetic Resources and Others 2009 (6) SA 232 (CC) paras [16] and [20] to [24] and [56]</li> </ul> <p>2. SPECIFIC PROCEDURES</p> <p>2.1. Direct access applications</p> <ul style="list-style-type: none"> <li>- Constitutional Court Rule 18</li> <li>- Lesbian &amp; Gay Equality Project v Minister of Home Affairs 2006 1 SA 524 (CC) par 39</li> <li>Ashebo v Minister of Home Affairs and Others [2023] ZACC 16 at footnote 1 and paras [57] and [60]</li> <li>- Mazibuko v Sisulu 2013 6 SA 249 (CC)</li> <li>- SA Informal Traders Forum v City of Johannesburg; SA National Traders Retail Assoc. v City of Johannesburg 2014 4 SA 371 (CC)</li> <li>UDM v Speaker, NA 2017 (5) SA 300 (CC) (2017 (8) BCLR 1061; [2017] ZACC 21) at para [23]</li> <li>- Urgent applications</li> </ul> <p>Constitutional Court Rule 12</p> <p>2.2. Declaration of constitutional invalidity</p> <ul style="list-style-type: none"> <li>- Constitution, section 172(2)</li> <li>- Constitutional Court Rules 15 and 16</li> <li>- Director of Public Prosecutions v Mohamed 2003 (4) SA 1 (CC) at para [56]</li> <li>- Arena Holdings (Pty) Ltd t/a Financial Mail and Others v South African Revenue Service and Others [2023] ZACC 13; 2023 (8) BCLR 905 (CC) especially at paras [141], [147], [158] and [193] to [195]</li> </ul> <p>2.3. Amicus curiae and joinder applications</p> <ul style="list-style-type: none"> <li>- Constitutional amicus interventions in the High Court</li> <li>Uniform Rule 16A.</li> <li>Constitutional amicus interventions in the the SCA</li> <li>SCA Rule 16.</li> <li>- Constitutional Court Rules 5, 8 and 10</li> <li>Ex parte Institute for Security Studies: In re S v Basson 2006 (6) SA 195 (CC) (2006 (2) SACR 350; [2005] ZACC 4) especially at paras [5] to [11]</li> </ul> <p>3. CONSTITUTIONAL REMEDIES</p> <p>Minister of Health and Others v Treatment Action Campaign and Others (No 2) 2002 (5) SA 721 (CC) especially paras [96] to [114].</p>
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	<p>Ramuhovhi and Others v President of the Republic of South Africa and Others 2018 (2) SA 1 (CC); 2018 (2) BCLR 217</p> <p>Netshituka v Netshituka 2011 (5) SA 453 (SCA) ([2011] ZASCA 120)</p> <p>Mayelane v Ngwenyama and Another 2013 (4) SA 415 (CC); 2013 (8) BCLR 918 (CC)</p> <p>Holomisa v Holomisa and Another (CCT146/17) [2018] ZACC 40; 2019 (2) BCLR 247 (CC) (23 October 2018)</p> <p>MM v MN and Another 2013 (4) SA 415 (CC) (2013 (8) BCLR 918; [2013] ZACC 14)</p> <ul style="list-style-type: none"> <li>- Disputes about validity</li> <li>- Change of marriage system</li> </ul> <p>4.3. Succession</p> <ul style="list-style-type: none"> <li>- Black Administration Act 38 of 1927</li> <li>- Regulations for the Administration and Distribution of the Estates of Blacks (GN R200 of 1987)</li> <li>- Intestate Succession Act 81 of 1987</li> <li>- Reform of Customary Law of Succession and Regulation of Related Matters Act 11 of 2009.</li> <li>- Himonga pp 158-185</li> <li>- Mthembu v Letsela and Another 1998 (2) SA675 (T)</li> <li>- Mthembu v Letsela 2000 (3) SA 867 (SCA)</li> <li>- Bhe and Others v Magistrate, Khayelitsha and Others; Shibi v Sithole and Others; SA Human Rights Commission and Another v President of the RSA and Another 2005 (1) BCLR 1 (CC)</li> <li>- Gumede v President of the Republic of South Africa 2009 (3) SA 152 (CC)</li> </ul> <p>4.4. Ownership of Property</p> <p>Communal ownership of land v Individual ownership</p> <p>. Interim Protection of Informal Land Rights Act 31 of 1996</p> <p>Section 1 - definitions "community"; "informal right to land"</p> <p>Section 2</p> <p>Maledu and Others v Itereleng Bakgatla Mineral Resources (Pty) Ltd and Another 2019 (2) SA 1 (CC) (2019 (1) BCLR 53; [2018] ZACC 41)</p>	<p>Mwelase v Director General, Department of Rural Development &amp; Land Reform 2019 (6) SA 597 (CC) at para [51].</p> <p>3.1. Declaration of invalidity, reading down, reading in &amp; severance</p> <ul style="list-style-type: none"> <li>- Hierarchy of remedies</li> </ul> <p>Van Rooyen v The State 2002 (5) SA 246 (CC)</p> <ul style="list-style-type: none"> <li>- Declarations of invalidity</li> </ul> <p>S v Makwanyane 1995 (3) SA 391 (CC) par 151</p> <p>National Coalition for Gay and Lesbian Equality &amp; Others v Minister of Home Affairs &amp; Others 2000 (2) SA 1 (CC) par 73–76</p> <ul style="list-style-type: none"> <li>- Reading down &amp; Severance</li> </ul> <p>Investigating Directorate: Serious Economic Offences &amp; Others v Hyundai Motor Distributors (Pty) Ltd &amp; Others: In re Hyundai Motor Distributors (Pty) Ltd v Smit NO &amp; Others 2001 (1) SA 545 (CC)</p> <p>Lawyers for Human Rights &amp; Another v Minister of Home Affairs &amp; Another 2004 (4) SA 125 (CC)</p> <p>Coetzee v Government of the Republic of South Africa; Matiso &amp; Others v Commanding Officer, Port Elizabeth Prison 1995 (4) SA 631 (CC) par [51]</p> <p>Minister of Home Affairs v National Institute for Crime Prevention and the Reintegration of Offenders (NICRO) &amp; Others 2005 (3) SA 280 (CC)</p> <p>National Coalition for Gay and Lesbian Equality &amp; Others v Minister of Home Affairs &amp; Others 2000 (2) SA 1 (CC) par 63-64</p> <ul style="list-style-type: none"> <li>- Reading In</li> </ul> <p>National Coalition for Gay and Lesbian Equality &amp; Others v Minister of Home Affairs &amp; Others 2000 (2) SA 1 (CC) par 67-68</p> <p>Khosa &amp; Others v Minister of Social Development &amp; Others; Mahlaule &amp; Others v Minister of Social Development &amp; Others 2004 (6) SA 505 (CC)</p> <p>Bhe &amp; Others v Magistrate, Khayelitsha &amp; Others; Shibi v Sithole &amp; Others; SA Human Rights Commission &amp; Another v President of the RSA &amp; Another 2005 (1) SA 580 (CC)</p> <p>3.2. Retrospectivity and suspension of invalidity</p> <ul style="list-style-type: none"> <li>- Nyathi v MEC of the Department of Health &amp; Another 2008 (5) SA 94 (CC)</li> <li>- Matatiele Municipality &amp; Others v President of the Republic of South Africa &amp; Others 2007 (1) BCLR 47 (CC) par 96</li> </ul>
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	<p>4.5. Traditional Leadership - status, powers, administration Structures of traditional leadership . Constitution 1996, sec 211 &amp; 212 . Traditional Leadership and Governance Framework Act 41 of 2003 Council for the Advancement of the SA Constitution and Others v Ingonyama Trust and Others 2022 (1) SA 251 (KZP)</p> <p>Traditional and Khoi-San Leadership Act 3 of 2019 - Sections 2; 3; 4; 11; 12 &amp; 19 Shilubana and Others v Nwamitwa 2009 (2) SA 66 (CC) (2008 (9) BCLR 914; [2008] ZACC 9)</p>	<p>- Ex Parte Women's Legal Centre: In re Moise v Greater Germiston TLC 2001 (4) SA 1288 (CC) par 13 - Masiya v Director of Public Prosecutions, Pretoria &amp; Another (Centre for Applied Legal Studies &amp; Another, Amici Curiae) 2007 (5) SA 30 (CC) par 47-57 3.3. Interdicts, interim orders and supervisory orders - Black Sash Trust v Minister of Social Development and Others (Freedom Under Law NPC Intervening) 2017 (3) SA 335 (CC)</p> <p>3.4. Constitutional damages - Fose v Minister of Safety and Security 1997 (3) SA 786 (CC) paras [60] and [67] - Minister of Safety and Security &amp; Another v Carmichele 2004 (3) SA 305 (SCA) - Minister of Safety and Security v Van Duivenboden 2003 (1) SA 389 (SCA) para [21] - President of the Republic of South Africa and Another v Modderklip Boerdery (Pty) Ltd (Agri SA and Others, Amici Curiae) 2005 (5) SA 3 (CC)</p>
<p><b>Alternative Dispute Resolution</b> Reg 6 (10)(h)</p>	<p>Introduction to alternative dispute resolution (ADR) The impact of Rule 41A of the Uniform Rules of Court Understand that courts expect actual compliance with Rule 41A and not mere lip service. Defining and understanding: - what is a conflict. Negotiation. Conciliation Mediation. Protection of Investment Act 22 of 2015, section 13. Arbitration. Arbitration Act 42 of 1965 and the International Arbitration Act 15 of 2017. The role of ADR in litigation.</p>	<p>PRINCIPAL WORKS: • Grogan, Workplace Law Juta (2015) chapter 20 • Ramsden McKenzie's Law of Building and Engineering Contracts and Arbitration Juta (2014) Tobie Wiese Alternative dispute resolution in South Africa, Negotiation, Mediation and Arbitration 2021 Juta</p> <p>1. INTRODUCTION 1.1. Distinction between adversarial proceedings and facilitative / consensus-building processes 1.2. Conflict management and dispute resolution - LSSA Manual on Alternative Dispute Resolution - Access to justice and social justice - Rights vs interest disputes - Rights vs position-based negotiation - Ethics involved in conciliation (conflicts of interest, confidentiality, mediator liability) - Drafting certificates, outcome reports, settlement agreements</p> <p>2. COURT-ANNEXED MEDIATION PROCESSES 2.1. Rule 41A, Uniform Rules of Court 2.2. Magistrates court</p>

		<ul style="list-style-type: none"> <li>- Rules of Voluntary Court-Annexed Mediation, 2014</li> <li>- Rules: Conduct of proceedings of Magistrate’s Courts of South Africa, 2019</li>   <li>2.3. Divorce Mediation             <ul style="list-style-type: none"> <li>- Function of the mediator</li> <li>- Children’s Act, Brownlee v Brownlee Gauteng Local Division 2008/25274</li> <li>- Best interests of the child, parenting plan, maintenance, division of assets, Memorandum of Understanding</li> </ul> </li> <li>Mediation in Certain Divorce Matters Act 24 of 1987</li> <li>Centre For Child Law v TS and Others 2023 (6) SA 1 (CC)</li>   <li>3. ARBITRATION             <ul style="list-style-type: none"> <li>3.1. Arbitration Agreements                 <ul style="list-style-type: none"> <li>- Jurisdiction</li> <li>Dis-Chem Pharmacies Limited v Dainfern Square (Pty) Ltd &amp; Others [2023] ZASCA 115 and the general principle in favour of pleading over and the consequences of failing to plead over in all adversarial litigation</li> <li>Close-Up Mining and Others v Boruchowitz NO and Another 2023 (4) SA 38 (SCA) especially at paras [10] to [16], [23] and [34] to [36]</li> <li>- Competence-competence principle</li> <li>- Enforcement of arbitral awards:                     <ul style="list-style-type: none"> <li>o Domestic - Arbitration Act 42 of 1965</li> <li>o International - International Arbitration Act 15 of 2017</li> </ul> </li> <li>- Section 13 of the Protection of Investment Act 22 of 2015</li> </ul> </li> <li>3.2. Role of chairperson (presiding officer) and participant</li> <li>3.3. Employment arbitration                 <ul style="list-style-type: none"> <li>- CCMA or bargaining council</li> <li>o Issues for mediation/ conciliation</li> <li>o Issues for arbitration</li> </ul> </li> <li>- Private arbitration</li> <li>3.4. Construction Arbitration                 <ul style="list-style-type: none"> <li>- Charter of Disputes</li> <li>- ICC recommendations</li> <li>- FIDIC &amp; JBCC contracts</li> </ul> </li> </ul> </li> </ul>
<p><b>Labour Dispute Resolution</b> Reg 6 (10)(g)</p>	<p>Introduction to the Industrial Relations Framework.</p> <p>Identification of an employee.</p>	<p>PRINCIPAL WORKS</p> <ul style="list-style-type: none"> <li>• Grogan, Workplace Law Juta (2015)</li> </ul>

	<p>Permanent employees. Temporary employees. Disciplinary Proceedings and Hearings.</p> <p>Unfair labour practices and Dismissals. Bargaining Agents, Forums and Collective Bargaining. Dispute resolution including disputes about collective agreements The process of conciliation. How to prepare and move an interdict in the labour court. How to differentiate between a sufficiently representative trade union, majority and minority unions How to determine the validity of an extension of a collective agreement to members not party to the collective agreement How to ensure a strike is protected</p> <p>Labour Relations Act 66 of 1995. Basic Conditions of Employment Act. Employment Equity Act 75 of 1997.</p> <p>Rules for the Conduct of Proceedings in the Labour Court (GN 1665 of 1996: GG 17495 of 14 Oct 1996)</p> <p>Rules for the Conduct of Proceedings in the Labour Appeal Court (GN 1666 of 1996: GG 17495 of 14 Oct 1996)</p> <p>The Occupational Health and Safety Act 85 of 1993 (OHSA) Unemployment Insurance Act 63 of 2001 (UIA) The Compensation for Occupational Injuries and Diseased Act 130 of 1993 (COIDA).</p>	<p>COIDA and domestic workers Mahlangu and Another v Minister of Labour and Others 2021 (2) SA 54 (CC) (2021 (1) BCLR 1; [2020] ZACC 24) at paras [71] to [107]</p> <p>Suspension Limpopo Provincial Council of the South African Legal Practice Council v Chueu Incorporated Attorneys and Others [2023] ZASCA 112 at paras [31] to [33]</p> <p>Strikes and lockouts National Union of Metalworkers of South Africa v Trenstar (Pty) Ltd [2023] ZACC 11; (2023) 44 ILJ 1189 (CC); 2023 (7) BCLR 814 (CC); [2023] 7 BLLR 609 (CC); 2023 (4) SA 449 (CC) at paras [47] and [48] Numsa obo Dhludhlu and Others v Marley Pipe Systems (SA) (Pty) Ltd 2023 (1) SA 338 (CC)</p> <p>Disciplinary proceedings Hamata v Chairperson, Peninsula Technikon Internal Disciplinary Committee 2002 (5) SA 449 (SCA) ([2002] ZASCA 44) at para [5] and the important nuances at paras [12] and [20] to [22] Dyantyi v Rhodes University 2023 (1) SA 32 (SCA) at paras [21] to [23]</p> <p>Dismissal Amcu v Royal Bafokeng Platinum Ltd 2020 (3) SA 1 (CC) at paras [102] to [126]</p> <p>Collective Bargaining and Organisational rights</p> <p>CCMA rules NUMSA v Bader Bop (Pty) Ltd &amp; another [2003] 2 BLLR 103 (CC) Solidarity &amp; others v Eskom Holdings Ltd (2012) 33 ILJ 464 (LC) Growthpoint Properties (Pty) Ltd v SACCAWU (2010) 31 ILJ 2539 (KZD).</p> <p>The Occupational Health and Safety Act 85 of 1993 (OHSA) and the Unemployment Insurance Act 63 of 2001 (UIA)</p> <p>Gunter v Compensation Commissioner 2009 (30) ILJ 2341 (O). Twalo v Minister of Safety and Security and Another 2009 (30) ILJ 1578 (Ck).</p>
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<p><b>Matrimonial Law</b> Reg 6 (10)(k)</p>	<p>Taking instructions in detail. Advice on marriage and its consequences Ante-nuptial contracts Advice on out of community of property with or without the accrual system and marriage in community of property Divorce and its consequences Complying with Rule 41A Redistribution orders Drafting particulars of claim / defence. Drafting Rule 43 Applications. How to settle matrimonial disputes outside Court. ADR in Family Law. Advice on rights and duties concerning children, including: Birth and registration of births Recognition of the unborn child Adoptive children: Step-children: and, Children in foster care. How to deal with custody of children. The best interests of the child principle. Maintenance of children and, if applicable, former spouses. Drafting particulars of claim and a plea. The Practice directives in the unopposed divorce court. A discussion on the judgment in B v B.</p> <p>The duty of a practitioner in all family matters to resolve disputes quickly and cheaply. That practitioners are not to adopt an adversarial approach in family law cases.</p> <p>Marriage and divorce law Spousal and child support Child custody and visitation rights Domestic violence and abuse Alternative dispute resolution in family law</p>	<p><b>Legislation</b></p> <p>Candidates must read the legislation listed below. Candidates are NOT required to memorise the contents of the legislation. Candidates will be assessed on their ability to understand and apply the legislation and regulations published in terms of that legislation. In the exams, candidates will be required to read the legislation provided in the question and demonstrate their ability to understand and apply the legislation and regulations.</p> <p>The case law below is part of the PVT curriculum BUT will not be examined.</p> <p>Births and Deaths Registration Act 51 of 1992 Child Justice Act 75 of 2008 Children's Act 38 of 2005 and Regulations Civil Union Act 17 of 2006 Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 Divorce Act 70 of 1979 EB (born S) v ER (born B) and Others; KG v Minister of Home Affairs and Others (CCT 364/21; CCT 158/22) [2023] ZACC 32 (10 October 2023) especially at paras [108], [109], [120] to [133], [145] and [149] Domestic Violence Act 116 of 1998 Domicile Act 3 of 1992 Hague Convention on International Child Abduction 72 of 1996 – repealed and re-enacted in Act 38 of 2005 Maintenance Act 99 of 1998 Maintenance of Surviving Spouses Act 27 of 1990 Marriage Act 25 of 1961 Matrimonial Property Act 88 of 1984 Mediation in Certain Divorce Matters Act 24 of 1987 Prevention and Combating of Trafficking in Persons Act 7 of 2013 Protection from Harassment Act 17 of 2011 Pottas v Plath 2022 (4) SA 301 (GJ) at para [1]</p>

		<p>Recognition of Customary Marriages Act 120 of 1998</p> <p>Reciprocal Enforcement of Maintenance Orders (Countries in Africa) Act 6 of 1989</p> <p>South African Citizenship Act 88 of 1995</p> <p>South African Passports and Travel Documents Act 4 of 1994</p> <p>Accrual system</p> <p>Honey v Honey 1992 (3) SA 609 (W) at 612 B – D</p> <p>Odendaal v Odendaal 2002 (1) SA 763 (W)</p> <p>ST v CT 2018 (5) SA 479 (SCA) at paras [33] to [36] and [39]</p> <p>EB (born S) v ER (born B) and Others; KG v Minister of Home Affairs and Others (CCT 364/21; CCT 158/22) [2023] ZACC 32 (10 October 2023) especially at paras [108], [109], [120] to [133], [145] and [149]</p> <p>Antenuptial contracts</p> <p>CB v DB 2023 (1) SA 381 (SCA) at para [7]</p> <p>EB (born S) v ER (born B) and Others, op cit.</p> <p>Damages claim based on adultery</p> <p>RH v DE 2014 (6) SA 436 (SCA)</p> <p>DE v RH 2015 (5) SA 83 (CC) confirmed on appeal</p> <p>Customary marriage</p> <p>Gumede v President of the Republic of South Africa 2009 (3) SA 152 (CC)</p> <p>Netshituka v Netshituka 2011 (5) SA 453 (SCA) at para [15]</p> <p>MM v MN and Another 2013 (4) SA 415 (CC)</p> <p>Muslim marriages</p> <p>Women’s Legal Centre Trust v President of the Republic of South Africa and Others 2022 (5) SA 323 (CC)</p> <p>Change of matrimonial regime</p> <p>Sithole v Sithole 2021 (5) SA 34 (CC) at paras [47] and [50]</p> <p>Divorce</p> <p>Irretrievable breakdown of marriage</p> <p>Schwartz v Schwartz 1984 (4) SA 467 (A)</p> <p>Interpretation of divorce order concerning pension fund</p> <p>MN v FN 2020 (2) SA 410 (SCA)</p>
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		– very important case for many reasons – this case will feature in the candidates' examinations often
<b>Drafting of Contracts</b> Reg 6 (10)(m)	<p>Introduction to contract law and principles of drafting contracts Principles of drafting contracts are similar to drafting pleadings, except: Must know the difference between essential, material and natural elements of a contract;</p> <p>Concentrate on advice re the underlying transaction. Due diligence is important. Focus on this.</p> <p>Types of contracts to consider: Sale of business; Sale of shares; Lease of immovable property; Lease of movable property, like motor vehicles; Partnership; Joint venture; Employment of an independent contractor. Cession; Delegation; and Assignment. Service Level Agreement Boilerplate clauses</p> <p>The impact of technology on contract drafting and the available software currently being used by attorneys.</p>	<p>Candidates are NOT required to memorise precedents of the contracts. Candidates must understand the principles of drafting and how to use precedents.</p> <p>Natal Joint Municipal Pension Fund v Endumeni Municipality 2012 (4) SA 593 (SCA) ([2012] 2 All SA 262; [2012] ZASCA 13) at para [18] KPMG Chartered Accountants (SA) v Securefin Ltd and Another 2009 (4) SA 399 (SCA) ([2009] 2 All SA 523) at para [39].</p> <p>Christie's Law of Contract in South Africa 8th Edition</p> <p>Pacta sunt servanda Beadica 231 CC v Trustees, Oregon Trust 2020 (5) SA 247 (CC) at paras [41] and [58] Barkhuizen v Napier 2007 (5) SA 323 (CC) at paras [28] to [35] read with para [70] Mohamed's Leisure Holdings v Southern Sun Hotel Interests (Pty) Ltd 2018 (2) SA 314 (SCA) at para [30] Liberty Group Ltd and Others v Mall Space Management CC 2020 (1) SA 30 (SCA) at paras [27] to [31]</p>
<b>Information and communication technology for practice, and associated aspects of cyber law</b> Reg 6 (10)(n)	<p>Introduction to information and communication technology for legal professionals Awareness of cyberattacks. Security of personal information Protective risk management strategy. Awareness and protecting against fraudulent transfers out of the trust account. Data response plan. Chapter 1: Technology Chapter 2: Organisational processes Chapter 3: Staff training Responsibility for personal/commercial information. Specific cyber security tips.</p>	<p>International Bar Association's Cybersecurity Guidelines published in October 2018. See <a href="https://www.ibanet.org/LPRU/cybersecurity-guidelines.aspx">https://www.ibanet.org/LPRU/cybersecurity-guidelines.aspx</a></p> <p>The Guidelines cover the required information and communication technology for practice, and associated aspects of cyber law in detail. However, the Guidelines are for general information for practitioners. The Guidelines are not being examined.</p> <p>For examination purposes read the following: Electronic Communications and Transactions Act 25 of 2002, Chapter III, Part 1, sections 11 to 20.</p>

	<p>The future of artificial intelligence as a boon and a threat to legal practitioners.</p> <p>The use of technology in the legal industry, including electronic discovery and case management systems The legal framework for cyber law in South Africa, including the Electronic Communications and Transactions Act and the Protection of Personal Information Act</p> <p>Cybersecurity and data privacy considerations for legal professionals and their clients</p> <p>Ethical and professional considerations when using technology in practice</p> <p>Drafting policies and procedures for technology use in a law firm</p>	<p>Spring Forest Trading CC v Wilberry (Pty) Ltd t/a Ecowash 2015 (2) SA 118 (SCA)</p> <p>Aarifah Security Services CC v Jakoita Properties (Pty) Ltd and Others 2021 (5) SA 207 (GJ) at para [63]</p> <p>Compare and contrast:</p> <p>Global &amp; Local Inv Advisors (Pty) Ltd v Fouche 2021 (1) SA 371 (SCA) ([2019] ZASCA 8) at paras [15] and [16]</p> <p>Hawarden v Edward Nathan Sonnenbergs Inc 2023 (4) SA 152 (GJ) especially as paras [1] to [4] and paras [63] to [97] and [108].</p> <p>This case deals with business email compromise.</p> <p>This case is on appeal. Candidates to read the appeal judgment when delivered.</p> <p>Consider paragraph [17] in Mosselbaai Boeredienste (Pty) Ltd v OKB Motors CC (Case no 1216/21) [2023] ZASCA 91 (09 June 2023).</p>
<p><b>Introduction to practice management</b> Reg 6 (10)(o)</p>	<p>Overview of the legal profession in South Africa</p> <p>The transformative provisions of the LPA</p> <ul style="list-style-type: none"> <li>- Attorneys</li> <li>- Advocates – referral and non-referral (section 34)</li> <li>- Distinction between practicing and non-practicing attorneys and advocates.</li> </ul> <p>The role of the Legal Practitioners' Fidelity Fund</p> <p>Legal practice as a business</p> <p>The role of efficient management</p> <p>Business plan</p> <p>Marketing – ethical marketing</p> <p>Financial management</p> <ul style="list-style-type: none"> <li>- Business</li> <li>- Personal</li> </ul> <p>Administration</p> <ul style="list-style-type: none"> <li>- The use of technology</li> <li>- Deploying the appropriate technology tools bearing in mind budgets</li> </ul> <p>Risk management</p> <ul style="list-style-type: none"> <li>• Risks in accounting</li> <li>• Cyber fraud</li> <li>• Business email compromise</li> <li>• Interception of payments from trust account</li> </ul>	<p>Legal Practice Act 28 of 2014</p> <p>See Chapters 2, 3 and 4</p> <p>Regulations 6 and 7 to the Legal Practice Act</p> <p>Rules to the Legal Practice Act</p> <p>Rules Part V</p> <p>Part VI</p> <p>Part VII</p> <p>Part VIII</p> <p><i>Hawarden v Edward Nathan Sonnenbergs Inc</i> 2023 (4) SA 152 (GJ) especially as paras [1] to [4] and paras [63] to [97] and [108]</p> <p><b>This case is on appeal.</b></p> <p>Candidates are expected to read the appeal judgment when it is delivered.</p>

	<ul style="list-style-type: none"> <li>• Fake instructions affecting the trust account</li> <li>• FICA</li> <li>• RICA</li> <li>• FAIS compliance</li> <li>• Money laundering</li> <li>• Illegal funding</li> </ul> <p>Personal and professional time management Starting a practice Introduction to digitising legal practice The attorney and insurance The role of AI</p>	
<p><b>Legal Costs</b> Reg 6 (10)(l)</p>	<p><b>Introduction to legal costs and fee structures</b></p> <p>Section 35(4) of the Legal Practice Act provides that the SALRC must investigate legal costs and report to the Minister within two years. Until then the tariffs determined by the Rules Board for Courts of Law apply. In the interim the content of the module is as follows: The concept of "legal costs" non-litigious matters civil litigious matters Early advice to client and estimate of costs Estimate of fees and disbursements Mandate – Taking a deposit Contingency fees Retainers Agreed fees Ethics in relation to costs overreaching undercharging recovery / attempted recovery of costs for work not strictly necessary Keeping proper accounting records Failure to render accounts Different cost orders party and party costs attorney and client costs costs de bonis propriis wasted costs reserved costs / costs to stand over costs in the cause costs of the day all costs/costs/taxed costs</p>	<p>Costs in the normal course of litigation</p> <p>Limpopo Provincial Council of the South African Legal Practice Council v Chueu Incorporated Attorneys and Others [2023] ZASCA 112 at paras [37] and [38]</p> <p>Contingency fees Ronald Bobroff &amp; Partners Inc v De La Guerre 2014 (3) SA 134 (CC) Masango v RAF 2016 (6) SA 508 (GJ) TM obo MM v MEC for Health, Mpumalanga 2023 (3) SA 173 (MM)</p> <p>Costs – punitive costs on scale as between attorney and client – discussion on the meaning of attorney and own client Moropa and Others v Chemical Industries National Provident Fund and Others 2021 (1) SA 499 (GJ) at paragraphs [80] to [90]. Public Protector v CSARS 2022 (1) SA 340 (CC) at para [33]</p>

	no order made / no order as to costs specific cost orders Settlement agreements Payments into court and tenders Cost consultants settling of bills of cost formal requirements for taxation notice of taxation taxability of costs appearance on taxation interest on a taxed allocatur consent to taxation Attending Taxation Review of taxation Billing and timekeeping Retainers and fee agreements Fee disputes and collection Taxation of legal fees Ethics and professional responsibility in legal costs The role of tax consultants	
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**PAPER 4: ATTORNEYS BOOKKEEPING (INCLUDING TRUST ACCOUNT MANAGEMENT)**

MODULES	CURRICULUM AND COURSE CONTENT	READING LISTS
<b>Attorneys' Bookkeeping</b> Reg 6 (10)(i)	<b>Introduction to bookkeeping and accounting principles</b>  <b>GENERAL</b> The role of the LPFF Law firm financial management - Handling trust money in accordance with client instructions - The principle that funds held in trust do not belong to the firm/practice and an attorney is compelled to account for every cent - You must never have an overdrawn trust account - Under no circumstances can a trust account be used as a business or personal account. The trust account is not a piggybank. - Properly and accurately accounting for all trust account monies; client by client - Reconciling the trust account on a monthly basis	A sound understanding of Chapter 7 of the LPA.  In particular Sections 84, 86, 87, 88 and 91.  An understanding of: Part XII of the rules as gazetted. In particular Sections 54.6, 54.7, 54.8, 54.9, 54.10, 54.11, 54.12, 54.13, 54.14, 54.14.7.1, 54.14.7.2, 54.14.8, 54.14.9, 54.14.10 and 11, 54.14.12, 54.14.13, 54.14.14, 54.15, 54.16, 54.19, 54.20  Where must the records be kept in order to comply with the rule?  What is an asset? What is a liability? What is income? What is an expense? What is a fixed cost? What is a variable cost?

	<p>Use recurring EFTs from the business account to pay the trust account bank charges and fees</p> <ul style="list-style-type: none"> <li>- Interest on trust money</li> <li>- Reporting compliance.</li> </ul> <p><b>Trust accounting and record keeping</b></p> <p>Candidates must learn that the following are the fundamental obligations:</p> <ul style="list-style-type: none"> <li>- Deposit and/or receipt all trust money received into the trust bank account;</li> <li>- Hold it exclusively for the relevant client;</li> <li>- To be paid to that client or as the client directs;</li> <li>- Account properly to that client for such trust money;</li> <li>- Trust account records must be maintained which clearly disclose the position of the money in the trust account; software is available which will automatically display this information whenever the attorney or any regulatory authority requires it;</li> <li>- They must be kept in such a manner as to enable them to be conveniently and properly reviewed by the LPC and the LPPF;</li> <li>- They must be up to date, clearly show the amount of trust money held for each client;</li> <li>- As far as practicable, they must be secure against retrospective alteration or deletion.</li> <li>- Firms will need to have systems and controls in place to ensure compliance with these rules and the nature of those systems must be appropriate to the nature and volumes of client transactions dealt with and the amount of client money held or received.</li> </ul> <p><b>Financial reporting and analysis</b></p> <p><b>Compliance with legal and regulatory requirements</b></p> <p><b>Technology tools for bookkeeping</b></p> <p><b>1. Introduction</b></p> <p>Differentiate between a Legal Practice and a Legal Practitioner. Differentiate between Bookkeeping and Accounting and the importance thereof in the Legal Profession.</p>	<p>What is a business expense? What is a private expense?</p> <p>Consider paragraph [17] in Mosselbaai Boeredienste (Pty) Ltd v OKB Motors CC (Case no 1216/21) [2023] ZASCA 91 (09 June 2023)</p> <p><b>1. Introduction</b></p> <p><u>Legislation</u></p> <p>Section 34 of the Legal Practice Act 28 of 2014 Chapter 6 Part 1 of the Legal Practice Act 28 of 2014 Section 84 of the Legal Practice Act 28 of 2014 Section 87 of the Legal Practice Act 28 of 2014</p> <p>Financial Intelligence Centre Act 38 of 2001</p> <p><u>Rules</u></p> <p>Rule 54.1, 54.6 and 54.7</p> <p><u>Caselaw</u></p> <p>Supreme Court of Appeal Judgment of Hewetson v The Law Society of the Free State (948/2018) [2020] Cirota and Another v Law Society of Transvaal (3578) 1978 ZASCA 112 Law Society, Transvaal v Matthews 1989 (4) SA 389 (T) Law Society of the Northern Provinces v Letlhaka (42111/08) [2010] ZAGPPHC 640 Supreme Court of Appeal Judgment of Hewetson v The Law Society of the Free State (948/2018) [2020] Incorporated Law Society, Transvaal v K and others 1959 (2) SA 386 (T) Law Society, Cape v Koch 1985 (4) 379 Law Society of the Cape of Good Hope v Budricks 2003(2) SA 11 (SCA) at 171 I-J Law Society of Cape of Good Hope v Dippenaar (715/04) [2006] ZAWCHC 51 Law Society of the Northern Provinces v Mabunda and Another (LEGODI JP) [2019] ZAMPMBHC 8; 2734/2018</p> <p><b>2. Cashbooks (Books of Prime Entry for Cash/Banking transactions) and the respective Banking Accounts</b></p> <p><u>Legislation</u></p>
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	<p>Acceptable financial reporting - International Financial Reporting Standards (IFRS).  Legal Practitioners must have proficient numeracy skills.  Financial Intelligence Centre Act (FICA).  - Purpose of FICA?  - Duties and obligations placed on a Legal Practice by the Act.</p> <p>Legal Practitioners' Fidelity Fund (LPFF).  - Establishment of the fund.  - The role of the LPFF.  - Trust Account and Investment interest payable to the fund.  - Trust Account bank charges.  - Refundable audit fees.  - Payment of unclaimed/unknown Trust monies.</p> <p>Opening a Legal Practice</p> <p><b><u>2. Cashbooks (Books of Prime Entry for Cash/Banking transactions) and the respective Banking Accounts</u></b></p> <p>Distinguish between Trust and Business transactions.  Purpose of a Cashbook.  - Trust Cashbook  - Business Cashbook</p> <p>Recording of Trust and Business transactions in the applicable Cashbook.  - Nature and purpose of a source document.  - Use of T-accounts/columns.</p> <p><b>Opening of a Trust Banking Account in terms of sec 86(2) read with sec 63(1)(g) of the Act.</b>  - Interest earned on a sec 86(2) Trust Banking Account payable to the LPFF in terms of sec 86(5)(a) of the Act.  - Trust bank charges recoverable from the LPFF in terms of sec 57(2)(a) of the Act.  - Set-off Trust bank charges from interest earned on sec 86(2) Trust Banking Account, the balance to be paid to the LPFF.  - VAT charged on Trust bank charges to be claimed from SARS by practitioner.</p>	<p>Section 57(2)(a) of the Legal Practice Act 28 of 2014  Section 63(1)(g) of the Legal Practice Act 28 of 2014  Section 86 (1) and (2) of the Legal Practice Act 28 of 2014  Section 86(5)(a) of the Legal Practice Act 28 of 2014</p> <p><u>Rules</u>  Rule 54.8 and 54.14.7.2  Rule 54.9, 54.10 and 54.19  Rule 54.11  Rule 54.14.15  Rule 54.14.15.2 and 54.14.15.3  Rule 54.14.16.1  Rule 54.14.16.1 and 54.14.16.2  Rule 54.14.7.2  Rule 54.16  Rule 54.34 and 54.35.</p> <p><b>3. Bank Reconciliation</b></p> <p><u>Rules</u>  Rule 54.14.3, 54.14.4 and 54.14.6  Rule 54.14.7.1</p> <p><b>4. Journals – Book of Prime Entry for Non-Cash/Non-Banking transactions</b></p> <p><b>5. Ledgers - Books of Secondary Entry</b></p> <p><b>6. Receiving Instructions from Clients who are not Legal Practitioners.</b></p> <p><u>Legislation</u>  Section 86(3) of the Legal Practice Act 28 of 2014  Section 86(5)(a) of the Legal Practice Act 28 of 2014  Section 86(4) of the Legal Practice Act 28 of 2014  Section 86(5)(b) of the Legal Practice Act 28 of 2014</p> <p><u>Rules</u>  Rule 54.10  Rule 54.11, 54.11.1 and 54.11.2  Rule 54.12  Rule 54.13  Rule 54.14.7.2, 54.17, 54.17.1, 54.17.2, 54.17.3 and 54.18</p>
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	<p>- A Practice should never have an overdrawn Trust Banking Account.</p> <p>- Under no circumstances can a Trust Banking Account be used as a business or personal account. The Trust Banking Account is not a piggybank.</p> <p><b>Interaction between Trust Banking Account and Trust Cashbook.</b></p> <p><b>Opening of a Business Banking Account</b></p> <p>- Interaction between Business Banking Account and Business Cashbook.</p> <p>- How to calculate a balance.</p> <p>- Distinguish between an opening and a closing balance.</p> <p>- Purpose of a Petty Cashbook.</p> <p>- Withdrawal of petty cash from the Business Bank Account.</p> <p>- Recording of petty cash transactions.</p> <p>Petty cash verification.</p> <p><b>3. Bank Reconciliation</b></p> <p>The purpose of a Bank Reconciliation. Differentiate between</p> <p>- Trust Bank Reconciliation and</p> <p>- Business Bank Reconciliation.</p> <p>Reconciling items – Transactions which cause the difference between the cashbook and bank statement.</p> <p>- Transactions in the Cashbook but not on the Bank Statement.</p> <p>- Transactions on the Bank Statement but not in the Cashbook.</p> <p>- Bank Errors.</p> <p>- Firm Errors.</p> <p><b>The process to prepare a Bank Reconciliation.</b></p> <p>- Identifying the differences in transactions between the Cashbook and Bank Statement.</p> <p>- Preparing the Supplementary Cashbook and Bank Reconciliation Statement.</p> <p>- Preparing the Bank reconciliation Statement when the Bank Statement balance is not available.</p> <p><i>Note: EFT payments made by the practice from Trust Banking Account may</i></p>	<p>Rule 54.14.16.3</p> <p>Rule 54.14.16.4</p> <p>Rule 54.14.16.5</p> <p>Rule 54.14.7.3</p> <p>Rule 54.14.12</p> <p>Rule 54.14.14.1, 54.14.14.2 and 54.14.14.3</p> <p>Rule 54.14.15.2 and 54.14.15.3</p> <p>Rule 55</p> <p><b>7. Receiving instructions from Clients who are Legal Practitioners (Correspondents)</b></p> <p><b>8. Giving instructions to a Correspondent</b></p> <p><b>9. Value Added Tax (VAT)</b></p> <p><u>Legislation</u></p> <p>Value-Added Tax Act 89 of 1991</p> <p><b>10. Collection Commission</b></p> <p><b>11. The Trust Position</b></p> <p><u>Rules</u></p> <p>Rule 54.14.8</p> <p>Rule 54.15.1, 54.15.2 and 54.15.3.</p> <p><b>12. Business Transactions</b></p> <p><b>13. Miscellaneous</b></p> <p><u>Rules</u></p> <p>Rule 54.9</p> <p>Rule 54.14.10, 54.14.11, 54.19, 54.20, 54.21, 54.22, 54.23, 54.24, 54.25, 54.26, 54.27, 54.28, 54.29 and 54.30</p> <p>Rule 54.36.</p> <p>Rule 54.31, 54.32 and 54.33.</p>
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	<p><i>not be post-dated. (This principle is similar to the previously used post-dated cheques)</i> Computerised Bank Reconciliations</p> <p><b><u>4. Journals – Book of Prime Entry for Non-Cash/Non-Banking transactions</u></b></p> <p>Definition and purpose of a Journal. - Transactions recorded in a Journal will not appear on the Bank Statement.</p> <p><b><u>Purpose and reason of different Journals.</u></b></p> <p>-<u>Trust Journal</u>: Transfer/movement of an amount from one Trust Ledger Account to another Trust Ledger Account. Rectify an error in the Trust Ledger. -<u>Business/General Journal</u>: Transfer/movement of an amount from one Business/General Ledger Account to another. -<u>Business/General Ledger Account</u>: Rectify an error in the Business /General Ledger. -<u>Fee Journal</u>: Debit fees for services rendered. Sharing of fees (allowance). -<u>Transfer Journal</u>: Transfer/movement of an amount from a client's Trust Ledger Account to the same client's Business Ledger Account to settle the debt; Rectify Trust Debit (shortfall); Rectify a Business Credit.</p> <p><b><u>5. Ledgers - Books of Secondary Entry</u></b></p> <p><b><u>Definition and purpose of a Ledger</u></b> - Understanding of the double entry principle. - Transactions recorded in either a Cashbook or a Journal (First Entry) will thereafter be recorded (posted to) in the respective Ledger (Second Entry). Distinguish between a Ledger and a Ledger Account. The General Ledger and its Subsidiary Ledgers. - Definition and purpose of the General Ledger General Ledger Accounts consist of- Assets; Liabilities; Income;</p>	
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	<p>Expenditure Capital (Owners' Equity); Drawings</p> <p><b>Definition and purpose of the Trust Ledger – Subsidiary Ledger</b> Trust Ledger Accounts consist of: Clients' Trust Creditor Ledger Accounts; Investments</p> <p><b>Definition and purpose of Business Ledger – Subsidiary Ledger</b> Business Ledger Accounts consist of: Clients' Business Debtor Ledger Accounts</p> <p><b>Balancing Ledger Accounts</b></p> <p><b><u>6. Receiving Instructions from Clients who are not Legal Practitioners.</u></b></p> <p><i>These instructions include matters covered in paper 1, paper 2, paper 3, conveyancing and notarial.</i> <i>Note: Candidates must understand that attending to the above instructions has a professional aspect and a financial aspect. Paper 4 deals with the financial aspect of a matter.</i></p> <p>Bookkeeping principles that are applicable when recording transactions while attending to the financial aspect. These include-</p> <p><b>Principle 1 - Receiving Trust money.</b></p> <ul style="list-style-type: none"> <li>- Trust Money is money received from a client or on behalf of a client, pending the happening of a future event - the professional aspect of a matter to be finalised.</li> <li>- Handling trust money in accordance with client's instructions.</li> <li>- Money held in trust does not belong to the firm/practice and an attorney/trust advocate is compelled to account for every cent.</li> <li>- All trust monies received should be promptly deposited into the Trust Banking Account- to be held exclusively for the relevant client; to be paid to that client or as the client directs; and account</li> </ul>	
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	<p>properly to that client for such trust money.</p> <ul style="list-style-type: none"> <li>- Handling trust money in accordance with client instructions.</li> </ul> <p><b>Principle 2 - Investment of Trust Money.</b></p> <ul style="list-style-type: none"> <li>- Definition of investments.</li> <li>- Section 86(3) Investments: Definition of Section 86(3) Investment; Beneficiary of Section 86(3) Investment; How the Investment of funds are recorded in the books of account.</li> <li>- Section 86(4) Investments: Definition of Section 86(4) Investment; Beneficiary of Section 86(4) Investment; How the Investment of funds are recorded in the books of account.</li> <li>- Rule 55 – Investment Practices (does not enjoy protection by the LPFF): Shares and Unit Trusts.</li> </ul> <p><b>Principle 3 - Paying disbursements on behalf of a client.</b></p> <ul style="list-style-type: none"> <li>- When disbursements are paid from the Trust Banking Account.</li> <li>- When disbursements are paid from the Business Banking Account.</li> <li>- When disbursements are not immediately paid – Non-Banking/Non-Cash Transaction - A Journal will be used.</li> </ul> <p><i>Note: A deposit which forms part of a purchase price in a conveyancing matter cannot be used to pay disbursements.</i></p> <p><b>Principle 4 - Mixed money (Composite amounts).</b></p> <ul style="list-style-type: none"> <li>- Receiving of payment from a client who is already a business debtor when:- the amount paid in cash is more than the business debt; amount paid via EFT and the payment equal to business debt; amount paid via EFT and the payment is more than the business debt.</li> </ul> <p>Once the professional aspect of a matter has been concluded the financial aspect of the matter should be finalised.</p> <p>To finalize the financial aspect of a matter the following 7 steps are to be followed-</p>	
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	<p><b>Step 1</b>          –Withdrawal of the investments and transferring/moving accrued interest to the respective beneficiaries.          - Withdrawal of the sec 86(3) investment and transferring/moving interest to the sole beneficiary – 100% to the LPFF.          - Withdrawal of the sec 86(4) investment and transferring/moving interest to the respective beneficiaries – 95% to the client and 5% to the LPFF.</p> <p><b>Step 2</b>          - Receiving the bank guarantee amount - applicable in certain conveyancing matters.</p> <p><b>Step 3</b>          - Debit/charge/invoice the client with fees.          - <i>Candidates should understand that costs = disbursements plus fees and VAT thereon.</i>          Note: Sec 34(5)(b) of the Act stipulates that fees may only be shared with another legal practitioner and thus sharing of fees (allowance) is not applicable here.</p> <p><b>Step 4</b>          - Transfer/Movement of an amount from one client's Trust Ledger Account to another client's Trust Ledger Account.          - In a conveyancing matter this step should be done to transfer/move the full purchase price from the purchaser's Trust Ledger Account to the seller's Trust Ledger Account.</p> <p><b>Step 5</b>          - Pay any outstanding disbursements owed to service providers of the client.</p> <p><b>Step 6</b>          - The Transfer Procedure to settle a client's business debt.          - Calculating the amount to be transferred from trust to settle business debt.          - Establishing the amount owed by the client to the practice.</p>	
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	<p>- Establishing if the client has sufficient funds available on trust to settle the business debt.</p> <p>-The transfer procedure</p> <p>Step 6(a) - The non-banking/non-cash step.</p> <p>Step 6(b) - The banking/cash step</p> <p>Note: Monies due to the practice in respect of fees and disbursements and are still retained in trust, cannot accumulate in trust.</p> <p><b>Step 7</b></p> <p>- Accounting to the client</p> <p>- How to account to a client</p> <p>- Accounting Statement: When will a practice prepare an accounting statement; Elements that each accounting statement should contain: How to draft an accounting statement - prepared from the client's trust and business ledger accounts.</p> <p><b><u>7. Receiving instructions from Clients who are Legal Practitioners (Correspondents)</u></b></p> <p>Overview</p> <p>- There must be a jurisdictional reason why the instructing correspondent could not attend and finalise a matter.</p> <p>- Distinguish between an instructing and an instructed correspondent.</p> <p>Sharing of Fees (Allowance)</p> <p>- Sec 34(5)(b) of the Act allows a legal practitioner to share his/her fees (allowance) with another legal practitioner.</p> <p>- The maximum percentage to be shared between legal practitioners is 33.3% (also known as one third)</p> <p><b>How to record the transactions in the books of account.</b></p> <p>- The same principles under 6 above are applicable.</p> <p><b>Finalising the matter and account to correspondent</b></p> <p>- To finalize the financial aspect, the 7 steps under 6 above are applicable.</p> <p><b>Accounting Statement to correspondent</b></p>	
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	<p>- See 6 above to prepare an accounting statement.</p> <p><b><u>8. Giving instructions to a Correspondent</u></b></p> <p><b>Roles of correspondents as in 7 above are now reversed.</b>  <b>Receiving an Accounting Statement from the instructed correspondent and the recording thereof by using the following steps:</b></p> <p><b>Step 1</b> Record the EFT amount received.</p> <p><b>Step 2</b> Transfer/Move the collected amount by the correspondent to client.</p> <p><b>Step 3</b> Transfer/Move the costs of the correspondent from client.</p> <p><b>Step 4</b> Debiting the fees plus VAT shared with you (allowance)</p> <p><b>Step 5</b> The transfer procedure.</p> <p><b>Step 6</b> Account to client. - Accounting statement to your client. The use of a business journal in step 3.</p> <p><b><u>9. Value Added Tax (VAT)</u></b></p> <p>What is VAT? Who must register as a VAT Vendor?</p> <p><b>Output VAT</b> - Definition - Calculation of output VAT –</p> <p><b>Input VAT</b> - Definition - Calculation of Input VAT – - Input VAT items that cannot be claimed Calculation of VAT due to SARS/the practice.</p> <p><b><u>10. Collection Commission</u></b></p> <p>What is Collection Commission?</p>	
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	<p>Calculation of Collection Commission.  - On an Attorney-Client scale.  - On a Party-Party scale.  Recording Collection Commission in the books of Account.</p> <p><b>11. The Trust Position</b></p> <p>Set out the Trust Position – Also known as Trust Reconciliation.  Differentiate between Trust Reconciliation and Trust Bank Reconciliation.  Properly and accurately accounting for all trust account monies; client by client.  Reconciling the trust account on a monthly basis.</p> <p><b>12. Business Transactions</b></p> <p>Writing off an amount owed by a client.  Charging interest on overdue accounts.  Depreciation.  Indirect expenses.  Rectify erroneously debited Fees + VAT.  Discounts on client accounts.  How to pay bail/fine.  - To be paid in cash from Business – make client a Business Debtor.  - Cannot be paid in cash from Trust.  - Apply Transfer Procedure  Finalize the matter without receiving a deposit on Trust.</p> <p><b>13. Miscellaneous</b></p> <p>How to rectify a Trust Debit (shortfall).  How to rectify a Business Credit.  The Suspense Account.  Proceeds received in-  - Estate Late account.  - Sequestration account.  - Liquidation account.  How to rectify an error in a Trust/Business/General Ledger Account.  Explain what costs consist of  Distinguish in which account to receive-  - Attorney and client costs.  - Party and party costs.</p> <p><b>Updating and retention of financial records.</b>  - Trust account records must be maintained which disclose clearly the position of the money in the trust</p>	
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	<p>account. Software is available which will automatically display this information whenever the attorney/trust advocate or any regulatory authority requires it.</p> <ul style="list-style-type: none"> <li>- They must be kept in such a manner as to enable them to be conveniently and properly reviewed by the LPC and the LPFF.</li> <li>- They must be up to date, clearly show the amount of trust money held for each client.</li> <li>- As far as practicable, they must be secure against retrospective alteration or deletion.</li> <li>- Firms will need to have systems and controls in place to ensure compliance with these rules and the nature of those systems must be appropriate to the nature and volumes of client transactions dealt with and the amount of client money held or received.</li> </ul> <p><b>Reporting compliance.</b></p> <ul style="list-style-type: none"> <li>- Trust accounting and record keeping.</li> <li>- Financial reporting and analysis.</li> <li>- Compliance with legal and regulatory requirements.</li> <li>- Technology tools for bookkeeping.</li> <li>- Reporting of dishonest or irregular conduct.</li> </ul> <p>Closure of a Firm.</p>	
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## DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

## NOTICE 2686 OF 2024

STANDARDS ACT, 2008  
STANDARDS MATTERS

In terms of the Standards Act, 2008 (Act No. 8 of 2008), the Board of the South African Bureau of Standards has acted in regard to standards in the manner set out in the Schedules to this notice.

## SECTION A: DRAFTS FOR COMMENTS

The following draft standards are hereby issued for public comments in compliance with the norm for the development of the South Africa National standards in terms of section 23(2)(a) (ii) of the Standards Act.

Draft Standard No. and Edition	Title, scope and purport	Closing Date
SANS 322:20XX Ed 2	<i>Fire detection and alarm systems for hospitals.</i> This standard provides guidance on the design and installation of new fire detection and alarm systems for hospitals and healthcare premises (classified as E.2 and E.4 in table 1 of SANS 10400- A:2022) that are in addition to, or different from, those covered by SANS 10139.	2024-09-12
SANS 98:20XX Ed 2	<i>Ingredient labelling of cosmetic products.</i> This standard specifies ingredient labelling requirements for cosmetic products in South Africa.	2024-09-10
SANS 369-1:20XX Ed 2	<i>Code of practice for the operation of fire protection measures</i> <i>Part 1: Electrical actuation of gaseous total flooding extinguishing systems.</i> This part of BS 7273 gives recommendations for the design, installation and commissioning of electrical equipment for the actuation of gaseous total flooding fire extinguishing systems. It covers the interface between fire detection and fire alarm systems (see BS 5839-1) and gaseous total flooding fire extinguishing systems (see BS 5306 and BS ISO 14520) and is also applicable to fire protection systems for electronic equipment installations (see BS 6266).	2024-09-12
SANS 1475-1:20XX Ed 4	<i>The production of reconditioned fire-fighting equipment</i> <i>Part 1: Portable and wheeled (mobile) rechargeable fire extinguishers.</i> This part of SANS 1475 covers the administrative and technical details and controls applicable to the acceptable reconditioning of any portable and wheeled (mobile) rechargeable fire extinguisher	2024-09-12
SANS 1590:20XX Ed 2	<i>Supply chain specifications for white petroleum products — Pipeline specification.</i> This standard specifies the requirements for the conveyance of white petroleum products through an open access fully fungible multiproduct pipeline conveyance system to ensure compliance with applicable regulated and international specifications at point of use	2024-09-19
SANS 9227:20XX Ed 4	<i>Corrosion tests in artificial atmospheres — Salt spray tests.</i> This document specifies the apparatus, the reagents and the procedure to be used in conducting the neutral salt spray (NSS), acetic acid salt spray (AASS) and copper-accelerated acetic acid salt spray (CASS) tests for assessment of the corrosion resistance of metallic materials, with or without permanent or temporary corrosion protection.	2024-09-19
SANS 12540:20XX Ed 1	<i>Glass in building — Tempered soda lime silicate safety glass.</i> This document covers product definitions, product characteristics, i.e. tolerances, flatness, edgework, etc., fracture characteristics, including fragmentation, and the physical and mechanical characteristics of flat tempered soda lime silicate safety glass for use in buildings	2024-09-19
SANS 12690:20XX Ed 1	<i>Metallic and other inorganic coatings — Thermal spray coordination — Tasks and responsibilities.</i> This International Standard specifies the tasks and responsibilities necessary to ensure the quality of a thermal sprayed coating or a coated component,	2024-09-17

	including the coordination of activities related to thermal spraying.	
SANS 14068-1:20XX Ed 1	<i>Climate change management — Transition to net zero Part 1: Carbon neutrality.</i> This document specifies principles, requirements and guidance for achieving and demonstrating carbon neutrality through the quantification, reduction and offsetting of the carbon footprint	2024-09-17
SANS 14922:20XX Ed 1	<i>Thermal spraying — Quality requirements for manufacturers of thermal sprayed coatings.</i> This document specifies quality requirements for manufacturers of thermal sprayed coatings to ensure quality assurance for activities in the field of production	2024-09-12
SANS 2078:20XX Ed 1	<i>The manufacture of tampons.</i> This standard covers the make, performance, packaging and marking requirements for tampons for internal use.	2024-09-26

### SCHEDULE A.1: AMENDMENT OF EXISTING STANDARDS

The following draft amendments are hereby issued for public comments in compliance with the norm for the development of the South African National Standards in terms of section 23(2)(a) (ii) of the Standards Act.

Draft Standard No. and Edition	Title	Scope of amendment	Closing Date
SANS 534-2:20XX Ed 1.2	<i>Vehicle security — Whole-of-vehicle marking Part 2: Microdot systems — MID requirements</i>	Amended to allow electronic proof of fitment as alternative to storage of the physical job card	2024-09-19
SANS 534-4:20XX Ed 1.1	<i>Vehicle security — Whole-of-vehicle marking Part 4: Microdot systems — Fitment post OEM control</i>	Amended to accommodate electric and hybrid vehicle fitment	2024-09-19
SANS 622:20XX Ed 2.3	<i>Gypsum cove cornice</i>	Amended to delete the annex on notes to purchasers.	2024-09-17
SANS 665-2:20XX Ed 1.2	<i>Wedge gate and resilient seal valves for general purposes Part 2: Wedge gate valves</i>	Amended to delete the annex on notes to purchasers	2024-09-19
SANS 1118-7:20XX Ed 3.4	<i>School clothing Part 7: Girls' slacks and skirts</i>	Amended to delete the annex on notes to purchasers	2024-09-17
SANS 1024:20XX Ed 2.3	<i>Welded steel fabric for reinforcement of concrete</i>	Amended to delete the annex on notes to purchasers	2024-09-17
SANS 1171:20XX Ed 2.4	<i>Metal screws for wood</i>	Amended to delete the annex on notes to purchasers.	2024-09-12
SANS 1194:20XX Ed 2.2	<i>Nylon tubing for air-brake applications</i>	Amended to delete the annex on notes to purchasers.	2024-09-12
SANS 1551-1:20XX Ed 1.3	<i>Check valves (flanged and wafer types) Part 1: PN series</i>	Amended to delete the annex on notes to purchasers	2024-09-19
SANS 10250:20XX Ed 2.1	<i>Fitment and repair centres for automotive air-conditioning systems</i>	Amended to update referenced standard, and the wording in clause 12 storage and handling.	2024-09-19

### SCHEDULE A.2: WITHDRAWAL OF THE SOUTH AFRICAN NATIONAL STANDARDS

In terms of section 24(1)(C) of the Standards Act, the following published standards are issued for comments with regard to the intention by the South African Bureau of Standards to withdraw them.

Draft Standard No. and Edition	Title	Reason for withdrawal	Closing Date

**SCHEDULE B.2: AMENDED STANDARDS**

The following standards have been amended in terms of section 24(1)(a) of the Standards Act.

<b>Standard No. and year</b>	<b>Title, scope and purport</b>
SANS 10142-1:2024 Ed 3.2	<i>The wiring of premises Part 1: Low-voltage installations.</i> Application of this part of SANS 10142 This part of SANS 10142 applies to electrical installations of a) residential premises, b) commercial premises

**SCHEDULE B.4: REINSTATEMENT OF WITHDRAWN STANDARD**

In terms of section 4(2) (1) the South African Bureau of Standards has established the following technical committees:

If your organization is interested in participating in these committees, please send an e-mail to [Dsscomments@sabs.co.za](mailto:Dsscomments@sabs.co.za) for more information.

**SCHEDULE 5: ADDRESS OF THE SOUTH AFRICAN BUREAU OF STANDARDS HEAD OFFICE**

Copies of the standards mentioned in this notice can be obtained from the Head Office of the South African Bureau of Standards at 1 Dr Lategan Road, Groenkloof, Private Bag X191, Pretoria 0001.

BOARD NOTICES • RAADSKENNISGEWINGS

BOARD NOTICE 645 OF 2024



**PanSALB**  
PAN SOUTH AFRICAN LANGUAGE BOARD

*PanSALB Language Policy*



*“One nation many languages”*

[www.pansalb.org](http://www.pansalb.org)

## 1. PREAMBLE

- 1.1. The Constitution of the Republic of South Africa, 1996 (hereafter referred to as "the Constitution") in Sections 6(1)-(4) provides for 12 official languages, recognises the diminished use and status of indigenous languages, and requires all organs of state to take practical and positive measures to elevate the status and advance the use of indigenous languages.
- 1.2. The Constitution further requires all official languages to enjoy parity of esteem and to be treated equitably. In Sections 9 and 30, discrimination based on language is expressly forbidden and the use of an individual's language of choice is promoted.
- 1.3. The Pan South African Language Board (hereafter referred to as "PanSALB") was established by the PanSALB Act of 1995 (Act 59 of 1995, amended by Act 10 of 1999, hereafter referred to as the "PanSALB Act") in terms of Section 6(5) of the Constitution to promote, and create conditions for the development and use of all the official languages of South Africa, and to facilitate an environment that is conducive for the use of any other non-official language used in South Africa for religious, cultural and heritage purposes (hereafter referred to as the "Heritage languages"). It practically advances the gains of South Africa's constitutional democracy through both individual and societal multilingualisms.
- 1.4. South Africa is a multilingual country that through Sections 6, 9, and 30 of the Constitution as well as the Use of Official Languages Act, 2012 (Act 12 of 2012, hereafter referred to as the UOLA) legislatively places a high premium on granting equitable space for all official languages. Regardless of this noble intent, it emerges that such a space is, in practice, scantily afforded to the (previously) marginalised indigenous South African languages. Functional multilingualism is forever linked to the provision of adequate resources by both the state and private institutions. These parties, as well as the general public, are obliged to play a significant role toward an effective and successful multilingual context in South Africa.

- 1.5. PanSALB is therefore the strategic constitutional institution mandated to support, promote, and protect all the languages used in the country to ensure an environment that is conducive for effective multilingualism.
- 1.6. This language policy is therefore drafted in line with the Constitution, PanSALB Act, UOLA, as well as the PanSALB's Language Policy Development Guidelines, 2003, which offers an enabling framework for a coherent multilingual policy dispensation.
- 1.7. The implementation of this policy will also be guided by the South African Language Practitioners' Act, 2014 (Act 8 of 2014, hereafter referred to as the SALPC Act), which regulates the language practice in the country. That is, PanSALB will appoint and/or procure language practitioners that are registered and accredited by the South African Language Practitioners' Council.

## 2. DEFINITIONS

In this policy, unless specifically indicated otherwise,

- 2.1 "**Board**" means the managing body of the Pan South African Language Board established in terms of Section 2 of the PanSALB Act;
- 2.2 "**Chief Executive Officer**" means the Chief Executive Officer of PanSALB;
- 2.3 "**Communication Division**" means the Communication and Marketing Division of PanSALB;
- 2.4 "**Constitution**" means the Constitution of the Republic of South Africa, 1996;
- 2.5 "**country**" means South Africa;
- 2.6 "**Executive Head: Languages**" means the Executive Head of the Language Division Unit of PanSALB;

- 2.7 "**Heritage languages**" means the languages indicated by Section 6(5)(b) of the Constitution;
- 2.8 "**National Language Body**" means a National Language Body of PanSALB, established in terms of Section 8(b) of the PanSALB Act;
- 2.9 "**National Lexicography Unit**" means a National Lexicography Unit of PanSALB, established in terms of Section 8(8)(c) of the PanSALB Act;
- 2.10 "**organisation**" means PanSALB;
- 2.11 "**PanSALB**" means the organisation named the Pan South African Language Board established in terms of Section 6(5) of the Constitution;
- 2.12 "**PanSALB Act**" means the Pan South African Language Board Act, 1995 (Act 59 of 1995, as amended by Act 10 of 1999);
- 2.13 "**Parliament**" means the National Parliament of the Republic of South Africa;
- 2.14 "**Previously marginalised languages**" means the indigenous languages that are recognised as historically diminished use and status in terms of Section 6(2) of the Constitution;
- 2.15 "**Provincial Language Committee**" means a Provincial Language Committees of PanSALB, established in terms of Section 8(a) of the PanSALB Act;
- 2.16 "**language policy**" means the PanSALB language policy;
- 2.17 "**SALPC Act**" means the South African Language Practitioners' Council Act, 2014 (Act 8 of 2014);
- 2.18 "**staff**" means the PanSALB staff;

2.19 "**structure**" means the PanSALB structures established in terms of Section 8 of the PanSALB Act, specifically the National Language Bodies, Provincial Language Committees, and the National Lexicography Units;

2.20 "**UOLA**" means the Use of Official Languages Act, 2012 (Act 12 of 2012).

### **3. PURPOSE**

This policy outlines how PanSALB complies with the provisions of the Constitution, the PanSALB Act, the UOLA, and the SALPC Act to guide language planning, use, and management at PanSALB.

### **4. APPLICATION**

This policy is applicable to staff and structures. All staff and structures shall adhere to it, as appropriate, at all times in executing the PanSALB mandate.

### **5. GOVERNANCE**

- 5.1 This policy is approved by the Board after consultation with all staff and structures.
- 5.2 The ownership of this language policy is with the Chief Executive Officer who is accountable for the implementation, management, and review of this policy as well as reporting on it to the Board on an annual basis.
- 5.3 The Chief Executive Officer mandates the Executive Head: Languages and the Language Division Unit's Management Committee to advise and perform tasks with regard to the implementation of this policy on his/her behalf as may be determined from time to time.
- 5.4 Deliberate acts of non-compliance with this policy shall be regarded as an offence and shall be handled in accordance with the PanSALB's Consequence Management Policy and Disciplinary Policy.

### **6. AIMS**

In accordance with the Constitution, PanSALB Act, and UOLA, PanSALB is committed to promotion of multilingualism. This policy therefore aims to:

- 6.1 Elevate the status and advance the use of all official languages (namely Sesotho sa Leboa, Sesotho, Setswana, Siswati, Tshivenda, Xitsonga, Afrikaans, English, isiNdebele, isiXhosa, isiZulu, and South African Sign Language), and the Khoi and San languages;
- 6.2 Foster respect and protect language rights thereby avoiding the use of language for gender, racial, class, age, religious, cultural or sexual exploitation and domination, or for condoning violence;
- 6.3 Contribute toward effective social cohesion and improved relationships by embracing institutional language diversity;
- 6.4 Mainstream South African Sign Language and address the linguistic needs of the Deaf and the hearing impaired employees and structure members; and
- 6.5 Encourage the use of language in a manner that makes the meaning understandable to as many people as possible.

## **7. PRINCIPLES**

The guiding principles for this policy are to give effect to:

- 7.1 provisions for PanSALB to be the principal champion of multilingualism by adhering to all the language legislative prescripts of the country, and, in doing so, lead by example;
- 7.2 the promotion of the effective use of multilingualism within the institution;
- 7.3 constitutional provisions for equitable use of all the 12 official languages of the country, as well as the Khoi and San languages;
- 7.4 the creation of conditions for the use and development of all 12 official languages as well as the Khoi and San languages.

## **8. POLICY PROVISIONS**

- 8.1 PanSALB will ensure the use of all 12 official languages as its languages for communication (verbal, written, visual) at national level.
- 8.2 Communication (verbal, written, visual including signage) at a provincial level will be done in accordance with the official languages of each province, as determined by the relevant Provincial Language Act.
- 8.3 The official languages referred to in paragraph 6.1 are expected to be used in any record, engagement, publication (electronic or print) and in any other proceedings of the PanSALB and its structures, as appropriate.
- 8.4 PanSALB staff and structures may each reach sufficient consensus on their working

languages for internal, external, and intergovernmental oral or written communication, subject to the proviso that no person may be prevented from using any of the official languages or the Khoi and San languages and provided that every effort is made to comply with paragraph 6.2 provision of this policy.

- 8.5 PanSALB must make provisions for interpreting services, via the procurement of interpreters and interpreting equipment, in accordance with the Standard Operating Procedures for Interpreting, for internal meetings, where and when necessary, for public engagements, from and into all official languages referred to in paragraph 6.1, and with any other stakeholder, where and when necessary.
- 8.6 The provision in 8.5 may be performed taking into consideration the rotation of language groups based on mutual intelligible languages (Nguni languages – isiXhosa, isiZulu, isiNdebele and Siswati) and (Sotho – Sesotho, Sesotho sa Leboa and Setswana) with Tshivenda, Xitsonga, English or Afrikaans and South African Sign Language being working languages in context. Interpreting into and from the Khoi and San languages must be provided where and when necessary taking into consideration usage, practicality, expense, regional circumstances and the balance for needs and preference of the audience;
- 8.7 PanSALB must make provisions for translation services, in accordance with the Standard Operating Procedures for Translation, for public-facing documents. The official records, reports, and other official documents of PanSALB must be kept in the official language(s) in which the engagement took place. Translation of any such record, report, and any other official document or sections thereof into any of the official language(s) referred to in paragraph 6.1 shall be made available upon request and in accordance with the Standard Operations Procedures for Translations. Translation into and from any official language must be provided where and when necessary taking into consideration usage, practicality, expense, regional circumstances and the balance for needs and preference of the audience;
- 8.8 PanSALB must make provisions for editing services for any public-facing PanSALB document, in accordance with the Standard Operating Procedures for Editing;
- 8.9 The above principles with regard to translation, interpreting, and editing are applicable to social media posts on PanSALB's social media sites. A minimum of three official languages should be used per post and the choice of language should be rotated on a

post-by-post basis to promote the use of all official languages.

- 8.10 Any member of the public, state entity or other institution in South Africa and abroad may use any one of the official languages referred to in paragraph 6.1 in his or her communication with PanSALB and PanSALB shall reciprocate as far as practical.

## **9. IMPLEMENTATION APPROACH**

- 9.1 Implementation is governed by the implementation plan for this policy, detailed separately, and revised annually as per the budget allocation for this specific Performance Area.
- 9.2 In case PanSALB cannot afford to publish a document in all official languages, PanSALB shall consider using a minimum of six (6) official languages following a rotational procedure of selecting one Nguni language (Siswati, isiXhosa, isiZulu or isiNdebele), one Sotho language (Sesotho, Setswana and Sesotho sa Leboa), Xitsonga, Tshivenda, English and/or Afrikaans, South African Sign Language.
- 9.3 Each division at PanSALB shall allocate a budget for the provision of language facilitation services on annual basis through the Annual Language Policy Implementation Plan.

## **10. REVISION**

This policy shall be revised after a period of five years or when there is a need for revision.

## **11. DISCLOSURE**

This is an internal document. It shall be published as Board Notice on the National and Provincial Government Gazettes and PanSALB website.

## **12. REFERENCES**

- 12.1 Sections 6, 9, and 30 of the Constitution of the Republic of South Africa (Act 108 of 1996);
- 12.2 The Pan South African Language Board Act (No. 59 of 1995) as amended
- 12.3 The Use of Official Languages Act (No. 12 of 2012)
- 12.4 The South African Language Practitioners' Council Act (No. 8 of 2014)

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