THE LAW SOCIETY OF THE
NORTHERN PROVINCES

**IMPORTANT NOTICE TO MEMBERS**
**13 FEBRUARY 2018**

To: All Members,

**NATIONAL FORUM: RULES IN TERMS OF SECTIONS 95(1), 95(3) AND 109(2)(a) OF THE LEGAL PRACTICE ACT, 2014**

Members should please note that the National Forum on the Legal Profession has published the draft Rules required under Sections 95(1), 95(3) and 109(2)(a) of the Act in Government Gazette No. 41419 of 2 February 2018, for general comment within a period of 30 days from date of the publication.

*** These Rules are of great importance to all legal practitioners, having regard to the impending implementation of the Legal Practice Act, 2014 and members are requested to consider the draft Rules and submit their comments in this regard to the National Forum directly, on the basis as indicated in the annexed letter from the National Forum dated 2 February 2018.

The Gazette is available free online at www.gpwonline.co.za

Kind regards,

**M J S GROBLER**
**Director**

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## GENERAL NOTICES • ALGEMENE KENNISGEWINGS

**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT**

**NOTICE 43 OF 2018**

NATIONAL FORUM
ON THE LEGAL PROFESSION

Spooral Park Building
Ground Floor
2007 Lenchen Avenue South
Centurion

2 February 2018

**Rules required by sections 95(1), 95(3) and 109(2) (a) of the Legal Practice Act**

The National Forum for the Legal Profession ("the National Forum"), a transitional body established in terms of Chapter 10 of the Legal Practice Act 28 of 2014 ("the Act "), hereby publishes the draft Rules required by sections 95(1), 95(3) and 109(2)(a) of the Act for comment.

Sections 95(4) and 109(2) (b) read with sections 97(1) and 109(2) and (3) of the Act as amended by the Legal Practice Amendment Act 16 of 2017, requires the National Forum to publish a draft of the proposed Rules in the Gazette, calling on interested parties to comment thereon in writing within a period of not less than 30 days from date of publication.

After finalisation, the Rules will apply to all legal practitioners (attorneys and advocates) as well as all candidate legal practitioners and juristic entities as defined, when the Act comes into operation in terms of section 120(4) thereof. They consist of the following parts:

I. Definitions
II. Fees & Charges
III. The Council
IV. Provincial Councils
V. Professional Practice
VI. Education and Training
VII. Admission and Enrolment
VIII. Rendering of Legal Services
IX. Law Clinics
X. Disciplinary Rules
XI. Legal Practitioners Fidelity Fund: Procedural Rules
XII. Accounting Rules
XIII. Legal Practice Fidelity Fund
Schedules to the Rules

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The National Forum which drafted these Rules consists of representatives of various organisations representing attorneys and advocates as well as persons nominated by teachers of law, Legal Aid South Africa, the Attorney's Fidelity Fund and the Minister of Justice and Correctional Services. Various stakeholders were consulted in the drafting process.

The Rules, along with the Code of Conduct for legal practitioners published in Gazette 40610 of 10 February 2017 and the Regulations still due to be promulgated, will play an important role in the establishment of a single unified statutory Legal Practice Council to regulate the affairs of all legal practitioners, candidate legal practitioners and juristic entities, for the first time in the history of South Africa.

The National Forum is confident that the Rules will contribute towards achieving the objectives of the Act, namely the transformation and restructuring of the legal profession which will embrace the values underpinning the Constitution and upholding the rule of law, promote access to justice, legal services and the profession and enhancing and maintaining the integrity, status and independence of the legal profession. The Rules will assist in the regulation of all legal practitioners, candidate legal practitioners and juristic entities in pursuit of the goals of an accountable, efficient and independent legal profession, the protection and promotion of the public interests, the provision of a fair, effective, efficient and transparent procedure for the resolution of complaints against legal practitioners, candidate legal practitioners and juristic entities, the creation of a framework for development and maintenance of appropriate professional and ethical norms and standards for the rendering of legal services by legal practitioners, candidate legal practitioners and juristic entities.*

Interested parties should submit written comments within 30 days of publication hereof to:

Ms Charity Mhlungu, Executive Officer – National Forum
Email: BonGumede@justice.gov.za

Or hand delivered to:

The National Forum, SA Law Reform Commission, 1st Floor, Spooral Park Building, 2007 Lenchen South Avenue, Centurion between 9am – 3pm weekdays.

Signed at Pretoria on this 27th day of January 2018

Adv. Kgomotso Moroka SC

Chairperson: National Forum for the Legal Profession