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For purposes of reference, all Proclamations, Government Notices, General Notices and Board Notices published are included in the following table of contents which thus forms a weekly index. Let yourself be guided by the gazette numbers in the righthand column:

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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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Closing times for **ORDINARY WEEKLY** **GOVERNMENT GAZETTE** **2018**

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

- **28 December 2017**, Thursday for the issue of Friday **05 January 2018**
- **05 January**, Friday for the issue of Friday **12 January 2018**
- **12 January**, Friday for the issue of Friday **19 January 2018**
- **19 January**, Friday for the issue of Friday **26 January 2018**
- **26 January**, Friday for the issue of Friday **02 February 2018**
- **02 February**, Friday for the issue of Friday **09 February 2018**
- **09 February**, Friday for the issue of Friday **16 February 2018**
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- **15 March**, Thursday for the issue of Friday **23 March 2018**
- **22 March**, Thursday for the issue of Thursday **29 March 2018**
- **28 March**, Wednesday for the issue of Friday **06 April 2018**
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- **19 December**, Wednesday for the issue of Friday **28 December 2018**

LIST OF TARIFF RATES FOR PUBLICATION OF NOTICES

COMMENCEMENT: 1 APRIL 2016

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 R1000 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	250.00
Ordinary National, Provincial	2/4 - Half Page	500.00
Ordinary National, Provincial	3/4 - Three Quarter Page	750.00
Ordinary National, Provincial	4/4 - Full Page	1000.00

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 **R3000** 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

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 days prior to publication
Regulation Gazette	Weekly	Friday	Friday 15h00, to be published the following Friday	Tuesday, 15h00 - 3 days prior to publication
Petrol Price Gazette	As required	First Wednesday of the month	One week before publication	3 days prior to publication
Road Carrier Permits	Weekly	Friday	Thursday 15h00, to be published the following Friday	3 days prior to publication
Unclaimed Monies (justice, labour or lawyers)	January / As required 2 per year	Any	15 January / As required	3 days prior to publication
Parliament (acts, white paper, green paper)	As required	Any		3 days prior to publication
Manuals	As required	Any	None	None
State of Budget (National Treasury)	Monthly	Any	7 days prior to publication	3 days prior to publication
Legal Gazettes A, B and C	Weekly	Friday	One week before publication	Tuesday, 15h00 - 3 days prior to publication
Tender Bulletin	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 days prior to publication
Gauteng	Weekly	Wednesday	Two weeks before publication	3 days after submission deadline
Eastern Cape	Weekly	Monday	One week before publication	3 days prior to publication
Northern Cape	Weekly	Monday	One week before publication	3 days prior to publication
North West	Weekly	Tuesday	One week before publication	3 days prior to publication
KwaZulu-Natal	Weekly	Thursday	One week before publication	3 days prior to publication
Limpopo	Weekly	Friday	One week before publication	3 days prior to publication
Mpumalanga	Weekly	Friday	One week before publication	3 days prior to publication
Gauteng Liquor License Gazette	Monthly	Wednesday before the First Friday of the month	Two weeks before publication	3 days after submission deadline
Northern Cape Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 days after submission deadline
National Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 days after submission deadline
Mpumalanga Liquor License Gazette	2 per month	Second & Fourth Friday	One week before	3 days prior to publication

GOVERNMENT PRINTING WORKS - BUSINESS RULES**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.
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. 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.
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.

GOVERNMENT PRINTING WORKS - BUSINESS 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 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). 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 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 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
E-mail: info.egazette@gpw.gov.za
Tel: 012-748 6200

Contact person for subscribers: Mrs M. Toka:

E-mail: subscriptions@gpw.gov.za
Tel: 012-748-6066 / 6060 / 6058

Fax: 012-323-9574

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF ARTS AND CULTURE

NO. 63

02 FEBRUARY 2018

SOUTH AFRICAN HERITAGE RESOURCES AGENCY

DECLARATION OF THE WAAIHOEK WESLEYAN MISSION CHURCH (ALSO REFERRED TO AS THE WESLEYAN SCHOOL) AS NATIONAL HERITAGE SITE

By virtue of the powers vested in the South African Heritage Resources Agency, in terms of section 27 (5) of the National Heritage Resources Act (No. 25 of 1999) SAHRA hereby declares the Waaihoek Wesleyan Church (also referred to as the Wesleyan School), Erf 3/1909; Waaihoek; Bloemfontein as a National Heritage Site.

Statement of Significance

The Wesleyan Church in Waaihoek, Bloemfontein is the birth place of the South African Native National Congress (SANNC) which was formed in 1912. Later, in 1923 the SANNC became the African National Congress (ANC). The ANC became the largest liberation organizations in the struggle for freedom and justice in South Africa. The exclusion of Africans from the meaningful political participation in the negotiations leading up to and in the envisaged Union of South Africa in 1910 galvanised different African political formations, to forge a unified political movement that would challenge the exclusion of Black people.

On 8th January 1912, a group of Black delegates from the four provinces met in Waaihoek, Bloemfontein to propose a means to object to the draft South Africa Act, and Union Constitution. This meeting was the most significant in the history of Black protest politics as it was the first joint meeting of Black representatives from all four self-governing British colonies and marked the birth of the ANC. Amongst the delegates were the celebrated black leaders Saul Msane, Josiah Gumede, John Dube, Pixley ka Isaka Seme and Sol Plaatje along with chiefs, people's representatives, and church organizations, and other prominent individuals to bring all Africans together as one people to defend their rights and freedoms. The convention took place at the Wesleyan School Church in Waaihoek, which is now a tangible representation of that pivotal meeting.

Schedule

Site Name	Erf No	Province	Town	Municipality	Survey Diagram	Figure	Deeds
The Waaihoek Wesleyan Church	3/1909	Free State	Bloemfontein	Mangaung	L.G. 300/1994	ABCD EFGHJ	13888/2011

ONDERVERDELINGSKAART

L.G. KANTOOL KOPIE

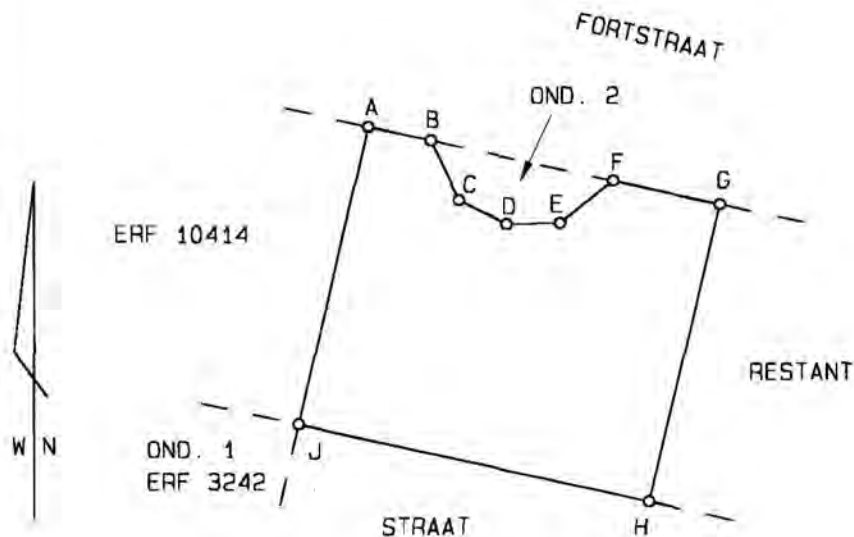
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BC	10,19	334 59 40	B	+ 75 516,11	+ 22 878,06	
CD	8,00	296 45 40	C	+ 75 511,80	+ 22 887,30	
DE	8,00	268 45 40	D	+ 75 504,66	+ 22 890,90	
EF	10,19	230 27 10	E	+ 75 496,66	+ 22 890,73	
FG	16,38	282 45 40	F	+ 75 488,80	+ 22 884,24	
GH	47,21	12 58 00	G	+ 75 472,82	+ 22 887,86	
HJ	53,83	102 45 40	H	+ 75 483,42	+ 22 933,87	
JA	47,21	192 45 40	J	+ 75 535,92	+ 22 921,98	
		8482	⊕	+ 75 432,99	+ 22 889,45	
		8682	⊕	+ 75 581,33	+ 22 851,90	

Beskrywing van bakens

A : Gat in klip en verfmerk

B, C, D, E, G : 12mm Ysterpen

F, H, J : Gat in beton en verfmerk



Skaal 1:1000

Die figuur

A B C D E F G H J

stel voor

2355 vierkante meter
ONDERVERDELING 3 van ERF No. 1909
BLOEMFONTEIN

grond, synde

Administratiewe Distrik : Bloemfontein
Provinsie Oranje-Vrystaat

Opgemeet in Februarie 1994 deur my

[Signature]
W.J. Dreyer
Professionele LandmeterHierdie kaart is
geheg aan T.A.
No. T11326/1994
ged. 1994-07-29
t.g.v.
Registrateur van AktesDie oorspronklike kaart
is
L.G. No. E48/1929
Transport 1235/1929
~~Grondboek~~Lêer
M.S. 57/1994
Komp. FP-1A-25/C
A12/1/8/1/2/13
dd 1994-02-14

DEPARTMENT OF ARTS AND CULTURE

NO. 64

02 FEBRUARY 2018



SOUTH AFRICAN HERITAGE RESOURCES AGENCY

DECLARATION OF THE NOORDKAPPERPUNT STONE-WALLED FISH TRAPS AS
NATIONAL HERITAGE SITE

By virtue of the powers vested in the South African Heritage Resources Agency, in terms of section 27 (5) of the National Heritage Resources Act (No. 25 of 1999) SAHRA hereby declares the Noordkapperpunt Stone-Walled Fish Traps, Hessequa Municipality, Western Cape as a National Heritage Site.

Statement of Significance

The Noordkapperpunt (NKP) Fish Traps at Still Bay, comprises of at least 25 stonewalled fish traps which form a site of invaluable and irreplaceable historic, aesthetic and scientific significance. These are the best preserved representation of a step in the technological and economic evolution of fishing practices in South Africa. They represent a method of exploiting marine resources that was once a common fishing method along the Southern Cape Coast in historical times and possibly earlier, and is still used today by coastal communities. While the fishing methods have continued to evolve, the indigenous knowledge of the maintenance of these traps lives on in local communities.

The traps are of undetermined age and origin. Research in South Africa indicates that this technology was certainly in use during colonial times, with archival evidence from 1892 onwards. However, it is entirely possible that this technology is far older. Evidence from archaeological excavations near Still Bay indicates that marine resources were being exploited by the ancestors of San hunter-gatherers as much as 60 000 years ago. At other places along the coast, fishing equipment such as sinkers and hooks show that the Later Stone Age people had become skilled fishermen¹. Relatively recent studies, however, suggest that the NKP fish traps were constructed after the 1920s by local farmers (Hine 2008, 2010) and it is possible that the European settlers who came over to South Africa brought the technology with them as there are many European examples of the construction and use of historical stone-walled fish traps (*cf.* Hine 2010, Chadwick and Catchpole 2013). Whatever their age and origin, these fish traps have been used and maintained by local fishermen and farmers since at least the early 20th century and are still usable today. Aerial photographs show that new traps were built between 1938 and 2006 (Kemp 2006). The local/indigenous knowledge of the use and maintenance of these traps resides in the local community but is gradually being lost.

Schedule

The traps are situated in an area bounded by the high water mark in the west and a line running between the following co-ordinates in the east: -34.393233 S; 21.415275 E and -34.399529 S; 21.413980 E

¹ Deacon, J. 1997 National Monuments Council File Reference 9/2/079/9

DEPARTMENT OF ECONOMIC DEVELOPMENT

NO. 65

02 FEBRUARY 2018

COMPETITION COMMISSION

NOTICE IN TERMS OF SECTION 10(7) OF THE COMPETITION ACT 89 OF 1998 (AS AMENDED): THE WESTERN CAPE CITRUS PRODUCERS FORUM GRANTED CONDITIONAL EXEMPTION

1. On 12 February 2016, the Competition Commission ("**the Commission**") published a notice in the Government Gazette (Government Gazette No. 39679, Notice 3 of 2016) in respect of the application for an exemption by the Western Cape Citrus Producers Forum currently known as 'Summer Citrus' from certain provisions of Chapter 2 of the Competition Act, No 89 of 1998, as amended ("**the Act**"). Summer Citrus has applied for exemption to allow its member growers to continue with their coordination of export activities of citrus fruit. In particular, Summer Citrus has applied for an exemption to coordinate logistical, marketing and sales support for its member growers who are all exporters of citrus fruit to the United States of America ("**the USA**").
2. The Commission has granted Summer Citrus a short-term exemption, which expires on 31 December 2017. Notice is hereby given in terms of Section 10(7) of the Act that the Commission has decided to grant Summer Citrus another conditional exemption, commencing on 1 January 2018 and ending on 31 March 2018.
3. It should however be noted that in terms of Section 10(8) of the Act, the Summer Citrus or any other person with substantial financial interest affected by the Commission's decision may appeal it to the Competition Tribunal in the prescribed manner.

Further queries in this regard should be directed to either:

Ms Mamontshi Keleme

The Competition Commission of SA
Market Conduct Division,
Private Bag X23,
Lynnwood Ridge, 0040

Or by facsimile: (012) 394 2829

Or by e-mail: mamontshik@compcom.co.za

In correspondence, kindly refer to the following case number: **2015Oct0555**

DEPARTMENT OF ECONOMIC DEVELOPMENT

NO. 66

02 FEBRUARY 2018

COMPETITION COMMISSION

NOTICE IN TERMS OF SECTION 10(7) OF THE COMPETITION ACT 89 OF 1998 (AS AMENDED): SOUTH AFRICAN PETROLEUM INDUSTRY ASSOCIATION GRANTED CONDITIONAL EXEMPTION

On 22 December 2015, the South African Petroleum Industry Association ("SAPIA") and its members applied to the Competition Commission of South Africa ("Commission") in terms of Section 10(1)(b) of the Competition Act No 89 of 1998, as amended (the "Act") to be exempted from certain provisions of Section 4 of the Act. The exemption was sought for a period of five (5) years from 1 January 2016 ending on 31 December 2020.

Notice is hereby given in terms of Section 10(7) of the Act, that the Commission has extended the SAPIA exemption for a period of 3 (three) months starting from 01 January 2018 ending 31 March 2018 on the same terms and conditions as published in Government Gazette No.34651 of 7 October 2011.

The exemption granted by the Commission covers a wide range of agreements and practices which, according to SAPIA, are required to ensure the continuity and stability of liquid fuels supply to various sectors and geographic locations of the South African economy. In particular, the exemption covers agreements and practices in the petroleum and refinery industry which are considered by the Commission to be in contravention of Sections 4(1)(a) and (b) of the Act.

The Commission has previously, in response to the above mentioned application, granted SAPIA a conditional exemption in terms of Section 10(2)(a) of the Act for a period of 6 (six) months starting from 01 January 2016 and ending on 30 June 2016. Following the expiry of the exemptions, the Commission extended the conditional exemption until 31 December 2016 and further to 31 December 2017. SAPIA based its application on the premise that the aforesaid

agreements and practices are required to obtain the objective set out under Section 10(3)(b)(iv) of the Act. This is after the Minister of Economic Development Department designated the petroleum and refinery industry for a period of 6 (six) months starting from 01 January 2016 ending on 30 June 2016, which was extended to 31 December 2016 and then further to 31 December 2017.

In anticipation of the expiry of the exemption and the industry designation on 31 December 2017, the Economic Development Department granted SAPIA an industry designation ending on 31 March 2018.

The Commission is satisfied that SAPIA's exemption will contribute towards maintaining the economic stability of the petroleum and refinery industry for the period starting on 01 January 2018 and ending on 31 March 2018.

SAPIA or any other person with substantial financial interest affected by this decision may appeal it to the Competition Tribunal in the prescribed manner in terms of Section 10(8) of the Act.

Further queries should be directed to either:

Mr Mulalo Shandukani / Ms Selelo Ramohlola
Competition Commission of SA
Enforcement and Exemptions Division,
Private Bag X23,
Lynnwood Ridge, 0040

Email: MulaloS@compcom.co.za / SeleloR@compcom.co.za

In correspondence kindly refer to the following case number: 2015Dec0741

DEPARTMENT OF HEALTH

NO. 67

02 FEBRUARY 2018

NATIONAL HEALTH ACT, 2003 (ACT NO. 61 OF 2003)**NORMS AND STANDARDS REGULATIONS APPLICABLE TO DIFFERENT
CATEGORIES OF HEALTH ESTABLISHMENTS**

The Minister of Health has, under section 90(1A) of the National Health Act, 2003 (Act No. 61 of 2003), and after consultation with the Office, to make the Regulations in the Schedule.

SCHEDULE**ARRANGEMENT OF REGULATIONS****DEFINITIONS, PURPOSE AND APPLICATION**

1. Definitions
2. Scope and application
3. Purpose of regulations

USER RIGHTS

4. User information
5. Access to care

CLINICAL GOVERNANCE AND CLINICAL CARE

6. User health records and management
7. Clinical management
8. Infection prevention and control programmes
9. Waste management

CLINICAL SUPPORT SERVICES

- 10. Medicines and medical supplies
- 11. Diagnostic services
- 12. Blood services
- 13. Medical equipment

FACILITIES AND INFRASTRUCTURE

- 14. Management of buildings and grounds
- 15. Engineering services
- 16. Transport management
- 17. Security services

GOVERNANCE AND HUMAN RESOURCES

- 18. Governance
- 19. Human resources management
- 20. Occupational health and safety

GENERAL PROVISIONS

- 21. Adverse Events
- 22. Waiting Time
- 23. Short title and commencement

DEFINITIONS, PURPOSE AND APPLICATION

1. Definitions

“building regulations” means the building regulations issued in terms of any of the following legislation or regulations—

- (a) National Building Regulations and Buildings Standards Act, 1977 (Act No. 103 of 1977); or
- (b) Regulation Governing Private Hospitals and Unattached Operating Theatre Units, published in Government Gazette, Notice No. R. 158 of 1 February 1980; or
- (c) Regulation Governing Private Health Establishments, Western Cape, published in *Provincial Gazette Extraordinary* 5728, Provincial Notice No. 187 of 22 June 2001;

“clinic” means any health establishment that provides mainly outpatient services to the community;

“clinical risk” means the likelihood that an adverse incident will cause injury or harm to users;

“Community Health Centre (CHC)” means any health establishment that provides mainly outpatient services and short stay to the community;

“hazard” means any source of potential damage, harm, adverse health effects on users or health care personnel, or any threat to their safety;

“health record” means any record made by a health care provider, at the time of or shortly after seeing the user, upon examination or treatment, that contains information about the health of the user and includes any results of diagnostic investigations performed on the user and is recorded by a health care provider, either personally or under his or her direction;

“management” means the executive management and all heads of departments, including clinical and non-clinical service areas of a health establishment;

“medical equipment” means any instrument, apparatus or machine, intended for use in the clinical diagnosis, treatment, monitoring and direct care of users that needs to be calibrated, maintained, repaired and decommissioned;

“medical supplies” means products and devices other than medicines that are used for therapeutic purposes;

“national department” means the national department responsible for health;

“Pharmacy Act” means the Pharmacy Act, 1974 (Act No. 53 of 1974);

“responsible authority” means a sub-district, district or management of a private health care establishment that provides supervisory support to the health establishment;

“security threats and risks” means any criminal activity or threat of a potential criminal activity on the property, health care personnel or users in the health establishment including theft, assault, abuse and injury; and

“structure” means a designated team, committee or forum.

Scope and application

2. These Regulations apply to the health establishment to the extent specified in the measurement tools obtainable from the National Department of Health.

Purpose of Regulations

3. The purpose of these Regulations is to promote and protect the health and safety of users and health care personnel.

USER RIGHTS

User information

4 (1) Health establishments must ensure that users are provided with adequate information about the health care services available at the health establishment and information about accessing those services.

(2) For the purposes of sub-regulation (1), a health establishment must—

- (a) provide users with information relating to—
 - (i) the health care services provided by the health establishment;
 - (ii) service opening and closing times,
 - (iii) visiting hours where relevant; and
 - (iv) complaints, compliments and suggestions management system.
- (b) provide users with information on any fees that are payable for health care services, insofar it being practical to do so before the commencement of the provision of health care services; and
- (c) display the results of user experience of care surveys conducted within the past twelve months.

Access to care

5 (1) The health establishment must ensure that users are attended to in a manner which is consistent with the nature and severity of their health condition,

(2) For the purposes of sub-regulation (1), a health establishment must—

- (a) implement a system of triage;
- (b) ensure access to emergency medical transport for users requiring urgent transfer to another health establishment, and that they are accompanied by a health care provider; and
- (c) adhere to clinical guidelines on stabilizing users presenting in an emergency

before referring them to another health establishment.

(3) The health establishment must maintain a system of referral as established by the responsible authority.

(4) For the purposes of sub-regulation (3), a health establishment must—

- (a) ensure that users are provided with information relating to their referral to another health establishment; and
- (b) ensure that a copy of the referral document is kept in the user's health record.

CLINICAL GOVERNANCE AND CLINICAL CARE

User health records and management

6. (1) The health establishment must ensure that health records of health care users are protected, managed and kept confidential in line with section 14, 15 and 17 of the Act.

(2) For the purposes of sub-regulation (1), the health establishment, must —

- (a) have a health record filing, archiving, disposing, storage and retrieval system which complies with the law;
- (b) ensure confidentiality of health records; and
- (c) secure health records with appropriate security control measures in the records storage area and in the clinical service area in accordance with the Protection of Personal Information Act, 2013 (Act No. 4 of 2013).

(3) The health establishment must create and maintain a system of health records of users in accordance with the requirements of section 13 of the Act.

(4) For the purposes of sub-regulation (3), a health establishment must—

- (a) record the biographical data of the user and the identification and contact information of the user and his or her next of kin; and
- (b) record information relating to the examination and health care interventions of users.

(5) The health establishment must have a formal process to be followed when obtaining informed consent from the user.

(6) The health establishment must issue a discharge report to users in accordance with section 10 of the Act.

Clinical management

7. (1) The health establishment must establish and maintain clinical management systems, structures and procedures that give effect to national policies and guidelines.

(2) For the purpose of sub-regulation (1) a health establishment must-

- (a) ensure that clinical policies and guidelines for priority health conditions issued by the national department are available and communicated to health care personnel; and
- (b) establish and maintain systems, structures and programmes to manage clinical risk.

Infection prevention and control programmes

8. (1) The health establishment must maintain an environment, which minimises the risk of disease outbreaks, the transmission of infection to users, health care personnel and visitors.

(2) For the purposes of sub-regulation (1), a health establishment must-

- (a) ensure that there are hand washing facilities in every service area;
- (b) provide isolation units or cubicles where users with contagious infections can be accommodated;
- (c) ensure there is clean linen to meet the needs of users; and
- (d) ensure that health care personnel are protected from acquiring infections through the use of personal protective equipment and prophylactic immunisations

Waste Management

9. (1) The health establishment must ensure that waste is handled, stored, and disposed of safely in accordance with the law.

(2) For the purposes of sub-regulation (1), the health establishment must –

- (a) have appropriate waste containers at the point of waste generation;

- (b) implement procedures for the collection, handling, storage and disposal of waste.

CLINICAL SUPPORT SERVICES

Medicines and Medical supplies

10. (1) The health establishment must comply with the provisions of the Pharmacy Act, 1974 and the Medicines and Related Substances Act, 1965

(2) For the purposes of sub-regulation (1), the health establishment must-

- (a) implement and maintain a stock control system for medicine and medical supplies; and
- (b) The health establishment must ensure the availability of medicines and medical supplies for the delivery of services.

Diagnostic services

11. (1) Health establishments must ensure that diagnostic services are available and safe for users and for health care personnel involved in delivering these services.

(2) For the purposes of sub-regulation (1), a health establishment must where applicable be accredited by the relevant regulatory body relating to the type of diagnostic service.

Blood services

12. (1) Hospitals and CHCs must ensure that users have access to blood and blood products when required.

(2) For the purpose of sub-regulation (1) the health establishment must ensure that:

- (a) blood and blood products are stored, handled and delivered in accordance with a cold chain procedure within the health establishment;
- (b) the health care personnel involved in the delivery of blood services protect

- users and other health care personnel from exposure to hazardous waste; and
- (c) adverse blood reactions are reported to a committee in the health establishment that monitors adverse incidents.

Medical equipment

13. (1) Health establishments must ensure that the medical equipment is available and functional in compliance with the law.

(2) For the purpose of sub-regulation (1) the health establishment must ensure that equipment is:

- (a) licensed where required from the relevant licensing body; and
- (b) in accordance with the essential equipment list in all clinical service areas

FACILITIES AND INFRASTRUCTURE

Management of buildings and grounds

14. (1) The health establishment and their grounds must meet the requirements of the building regulations.

(2) For the purposes of sub-regulation (1), a health establishment must as appropriate for the type of buildings and grounds of the establishment:-

- (a) have all the required compliance certificates in terms of the building regulations;
- (b) have a maintenance plan for buildings and the ground;
- (c) ensure emergency exit and entrance points are provided in all service areas and kept clear at all times; and
- (d) have ventilation systems that maintain the inflow of fresh air, temperature, humidity and purity of the air within specified limits set for different service areas such as theatres, kitchen and isolation units.

Engineering services

15. (1) The health establishment must ensure that engineering services are in place.

(2) For the purposes of sub-regulation (1) a health establishment must have: 24-hour electrical power, lighting, medical gas, water supply and sewerage disposal system.

Transport management

16. (1) The health establishment must ensure that vehicles used to transport users and health care personnel are safe and well maintained.

- (2) For the purposes of sub-regulation (1), a health establishment must ensure that;
- (a) vehicles, owned or used, are licensed and maintained; and
 - (b) drivers have valid driver's license and or public transport driving permit.

Security services

17. (1) The health establishment must have systems to protect users, health care personnel and property from security threats and risks.

(2) For the purposes of sub-regulation (1), the health establishment must ensure that security staff are capacitated to deal with security incidents, threats and risks.

GOVERNANCE AND HUMAN RESOURCES**Governance**

18. The health establishment must have a functional governance structure with written Terms of Reference.

Human resources management

19. (1) The health establishment must ensure that they have systems in place to manage health care personnel in line with relevant legislation, policies and guidelines.

(2) For the purposes of sub-regulation (1), the health establishment must, as appropriate to the type and size of the establishment:-

- (a) have and implement a human resource plan that meet the needs of the health establishment;
- (b) have a performance management and development system in place; and
- (c) have a system to monitor that health care personnel maintain their professional registration with the relevant councils on an annual basis.

Occupational health and safety

20. The health establishment must comply with the requirement of the Occupational Health and Safety Act, 1993.

GENERAL PROVISIONS**Adverse events**

21. (1) The health establishment must have a system to monitor and report all adverse events.

(2) For the purpose of sub-regulation (1), the health establishment must-

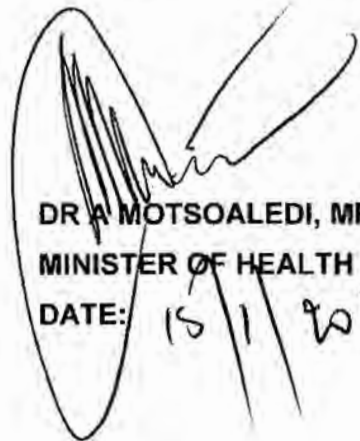
- (a) have a register for all adverse events; and
- (b) have systems in place to report adverse incidents to a structure in the health establishment or responsible authority that monitors these events.

Waiting times

22. The health establishment must monitor waiting times against the National Core Standards for Health Establishments in South Africa.

Short title and commencement

23. These Regulations are called the Norms and Standards Regulations Applicable to Different Categories of Health Establishments, 2017, and will come into operation 12 months after the date of promulgation.



DR A MOTSOALEDI, MP
MINISTER OF HEALTH
DATE: 15/1/2018

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. 68

02 FEBRUARY 2018

DESIGNATION OF COMMISSIONERS OF OATHS UNDER SECTION 6 OF THE JUSTICES OF THE PEACE AND COMMISSIONERS OF OATHS ACT, 1963 (ACT NO. 16 OF 1963)

I, Tshililo Michael Masutha, Minister of Justice and Correctional Services, acting under section 6 of the Justices of the Peace and Commissioners of Oaths Act, 1963 (Act No. 16 of 1963), hereby amend Government Notice No. R. 903 of 10 July 1998, as set out in the Schedule.



T M MASUTHA, MP (Adv)
MINISTER OF JUSTICE AND
CORRECTIONAL SERVICES
DATE: 14/12/2017

ce011017

SCHEDULE

Definition

1. In this Government Notice, "the Notice" means Government Notice No. R. 903 of 10 July 1998, as amended by Government Notice Nos. R. 1687 of 24 December 1998, R. 950 of 6 August 1999, R. 1317 of 12 November 1999, R. 1510 of 24 December 1999, R. 1511 of 24 December 1999, R. 1180 of 17 November 2000, R. 109 of 2 February 2001, R. 301 of 6 April 2001, R. 847 of 14 September 2001, R. 1365 of 21 December 2001, R. 1366 of 21 December 2001, R. 515 of 22 April 2002, R. 211 of 14 February 2003, R. 401 of 28 March 2003, R. 402 of 28 March 2003, R. 623 of 16 May 2003, R. 624 of 16 May 2003, R. 942 of 4 July 2003, R. 943 of 4 July 2003, R. 947 of 4 July 2003, R. 1233 of 5 September 2003, R. 1551 of 31 October 2003, R. 1675 of 21 November 2003, R. 411 of 2 April 2004, R. 645 of 28 May 2004, R. 184 of 11 March 2005, R. 1003 of 26 October 2007, R. 112 of 8 February 2008, R. 1017 of 26 September 2008, R. 1321 of 12 December 2008, R. 1149 of 11 December 2009, R. 153 of 5 March 2010, R. 732 of 20 August 2010, R. 542 of 2 August 2013, R. 909 of 29 November 2013, R. 421 of 30 May 2014, R. 546 of 11 July 2014, R. 700 of 12 September 2014, R. 121 of 23 February 2015, R. 122 of 23 February 2015, R. 408 of 15 May 2015, R. 741 of 21 August 2015 and R. 33 of 29 January 2016, R. 1255 of 14 October 2016.

Substitution of item 69 of the Schedule to the Notice

2. The following item is hereby substituted for item 69 of the Schedule to the Notice:

"69. South African Geomatics Council:

- (a) Professional Land Surveyor;
- (b) geomatics professional; and
- (c) geomatics technologist,

registered in terms of the Geomatics Profession Act, 2013 (Act No. 19 of 2013).".

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 69

02 FEBRUARY 2018

GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT NO. 22 OF 1994), AS AMENDED

Notice is hereby given in terms of section 11(1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) as amended, that a claim for Restitution of Land Rights has been lodged on the remaining extent of the farm Waterval 45 LT situated within the Waterval Local Municipality, Vhembe District, Limpopo.

Note that the area under claim is a residential and business area. The claimant lost right of land on 1518.799 hectares within the remainder of the farm Waterval 45 LT. The claimant has opted for Land Restoration as a form of redress as provided for by the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) as amended.

Mr. Sekiba-Kiba Mphelo lodged the land claim on behalf of his family on the property mentioned in the table below on the 31st of December 1998.

The following table depicts the property claimed by the above-mentioned person.

PROPERTY	CURRENT OWNER	TITLE DEED	EXTENT (HECTARE S)	BONDS AND RESTRICTIVE CONDITIONS
Remaining extent of the farm Waterval 45 LT	National Government Republic of South Africa	T45477/1979	1518.7799H	None

Take further notice that the Office of the Regional Land Claims Commissioner: Limpopo is in a process of settling this land claim. Any party that has an interest in the above-mentioned property is hereby invited to submit in writing within **14** days of publication of this notice, any comment, and/ or objection to this land claim to the Office of the Regional Land Claims Commissioner: Limpopo at the addresses set out below under reference number **KRP: 7358**

Office of the Regional Land Claims Submissions may also be delivered to:

Commissioner: Limpopo
Private Bag x9552
POLOKWANE
0700

First Floor, 96 Kagiso House
Corner Rissik & Schoeman Streets
POLOKWANE
0700


L.H. MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER: LIMPOPO
DATE: 2017/12/10

DEPARTMENT OF TRADE AND INDUSTRY

NO. 70

02 FEBRUARY 2018

**INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF
SOUTH AFRICA****SUNSET REVIEW INVESTIGATION OF THE ANTI-DUMPING DUTIES ON CLEAR FLOAT
GLASS ORIGINATING IN OR IMPORTED FROM INDONESIA: FINAL
DETERMINATION**

In accordance with the provisions in the Anti-Dumping Regulations (ADR), any definitive anti-dumping duty shall be terminated on a date not later than five years from the date of imposition, unless the authorities determine, in a review initiated before that date on their own initiative or upon a duly substantiated request made by or on behalf of the domestic industry, that the expiry of the duty would likely lead to the continuation and/or recurrence of dumping and injury.

On 24 June 2016, the International Trade Administration Commission of South Africa (the Commission) notified the interested parties through Notice No. 365 of 2016 in *Government Gazette* No. 40088, that unless a substantiated request is made indicating that the expiry of the anti-dumping duties against anti-dumping duty on clear float glass originating in or imported from Indonesia would likely lead to the continuation or recurrence of dumping and injury, the anti-dumping duties on clear float glass originating in or imported from Indonesia would expire on 26 July 2017.

The sunset review investigation was initiated pursuant to Notice No. 547 of 2017 in *Government Gazette* No. 40998, published on 21 July 2017. Initiation letters to interested parties were sent on 24 July 2017. The due date for responses was 30 August 2017.

On 28 July 2017 a letter was received from the Directorate General of Foreign Trade in Indonesia requesting an extension of the period to submit a response to the initiation. The extension was granted until 14 September 2017. A response was submitted on 29 August 2017.

Letters were received from two exporters, namely PT Asahimas Flat Glass Tbk (AFG) and PT Matahari Silverindo Jaya (PT Matahari) stating that it will not be participating in the sunset review.

A letter was received from the Ministry of Investment, Trade and Industry, Republic of Botswana on 24 August 2017, stating that it will not be affected by the expiry or continuation of the anti-dumping duties.

No properly documented responses were received from any interested party.

After considering all the information submitted by the Applicant, the Commission issued essential facts letters indicating that it was considering making a final determination that the expiry of the anti-dumping duties clear float glass originating in or imported from Indonesia would likely lead to the continuation or recurrence of dumping and injury.

After considering all the comments received to the Commission's essential facts letters, the Commission made a final determination that the expiry of the anti-dumping duties on clear float glass originating in or imported from Indonesia would likely lead to the continuation or recurrence of dumping and injury.

The Commission, therefore, recommended to the Minister of Trade and Industry that the anti-dumping duties on clear float glass originating in or imported from Indonesia be maintained.

The Minister approved the Commission's recommendation. The Commission's detailed reasons for its decision are set out in Commission's Report No. 572 (Final determination report).

Should you have any queries, please do not hesitate to contact the investigating officers Ms Selma Takacs at +27 12 394 3596 or Mr. Thabelo Tshikomba at +27 12 394 3638 fax number +27 12 394 0518.

DEPARTMENT OF TRADE AND INDUSTRY

NO. 71

02 FEBRUARY 2018

MEMORANDUM OF UNDERSTANDING

Between

Broad-Based Black Economic Empowerment Commission

A statutory entity established in terms of section 13B of the Broad-Based Black Economic Empowerment Act, Act No. 53 of 2003, as amended, herein represented by **Zodwa Ntuli** in her capacity as Acting Commissioner, and duly authorised to enter into this agreement

(hereinafter referred as the "B-BBEE COMMISSION")

and

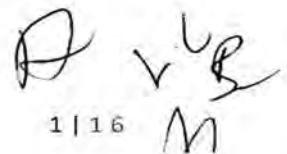
Companies and Intellectual Property Commission

A public entity established in terms of section 185 of the Companies Act, 2008 (Act No. 71 of 2008), within the Department of Trade & Industry group of Institutions, herein represented by **Adv. Rory Voller** in his capacity as Commissioner and duly authorised thereto

(hereinafter referred to as the "CIPC")

Concerning





mutual co-operation and assistance between the B-BBEE COMMISSION and the CIPC (hereinafter referred to as "the Parties") relating to the fulfilment of responsibilities and obligations under the Companies Act, 71 of 2008 ("the Act") and the Broad-Based Black Economic Empowerment Act, 53 of 2003, as amended ("B-BBEE Act") and any other legislation applicable to the Parties.



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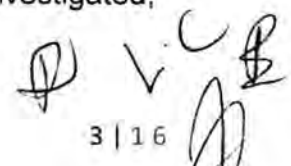
1. PREAMBLE

WHEREAS the Parties acknowledge the importance of consultation, mutual support and co-operation regarding aspects such as the disclosure of investigations, information, training and in general, mutual co-operation and assistance;

AND WHEREAS the CIPC was established as a juristic person to function as an organ of state within the public administration but as an institution outside the public service, entrusted with powers to provide efficient and effective registration of companies; maintain accurate, up-to-date and relevant information concerning companies; promote education and awareness of company and intellectual property laws and related matters, promote compliance with the Act and efficient, effective and widest possible enforcement to achieve the objectives of the Act;

AND WHEREAS the CIPC has jurisdiction throughout the Republic of South Africa and its functions are, as set out in section 187 of the Act:

- a) promoting voluntary resolution of disputes arising in terms of the Act between a company on the one hand and a shareholder or director on the other, as contemplated in Part C of Chapter 7, without intervening in, or adjudicating on any such dispute;
- b) monitoring proper compliance with the Act;
- c) receiving or initiating complaints concerning alleged contraventions of the Act, evaluating those complaints and initiating investigations into complaints;
- d) receiving direction from the Minister in terms of section 190, concerning investigations to be conducted into alleged contraventions of the Act, or other circumstances, and conducting any such investigation;
- e) ensuring that contraventions of the Act are promptly and properly investigated;


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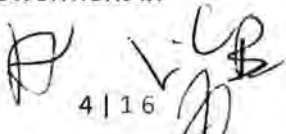
- f) negotiating and concluding undertakings and consent orders contemplated in section 169(1)(b) and 173;
- g) issuing and enforcing compliance notices;
- h) referring alleged offences in terms of the Act to the National Prosecuting Authority; and
- i) referring matters to a court, and appearing before the court or the Companies Tribunal, as permitted or required by the Act.

AND WHEREAS the function and objectives of the CIPC (as expressed in the Act) are to exercise or perform the powers, duties and functions assigned to or conferred upon the CIPC by the Act in respect of matters referred to it in terms of section 187 of the Act.

AND WHEREAS the B-BBEE COMMISSION is an entity within the administration of the Department of Trade and Industry established in terms of section 13B of the B-BBEE Act, entrusted with powers to oversee the implementation of the B-BBEE Act, promote compliance with the B-BBEE Act in the interest of the public, strengthen and foster collaboration between the public and private sector to achieve the objectives of the B-BBEE Act;

AND WHEREAS the B-BBEE Commission has jurisdiction throughout the Republic of South and its functions are, as set out section 13F of the B-BBEE Act as follows:

- (a) To oversee, supervise and promote adherence to the B-BBEE Act in the interest of the public;
- (b) To strengthen and foster collaboration between the public and private sector in order to promote and safeguard the objectives of broad-based black economic empowerment;
- (c) To receive complaints relating to broad-based black economic empowerment in accordance with the B-BBEE Act;


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- (d) To investigate, either on its own initiative or in response to complaints received, any matter concerning broad-based black economic empowerment;
- (e) To promote advocacy, access to opportunities and educational programmes and initiatives of broad-based black economic empowerment;
- (f) To maintain a register of major broad-based black economic empowerment transactions, above a threshold determined by the Minister in the Gazette;
- (g) To receive and analyse such reports as may be prescribed concerning broad-based economic empowerment compliance from organs of state, public entities and private sector enterprises;
- (h) To promote good governance and accountability by creating an effective environment for the promotion and implementation of broad-based black economic empowerment;
- (i) To exercise such other powers which are not in conflict with the B-BBEE Act as may be conferred on the B-BBEE Commission in writing by the Minister; and
- (j) Increase knowledge of the nature and dynamics and promote public awareness of matters relating to broad-based black economic empowerment by implementing education and awareness measures, providing guidance to the public and conducting research on matters relating to its mandate and activities.

AND WHEREAS the B-BBEE COMMISSION has identified synergies and need for cooperation to effectively execute its mandate given non-compliance with the B-BBEE Act and the scourge of fronting that the B-BBEE Commission is required to address.

AND WHEREAS the Parties acknowledge the importance of investigating the fronting practices and the relationship between corruption, derailment of economic transformation, lack of protection to minority rights, lack of access to company

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information, fraudulent attainment of high level B-BBEE status and flouting of corporate governance, and further acknowledging that each Party may have specialised skills and specialist knowledge that assist in conducting investigations;

AND WHEREAS the Parties acknowledge that everything dealt with and agreed to herein is in the context of and subject to all legislation, as amended from time to time, applicable to a Party.

NOW THEREFORE the Parties agree to enter into this Memorandum of Understanding and record the terms of their agreement as follows:

2. DEFINITIONS

In this MOU, unless the context indicates a contrary intention, the following words and expressions bear the meanings assigned to them and cognate expressions bear corresponding meanings—

"B-BBEE Act" means the Broad-Based Black Economic Empowerment Act 53 of 2003, as amended by Act 46 of 2013;

"B-BBEE Commission" means Commission established in terms of section 13B of the B-BBEE Act;

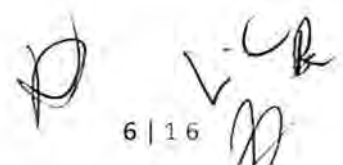
"CIPC" means the CIPC established in terms of 185 of the Companies Act 71 of 2008;

"MOU" means this Memorandum of Understanding;

"Requested Party" means a Party from whom a request under this MOU is addressed;

"Requesting Party" means a Party making a request under this MOU;

"the Act" means the Companies Act, 71 of 2008;


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3. PURPOSE

- 3.1 This ("MOU") sets forth the points of agreement between the B-BBEE COMMISSION and CIPC regarding exchange of certain information and interface of system in order to *inter alia* enable the B-BBEE COMMISSION to have access to CIPC business registration information for purposes of improving B-BBEE COMMISSION's processes concerned.
- 3.2 Most specifically, this MOU sets out arrangements that both Parties have agreed to implement in order to ensure that the information concerned pursuant and during the implementation of this MOU –
- (a) is kept confidential and may not be disclosed to any person except as authorised;
 - (b) is collected, processed and stored by each Party in a manner as required by South African law (e.g. the Companies Act, 2008, IP related legislation and POPI Act);
 - (c) is used solely for the purpose of improving the Parties' processes concerned as reflected in this MOU.
- 3.3 As this is a partnership agreement (MOU) between two public entities within the sphere of government, no remuneration, financial contribution or charge is applicable between the Parties for purpose of this MOU with regard to information or training etc, unless so agreed between the Parties in the form of a formal written amendment to this MOU as signed off by the duly authorised signatory of each Party.
- 3.4 With regard to inaccessibility of the CIPC and/or B-BBEE COMMISSION systems / networks - The Parties acknowledge that the B-BBEE COMMISSION and CIPC systems may not be always accessible due to maintenance or due to circumstances beyond the reasonable control of either of the Parties, including at

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least virus infection, unauthorised access or hacking, power failure or fault with a telecommunications network, or any other instance of force majeure beyond the reasonable control of either of the Parties.

- 3.5 The Parties recognise that requests in terms of this MOU will not be denied solely on the grounds of differences in the definitions used by or applicable to the Requesting and Requested Parties.
- 3.6 This MOU embodies the understanding of the Parties with regard to a relationship of consultation, mutual support and co-operation between them, and serves to strengthen and formalise a relationship between the Parties with reference to investigation, and training within the parameters of the Act and legislation and policies regulating the B-BBEE COMMISSION.
- 3.7 The Parties agree to provide mutual assistance, subject to their relevant governing laws and any other applicable legislation.
- 3.8 The Parties acknowledge that this MOU does not modify or supersede any laws and that it does not create legally binding obligations or enforceable rights between them.
- 3.9 Anything performed under this MOU will be subject to applicable legislation. It will furthermore be subject to applicable policies and standard operating procedures of the Parties and/or any other terms and conditions as may be agreed upon between the CIPC and the B-BBEE COMMISSION.
- 3.10 Neither Party may cede, assign or transfer its rights and obligations in respect of this MOU, or any part thereof, either directly or indirectly, to any third party.
- 3.11 Each Party will provide the fullest possible measure of assistance to the other subject to applicable legislation and policies and any other terms and conditions agreed upon between the CIPC and the B-BBEE COMMISSION.



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- 3.12 Each request for assistance will be assessed on a case-by-case basis by the requested Party to determine whether assistance can or may be provided and subject to processes set out in attached Annexures.
- 3.13 The provisions of this MOU will not give rise to a right on the part of any other person, directly or indirectly, to obtain, suppress or exclude any evidence or to challenge the execution of any conduct under this MOU.

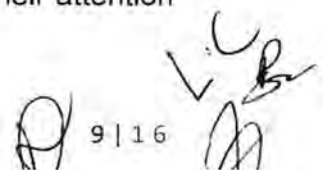
4. GUIDELINES FOR MUTUAL ASSISTANCE

- 4.1 The Parties may agree to participate in the conduct and review of projects which may be deemed necessary from time to time.
- 4.2 In the event of the Parties identifying and agreeing on a specific form of **Co-operation** that requires funding, the Parties will –
- (a) comply with the process(es) concerned / applicable (if any) to obtain approval for such funding / payment; and
 - (b) thereafter formalise the specifics, rights and obligations of the **Parties** in a separate legally binding contract.
- 4.3 Each Party remains responsible for its own expenses, except as may be agreed in a contract contemplated in clause 4.2 above.
- 4.4 No legally binding obligations shall arise from a contract contemplated in clause 4.4 above, where a Party's applicable policies and procedures relating to the commitment of funding or other resources has not been complied with.

5. PRINCIPLES OF CO-OPERATION

- 5.1 The Parties will endeavour to co-operate with one another on the prevention, detection and investigation of unlawful activities which come to their attention during the execution of their respective legal mandates.

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- 5.2 The Parties will facilitate and foster co-operation between them in relation to investigation of matters that fall within their respective legal mandates and disclosure of information as envisaged in clause 5.3 hereunder.
- 5.3 Co-operation contemplated in this MOU shall be subject to *inter alia* CIPC processes (see Annexures) and based upon principles such as:
- (a) Mutual trust, respect and benefit to the Parties;
 - (b) Technical information, knowledge and expertise exchanged between the Parties shall not be passed to a third party without the prior written consent of the other (originating) Party;
 - (c) Commitment to joint training and exchange of information where applicable to enhance knowledge, skills and an understanding of the functions of the respective Parties as per *inter alia* CIPC processes (see Annexures); and
 - (d) Adherence to the legislative frameworks governing the Parties, while also giving due consideration to political, economic and social considerations where applicable.

6. GUIDELINES FOR THE DISCLOSURE OF INFORMATION

- 6.1 In response to requests for information and assistance subject to any conditions established, a Party will provide the fullest possible measure of mutual assistance, subject to its governing statutes and regulations and overall policy.
- 6.2 Such assistance may include, *inter alia*, the disclosure of information in pursuance of the respective mandates subject to the limitations of the Act, the B-BBEE Act, Protection of Personal Information Act (POPI) and any other

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legislation applicable to the Parties and as per CIPC processes (see Annexures).

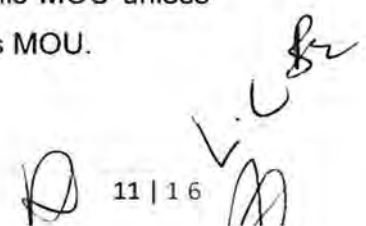
7. TRAINING AND INVESTIGATIONS

- 7.1 The Parties may assist one another to plan and implement training programmes designed to share expertise and skills in common areas and in order to do so, may also when appropriate, make use of, *inter alia*, conferences and seminars. See in this regard CIPC training process attached as an Annexure
- 7.2 The Parties shall endeavour to stimulate discussion of matters / issues of mutual concern and / or interest.
- 7.3 As already stipulated in section 13K of the B-BBEE Act, B-BBEE can obtain information from CIPC by issuing CIPC with a summons. Further, section 13B(5) obliges each organ of state to assist the B-BBEE Commission to execute its authority and perform its functions effectively.

8. COMMENCEMENT AND TERMINATION

- 8.1 This MOU supersedes and replaces all previous oral or written (if any) agreements or MOUs between the Parties, excluding any access to CIPC database agreements between CIPC and B-BBEE Commission.
- 8.2 This MOU will come into effect on the date of signature of the Party signing last in time, the **Effective Date**, and shall endure, subject to its terms and conditions, for a period three (3) of years, and may be terminated by either Party by giving thirty (30) days written notice to the other Party.
- 8.3 The termination of this MOU will not prejudice the completion, in accordance with their terms, of any ongoing projects or activities under this MOU unless otherwise agreed to by the Parties at or after termination of this MOU.

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9. UNSOLICITED INFORMATION

- 9.1 The information acquired in terms of this MOU is subject to any confidentiality requirements in law and in particular any legislation applicable to the B-BBEE COMMISSION.
- 9.2 If one Party comes into possession of information which would be likely to assist the other Party in administering or enforcing the laws for which it is responsible, the first-mentioned Party may notify the other Party of the existence of that information, subject to 9.1, and 6.1(a) above and 11.1 below.

10. PERMISSIBLE USES AND CONFIDENTIALITY

- 10.1 The Parties and their officials are obliged to treat information under this MOU as confidential, except where compliance with a legal duty or compulsion by law necessitates disclosure. In the event of such disclosure the other Party shall be informed in writing without delay.
- 10.2 Where information may be and is disclosed in terms of this MOU such information will be disclosed by the Requested Party to the Requesting Party as soon as is reasonably possible. In regard to exchanges of confidential information, each Party agrees not to disclose any such information to a third Party except as provided for in applicable legislation and in the event of such disclosure the other Party shall be informed in writing without delay.
- 10.3 Information supplied will be used for the purpose only for which it was requested.

11. ANNEXURES TO THIS MOU

- 11.1 This is a founding general agreement between the Parties. Further details with regard to matters agreed to in terms of this MOU will be dealt with between the applicable business unit of the B-BBEE COMMISSION and the CIPC.

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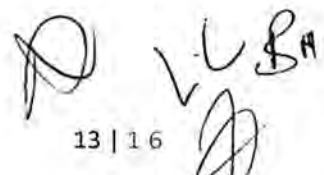
- 11.2 Such other specific additional agreements or procedures and processes as the case may be, will be in writing and agreed to by signature thereof by both Parties and will come into effect on the date of signature of the Party signing last in time.
- 11.3 Such additional agreements, procedures and processes will form part of this MOU and any such agreement, procedure or process' existence will be conditional upon the existence or continuing existence of this MOU or any amendment or replacement thereof.

12. SETTLEMENT OF DISPUTES

When a dispute arises out of the interpretation, operation and implementation of this MOU, the Parties must in good faith, make every reasonable effort to settle the dispute amicably through direct negotiation with the other Party or negotiations through an intermediary.

13. REVIEW AND AMENDMENT

- 13.1 The operation and implementation of this MOU shall be subject to periodic review by the Parties but not less than once in the three (3) year period from the **Effective Date** of this MOU.
- 13.2 Notwithstanding the aforesaid, in the event of material changes in legislation affecting the content of this MOU, the Parties shall review and amend this MOU within a period of thirty (30) days from the date of the relevant changes coming into effect, in order to comply with the legislative amendments and with retrospective effect where necessary.
- 13.2 Any amendment agreed to by the Parties shall be in writing and signed off by the authorised signatory of each Party. Such an amendment shall form part of this MOU and such amendment will come into effect on such a date as agreed upon by the Parties.



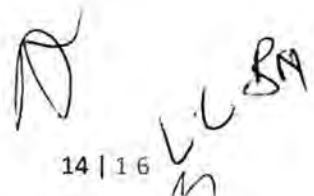
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14. GOOD FAITH

The Parties undertake to implement this MOU based on a foundation of mutual trust and good faith.

15. COMPLIANCE WITH POPI

- 15.1. The Parties acknowledge their respective obligations to comply with the substantive provisions of the Protection of Personal Information Act, 4 of 2013, which in essence comprises of both Parties allowing the other Party access to records on the condition that the identifiable person (or his or her guardian or curator) to whom the records relates has furnished prior written consent for the disclosure of the records.
- 15.2. A Party understands and acknowledges that the restrictions and obligations accepted by the other Party pursuant to this MOU are reasonable and necessary in order to protect the interests of the other Party, its employees and stakeholders and that a Party's failure to comply with this MOU in any respect could cause irreparable harm to the B-BBEE Commission the other Party, its employees and stakeholders for which there may be no adequate legal remedy.
- 15.3. A Party therefore understands and agrees, notwithstanding any contrary provision in any other agreement between the Parties, that each Party retains its full rights to pursue legal or equitable remedies in the event of any breach or threatened breach of this MOU, and may prevent the other Party, any of its agents (if any) or subcontractors (if any), or any third party who has received records from that Party from violating this MOU by any legal means available. Each Party further understands that violation of this MOU may subject that Party to applicable legal penalties, including those provided under POPI and termination of any agreements entered into between the B-BBEE COMMISSION and CIPC.



14 | 16

Party to applicable legal penalties, including those provided under POPI and termination of any agreements entered into between the B-BBEE COMMISSION and CIPC.

FOR B-BBEE COMMISSION


Signed at CENTURION on this 05 day of JUNE 2017



Ms. Zodwa Ntuli
Acting Commissioner
B-BBEE Commission



Witness



Date: 05 / 06 / 2017

FOR CIPC

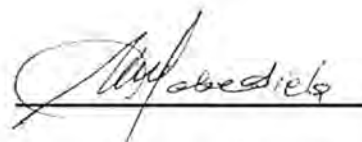
Signed at Pepin on this 08 day of June 2017



Adv. Rory Voller
Commissioner
CIPC



Witness



Date: 08 / June / 2017.

DEPARTMENT OF TRADE AND INDUSTRY

NO. 72

02 FEBRUARY 2018

MEMORANDUM OF UNDERSTANDING**BETWEEN:****BROAD-BASED BLACK ECONOMIC EMPOWERMENT COMMISSION**

An entity within the administration of the dti in terms of section 13B (1) of the Broad-Based Black Economic Empowerment Act, 2003 (Act 53 of 2003) as amended and herein represented by **Ms Zodwa Ntuli** in her capacity as the Acting Commissioner and she being duly authorized to enter into this agreement.

(Hereinafter referred to as "B-BBEE Commission")

AND**SOUTH AFRICAN NATIONAL ACCREDITATION SYSTEM**

A public entity with the promulgation of the Accreditation for Conformity Assessment, Calibration and Good Laboratory Practice Act (Act 19 of 2006), within the dti and herein represented by **Mr Ron Josias** in his capacity as the Chief Executive Officer duly authorized thereto

(Hereinafter referred to as "SANAS")

P.K. [Signature]

- 4.1 each party shall take into consideration the independence, governing structures and internal processes of the other party;
- 4.2 the main aim of this MoU is based on the understanding of and respect for each party's mandate, responsibilities and processes;
- 4.3 each party shall be transparent with the activities that might have an impact on the other party's work; and
- 4.4 the parties shall cooperate in the utmost good faith and with honesty, integrity and professionalism and each party shall respect the other's intellectual property (whether copyrighted or not).

5. AREAS OF COLLABORATION

5.1 The areas of collaboration shall include the following:

- 5.1.1 B-BBEE Advocacy and Awareness for Accredited bodies and industry representatives;
- 5.1.2 Monitoring and Evaluation when conducting Compliance and Enforcement oversight visits to Accredited Bodies;
- 5.1.3 Participate in each other's processes for best practices aimed at better regulation of the verification industry;
- 5.1.4 Identification of opportunities to increase black ownership in the verification industry by providing accreditation support for industrial development and to facilitate trade;
- 5.1.5 any other matters of common interest as may be identified from time to time.

5.2 The parties anticipate that their collaborative activities will include:

P.K

[Signature]

- 6.4 These provisions do not preclude any party from fully complying with the obligations of the B-BBEE Act, to enable the B-BBEE Commission to execute its mandate.

7. LEGAL STATUS OF THIS MoU

- 7.1 This MoU merely constitutes a statement of the mutual intentions of the Parties with respect to its contents and each Party represents to the other that:

7.1.1 It does not constitute an obligation binding on either side; and

7.1.2 It creates no right in favour of either Party.

- 7.2 This MoU shall not be binding save for the Confidentiality clauses which shall continue to exist upon the Termination of this Agreement.

8. FUNDING

- 8.1 Each party shall bear its own expenses that might be necessary for the implementation of this MoU unless otherwise reduced to writing by both parties to execute a joint funding.

9. COPYRIGHT AND INTELLECTUAL PROPERTY RIGHTS

- 9.1 The parties agree, for the duration of this agreement and for any project as negotiated under this agreement, to share authorship of any publications arising from such projects.

- 9.2 The parties recognise the importance of protecting and respecting each other's copyright and intellectual property rights. This MoU does not grant either party to make use of material belonging to either party outside the framework of collaborative activities set out in this MoU, all reports and

P.K

[Handwritten signature]

11. SEVERABILITY

- 11.1 If any part of the provisions of this MoU is found in any way to be void or not applicable, such part of the provisions shall be deemed to be deleted and the remaining provisions of this MoU shall continue in force and effect.

12. SOLE MoU AND VARIATION

- 12.1 This MoU is the sole understanding between the Parties and supersedes any previous understandings between them relating to the matters referred to herein.
- 12.2 This MoU may be amended by to the consensus of both Parties, and any such amendments shall be set out in writing and signed by both Parties. Amendments leading to the specific requirements shall be incorporated by way of an annexure to this MoU.

13. PUBLICITY

- 13.1 SANAS shall be prohibited from including the name of the B-BBEE Commission or its members, in any publicity, advertising or news release without the prior written approval of an authorized representative of the B-BBEE Commission.
- 13.2 The B-BBEE Commission shall be prohibited from including the name of SANAS or its members, in any publicity, advertising or news release without the prior written approval of an authorized representative of SANAS.

14. COUNTERPARTS

- 14.1 This MoU may be executed in counterparts. All counterparts when taken together are to be taken to constitute one instrument.

P.K



15.4 Notice of any change of address stated may be given by either party with 14 (fourteen) days of such change.

15.5 Any notice in terms of this MoU:

15.5.1 In case of hand delivery at a physical address, an acknowledgment of receipt shall be endorsed by the respective party.

15.5.2 May be sent by registered post upon which proof of postage issued by the relevant authority shall be vanished or provided to serve as proof of service.

16. GOVERNING LAW

16.1 This MoU shall be governed by and interpreted or construed in accordance with the laws of the Republic of South Africa without regard to its principles regarding conflict of laws. Any and all disputes arising out of it or in connection with this MoU shall be governed by Intergovernmental Relations Framework Act, 2005 (Act 13 of 2005) for a dispute resolution considering the fact that they are both organs of the state.

16.2. The parties shall at all material times use all reasonable effort to resolve any dispute arising from this MoU through good faith negotiations.

16.3 In the event of failure to reach an agreement or settlement, such dispute shall be referred to the Chief Executive Officer of SANAS and the Acting Commissioner of the B-BBEE Commission, and they shall endeavor to settle the matter of such referral.

16.4 Should the endeavors also fail in attempting to solve the dispute, then it shall be referred to the Director-General of the Department of Trade and Industry or an official delegated by him for such purpose, to attempt to solve such matter.

PK



For SOUTH AFRICAN NATIONAL ACCREDITATION SYSTEMSIGNED AT PRETORIA ON THIS 21 DAY OF AUGUST 2017
_____**Mr Ron Josias**
South African National Accreditation System**WITNESSES:**

1. _____

2. _____



DEPARTMENT OF TRADE AND INDUSTRY

NO. 73

02 FEBRUARY 2018

MEMORANDUM OF UNDERSTANDING**BETWEEN:****BROAD-BASED BLACK ECONOMIC EMPOWERMENT COMMISSION**

An Entity within the administration of the dti in terms of section 13 B (1) of the Broad Based Black Economic Empowerment Act, 2003 (Act 53 of 2003) as amended and herein represented by **Ms Zodwa Ntuli** in her capacity as the Acting Commissioner and she being duly authorised to enter into this agreement

(Hereinafter referred to as "BBBEEC")

And

**THE NATIONAL GAMBLING BOARD**

A Schedule 3A entity established in terms of the National Gambling Act, 2004 (Act 7 of 2004) herein represented by **Ms Caroline Kongwa** in her capacity as the Accounting Authority of the National Gambling Board duly authorized thereto

(Hereinafter referred to as "NGB")

1. PURPOSE

The purpose of this Memorandum of Understanding (MoU) is:

- 1.1 to create co-operation and collaboration between the two parties regarding the fulfilment of responsibilities and obligations under the National Gambling Act 7 of 2004 and the B-BBEE Act 53 of 2003 as amended in facilitating transformation in the gambling industry,
- 1.2 to further provide a framework for collaboration on matters of mutual interest, and
- 1.3 through the parties' mandates and structures, to share their interest on the matters relating to the regulation of gambling.

2. COMMENCEMENT AND DURATION

- 2.1 This MoU shall commence on the date of the last signature of the last party signing and it shall continue in force indefinitely unless terminated by either party giving the other party fourteen (14) days' written notice.

3. IMPLEMENTATION

- 3.1 The parties will develop and devise implementation strategies and time bound action plans in order to meet the desired objectives and goals.

4. PRINCIPLES GOVERNING CO-OPERATION BETWEEN THE PARTIES

The primary principles that shall govern the MoU are as follows:

- 4.1 Each party recognizes and respects the independence, governance structures and internal processes of the other party.
- 4.2 This MoU is based on the understanding of and respect for each party's mandate, processes and responsibilities.
- 4.3 The parties shall cooperate in the utmost good faith and with honesty, integrity and professionalism, and each party shall respect the other's intellectual property (whether copyrighted or not).



5. AREAS OF COLLABORATION

5.1 The areas of collaboration shall include the following:

- 5.1.1 B-BBEE Advocacy and Education for Provincial Licensing Authorities and Industry representatives;
- 5.1.2 Monitoring and Evaluation when conducting Compliance and Enforcement oversight visits to Provincial Licensing Authorities;
- 5.1.3 Information sharing on the best practices aimed at better regulation of the Gambling industry;
- 5.1.4 Identification of opportunities to increase black ownership in the Limited Payout Machine sector particularly the manufacturing of gambling machines;
- 5.1.5 Providing advisory services for the gambling licensing process to ensure compliance of the process and setting higher criteria for ownership and other elements for transformation in terms of the Based Black Economic Empowerment Act, 2013;
- 5.1.6 Development of norms and standards in the gambling industry to ensure alignment to the Broad Based Black Economic Empowerment Codes of good practice;
- 5.1.7 Any other matters of common interest as may be identified by parties.

5.2 The parties anticipate that their collaborative activities will include:

- 5.2.1 A joint approach to regulation, compliance and enforcement initiatives.
- 5.2.2 Seminars, workshops, training aimed at building capacity, advocacy, information sharing and enhancing regulatory capabilities.
- 5.2.3 Information sharing and referrals of matters brought to the attention of each party that fall within the jurisdiction of the other and / or might have an impact on the mandate of either party.

6. RELATIONSHIP BETWEEN THE PARTIES

- 6.1 **Liability for acts of the parties:** Neither party shall be liable for acts or defaults of the other party or of the other party's employees or representatives.

6.2 **No partnership or agency created:** Nothing in this MoU shall constitute, or be deemed to constitute a partnership between the Parties or constitute or be deemed to constitute an agency or shall have any authority or power to bind or incur liability on behalf of the other or to pledge the credit of the other Party.

6.3 **Good Faith:** the Parties shall at all times apply good faith in their dealings with each other.

6.4 These provisions do not preclude any party from fully complying with the obligations of the B-BBEE Act, to enable the B-BBEE Commission to execute its mandate.

7. FUNDING

7.1 Each party will be responsible for any costs that might be necessary for effective implementation of this MoU and / or where necessary joint funding as agreed by parties.

8. COPYRIGHT AND INTELLECTUAL PROPERTY RIGHTS

8.1 The Parties agree, for the duration of this agreement and for any project as negotiated under this agreement, to share authorship of any publications arising from such project.

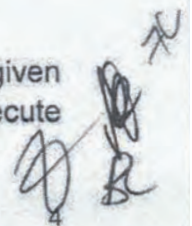
8.2 Copyright and other Intellectual property rights in all reports and material pursuant to the collaboration shall be negotiated on a project-specific basis, recognizing the collaborative nature of the Programme and the mutual commitment of the parties thereto.

9. CONFIDENTIALITY

9.1 The parties shall treat the terms of this MoU and all information exchanged, received by each other, including but not limited to underwriting and administration of policies, as strictly confidential and secret. This information relates to proprietary information, technical knowledge, experience, specimens and data of secret and confidential nature.

9.2 The parties shall keep all such information obtained confidential towards third parties and only use it in co-operation with each other for the purpose expressly agreed upon and to disclose same to the employees only on the basis of the need to know.

9.3 The parties shall cause all of their employees who are directly or indirectly given access to the said proprietary and confidential information to execute



confidential undertakings in a form acceptable to the parties in order to protect the parties against the unauthorised disclosure of such information to any third party and fully cooperate in the enforcement of such confidential undertakings.

10. PUBLICITY

10.1 The NGB shall not use the name B-BBEE Commission or any member of the B-BBEE Commission, in any publicity, advertising or news release without the prior written approval of an authorized representative of the B-BBEE Commission.

10.2 The B-BBEE Commission shall not use the name of the NGB, or any employee of the NGB, in any publicity, advertising or news release without the prior written approval of an authorized representative of the NGB.

11. DOMICILIA AND NOTICES

11.1 The parties hereby choose as their *domicilia citandi et executandi* for all purposes under this MoU, whether in respect of court processes, notices or any other documents or communications of whatever nature the addresses as set out below.

11.2 All notices to the NGB shall be given or addressed to:

Ms Caroline Kongwa

Designation: Accounting Authority

Street Address: 420 Witch-Hazel Avenue
Block C Eco Glades 2
Eco Park
Centurion
0144

Telephone Number: 01000 33487

Facsimile: 0866737002

Email: tdlamini@ngb.org.za

11.3 All notices to the B-BBEE Commission shall be given or addressed to:



Ms. Zodwa Ntuli

Designation: Acting Commissioner

Street Address: **the dti**
77 Meintjies Street
Sunnyside
Pretoria, South Africa, 0002

Telephone: +27 (12) 394 2535
Facsimile: +27 (12) 394 2535
Email: RamareM@beecommission.gov.za

11.4 The parties undertake to notify each other of any change of address within 14 (fourteen) days of such change.

11.5 Any notice in terms of this MoU:

11.5.1 may be hand-delivered to the physical address of the respective party, in which event proof of acknowledgement shall be endorsed upon a copy of notice together with the name of the recipient and date of receipt and it shall be deemed to have been received on the date of delivery, or

11.5.2 may be sent by registered post to the nominated postal address of the respective party, in which event proof of postage issued by the relevant postal authority will serve as a proof: provided that where a notice is posted it shall be deemed to have been received.

12. GOVERNING LAW

12.1 The parties agree that this MoU shall be governed by and construed in accordance with the laws of the Republic of South Africa and acknowledge that they are both organs of the state and that the Intergovernmental Relations Framework Act, 2005 (Act 13 of 2005) is applicable to the resolution of any dispute between them.

12.2 The parties shall use all reasonable efforts to resolve any dispute that may arise under this MoU through good faith negotiations.

12.3 In the event that the parties are unable to reach settlement, such dispute shall be referred to the Accounting Authority of the NGB and the Acting Commissioner of the BBEE Commission, and they shall endeavor to settle the matter of such referral.

12.4 Should such endeavors still fail to resolve the dispute, then the dispute shall be referred to the Director-General of the Department of Trade and Industry, or an official delegated by him for such purpose, to attempt to settle the dispute.

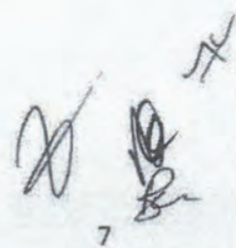
12.5 In the event that the dispute still remains unresolved, then the matter shall be dealt with in terms of Section 41 (3) of the Constitution read with chapter 4 of the Intergovernmental Relations Framework Act.

13. GENERAL

13.1 This MoU constitutes the cooperative and collaborative framework through which parties will manage the working relationship and acknowledge that they have entered into this Agreement, not relying on any representations, statements, warranties or guarantees not recorded in this MoU.

13.2 No amendments of, or additions to or variation or cancellation of this Agreement shall be of any force or effect unless reduced to writing and signed by both parties hereto.

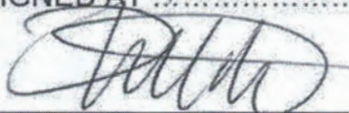
13.3 No party shall be entitled to cede, delegate or transfer any of its rights in terms of this Agreement to any of its authorized representatives, unless written consent has been obtained from the other party.



IN WITNESS WHEREOF the undersigned parties approve the terms and conditions of this MoU.

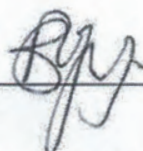
For BROAD-BASED BLACK ECONOMIC EMPOWERMENT COMMISSION

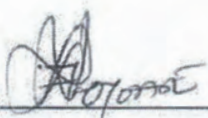
SIGNED AT Pretoria ON THIS 20th DAY OF December 2016.



MS ZODWA NTULI
ACTING COMMISSIONER

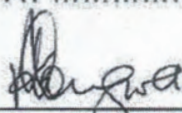
WITNESSES:

1 

2 

For NATIONAL GAMBLING BOARD

SIGNED AT Pretoria ON THIS 9th DAY OF November 2016.



MS CAROLINE KONGWA
ACCOUNTING AUTHORITY

WITNESSES:

1 _____

2 _____

DEPARTMENT OF TRADE AND INDUSTRY

NO. 74

02 FEBRUARY 2018

**MEMORANDUM OF UNDERSTANDING
BETWEEN****BROAD-BASED BLACK ECONOMIC EMPOWERMENT COMMISSION**

An entity within the administration of **the dti** in terms of section 13B (1) of the Broad-Based Black Economic Empowerment Act, 2003 (Act 53 of 2003) as amended and herein represented by **Ms Zodwa Ntuli** in her capacity as the Commissioner and she being duly authorised to enter into this agreement

(Hereinafter referred to as "B-BBEE Commission")

AND**COMMISSION FOR EMPLOYMENT EQUITY**

A statutory body established in terms of section 28 of the Employment Equity Act, 1998 (Act 55 of 1998) as amended and herein represented by **Ms Tabea Kabinde** in her capacity as the Chairperson of the Commission for Employment Equity duly authorised thereto

(Hereinafter referred to as "CEE")

1. PURPOSE

1.1 The purpose of this Memorandum of Understanding (MoU) is to:

1.1.1 establish meaningful co-operation and collaboration between the two parties in the fulfillment of the respective responsibilities and obligations under the Employment Equity Act 55 of 1998 as amended and the B-BBEE Act 53 of 2003 as amended in facilitating transformation in South Africa.

1.1.2 provide a framework of collaboration; and

1.1.3 set out the principles underpin the relationship between the B-BBEE COMMISSION and the CEE and the guiding principles thereof.

1.1.4 .

2. COMMENCEMENT AND DURATION

2.1 This MOU will come into effect on the date of signature of the Party signing last in time, the **Effective Date**, and shall endure, subject to its terms and conditions, for a period three (3) of years, and may be terminated by either Party by giving thirty (30) days written notice to the other Party

3. IMPLEMENTATION

3.1 The parties to this MoU may develop and effect implementation mechanisms and action plans to achieve the objectives and goals thereof

4. PRINCIPLES GOVERNING COOPERATION BETWEEN THE PARTIES

4.1 The primary principles that shall govern the MoU are as follows:

4.1.1 each party shall take into consideration the statutory independence, governing structures and internal operational and regulatory processes of the other party;

4.1.2 this MOU is based on mutual respect for each party's governance, mandate, responsibilities.

4.1.3 each party shall be transparent in matter which may impact on the other party's work; and

4.1.4 the parties shall cooperate in good faith, with honesty, integrity and professionalism and with due respect and acknowledgement of the other's intellectual property irrespective of any rights reserved, copyrighted or not.

5. AREAS OF COLLABORATION

5.1 The areas of collaboration subject of the MOU shall include the following:

5.1.1 Advocacy and education throughout South Africa on the Employment Equity legislation and B-BBEE legislation;

5.1.2 Monitoring and evaluation the progress made in achieving the objectives of the Employment Equity legislation and B-BBEE legislation;

5.1.3 Information sharing on the best practices aimed at facilitating transformation and implementation of Employment Equity legislation and B-BBEE legislation ;

5.1.4 Sharing advisory services aimed at i facilitating interventions in achieving the objectives of the respective statutory obligations of the the Employment Equity legislation and B-BBEE Acts.

5.1.5 Any other matters of common interest as may be identified from time to time.

5.1. Any other matters of common interest as may be identified from time to time.

5.2 The parties anticipate that their collaborative activities may include:

5.2.1 A joint approach to regulation and cooperative and consultative compliance.

5.2.2 Seminars and workshops aimed at building capacity, advocacy, information-sharing and enhancing regulatory capabilities;

- 5.2.3 Information sharing and referrals of matters brought to the attention of each party that fall within the jurisdiction of the other and / or might have an impact on the mandate of either party; and
- 5.2.4 Information sharing of research projects, findings and other material information on matters relevant to the respective interest and common interests to improve evidence based recommendations .

6. RELATIONSHIP BETWEEN THE PARTIES

- 6.1 **LIABILITIES FOR ACTS OF THE PARTIES:** Neither party shall be held liable for acts or defaults of the other party or their employees or representatives.
- 6.2 **NO PARTNERSHIP OR AGENCY IS CREATED:** The existence of this MoU shall not be regarded or deemed to be regarded as a partnership or an agency and shall have no power or authority to bind either of the parties or incur liability on behalf of the other or to pledge the credit of the other party.
- 6.3 **GOOD FAITH:** The parties to this MoU shall deal with each other honestly, fairly and in good faith in all their dealings.
- 6.4 These provisions do not preclude any party from fully complying with the obligations of the B-BBEE Act, to enable the B-BBEE Commission to execute its mandate.

7. FUNDING

- 7.1 Each party shall bear its own expenses that might be necessary for the implementation of this MoU unless otherwise reduced to writing by both parties to execute a joint funding.

8. COPYRIGHT AND INTELLECTUAL PROPERTY RIGHTS

- 8.1 The parties agree, for the duration of this agreement and for any project as negotiated under this agreement, to share authorship of any publications arising from such projects.
- 8.2 The parties recognise the importance of protecting and respecting each other's copyright and intellectual property rights. This MoU does not grant either party to make use of material belonging to either party outside the framework of collaborative activities set out in this MoU, all reports and material pursuant to collaboration shall be negotiated on a project-specific basis.

9. CONFIDENTIALITY

- 9.1 Both parties shall at all material time observe and maintain confidentiality for all information exchanged and received by each other, including but not limited to underwriting and administration of policies, as strictly confidential and secret. The information relates to proprietary information, technical knowledge, experience, specimens and data of secret and confidential nature.
- 9.2 Parties shall keep all such information obtained confidential from a third party and only use it in co-operation with each other for the purpose expressly agreed upon and to disclose same only on the basis of need to know.
- 9.3 Parties shall ensure that all employees who directly or indirectly have access to the said proprietary and confidentiality information are not at liberty to disclose such information to the third party for the purpose of this MoU and to fully cooperate in the enforcement of such confidential undertakings.

10. PUBLICITY

- 10.1 The CEE shall be prohibited from including the name of the B-BBEE Commission or its members, in any publicity, advertising or news release without the prior written approval of an authorized representative of the B-BBEE Commission.

- 10.2 Both parties shall be prohibited from including each other's name or that of its members, in any publicity, advertising or news release without the prior written approval of an authorised representative of the parties.

11. DOMICILIA AND NOTICES

- 11.1 For all notices, correspondence and court processes the parties hereby choose as their *domicilia citandi et executandi* for all purposes under this MoU to be served under the addresses as set out below.

- 11.2 All notices to CEE shall be served or addressed to:

Ms Tabea Kabinde

Designation: Chairperson

Street Address: The Commission for Employment Equity
Department of Labour
Room 103 Laboria House
215 Francis Baard, Pretoria, 0001

Telephone number: (+27) 12 309 4040 / 4034

Email: ntsoaki.mamashela@labour.gov.za

- 11.3 All notices to B-BBEE Commission shall be served or addressed to:

Ms Zodwa Ntuli

Designation: Commissioner

Street Address: The B-BBEE Commission
420 Witch-Hazel Avenue
Eco-Glades 2
Block C
Eco-Park, Centurion, 0144

Telephone: (+27) 12 649 0910

Email: MRamare@beecommission.gov.za

11.4 Notice of any change of address stated may be given by either party with 14 (fourteen) days of such change.

11.5 Any notice in terms of this MoU:

11.5.1 in case of hand delivery at a physical address, an acknowledgment of receipt shall be endorsed by the respective party.

11.5.2 may be sent by registered post upon which proof of postage issued by the relevant authority shall be vanished or provided to serve as proof of service.

12. GOVERNING LAW

12.1 This MoU shall be governed by and interpreted or construed in accordance with the laws of the Republic of South Africa without regard to its principles regarding conflict of laws. Any and all disputes arising out of it or in connection with this MoU shall be governed by Intergovernmental Relations Framework Act, 2005 (Act 13 of 2005) for a dispute resolution considering the fact that they are both organs of the state.

12.2 The parties shall at all material times use all reasonable effort to resolve any dispute arising from this MoU through good faith negotiations.

12.3 In the event of failure to reach an agreement or settlement, such dispute shall be referred to the Chairperson of the CEE and the Commissioner of the B-BBEE Commission, and they shall endeavor to settle the matter of such referral.

12.4 Should the endeavors also fail in attempting to solve the dispute, then it shall be referred to the Director-General of the Department of Trade and Industry and the Director General of Labour or officials delegated by them for such purpose, to attempt to solve such matter.

12.5 In the event that the dispute remains unresolved, then it shall be dealt with in terms of section 41(3) of the Constitution read with chapter 4 of the Intergovernmental Relations Framework Act.


13. GENERAL

- 13.1 This MoU constitutes the cooperative and collaborative framework through which parties will manage the working relationship and acknowledge that they have entered into this Agreement, not relying on any representations, statements, warranties or guarantees not recorded in this MoU;
- 13.2 No amendments of, or additions to variation or cancellation of this Agreement shall be of any force or effect unless reduced to writing and signed by both parties hereto;
- 13.3 No party shall be entitled to cede, delegate or transfer any of its rights in terms of this Agreement to any of its authorized representatives, unless written consent has been obtained from the other party.

IN WITNESS WHEREOF the undersigned party approves the terms and conditions of this MoU.

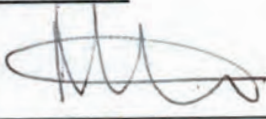
For BROAD-BASED BLACK ECONOMIC EMPOWERMENT COMMISSION


SIGNED AT CENTURION ON THIS 14 DAY OF AUGUST 2017



Ms Zodwa Ntuli
Commissioner

WITNESSES:

1. 

2. 

For COMMISSION FOR EMPLOYMENT EQUITY

IN WITNESS WHEREOF the undersigned party approves the terms and conditions of this MoU.

~~Harbin~~ 4

1. Journal 22-

2. Bonghila.

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

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. Kgomo Moroka SC

Chairperson: National Forum for the Legal Profession



The South African Legal Practice Council

Rules

made under the authority of sections 95(1), 95(3) and 109(2) of the Legal Practice Act, 28 of 2014 (as amended)

The South African Legal Practice Council**Rules****made under the authority of section 95(1) of the Legal Practice Act, 28 of 2014****Table of Contents**

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PART I**DEFINITIONS**

1. In these rules, unless the context otherwise indicates:
 - 1.1 "accounting records" means the records which a firm is required to keep in terms of accounting rule 50.6;
 - 1.2 "the Act" means the Legal Practice Act, 28 of 2014;
 - 1.3 "attorney" means a legal practitioner who is admitted and enrolled as such under the Act;
 - 1.4 "advocate" means a legal practitioner who is admitted and enrolled as such under the Act;
 - 1.5 "auditor" means a person who is registered as an auditor in terms of the Auditing Profession Act, 26 of 2005 and who engages in public practice as an auditor registered in terms of that Act;
 - 1.6 "bank" means a bank is defined in section 1 of the Banks Act, 94 of 1990;
 - 1.7 "Board" means the Legal Practitioners' Fidelity Fund Board established in terms of section 61 of the Act;
 - 1.8 "branch office" means an office at or from which the firm practises, but which is not a main office;
 - 1.9 "business account transactions" means transactions in regard to which records are required to be kept in terms of accounting rule 50.6;
 - 1.10 "candidate attorney" means a person undergoing practical vocational training with a view to being admitted and enrolled as an attorney;
 - 1.11 "candidate legal practitioner" means a person undergoing practical vocational training, either as a candidate attorney or as a pupil;
 - 1.12 "code of conduct" means the code of conduct setting out rules and standards relating to ethics, conduct and practice for legal practitioners, candidate legal

practitioners and juristic entities and its enforcement through the Council and its structures;

1.13 "conveyancer" means any practising attorney who is admitted and enrolled to practice as a conveyancer in terms of the Act;

1.14 "Council" means the South African Legal Practice Council established in terms of section 4 of the Act;

1.15 "court" means any court in the Republic as defined in section 166 of the Constitution;

1.16 "disciplinary body" means -

1.16.1 an investigating committee;

1.16.2 a disciplinary committee; or

1.16.3 an appeal tribunal,

as the case may be, established under the Act and the rules;

1.17 "fidelity fund certificate" means the certificate referred to in section 85 of the Act;

1.18 "firm" means -

1.18.1 a partnership of attorneys;

1.18.2 an attorney practising for his or her own account; or

1.18.3 a juristic entity

who or which in each case conducts the practice of an attorney, and for purposes of Part XI (accounting rules) of these rules only, includes an advocate referred to in section 34(2)(b) of the Act;

1.19 "Fund" means the Legal Practitioners' Fidelity Fund referred to in section 53 of the Act;

- 1.20 "High Court" means the High Court of South Africa established by section 6 of the Superior Courts Act, 10 of 2013 or, if the context indicates otherwise, the Division thereof having jurisdiction;
- 1.21 "juristic entity" means a commercial juristic entity established to conduct a legal practice as an attorney, as contemplated in section 34(7) of the Act and a limited liability legal practice as contemplated in section 34(9) of the Act;
- 1.22 "legal practitioner" means an advocate or attorney admitted and enrolled as such in terms of sections 24 and 30 respectively of the Act;
- 1.23 "main office" means the premises at and from which the practice of a firm is as a whole administered and controlled, including such premises in two or more buildings situate in sufficiently close proximity to one another to allow the administration of that practice as a single composite entity, and includes premises declared or determined as such in terms of accounting rules 14.2 or 14.5 as the case may be;
- 1.24 "Minister" means the Minister of Justice and Constitutional Development;
- 1.25 "notary" means any practising attorney who is admitted and enrolled to practise as a notary in terms of this Act;
- 1.26 "practical vocational training" means training required in terms of the Act to qualify as a candidate attorney or pupil in order to be admitted and enrolled as an attorney or advocate;
- 1.27 "principal place of practice" means the place at which the main office of a firm is situated, notwithstanding that any member of the firm (being a sole practitioner, or a partner in a partnership, or a director of a juristic entity) may habitually or temporarily practise at or from a branch office; provided that the principal place of practice of a member of the firm who is a member of more than one firm, or who is the proprietor of one firm and a member of another firm or other firms shall be deemed to be the place of the main office of that firm which has its main office closest to his residential address;
- 1.28 "pupil" means a person undergoing practical vocational training with a view to being admitted and enrolled as an advocate;

- 1.29 "Republic" means the Republic of South Africa;
- 1.30 "Roll" means the Roll of Legal Practitioners referred to in section 30(3) of the Act;
- 1.31 "rules" means the rules made by the Council in terms of sections 95(1), 95(3) and 109(2) of the Act;
- 1.32 "training supervisor" means an individual who is authorised in terms of the Act, or in terms of any rule or regulation issued under the Act, to enter into a practical vocational training contract with a pupil, and includes a duly qualified employee of an entity which is accredited by the Council to provide practical vocational training to pupils;
- 1.33 "trust account advocate" means an advocate referred to in section 34(2)(b) of the Act who is, in terms of the Act, required to hold a fidelity fund certificate;
- 1.34 "trust account practice" means a practice conducted by -
- 1.34.1 one or more attorneys who are; or
- 1.34.2 an advocate referred to in section 34(2)(b) of the Act who is in terms of the Act, required to hold a fidelity fund certificate;
- 1.35 "trust account transactions" means transactions in regard to which records are required to be kept in terms of rule 6;
- 1.36 "trust banking account" means a current cheque account, and includes all trust accounts kept by a trust account practice in terms of section 86(2) of the Act;
- 1.37 "trust cash" means any cash held in trust by a trust account practice otherwise than in a trust banking account or a trust investment account;
- 1.38 "trust creditor" means a person on whose account money is held or received as contemplated by section 86(2), or invested as contemplated by section 86(3) or section 86(4), of the Act;
- 1.39 "trust investment account" means and includes all banking accounts kept by a firm in terms of section 86(3) or section 86(4), of the Act;

- 1.40 "trust money" means money held or received on account of any person as contemplated by section 86(2), or invested as contemplated by section 86(3) or section 86(4), of the Act.

Words or expressions referred to in these rules which are not defined herein shall bear the respective meanings assigned to them by section 1 of the Act.

PART II

FEES AND CHARGES

2. Application fees

[section 95(1) read with section 6(4)(a)]

The following fees (which are inclusive of value-added tax) shall be payable to the Council in respect of the matters referred to below:

application for the registration of a practical vocational training contract, and the examination fee of any such contract

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|-----|--|--------|
| 2.1 | application for the registration of a practical vocational training contract, and the examination fee of any such contract | R 342 |
| 2.2 | issuing of a right of appearance certificate in terms of section 25(4) of the Act; | R 171 |
| 2.3 | registration of a cession of a practical vocational training contract, and the examination fee in respect thereof; | R342 |
| 2.4 | enrolment of a legal practitioner or re-enrolment of a person whose name was removed from the roll as a legal practitioner or as a notary or conveyance at his or her own request; | R456 |
| 2.5 | re-enrolment as a legal practitioner, and/or as a notary or | R2 850 |

conveyancer, subsequent to the name of that legal practitioner being struck off the roll;

- | | | |
|------|---|------|
| 2.6 | enrolment as a notary; | R684 |
| 2.7 | enrolment as a conveyancer; | R684 |
| 2.8 | registration for the legal practice management course in terms of section 26(1)(c)(ii) of the Act or application for exemption from attendance at the course; | R456 |
| 2.9 | conversion of enrolment in terms of section 31(1)(a) of the Act; | R684 |
| 2.10 | conversion of enrolment by an advocate in terms of section 32(1)(b) of the Act. | R684 |

**3. Annual fees for Fidelity Fund certificates
[section 95(1) read with section 6(4)(b)]**

- 3.1 Every attorney required to be in possession of a Fidelity Fund certificate, and every advocate contemplated in section 34(2)(b) of the Act, shall pay to the Council an annual fee of R342 (inclusive of value-added tax) for the issue to him or her of a Fidelity Fund certificate, such fee being payable at such times as may from time to time be fixed by the Council.
- 3.2 The amount of the annual fee will be the amount applicable to the practitioner concerned on 1 January of the year in which application for a Fidelity Fund certificate is made; provided that any practitioner enrolled after 30 June in any year shall pay only one half of the annual fee for the year then current.

**4. Annual fees payable by all legal practitioners
[section 95(1)(1) read with section 6(4)(c)]**

- 4.1 Every legal practitioner who is admitted and enrolled in terms of section 24(1) of the Act as a legal practitioner shall pay an annual fee to the Council at such time

as may from time to time be fixed by the Council. That fee (which is inclusive of value-added tax) shall be -

- 4.1.1 in the case of a legal practitioner who is in practice, R2 500;
- 4.1.2 in the case of a legal practitioner who is not in practice, R500.
- 4.2 The Council may in its discretion, and on application by the legal practitioner, permit the annual fee to be payable in instalments.

**5. Fees payable in respect of examinations conducted by the Council
[section 95(1)(a) read with section 6(4)(e)]**

- 5.1 Every legal practitioner and every candidate legal practitioner entering any examination conducted by the Council or on behalf of the Council, or repeating any such examination, shall pay the following fees to the Council:
 - 5.1.1 in respect of the examination referred to in R342
section 26(1)(d) of the Act (candidate legal
practitioners);
 - 5.1.2 in respect of the examination referred to in R342
section 26(2) of the Act (conveyancers);
 - 5.1.3 in respect of the examination referred to in section R342
26(3) of the Act (notaries).
- 5.2 Every candidate entering any examinations referred to in rule 5.1 who applies for a remark or a re-assessment of his or her examination scripts shall pay a fee equal to twice the fee payable in terms of rule 5.1 for the examination in question; provided that if the candidate successfully passes the examination as a result of the remark or re-assessment the fee paid shall be refunded.

**6. Other fees, levies, contributions and charges
[section 95(1)(a) read with section 6(4)(f)]**

Every legal practitioner shall pay to the Council such fees, levies, contributions or charges as it considers necessary, as contemplated in the Act, other than those fees, levies, contributions or charges specifically provided for in these rules, at such time and in such amounts as may from time to time be fixed by the Council.

7. Failure to pay fees, levies and charges

If a legal practitioner or candidate legal practitioner fails to pay any fee, levy or other charge payable by him or her in terms of the Act or in terms of these rules within one month after it has become due, the executive officer appointed in terms of section 19 shall, by letter or by electronic communication, draw his or her attention to that fact; and if the fee, levy or other charge in arrear is not paid within seven days from the date of despatch of that letter or electronic communication, or within such further time as the Council may allow, proceedings for the recovery thereof may be taken against him or her.

PART III

THE COUNCIL

8. Removal or suspension of member of Council [section 95(1)(b) read with section 12(4)]

- 8.1 If the Council proposes to suspend or remove a member of Council from office in terms of the powers granted to it in terms of section 12 of the Act it may not do so without having first notified the member of Council concerned in writing that it is considering such a suspension or removal and without advising such member of the reasons for which it is considering doing so.
- 8.2 The Council shall afford the member of the Council concerned the opportunity to furnish the Council, within a period stipulated in the notification, with his or her reasons, if any, as to why the Council should not exercise the right to suspend or remove him or her.

- 8.3 The Council shall be entitled to call upon the member of Council concerned to amplify such reasons by oral representations to the Council within such period as it shall stipulate.
- 8.4 The Council shall make its decision to suspend or remove the member of Council concerned from office in the light of such reasons, if any, and such oral representations, if any, as may have been submitted by that member.
- 8.5 The Council shall notify the member of Council concerned in writing of its decision either to suspend him or her or remove him or her from office, or not to do so, within 24 hours of such decision, and in the former instance the suspension or removal shall be effective from the date of the Council's decision.
- 8.6 The Council shall record the date on which the removal or suspension of a member of the Council becomes effective, and in the case of a suspension, the date on which the suspension terminates.

9. **Meetings of the Council**
[section 95(1)(c) read with section 16(2)]

- 9.1 Meetings of the Council shall be held at least four times in each year on such dates and at such times and places as may from time to time be determined by the Council or, failing such determination, by the chairperson.
- 9.2 The successive date of each meeting of the Council shall be determined at its preceding meeting or, if the Council should fail to do so, by the chairperson.
- 9.3 The chairperson may at any time *mero motu* convene a meeting of the Council in such manner as he or she shall determine, and the executive officer must, if requested in writing to do so by members of the Council representing not less than one fifth of the Council members in office, convene a special meeting of the Council at such time and in such place as he or she may determine on not less than seven days and not more than fourteen days' notice in writing, stating the business to be considered.
- 9.4 When convening a meeting *mero motu* the chairperson may, in cases which are, in his or her judgment, of sufficient urgency, give such period of notice of the

meeting, and in such manner, as he or she thinks fit, to the members of the Council, but no decision shall be taken at such a meeting unless a quorum is present and the decision is unanimous.

- 9.5 A resolution, other than a written resolution, taken on a motion of the chairperson on a matter which is, in his or her opinion, of sufficient urgency, shall, although not taken at a meeting of the Council but by such other means of communication as the chairperson may deem fit to employ, be as valid and effective as if it had been passed at a meeting of the Council duly convened and held if all those members of the Council who are readily accessible have been consulted and if the majority of all members of the Council who are then in office have expressed their assent.
- 9.6 Every resolution taken in terms of rule 9.5 shall as soon as possible thereafter be recorded in writing and such record shall be deemed to be a minute of the meeting, shall be entered into the minute book of the Council and shall be noted at the next following meeting of the Council.
- 9.7 The majority of the members of the Council then in office constitutes a quorum at any meeting of the Council provided that if a quorum is not present within fifteen minutes after the time fixed for the commencement of the meeting it shall stand adjourned to the corresponding time on the seventh day thereafter at the same time and place, and the members then present shall constitute a quorum; but if the last mentioned date is a public holiday the meeting shall not take place on that day but shall stand adjourned instead to the corresponding time and the same place on the next succeeding business day not being a public holiday, a Saturday or a Sunday.
- 9.8 Minutes shall be kept in a minute book, to be maintained by the executive officer, of every meeting of the Council, and at every ordinary meeting of the Council the minutes of the previous ordinary meeting and of all extraordinary meetings held since then shall be read or, if so resolved by the Council, taken as read and shall, subject to any necessary corrections, be signed by the chairperson as being a correct record of the proceedings of the meeting or meetings concerned.
- 9.9 No resolution passed at any meeting of the Council shall be rescinded at any subsequent meeting unless not less than ten days' written notice of the intention

to propose such rescission shall have been given in the notice of the meeting; but such notice may be dispensed with by the Council if, at the meeting at which the proposed rescission is to be considered, every member of the Council then in office is present and agrees to waive notice and to the motion being moved.

9.10 Subject to the provisions of the Act and of these rules, the Council may make, vary and rescind regulations for its meetings and proceedings, and shall otherwise regulate its meetings as it deems fit.

9.11 No decision taken by or act performed under the authority of the Council is invalid only by reason of -

9.11.1 a casual vacancy on the Council; or

9.11.2 the fact that any person who is not entitled to sit as a member of the Council participated in the meeting at the time the decision was taken or the act was authorised, if the members who were present and acted at the time followed the required procedure for decisions.

10. Conduct of meetings of a committee
[section 95(1)(d) read with section 18(3)]

10.1 Any committee of the Council established by the Council in terms of the Act shall meet as often as circumstances require but at least once in every year, as such time and at such place as the committee may determine.

10.2 The chairperson of the committee may at any time convene a special meeting of the committee at a time and place determined by the chairperson of the committee.

10.3 If requested in writing by not less than one quarter of the members of a committee, the chairperson of the committee must convene a special meeting of the committee to be held within fourteen days after the receipt of the request, and a meeting must take place at a time and place determined by the chairperson of the committee.

10.4 A majority of members of the committee constitutes a quorum at a meeting.

- 10.5 Every member of the committee, including the chairperson, has one vote. In the event of an equality of votes the chairperson of the committee has a casting vote in addition to his or her deliberative vote.
- 10.6 A decision of the majority of members of a committee present at a duly constituted meeting is a decision of the committee.
- 10.7 Rules 9.8 to 9.11 inclusive relating to meetings and decisions of the Council, with the necessary changes required by the context, apply in respect of any committee.

**11. Appointment of executive officer and other employees
[Section 95(1)(e) read with section 19]**

- 11.1 The Council shall adopt such procedure as it may determine for the appointment of the executive officer or any other employees of the Council.
- 11.2 The Council may assign to the executive officer, in addition to the duties and functions assigned to him or her under the Act, the code of conduct, any other law or these rules, such other functions and duties of a general or particular nature as the Council may determine.

**12. Conditions of service of executive officer and other employees
[section 95(1)(f) read with section 19(6)]**

- 12.1 The executive officer of the Council is responsible for the day-to-day management of the Council's affairs, and is accountable to the Council.
- 12.2 On appointment of the executive officer he or she must enter into a performance agreement with the Council on terms to be agreed between the executive officer and the Council.
- 12.3 The Council must determine the conditions of service of other employees of the Council which are appropriate to the seniority of each such other employee.

**13. Executive committee
[section 95(1)(g) read with section 20(1)]**

The Council shall determine the powers of the executive committee established in terms of section 20 of the Act. The executive committee shall have only those powers which are delegated to it from time to time by the Council, and the Council may at any time revoke any powers so delegated.

**14. Convening of meeting and conduct of meetings of executive committee
[section 95(1)(h) read with section 20(9)(b)]**

The provisions of rule 9, with the necessary changes required by the context, apply to meetings of the executive committee.

**15. Investment of monies of the Council
[section 95(1)(i) read with section 22(3)(b)]**

- 15.1 The executive officer shall cause all monies held by the Council to be placed as soon as practicable after each receipt in such bank accounts as the Council may from time to time determine.
- 15.2 Any monies which in the opinion of the Council are not required for immediate use may be invested by the Council with financial institutions, in securities listed on any registered securities exchange and in such other prudent investments as the Council deems fit.

PART IV

PROVINCIAL COUNCILS

**16. Election of Provincial Councils
[section 95(1)(j) read with section 23(4)]**

- 16.1 A Provincial Council shall consist of such number of members as the Council may determine from time to time, elected in accordance with the provisions of this rule. A member of a Provincial Council shall hold office for a term of three years but may serve as a member for one further term if he or she is again so elected.

- 16.2 Until otherwise determined by the Council, every Provincial Council other than the Gauteng Provincial Council will comprise six attorneys and four advocates, and the Gauteng Provincial Council will comprise eight attorneys and four advocates, constituted in accordance with the principles set out in Schedule 1 (in the case of attorney members) or Schedule 2 (in the case of advocate members) respectively.
- 16.3 The provisions of sections 7(3), 8, 11 and 12 of the Act shall apply, with the necessary changes required by the context, to members of a Provincial Council.
- 16.4 Within 60 days after a Provincial Council has been established by the Council in terms of the Act the Council shall organise the holding of the first election for members of that Provincial Council. In respect of such election -
- 16.4.1 the provisions of this rule will apply;
- 16.4.2 a member of the Council who wishes to make himself or herself available for election as a member of the Provincial Council in whose area of jurisdiction he or she practises shall not be involved in any way in the conduct of the election of members of that Provincial Council.
- 16.5 An election for members of a Provincial Council shall be held, in the manner prescribed in these rules, in every third year after the year in which the first such election is held. The term of office of members of the Provincial shall run from the date of their election to the third anniversary of that date; provided that in the case of a member elected to fill a casual vacancy in the Provincial Council, the term of office of that member shall terminate on the date on which the office of the member replaced by him or her would have terminated. The member elected to fill a casual vacancy shall be eligible for re-election.
- 16.6 During September of each year in which an election is to be held, or at such other time as the Council may determine, the Council shall despatch a notice to every attorney and every advocate admitted to practice and enrolled on the practising roll in the area of jurisdiction of the Provincial Council concerned calling for nominations of attorneys and advocates for election to the Provincial Council, such nominations to be received not later than a date stipulated in the

notice but in any event not earlier than ten days from the date of the notice. The notice -

- 16.6.1 shall be sent by email to the email address of the legal practitioner concerned; where no email address has been provided to the Council by the legal practitioner concerned the notice shall be sent by prepaid post;
- 16.6.2 shall be published in the English language once in a journal published by the legal profession for attorneys practising in South Africa and once in a journal published by the legal profession for advocates practising in South Africa;
- 16.6.3 shall be published once in the government gazette on a date as close as possible to the date of dispatch of the notice;
- 16.6.4 shall give details of the number of vacancies on the Provincial Council for attorney members and advocate members respectively.
- 16.7 Any two attorneys admitted to practice and enrolled on the practising roll and practising within the area of jurisdiction of the Provincial Council may, in the manner prescribed in this rule, nominate any eligible attorney (other than themselves) as an attorney member of the Provincial Council for the then ensuing period of office.
- 16.8 Any two advocates admitted to practice and enrolled on the practising roll and practising within the area of jurisdiction of the Provincial Council may, in the manner prescribed in this rule, nominate any eligible advocate (other than themselves) as an advocate member of the Provincial Council for the then ensuing period of office.
- 16.9 Any such nomination shall be made over the signature of the two nominating individuals in a document which shall provide the following information in relation to each nominee named therein, in not more than 600 words and in such format as the Council may require -
 - 16.9.1 his or her name;

- 16.9.2 in the case of an attorney, the name of the firm of which he or she is a proprietor or a member or by which he or she is employed, stating also the status of that attorney within the firm;
- 16.9.3 in the case of an advocate, whether he or she renders legal services in terms of section 34(1)(2)(a)(i) or section 34(2)a)(ii) of the Act, and in either case whether or not he or she has the status of Senior Counsel.
- 16.9.4 his or her race, gender, date of admission and enrolment and period in practice;
- 16.9.5 if he or she suffers from a disability and wishes to disclose that fact, a statement to that effect and the nature of the disability;
- 16.9.6 the address of his or her principal place of practice

and on which shall be endorsed, over the signature of each nominee named therein, the acceptance of nomination by that nominee and his or her confirmation that the information given therein is correct and that he or she is not disqualified from membership of the Provincial Council.

- 16.10 Originally signed nominations must be lodged with the Provincial Council by not later than the date stipulated in the notice referred to in rule 16.6. Any nomination which does not comply substantially with the provisions of this rule or which is not lodged within the prescribed time must not be recognised.
- 16.11 If no greater number of candidates is nominated than the number to be elected, then the candidates who are nominated will be deemed to have been elected.
- 16.12 If the number of candidates who are nominated exceeds the number to be elected as attorney members or as advocate members, as the case may be, the Council must, within 10 days after the last day on which nominations are required to be lodged in terms of rule 16.6, send to every legal practitioner eligible to vote, by email to the legal practitioner's email address or, where the legal practitioner has not appointed an email address, by prepaid post -
- 16.12.1 an envelope on which the address of the Council is printed, together with the words "voting papers", or, where the communication is by email,

- directions to the legal practitioner as to the size and format of an envelope to be used by the legal practitioner;
- 16.12.2 a smaller envelope on which is printed the words "ballot paper" and nothing else, or where the communication is by email, directions to the legal practitioner as to the size and format of an envelope to be created by the legal practitioner;
- 16.12.3 a printed declaration in such form as the Council may direct containing appropriate spaces for -
- 16.12.3.1 the surname and forenames of the voting legal practitioner and a statement whether he or she is an attorney or an advocate;
- 16.12.3.2 the date of signature by that legal practitioner and that legal practitioner's signature;
- 16.12.3.3 a declaration by the legal practitioner above his or her signature that he or she has not already voted in the election concerned;
- 16.12.4 a ballot paper, substantially in the form of Schedule 1A (in the case of the election of attorney members) or Schedule 1B (in the case of the election of advocate members), containing the surnames and forenames in alphabetical order by surname of the nominated candidates and providing the information indicated in Schedule 1 or Schedule 2, as the case may be, and nothing more;
- 16.12.5 a written notice in such form as the Provincial Council may direct -
- 16.12.5.1 requesting the legal practitioner, if he or she wishes to record a vote -
- 16.12.5.1.1 place a cross on the accompanying ballot paper against the name of each candidate for whom the legal practitioner wishes to vote and so as to indicate a vote in favour of not more than the number of candidates for which there are vacancies, and to make no other mark or alteration on the ballot paper;
- 16.12.5.1.2 to place the ballot paper in the envelope marked "ballot paper";

- 16.12.5.1.3 to seal the envelope containing the ballot paper;
- 16.12.5.1.4 to complete and sign the form of declaration;
- 16.12.5.1.5 to place a completed and signed declaration, together with the envelope containing the ballot paper in and seal the envelope marked "voting papers";
- 16.12.5.1.6 to despatch the envelope marked "voting papers" with its contents to the Council so as to reach the Council not later than a date referred to in the notice;
- 16.12.5.2 drawing the attention of legal practitioners to the fact that the profiles of candidates, containing the information set out in rule 16.9, will be published on the website of the Council for a period of 30 days commencing on the date of the written notice referred to in rule 16.12.5.
- 16.13 The notice referred to in rule 16.12.5 shall contain a warning that if a vote is cast in favour of more than the number of names referred to in rule 16.12.5.1.1, or if any mark or alteration is made on the ballot paper other than the cross indicating a vote in favour of the candidates for whom the legal practitioner intends to vote, or if the declaration referred to in rule 16.12.3 is not duly completed and signed by the voter, the ballot paper will be void.
- 16.14 The Council shall despatch separate notices to attorneys and advocates for purposes of any election in terms of this rule, and all notifications shall distinguish clearly as to whether they are intended for the election of an attorney or for the election of an advocate.
- 16.15 Within 7 days after the last date on which nominations were required to be lodged in terms of rule 16.6 the chairperson of the Council ("the chairperson") shall in writing appoint a legal practitioner of more than fifteen years standing as a referee for the purpose of performing the duties assigned to a referee under these rules. The referee shall not be a candidate for office or a legal practitioner who has nominated a candidate, or a member of the Council or of a Provincial Council, as the case may be.

- 16.16 On each day on which envelopes marked "voting papers" despatched to the Provincial Council are received by the Council, or if it is not practicable on that day, as soon as practicable thereafter, the chairperson shall, in the presence of the referee, open each such envelope and remove its contents. The chairperson and the referee shall then together examine each declaration form, shall verify, to such extent as may appear necessary, the information contained therein against the records of the Council and shall satisfy themselves that the declaration form has been duly completed and signed by the legal practitioner, failing which it will be regarded as invalid. In the event of a disagreement between the chairperson and the referee as to the validity or otherwise of any form of declaration, the view of the referee shall prevail and his or her judgment on the matter shall be final. The referee shall endorse with his or her signature each form of declaration found to be invalid, with the reason for the invalidity. The chairperson and the referee shall together note the name and surname of each legal practitioner who has submitted a declaration and envelope marked "ballot papers", as well as whether that legal practitioner is an attorney or an advocate, in a voting register kept by the referee.
- 16.17 The chairperson shall, in the presence of the referee, in respect of each declaration form found to be valid, place its accompanying envelope marked "ballot paper" unopened through a slot in a ballot box of a design and construction approved by the Council, which shall have been securely locked and sealed in advance by the chairperson and of which the chairperson. After placing the last of such envelopes duly received in the ballot box the chairperson shall, in the presence of the referee, securely seal the slot, and shall hand the key to the referee. The chairperson shall securely retain the ballot box, locked and sealed as aforesaid, and shall deliver the ballot box in that condition to the scrutineers appointed in terms of rule 16.19 on the day following the day referred to in rule 16.12.5.1.6. Separate ballot boxes shall be kept for ballot papers in respect of attorneys and advocates respectively.
- 16.18 An envelope marked "ballot paper" which is accompanied by a form of declaration which has been found to be invalid shall not be placed in the ballot box but the chairperson shall, in the presence of the referee, replace in the envelope marked "voting papers" in which it was received each such envelope marked "ballot paper" unopened, together with its accompanying form of

declaration endorsed by the referee as provided in rule 16.16, shall securely seal all those documents and shall separately retain them in the same manner *mutatis mutandis*, as is provided for in rule 16.17, for a period of three months after the date referred to in rule 16.12.5.1.6. The chairperson shall thereafter destroy all of them unless ordered otherwise by an order of court; provided that if there should be a dispute regarding the validity of the form of declaration the documents shall be retained until the dispute has been resolved. The chairperson shall keep a separate record of the number of declarations and envelopes thus retained by him.

16.19 Prior to or on the date referred to in rule 13.12.5.16 the Council shall appoint as scrutineers to examine the ballot papers placed in the ballot box and of counting the votes received, not less than two legal practitioners, not being candidates for office or legal practitioners who have nominated candidates or who are members of the Council or of a Provincial Council, and none of whom shall be the legal practitioner appointed as referee under these rules . Upon receipt by the scrutineers of the ballot box they shall break the seal, open the ballot box and remove its contents. They shall then open each of the envelopes marked "ballot paper", remove the ballot paper contained therein, examine the ballot paper and satisfy themselves of its validity in accordance with these rules or, if not so satisfied, reject the ballot paper after having endorsed on its reverse over their signatures the reason for its rejection. They shall then count the votes recorded in the remaining ballot papers and record the result in the presence of the chairperson and the referee. Thereafter they shall replace all the ballot papers, including those rejected, in the ballot box and shall lock and re-seal it, and hand it to the chairperson for safekeeping.

16.20 The number of attorney candidates in the respective categories indicated on the ballot paper who received the greatest number of votes of attorneys in diminishing order among the attorney candidates shall be deemed to have been elected as attorney members of the Provincial Council in those categories, and the advocate candidates in the respective categories indicated on the ballot paper who received the greatest number of votes of advocates in diminishing order among the advocate candidates shall be deemed to have been elected as advocate members of the Provincial Council in those categories. If there are insufficient candidates to fill a particular category the Council shall co-opt a

suitable candidate to fill the vacancy, and the co-opted candidate shall be deemed to have been elected in accordance with these rules.

- 16.21 If there is a tie between two or more candidates having the result of leaving undecided which of the candidates has been elected, in the relevant category, the question as to which of them shall be deemed elected shall be determined immediately by lot drawn by the scrutineers in the manner determined by them.
- 16.22 Upon completion of their scrutiny the scrutineers shall immediately report the result of the election in writing to the chairperson and referee. The referee shall immediately determine whether the election was conducted freely and fairly, and shall issue a signed declaration in that regard to the chairperson. The report shall be signed by all of the scrutineers and shall contain the following particulars:
- 16.22.1 the total number of ballot papers received by them;
- 16.22.2 the numbers of ballot papers rejected and the grounds of rejection;
- 16.22.3 the total number of votes in favour of each candidate in each category;
- 16.22.4 the result of any lot drawn in terms of rule 16.21;
- 16.22.5 the names of those candidates who are deemed to have been elected.
- 16.23 The chairperson shall, after receipt of the report of the scrutineers and a declaration in terms of rule 16.22 that the election was conducted freely and fairly, cause each candidate to be advised of the result of the election.
- 16.24 The report of the scrutineers together with a declaration from the referee in terms of rule 16.22 that the election was conducted freely and fairly shall be conclusive as to the result of the election.
- 16.25 The scrutineers, having completed their scrutiny, shall return the ballot box containing the examined ballot papers and which is locked in accordance with rule 16.19 to the chairperson, together with its key. The chairperson shall securely retain the ballot box in that condition for a period of three months after the date referred to in rule 16.12.5.1.6 and shall thereupon break the seal, unlock

the box, empty it of its contents and destroy the contents. The chairperson shall then also destroy all the valid declaration forms received by the Council.

- 16.26 If an election is declared to be not free and fair by the referee in terms of rule 16.22, or by a court on application brought within one month of the announcement of the result, the process for the election of members of the Provincial Council shall be conducted afresh.

PART V

PROFESSIONAL PRACTICE

17. Information to be submitted for admission [section 95(1)(k) read with section 24(2)(d)]

- 17.1 A person seeking to be admitted to practise and to be authorised to be enrolled as a legal practitioner, conveyancer or notary must apply to a High Court in terms of the provisions of section 24(2) of the Act, and must serve a copy of the application on the Council containing the information set out in this rule.
- 17.2 The application must be accompanied by an affidavit by the applicant setting out the following information supported, where applicable, by documentary evidence:
- 17.2.1 confirmation of the jurisdiction of the Court;
 - 17.2.2 the applicant's date of birth;
 - 17.2.3 confirmation that the applicant is a South African citizen or is a permanent resident of the Republic;
 - 17.2.4 confirmation that the applicant has passed the matriculation examination;
 - 17.2.5 confirmation that the applicant has satisfied all the requirements for a degree referred to in section 26(1) of the Act after pursuing for that degree a course of study referred to in that section;
 - 17.2.6 a statement whether the applicant intends to be enrolled and to practise as an attorney or as an advocate and, in the case of an advocate, whether the applicant intends practising with or without a fidelity fund certificate;

- 17.2.7 confirmation that the applicant had no pecuniary interest in any law practice and that he or she held no other position other than that of candidate legal practitioner during the period of service under the contract of practical vocational training or supervision, or proof that the applicant had such pecuniary interest or held such other position with the approval of the Council;
- 17.2.8 confirmation that the applicant has undergone all the prescribed practical vocational training requirements as a candidate legal practitioner, referred to in section 26(1)(c) of the Act;
- 17.2.9 confirmation that the applicant has passed the competency-based examination or assessment for candidate legal practitioners, referred to in section 26(1)(d) of the Act;
- 17.2.10 confirmation that the applicant has complied with the requirements for community service, if applicable, where that community service is a component of practical vocational training by candidate legal practitioners, pursuant to the provisions of section 29 of the Act, or proof that the applicant has been exempted from performing community service;
- 17.2.11 if a period of more than one year has elapsed between the date of completion of the practical vocational training contract and the date of the application, a statement as to the activities of the applicant during that period;
- 17.2.12 confirmation that the applicant is a fit and proper person to be admitted, including a statement -
- 17.2.12.1 that the applicant has no previous criminal convictions and has no criminal investigations pending. Alternatively, if there have been any proceedings as contemplated in this sub-rule, or if any such proceedings are pending, the applicant shall set out full details thereof; ;
- 17.2.12.2 that the applicant has not been subject to previous disciplinary proceedings by the Council or any law society, university or employer, and that no such disciplinary proceedings are pending.

Alternatively, if there have been any proceedings as contemplated in this sub-rule, or if any such proceedings are pending, the applicant shall set out full details thereof;

- 17.2.12.3 that the estate of the applicant has not been sequestrated, provisionally or finally, and that there is no application for a sequestration of his or her estate which is pending
- 17.2.13 confirmation that the originals of all attachments to the affidavit will be made available to the Court on the date of the hearing of the application.
- 17.3 A person seeking to be admitted to practise and to be authorised to be enrolled as an attorney must include in the affidavit in support of the application (in addition to any other information to be provided in terms of this rule) -
- 17.3.1 confirmation that the applicant has served under a practical vocational training contract, stating the dates of filing and registration of that contract and the period served by the applicant under that contract;
- 17.3.2 confirmation by the applicant that his or her principal was entitled to enter into the contract of practical vocational training;
- 17.3.3 confirmation by the applicant that service under the contract of practical vocational training was performed under the direct supervision of the principal or of another attorney in the firm of the principal;
- 17.3.4 confirmation that the applicant was not absent for more than 30 working days during any one year of service under the contract of practical vocational training;
- 17.3.5 confirmation by the applicant of the exact dates served under the practical vocational training contract;
- 17.3.6 a statement as to the type of legal experience gained by the applicant whilst serving under the contract of practical vocational training.
- 17.4 An applicant for admission to practise and to be authorised to be enrolled as an attorney shall attach to his or her application a supporting affidavit by the applicant's principal containing the following information:

- 17.4.1 confirmation of the exact dates that the applicant served under his or her supervision in terms of the contract of practical vocational training;
- 17.4.2 in relation to the principal:
- 17.4.2.1 a statement that he or she has been practising as an attorney for his or her own account or as a partner in a firm of attorneys or as a member of a professional company continuously for three years or for periods of three years in the aggregate during the preceding four years, or has practised as a professional assistant in a firm for a period of five years within the preceding six years, or has practised as a professional assistant in a firm for a period of two years in the preceding five years and has practised as an attorney for his or her own account or as a partner in a firm or as a member of a professional company continuously for two years or for periods of two years in the aggregate during the preceding four years at the date of commencement of the contract of practical vocational training;
- 17.4.2.2 where the applicant has undergone practical vocational training with a law clinic or with Legal Aid South Africa, or with another entity accredited by the Council to provide practical vocational training, that his or her principal has been practising as an attorney or as an advocate, as the case may be, in the full time employment of the law clinic or of Legal Aid South Africa or with that other entity continuously for three years or for periods of three years in the aggregate during the preceding four years at the date of commencement of the practical vocational training contract;
- 17.4.2.3 where the applicant has undergone practical vocational training with the state attorney, that his or her principal has practised the profession of an attorney as the state attorney, deputy state attorney, senior assistant state attorney or assistant state attorney in the office of the state attorney or any branch thereof continuously for four years at the date of commencement of the practical vocational training contract;

- 17.4.2.4 that he or she has continued to practise as aforesaid during the period of the contract of practical vocational training;
- 17.4.2.5 that he or she at no time during the course of the contract of the practical vocational training in question was a principal to more than three candidate attorneys, or where the principal was employed at a law clinic or at Legal Aid South Africa that he or she at no time during the course of the contract of the practical vocational training in question was a principal to more than six candidate attorneys;
- 17.4.3 confirmation that in his or her view the applicant is a fit and proper person to be admitted and enrolled as an attorney.
- 17.5 An applicant for admission to practise and to be authorised to be enrolled as an advocate shall attach to his or her application (in addition to any further information to be included in terms of this rule) a supporting affidavit by the applicant's supervisor containing the following information:
- 17.5.1 confirmation that he or she is a practising advocate, or has been accredited by the Council to act as a supervisor of pupils for purposes of practical vocational training or is employed by an entity which has been accredited to provide supervisors who are qualified to act as supervisors to pupils
- 17.5.2 confirmation of the exact dates that the applicant served under the supervision of his or her supervisor;
- 17.5.3 confirmation that in his or her view the applicant is a fit and proper person to be admitted and enrolled as an advocate.
- 17.6 Copies of the following documents must be attached to the founding affidavit of the applicant, whether for admission as an attorney or as an advocate, and must be certified as being true copies of the originals by a notary public or by a commissioner of oaths:
- 17.6.1 identity document of the applicant;
- 17.6.2 where the surname of the applicant does not correspond with the applicant's name in the application, or with any other documents attached

- to the application, a marriage certificate or other proof to reflect the reason for the discrepancy;
- 17.6.3 matriculation certificate of the applicant;
- 17.6.4 degree certificate or certificates of the applicant;
- 17.6.5 the relevant practical vocational training contract (in the case of an application for admission as an attorney) or written confirmation that the applicant has registered with a person or entity accredited by the Council to supervise the practise vocational training of pupils (in the case of application for admission as an advocate);
- 17.6.6 written confirmation from the Council confirming that the contract of practical vocational training or of supervision, as the case may be, has been registered with the Council;
- 17.6.7 where applicable, an agreement relating to the cession of the contract of practical vocational training and written confirmation from the Council that the cession of the contract has been registered;
- 17.6.8 in the case of an application for admission as an advocate intending to practise with a fidelity fund certificate, proof that the applicant has the knowledge of accounting necessary for the keeping of accounting records referred to in section 87 of the Act and for compliance with the accounting rules published by the Council from time to time;
- 17.6.9 attendance report issued in respect of attendance of the applicant at an approved practical legal training course.
- 17.7 An application for admission as a conveyancer or as a notary must be accompanied by an affidavit by the applicant setting out the following information:
- 17.7.1 confirmation of the jurisdiction of the Court;
- 17.7.2 confirmation that the applicant has been admitted as an attorney and practises in that capacity;

- 17.7.3 confirmation that the applicant complies with the provisions of section 26(2) of the Act (in the case of application as a conveyancer) or section 26(3) of the Act (in the case of application as a notary) of the Act.
- 17.8 The original and two copies of the application must lie for inspection with the Council for a period of not less than one month. The application must be properly prepared and bound with an index, all pages of the application must be paginated at the top right hand corner of every page, and all attachments must be clearly marked when the application is served on the Council.
- 17.9 The application must be accompanied by proof of payment of the prescribed fee.
- 18. Period of practice as an attorney and advocacy training programme [section 95(1)(m) read with section 25(4)(a)].**
- 18.1 The continuous period of three years of practice as an attorney, provided for in section 25(3)(a)(i) of the Act, that an attorney applying for the right to appear in the High Court, the Supreme Court of Appeal or the Constitutional Court is required to serve before having the right to appear may be reduced by such period as the Council in its discretion may determine if the applicant has successfully undergone a trial advocacy training programme approved by the Council.
- 18.2 The trial advocacy training programme referred to in rule 18.1 -
- 18.2.1 shall comprise training under the direct supervision of an advocate who has been practising as such for a continuous period of not less than five years, or of an attorney who has the right of appearance in the High Court, the Supreme Court of Appeal and the Constitutional Court and has exercised the right of appearance in those courts for a continuous period of not less than five years;
- 18.2.2 shall require involvement in the programme by the attorney of not less than 40 hours in the aggregate over a period of no longer than six months;
- 18.2.3 may require attendance by the attorney at lectures and workshops, and the completion of written assignments, of sufficient standard to provide training to the attorney in the practical aspects of court work and trial advocacy;

- 18.2.4 shall require the supervisor, at the completion of the programme, to issue a certificate to the attorney that he or she has successfully completed the trial advocacy training programme.

**19. Information to be provided by attorney for appearance in High Court
[section 95(1)(m) read with section 25(4)(a)]**

- 19.1 An attorney who wishes to apply in terms of section 25(3) for the right of appearance in the High Court, the Supreme Court of Appeal and the Constitutional Court must apply to the registrar of the Division of the High Court in which he or she was admitted and enrolled as an attorney for the issue to him or her of the prescribed certificate.
- 19.2 The application must be in writing, must be dated and signed by the attorney and must be accompanied by:
- 19.2.1 documentary proof that he or she has satisfied all the requirements for the LLB degree of any university in the Republic;
- 19.2.2 a certificate issued by the executive officer of the Council to the effect that the applicant has been practising as an attorney for a continuous period of not less than three years;
- 19.2.3 a certificate issued by the executive officer of the Council that the applicant has not had his or her name struck off the Roll and has not been suspended from practice, and that there are no proceedings pending to strike the applicant's name from the Roll or to suspend him or her from practice.
- 19.3 If the applicant wishes to apply for the period of practice to be reduced as contemplated in section 25(3)(a)(i), he or she must provide the registrar with a certificate by the executive officer of the Council that he or she has undergone a trial advocacy training programme approved by the Council and that the Council has resolved that the three year period referred to in that section be reduced to such period as may be specified by the Council.

- 19.4 Where the applicant claims that he or she has gained appropriate relevant experience, as contemplated in section 25(3)(b) of the Act, full details of that experience must be provided in the application.
- 19.5 The applicant must serve a copy of the application on the Council not less than thirty days before he or she applies to the registrar in terms of section 25(3) of the Act.
- 19.6 The certificate issued by the registrar of the relevant Division of the High Court for the right of appearance of the applicant shall be substantially in the form of Appendix 1 of the rules.
- 19.7 Every attorney who, at the date of coming into effect of this rule, was in possession of a certificate issued in terms of section 4(2) of the Right of Appearance in Courts Act, 62 of 1995 shall, within six months of the date of coming into effect of this rule, lodge with the Council a copy of the certificate issued to him or her in terms of that Act.

PART VI

EDUCATION AND TRAINING

20. Competency-based examinations or assessments [section 95(1)(n) read with section 26(1)(d), (2) and (3)]

- 20.1 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 20.1, 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.
- 20.2 The assessment of a person wishing to be admitted and enrolled as an attorney shall comprise assessment at least in relation to -
- 20.2.1 the practice and procedure in the High Court and in courts established under the Magistrates' Courts Act, 32 of 1944;
- 20.2.2 the practice and procedure relating to the winding up and distribution of the estates of deceased persons;

- 20.2.3 the practice, functions and duties of an attorney, including the ethical duties of an attorney;
- 20.2.4 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.
- 20.3 A person wishing to qualify to be admitted and enrolled as an attorney who, before the date referred to in section 120(4) of the Act, had passed one of more parts of the practical examinations provided for in section 14 of the Attorneys Act, 1979 (Act no. 53 of 1979) but at that date had not yet passed all parts of those examinations, shall have the right to be examined or assessed on those parts which he or she had not yet passed, and upon successfully completing those parts of the said examinations which he or she had not passed at that date, he or she will be deemed to have complied with rule 20.1; provided, however, that if the candidate concerned has not passed the parts of the said examination which he or she had not successfully completed prior to the date referred to in section 120(4) of the Act within a period of three years from that date, then he or she shall no longer have the right to be examined or assessed on any part of those examinations.
- 20.4 The assessment of a person wishing to be admitted and enrolled as an advocate shall comprise assessment at least in relation to -
- 20.4.1 the practice and procedure in the High Court and in courts established under the Magistrates' Courts Act, 32 of 1944;
- 20.4.2 the practice, functions and duties of an advocate, including the ethical duties of an advocate;
- 20.4.3 in the case of an advocate intending to practise as a legal practitioner conducting a trust account practice, 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.
- 20.5 The assessment of persons wishing to be admitted and enrolled as a notary shall comprise assessment in relation to the practice, functions and duties of a notary.

- 20.6 The assessment of persons wishing to be admitted and enrolled as a conveyancer shall comprise assessment in relation to the practice, functions and duties of a conveyancer.
- 20.7 The areas of knowledge required of persons wishing to be admitted and enrolled as attorneys or as advocates, as the case may be, in terms of this rule, and the standards of proficiency required of such persons, shall be determined by the Council from time to time and shall be published by the Council for the information of legal practitioners and candidate legal practitioners.
- 20.8 An assessment referred to in rules 20.2 and 20.3 shall not be conducted in respect of any person unless that person -
- 20.8.1 has complied with the provisions of the Act in regard to practical vocational training; or
- 20.8.2 is undergoing practical vocational training and has so undergone practical vocational training for a continuous period of not less than six months; or
- 20.8.3 is, under the provisions of the Act, exempt from undergoing practical vocational training.

21. Practical vocational training and remuneration for candidate legal practitioners [section 95(1)(o) read with section 27]

21.1 Candidate attorneys

21.1.1 Information to be submitted to the Council before contract of practical vocational training contract is entered into

Any person intending to serve an attorney under a practical vocational training contract must submit the following to the Council:

- 21.1.1.1 his or her identity document or other proof to the satisfaction of the Council of his or her date of birth; and

21.1.1.2 proof to the satisfaction of the Council that he or she is a fit and proper person and has satisfied all the requirements for the degrees referred to in sections 26(1)(a) or (b) of the Act.

21.1.2 **Lodging, examination and registration of practical vocational training contract**

21.1.2.1 A practical vocational training contract shall be substantially in the form set out in Schedule 2 of these rules.

21.1.2.2 The original of any practical vocational training contract shall, within two months of its date, be lodged by the principal concerned with the Council.

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

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

21.1.3 **Supervision over candidate attorney**

A candidate attorney shall, during the whole term of service specified in the practical vocational training contract -

21.1.3.1 serve in the office of his or her principal under the direct personal supervision of the principal or under the direct personal supervision of an attorney who is a partner or other admitted attorney in the office of the principal;

21.1.3.2 in the case of a candidate attorney serving under a practical vocational training contract with the State Attorney or a member of the professional staff of the State Attorney, serve in the office of the State Attorney or in any branch thereof and under the direct personal

supervision of the State Attorney or a member of his or her professional staff; or

- 21.1.3.3 in the case of a candidate attorney serving under a contract of service with a law clinic or Legal Aid South Africa, serve under the direct personal supervision of a legal practitioner who is employed full time at the law clinic or at the office of Legal Aid South Africa.

21.1.4 **Absence of candidate attorneys**

- 21.1.4.1 Subject to rule 21.1.4.2, a candidate attorney may, with the consent of his or her principal, absent himself or herself from office for a period which does not, or for periods which in the aggregate do not, exceed thirty working days in any one year of the practical vocational contract.

- 21.1.4.2 A court may, on the application of a candidate attorney in any case -

- 21.1.4.2.1 where the principal refuses to grant the candidate attorney leave of absence from office; or

- 21.1.4.2.2 where the period of absence from office exceeds, or the periods of absence from the office in the aggregate exceed, thirty working days in any one year of the practical vocational training contract

grant an order authorising leave of absence from office for the period in question, if the court is satisfied that the principal and the Council received due notice of the application and that sufficient cause for the absence exists or existed, as the case may be.

- 21.1.4.3 An order referred to in rule 21.1.4.2 may be granted before, during or after the period of absence.

- 21.1.4.4 If any period of absence from office exceeds (or the periods of absence from office in the aggregate exceed) thirty working days in any one year of the practical vocational training contract, the period in excess of thirty working days shall be added to the period for which the candidate attorney is bound to serve under the contract.

21.1.4.5 Notwithstanding the provisions of rule 21.1.4, any period of absence not exceeding [six months] by a candidate attorney from the office of his or her principal for the purpose of attending a training course approved by the Council shall, if that candidate attorney has completed the course to the satisfaction of the Council, be deemed to have been served under a practical vocational training contract.

21.1.4.6 Notwithstanding the provisions of rule 21.1.4, any period of absence not exceeding twelve months of a candidate attorney from the office of his or her principal for the purposes of service, in terms of a contract with terms and conditions similar to those of his or her practical vocational training contract, under the direct supervision of another attorney who is entitled to engage a candidate attorney shall, provided the Council has approved such service in advance in writing, be deemed to have been served by the candidate attorney concerned under a practical vocational training contract with his or her principal.

21.1.5 **Restriction on pecuniary interests of candidate attorneys**

21.1.5.1 A candidate attorney shall not have any pecuniary interest in the practice and service of an attorney, other than in respect of bona fide remuneration for his or her services, and shall not, without the prior written consent of the Council, hold or occupy any office in respect of which he or she receives any form of remuneration, directly or indirectly, or engage in any other business other than that of candidate attorney, where holding that office or engaging in that business is likely to interfere with the proper training of the candidate attorney.

21.1.5.2 If any candidate attorney contravenes the provisions of rule 21.1.5.1 the contract concerned shall be void *ab initio* and service rendered thereunder shall be ineffective unless the court on good cause shown otherwise directs.

21.1.6 Cession of practical vocational training contract

21.1.6.1 A practical vocational training contract may with the consent of the principal and the candidate attorney concerned be ceded to any other principal willing to accept such cession.

21.1.6.2 The Council may, in the event of the death, mental illness, insolvency, conviction of a crime, suspension from practice striking off the roll or discontinuation of practice of the principal under whom the candidate attorney is serving, or the debarring of that principal from engaging or continuing to engage a candidate attorney, or any other cause, direct that the practical vocational training contract concerned be ceded to any other principal willing to accept such cession, and all service completed under the ceded contract shall be effective for purposes of the Act and these rules.

21.1.6.3 A practical vocational training contract may be ceded under rule 21.1.6.2 notwithstanding the fact that the principal who accepts the cession will, as a result of that acceptance, have more than the maximum allowable number of candidate attorneys in his or her employment.

21.1.6.4 An agreement whereby a practical vocational training contract is ceded shall, within two months of the date on which the service of the candidate attorney concerned may have terminated with the cedent, or within such further period as a court may on good cause allow, be lodged with the Council by the cessionary together with affidavits -

21.1.6.4.1 by the cedent stating whether the provisions of the Act and these rules relating to service under the practical vocational training contract have been complied with during the whole term of service during which the candidate attorney concerned was in the service of the cedent, and the date on which the candidate attorney terminated his or her services with the cedent; and

21.1.6.4.2 by the cessionary stating the date on which the candidate attorney assumed duty with the cessionary.

21.1.6.5 The Council shall on payment of such fee as may be prescribed -

21.1.6.5.1 examine the agreement and affidavits referred to in rule 21.1.6.4; and

21.1.6.5.2 if it is satisfied that the cession is in order and it has no objection thereto, register the cession

and shall advise the attorney and the candidate attorney concerned in writing of such registration.

21.1.6.6 If a practical vocational training contract is ceded in terms of rule 21.1.6.2 the agreement whereby the practical vocational training contract is ceded shall be signed by the legal representative of the attorney concerned or by the chairperson or the executive officer of the Council as cedent, and a certificate of such legal representative, chairperson or executive officer containing the particulars referred to in rule 21.1.6.4 shall serve as a substitute for the affidavit of the cedent referred to in 21.1.4.

21.1.7 **Termination of practical vocational training contract**

21.1.7.1 If a practical vocational training contract is for any reason cancelled, abandoned or ceded, the principal with whom the candidate attorney is serving at that time must forthwith in writing notify the Council of such cancellation, abandonment or cession.

21.1.7.2 If a practical vocational training contract has been cancelled or abandoned before it has been completed, the court may in its discretion, on the application of the person who served under such contract, and subject to such conditions as the court may impose, order that for the purposes of the Act and these rules the whole or such part of the period served under such contract as the court deems fit, be added to any period served by that person under a practical vocational training contract or contract of service entered

into after the first mentioned contract was cancelled or abandoned, and any period so added shall for purposes of the Act and these rules be deemed to have been served under the last mentioned contract and continuously with any period served thereunder.

21.1.8 Registration of practical vocational training contract by advocate

Any person admitted as a legal practitioner and enrolled to practice as an advocate shall not be allowed to register a practical vocational training contract in terms of the provisions of these rules unless his or her enrolment as an advocate has been converted to that of an attorney in terms of section 32(1) of the Act.

21.1.9 Irregular service under practical vocational training contract

If any person has not served regularly as a candidate attorney in terms of the provisions of these rules the court, if satisfied that such irregular service was occasioned by sufficient cause, and that such service is substantially equivalent to regular service, and that the Council has had due notice of the application, may permit such person, on such conditions as it may deem fit, to apply for admission as an attorney as if he or she had served regularly under a practical vocational training contract or a contract of service.

21.1.10 Cancellation or abandonment of practical vocational training contract

if a person who has served any period under a practical vocational training contract which was cancelled or abandoned before its completion, has satisfied all the requirements for the degrees referred to in sections 26(1)(a) or (b) of the Act, the court may, on the application of such person and subject to such conditions as the court may impose, order -

21.1.10.1 that, for the purpose of this rule 21, the whole of the period so served, or such part of that period as the court deems fit be added to any period served by such person after he or she satisfied such requirements or became so entitled under a practical vocational training contract entered into after the first mentioned contract was

cancelled or abandoned, and thereafter any period so added shall be deemed to have been served -

21.1.10.1.1 after that person satisfied such requirements or became so entitled; and

21.1.10.1.2 under the practical vocational training contract entered into after the first mentioned contract was cancelled or abandoned, and continuously with any period served thereunder.

21.1.10.2 if the period served by that person under the first mentioned practical vocational training contract is equal to or exceeds the period which that person would, at the time of making the application, be required to serve under a practical vocational training contract, that the period so served be considered as adequate service under a practical vocational training contract for purposes of this rule 21, and thereafter any period serviced by that person shall be deemed to have been served after and under a practical vocational training contract entered into after he/she satisfied those requirements and became so entitled.

21.2 Pupils

21.2.1 Information to be submitted to the Council for purposes of registration of pupillage

Any person intending to register with the Council as a pupil must submit the following to the Council:

21.2.1.1 his or her identity document or other proof to the satisfaction of the Council of his or her date of birth;

21.2.1.2 proof to the satisfaction of the Council that he or she is a fit and proper person and has satisfied all the requirements for the degrees referred to in sections 26(1)(a) or (b) of the Act.

21.2.2 Lodging, examination and registration of practical vocational training contract

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

21.2.2.2 The original of any practical vocational training contract shall, within 2 months of its date, be lodged by the training supervisor concerned with the Council.

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

21.2.2.4 If a practical vocational training contract is not lodged for registration within 2 months from the date thereof, any service under such contract will be deemed to commence from the date of registration.

21.2.3 **Supervision over pupil**

The training supervisor shall, during the whole term of service specified in the practical vocational training contract, supervise the training of the pupil to ensure that the pupil is instructed in the practice and profession of an advocate.

21.2.4 **Restriction on pecuniary interests of pupil**

21.2.4.1 A pupil shall not have any pecuniary interest in the practice and service of an attorney, or in the practice of an advocate, and shall not, without the prior written consent of the Council, hold or occupy any office in respect of which he or she receives any form of remuneration, directly or indirectly, or engage in any business, where holding that office or engaging in that business is likely to interfere with the proper training of the pupil.

21.2.4.2 If a pupil contravenes the provisions of rule 21.2.4.1, the contract concerned shall be void ab initio and ineffective unless the court on good cause shown otherwise directs.

21.2.5 Cession of practical vocational training contract

The provisions of rule 21.1.6 relating to the cession of practical vocational training contracts of candidate attorneys, with the necessary changes required by the context, apply in respect of the cession of practical vocational training contracts of pupils.

21.2.6 Termination of practical vocational training contract

The provisions of rule 21.1.7 relating to the termination of practical vocational training contracts of candidate attorneys, with the necessary changes required by the context, apply in respect of the termination of practical vocational training contracts of pupils.

21.2.7 Irregular service under practical vocational training contract

The provisions of rule 21.1.9 relating to irregular service under practical vocational training contracts of candidate attorneys, with the necessary changes required by the context, apply in respect of irregular service under practical vocational training contracts of pupils.

21.2.8 Cancellation or abandonment of practical vocation training contract

The provisions of rule 21.1.10 relating to the cancellation or abandonment of practical vocational training contracts of candidate attorneys, with the necessary changes required by the context, apply in respect of the cancellation or abandonment of practical vocational training contracts of pupils.

21.3 Every candidate attorney undergoing practical vocational training in terms of a practical vocational training contract shall be entitled to such reasonable remuneration, allowances or stipends for his or her service under the practical vocational training contract as may be determined from time to time by the Council, which remuneration, allowances or stipends shall be payable not less frequently than monthly and shall in any event be not less than an amount determined from time to time by the Council.

21.4 Every pupil undergoing practical vocational training in terms of a practical vocational training contract shall be entitled to such reasonable remuneration,

allowances or stipends (if any) as may be determined from time to time by the Council and as may be appropriate having regard to the nature of the pupil's activities in terms of the practical vocational training contract.

**22. Assessment of persons undergoing practical vocational training
[section 95(1)(p) read with section 28(1)]**

22.1 Every assessment shall be conducted by one or more assessors who qualify in terms of rule 24 to conduct assessments.

22.2 The assessor or assessors who conduct an assessment shall put written questions to the candidate when conducting assessments in respect of the subjects referred to in-

22.2.1 rules 20.2 and 20.4, which respective assessments may, subject to rule 20.7, be taken separately and may require the candidate to draft such process, accounts and documents to show whether he or she possesses sufficient practical knowledge of such subjects to comply with the provisions of any rule made by the Council or the National Forum concerning levels of competence required for the admission and enrolment of legal practitioners;

22.2.2 rule 20.6, and may require the candidate to draft such documents to show whether he or she possesses sufficient practical knowledge of such subject to comply with the levels of competence referred to in rule 22.2.1;

22.2.3 rule 2.6, and may require the candidate to draft such deeds and other documents to show whether he or she possesses sufficient practical knowledge of the requirements of deeds registries and to comply with the levels of competence referred to in rule 22.2.1;

provided that if the candidate has failed to obtain the prescribed minimum standard in the written questions which are put to him or her as part of the assessment, as determined from time to time by the Council, the assessor or assessors conducting the assessment may put oral questions to the candidate to

determine whether or not the candidate possesses sufficient practical knowledge of the subjects concerned.

22.3 The assessment in respect of the subjects referred to in rules 20.5 and 20.6 may only be conducted together with or after the successful completion of the assessment in respect of the subjects referred to in rule 20.2.

22.4 The assessor or assessors conducting the assessment shall, if in their opinion the candidate has satisfactorily answered the questions put to him or her and has shown that he or she possesses sufficient practical knowledge of the subjects concerned, as required in terms of any rule made by the Council or the National Forum concerning levels of competence required for the admission and enrolment of legal practitioners, issue or cause to be issued to the candidate a certificate of proficiency in such subjects. When the Council engages an institution or organisation to perform the functions set out in rule 24 the certificate of proficiency shall be issued by the institution or organisation, as the case may be.

22.5 A candidate entering for assessment in respect of any of the subjects referred to in rule 2, or repeating any such assessment, shall pay a fee to the Council or such amount as may be determined by the Council from time to time, in respect of any such assessment, which fee shall be payable at the time that the candidate registers for the assessment.

**23. Levels of competence for admission and enrolment as legal practitioner
[section 95(1)(q) read with section 28(2)]**

Any person wishing to be admitted and enrolled as a legal practitioner must satisfy the Council that he or she has attained the levels of competence contemplated in the Act and the rules regarding the required knowledge, skills and values that will enable him or her -

23.1 to serve the public with diligence and integrity;

23.2 to apply the provisions and values enshrined in the Constitution of South Africa;

- 23.3 to practise in accordance with the rules of ethics of the relevant branch of the legal profession to which the applicant seeks admission and enrolment;
- 23.4 to promote measures and processes that enhance access to justice;
- 23.5 to apply relevant laws and procedures to resolve disputes;
- 23.6 to advise clients in relation to their rights and the appropriate action to be taken to enforce those rights;
- 23.7 to draft all legal documents which are required to be drafted in the normal course of practice in the branch of the profession to which the applicant seeks admission and enrolment;
- 23.8 to manage his or her practice in the manner appropriate to the branch of the profession to which the applicant seeks admission and enrolment;
- 23.9 in circumstances applicable to the profession to which the applicant seeks admission and enrolment, to apply appropriate principles of accounting relevant to his or her practice;
- 23.10 in general to conduct himself or herself in a manner that enhances the reputation of the legal profession in terms of independence, integrity, competence and the promotion of justice in South Africa.

**24. Qualifications to conduct assessment of practical vocational training
[section 95(1)(r) read with section 28(4)]**

- 24.1 The Council shall appoint persons to determine the structure and process of assessment and to arrange, control and conduct assessments for the purpose of assessing whether individuals undergoing practical vocational training have attained an adequate level of competence for admission and enrolment as a legal practitioner, or may engage or accredit an appropriate institution or organisation to do so on its behalf.
- 24.2 Every person appointed by the Council for the purpose of arranging, controlling and conducting assessments in respect of the subjects referred to in -

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- 24.2.1 rule 20.2, shall be a practising attorney of not less than seven years' standing as a practising attorney;
- 24.2.2 rule 20.4, shall be a practising advocate of not less than seven years' standing as a practising advocate: provided that in the case of a candidate legal practitioner intending to be admitted and enrolled as an advocate conducting a trust account practice, at least one of the persons conducting the assessment must be an attorney of not less than seven years' standing as a practising attorney;
- 24.2.3 rule 20.5, shall be a notary of not less than seven years' standing as a practising notary; and
- 24.2.4 rule 20.6 shall be a conveyancer of not less than seven year's standing as a practising conveyancer, or a registrar of deeds.
- 24.3 The periods of practice which are required to qualify an attorney, or an advocate, or a notary, or a conveyancer, as the case may be, to conduct assessments may be reduced by the Council in its discretion if in any particular instance the person concerned had other prior experience to qualify him or her to conduct an assessment.
- 24.4 Where the Council engages an institution or organisation to conduct the assessment on its behalf, that institution or organisation will be required to ensure that the persons employed by it to arrange, control and conduct assessments shall be individuals with the qualifications referred to in 24.2.

25. Exemption from performing community service
[section 95(1)(s) read with section 29(3)]

The Council may from time to time publish rules relating to the legal practitioners or categories of legal practitioners who shall be exempted from performing community service.

26. Legal practice management course
[section 95(1)(zL) read with section 85(1)(b)]

- 26.1 Every legal practitioner who is obliged in terms of section 84(1) of the Act to be in possession of a Fidelity Fund certificate must:
- 26.1.1 within a period of one year after the date on which the legal practitioner was required for the first time to be in possession of a Fidelity Fund certificate; and
- 26.1.2 after payment of the fee prescribed in rule 3.1.
- complete a legal practice management course accredited by the Council
- 26.2 The Council may exempt any legal practitioner, fully or partially and on such conditions as the Council may determine, from completing a legal practice management course to the extent that the legal practitioner -
- 26.2.1 has a qualification that is similar to or of a higher standard than that attainable on completion of the course in question; or
- 26.2.2 has a level of experience that would render the completion of the course in question or any part of such course unnecessary.
- 26.3 A legal practice management course referred to in rule 26.1 may be presented through lectures, seminars or any other forms of learning requiring the physical presence of the legal practitioner concerned, or in appropriate circumstances determined by the Council may be presented through an approved distance learning method or digital transmission, telephone or video conference call, audio tape or electronic network.

PART VII

ADMISSION AND ENROLMENT

27. **Application for enrolment**
[section 95(1)(t) read with section 30(1)(a) and (b)(iii)]
- 27.1 Any person duly admitted by the High Court and authorised to be enrolled to practise as a legal practitioner, or as a notary, or as a conveyancer under the Act may, in the manner prescribed by rule 27.2, apply to the Council, through the

Provincial Council where the legal practitioner or notary or conveyancer intends to practise, (or in the case of a person who does not intend to practice, where that person is ordinarily resident) for the enrolment of his or her name on the roll of legal practitioners, or notaries, or conveyancers, as the case may be.

27.2 An application for enrolment in terms of rule 27.1 shall be in writing and shall contain the following information in respect of the applicant:

27.2.1 his or her full names, date of birth, identity number and residential address;

27.2.2 whether or not he or she practises or is about to commence practice;

27.2.3 if he or she does not practise, his or her business address and postal address and telephone numbers, if any;

27.2.4 the address of his or her main office and its postal address, and telephone numbers, mobile telephone numbers, fax numbers, email addresses and other electronic communication contact particulars, if any;

27.2.5 whether he or she conducts practice as an attorney or as an advocate, and, in the case of an advocate, whether with or without a Fidelity Fund certificate;

27.2.6 in the case of an attorney, whether he or she conducts practice -

27.2.6.1 for his or her own account and, if so, whether alone or in partnership (stating the full names of his or her partners) or as a member of a commercial juristic entity (stating the full names of his or her co-members); or

27.2.6.2 as an employee;

27.2.7 the address and postal addresses and telephone numbers, mobile telephone numbers, fax numbers, email addresses and other electronic communication contact particulars, if any, of every branch office and of every building at and from which he or she practises;

27.2.8 the name under which the firm of which he or she is the proprietor or a member or by which he or she is employed conducts practice;

27.2.9 if he or she is employed by any person who does not practise, the nature of his or her employment and the name and business address and postal address and telephone numbers, if any, of his or her employer.

and shall, within thirty days of any change taking place in any of these particulars, lodge a statement of such change with the Council through the Provincial Council where he or she practises or intends to practise.

27.3 The Council may require that the information referred to in rule 27.2 be submitted on a form to be determined by the Council.

27.4 An application referred to in rule 27.1 must be in writing and signed by the applicant, and must be accompanied by the following:

27.4.1 proof of payment of the fee payable in terms of rule 2;

27.4.2 a certificate signed by the registrar of the High Court to which the applicant applied for admission to practise that the applicant was admitted to practise and was authorised to be enrolled as a legal practitioner, and/or as a notary, and/or as a conveyancer, as the case may be, and that no proceedings are pending or are contemplated to strike the name of the applicant off the roll or to suspend the applicant from practice;

27.4.3 a statement indicating whether the applicant intends to practise as an attorney, and/or as a notary, and/or as a conveyancer, or as an advocate, and, in the case of an advocate, whether he or she intends practising with or without a Fidelity Fund certificate.

27.5 Subject to the compliance with rules 27.1 to 27.4, the Council shall place the name of the applicant on the roll of attorneys or of advocates or of notaries or of conveyancers, as the case may be, to be kept in terms of rule 28.

27.6 A notary or conveyancer shall not be enrolled in terms of this rule unless he or she is also first enrolled as an attorney.

**28. Manner of keeping roll of legal practitioners
[section 95(1)(v) read with section 30(3)]**

- 28.1 The Council shall keep separate alphabetical registers in which are recorded the names of all attorneys, advocates, notaries and conveyancers admitted by the High Court, as well as the dates of admission and enrolment, and in the case of advocates practising with a Fidelity Fund certificate, a statement to that effect.
- 28.2 The roll of legal practitioners kept by the Council shall reflect the particulars contained in section 30(3) of the Act.
- 28.3 The roll of legal practitioners kept by the Council may be kept in electronic form.

**29. Notification of cancellation or suspension of enrolment
[section 95(1)(w) read with section 31(3)]**

- 29.1 If the High Court orders that the name of a legal practitioner be struck off the roll or that he or she be suspended from practice the Council must forthwith upon receipt of notification to that effect from the High Court cancel or suspend the enrolment of the legal practitioner, as the case may be.
- 29.2 The Council shall forthwith upon the cancellation or suspension of the enrolment of a legal practitioner in terms of rule 29.1 notify that legal practitioner of the cancellation or suspension of enrolment and shall make the appropriate entry in the roll kept by the Council in terms of rule 28.
- 29.3 The notification of cancellation or suspension of enrolment shall be in writing by notice delivered to the legal practitioner concerned or sent by pre-paid registered post, and in addition a copy of the notice shall be sent to the electronic address (if any) chosen by the legal practitioner.

**30. Application for conversion of enrolment by attorneys and advocates
[section 95(1)(x) read with section 32(1)(a)]**

- 30.1 Any person duly admitted by the High Court and enrolled to practise as a legal practitioner under the Act may, in the manner prescribed by rule 30.2, apply to the Council, through the Provincial Council where the legal practitioner intends to practise, to convert his or her enrolment as an attorney to that of an advocate, and vice versa.

- 30.2 An application for conversion in terms of rule 30.1 shall be in writing and shall contain the following information in respect of the applicant:
- 30.2.1 his or her full names, date of birth, identity number and residential address;
 - 30.2.2 whether or not he or she practises or is about to commence practice;
 - 30.2.3 if he or she does not practise, his or her business address and personal address and telephone numbers, if any;
 - 30.2.4 the address of his or her main office and its postal address, and telephone numbers, mobile telephone numbers, fax numbers, email addresses and other electronic communication contact particulars, if any;
 - 30.2.5 whether he or she conducts practice as an attorney or as an advocate and, in the case of an advocate, whether he or she conducts practice -
 - 30.2.5.1 in the manner contemplated in section 34(2)(a)(i) of the Act; or
 - 30.2.5.2 in the manner contemplated in section 34(2)(a)(ii) of the Act;
 - 30.2.6 if he or she is employed by any person who does not practise, the nature of his or her employment and the name and business address and postal address and telephone numbers, if any, of his or her employer;
- 30.3 The Council may require that information referred to in rule 30.2 be submitted on a form to be determined by the Council.
- 30.4 The application referred to in rule 30.1 must be signed by the applicant, and must be accompanied by the following:
- 30.4.1 proof of payment of the prescribed fee;
 - 30.4.2 a certificate signed by the registrar of the High Court to which the applicant applied for admission to practise that no proceedings are pending or are contemplated to strike the name of the applicant off the roll or to suspend the applicant from practice;
 - 30.4.3 where the applicant is an attorney applying to convert his or her enrolment to that of an advocate -

- 30.4.3.1 a statement indicating whether he or she intends to practise as an advocate and, if so, whether he or she intends to practise with or without a fidelity fund certificate;
- 30.4.3.2 proof to the satisfaction of the Council that he or she has the right of appearance in the High Court, the Supreme Court of Appeal and the Constitutional Court in terms of section 25(2) of the Act or in terms of any legislation in force prior to the coming into force of the Act and has undergone such specialised training in advocacy as is required by pupils for admission as advocates, other than training in terms of a contract for the provision of practical vocational training under the supervision of a training supervisor, as provided for in the rules;
- 30.4.3.3 such other requirements as the Council may determine.
- 30.4.4 where the applicant is an advocate applying to convert his or her enrolment to that of an attorney, proof to the satisfaction of the Council -
- 30.4.4.1 that the applicant has the knowledge of accounting necessary for the keeping of accounting records referred to in section 87 of the Act and for compliance with the accounting rules published by the Council from time to time;
- 30.4.4.2 that the applicant has attended a legal practice management course as contemplated in section 26(1)(c)(ii) of the Act;
- 30.4.4.3 that the applicant has been enrolled as an advocate for a period of not less than 12 months, or 3 years in the case of an advocate who has been admitted and enrolled as such without having complied with the requirements of regulation 7 of the regulations under section 109(1)(a) of the Act or without having successfully completed a training course as contemplated in section 112(1)(a)(ii) of the Act ;
- 30.4.4.4 such other requirements as the Council may determine.
- 30.5 Where the applicant is an attorney, and the Council is satisfied that the applicant is entitled to convert his or her enrolment to that of an advocate, the Council shall remove the name of the applicant from the roll of attorneys and shall place the

name of the applicant on the roll of advocates intending to practice without a fidelity fund certificate, or with a fidelity fund certificate, as the case may be.

- 30.6 Where the applicant is an advocate, and the Council is satisfied that the applicant is entitled to convert his or her enrolment to that of an attorney, the Council shall remove the name of the applicant from the roll of advocates and place the name of the applicant on the roll of attorneys.

31. Application for conversion of enrolment by advocate practising without fidelity fund certificate and vice versa [section 95(1)(y) read with section 32(1)(b)]

- 31.1 Any person duly admitted by the High Court and enrolled as an advocate practising as such in terms of section 34(2)(a)(i) may, in the manner prescribed by rule 31.2, apply to the Council, through the Provincial Council where the advocate intends to practise, to convert his or her enrolment to that of an advocate practising as such in terms of section 34(2)(a)(ii), and vice versa.

- 31.2 An application for conversion in terms of rule 31.1 shall be in writing and shall contain the following information in respect of the applicant:

- 31.2.1 his or her full names, date of birth, identity number and residential address;
- 31.2.2 whether or not he or she practises, or is about to commence practice and to be enrolled as an advocate;
- 31.2.3 if he or she does not practise, his or her business address and personal address and telephone numbers, if any;
- 31.2.4 the address of his or her main office and its postal address, and telephone numbers, mobile telephone numbers, fax numbers, email addresses and other electronic communication contact particulars, if any;
- 31.2.5 whether he or she conducts practice -
- 31.2.5.1 in the manner contemplated in section 34(2)(a)(i) of the Act; or
- 31.2.5.2 in the manner contemplated in section 34(2)(a)(ii) of the Act;

- 31.2.5.3 if he or she is employed by any person who does not practise, the nature of his or her employment and the name and business address and postal address and telephone numbers, if any, of his or her employer.
- 31.3 The Council may require that information referred to in rule 31.2 be submitted on a form to be determined by the Council.
- 31.4 The application referred to in rule 31.1 must be signed by the applicant, and must be accompanied by the following:
- 31.4.1 proof of payment of the prescribed fee;
- 31.4.2 a certificate signed by the registrar of the High Court to which the applicant applied for admission to practise that no proceedings are pending or are contemplated to strike the name of the applicant off the roll or to suspend the applicant from practice;
- 31.4.3 where the applicant applies to convert his or her enrolment to that of an advocate conducting a practice in the manner contemplated in section 34(2)(a)(ii) of the Act, proof to the satisfaction of the Council -
- 31.4.3.1 that the applicant has the knowledge of accounting necessary for the keeping of accounting records referred to in section 87 of the Act and for compliance with the accounting rules published by the Council from time to time;
- 31.4.3.2 that the applicant has attended a legal practice management course as contemplated in section 26(1)(c)(ii) of the Act.
- 31.5 If the Council is satisfied that the applicant is entitled to convert his or her enrolment from that of an advocate conducting a practice in a manner contemplated in section 34(2)(a)(i) of the Act to that of an advocate conducting a practice in the manner contemplated in section 34(2)(a)(ii) of the Act, and vice versa, the Council shall remove the name of the applicant from the relevant roll of advocates and shall enrol the applicant on the appropriate roll of advocates.

**32. Circumstances in which legal practitioner can apply for conversion of enrolment
[section 95(1)(z) read with section 32(3)]**

- 32.1 An attorney may at any time, in the manner determined in rule 30, and upon payment of the fee determined by the Council in the rules, apply to the Council to convert his or her enrolment as an attorney to that of an advocate, whether an advocate who conducts a practice in the manner contemplated in section 34(2)(a)(i) of the Act, or an advocate conducting a practice in the manner contemplated in section 34(2)(a)(ii) of the Act.
- 32.2 An advocate referred to in section 34(2)(a)(i) and practising as such may at any time, as determined in the rules and upon payment of the fee determined by the Council, apply to the Council for the conversion of his or her enrolment to that of an advocate referred to in section 34(2)(a)(ii) and practising as such, provided the applicant satisfies the Council -
- 32.2.1 that the applicant has the knowledge of accounting necessary for the keeping of accounting records referred to in section 87 of the Act and for compliance with the accounting rules published by the Council from time to time;
- 32.2.2 that the applicant has attended a legal practice management course as contemplated in section 26(1)(c)(ii) of the Act.
- 32.3 An advocate referred to in section 34(2)(a)(ii) and practising as such may at any time, as determined in the rules and upon payment of the fee determined by the Council in the rules, apply to the Council for the conversion of his or her enrolment to that of an advocate referred to in section 34(2)(a)(i) and practising as such.

PART VIII

RENDERING OF LEGAL SERVICES

- 33. Legal services which may be rendered by advocate in possession of fidelity fund certificate
[section 95(1)(zA) read with section 34(2)(b)]**

An advocate referred to in section 34(2)(a)(ii) of the Act who is in possession of a fidelity fund certificate may render all those legal services which advocates were entitled to render before the commencement of the Act, and may perform such functions ancillary to his or her instructions as are necessary to enable him or her properly to represent the client.

**34. Briefing of advocates by attorneys and by members of the public
[section 95(1)(zB) read with section 34(3)]**

All briefs to advocates as contemplated in section 34(2)(a)(i) shall be subject to the terms and conditions contained in Part IV of the code of conduct made under section 97(1)(b) of the Act applicable to that type of advocate.

**35. Instruction of attorneys
[section 95(1)(zC) read with section 34(4)]**

- 35.1 For purposes of this Rule 35 "client" means the user or intended user of legal services to be provided by an attorney.
- 35.2 Instructions by a client to an attorney may be in writing or may be verbal.
- 35.3 When written instructions are given by a client to an attorney the attorney must ensure that they set out the intended scope of the engagement with sufficient clarity to enable the attorney to understand the full extent of the mandate. If the attorney is uncertain as to the scope of the mandate the attorney must seek written clarification of the intended scope of the instruction.
- 35.4 Where the client instructs the attorney verbally, the attorney must as soon as practically possible confirm the instructions in writing and in particular must set out the attorney's understanding of the scope of the engagement.
- 35.5 An attorney who is in receipt of instructions from a client must comply with those provisions of the Act which relate to the provision of legal services, including, without limitation, the provisions of sections 34 and 35 of the Act.
- 35.6 Rule 35 applies, with the necessary changes, to an advocate contemplated in section 34(2)(a)(ii) of the Act who is in possession of a Fidelity Fund certificate.

PART IX

LAW CLINICS

36. Establishment of law clinics [section 95(1)(zD) and (zF) read with section 34(8)(a)]

36.1 The Council may grant recognition to an entity as a law clinic if it is satisfied that the entity complies with the following requirements:

36.1.1 if it complies with the provisions of section 34(8)(a) of the Act;

36.1.2 if it is properly constituted, organised and controlled to the satisfaction of the Council;

36.1.3 if it provides legal services to the public;

36.1.4 if the legal services provided by the clinic are rendered free of charge, direct or indirect, to the recipient of those services; provided that -

36.1.4.1 the clinic may recover from the recipient of its services any amounts actually disbursed by the clinic on behalf of the recipient;

36.1.4.2 where the clinic acts for a successful litigant in litigation it will be entitled to take cession from that litigant of an order for costs awarded in favour of the litigant, and to recover those costs for its own account;

36.1.5 the services may be rendered only to persons who, in the opinion of the Council, would not otherwise be able to afford them, or, with the prior written approval of the Council, services rendered in the public interest; and the Council may from time to time issue guidelines for the assistance of clinics in determining to whom services may be rendered;

36.1.6 the clinic may not undertake work in connection with the administration or liquidation or distribution of the estate of any deceased or insolvent person, mentally ill person or any person under any other legal disability, or the liquidation of a company, nor in relation to the transfer or mortgaging of

immovable property, nor in relation to the lodging or processing of claims under the Road Accident Fund Act, 1996, or such other work as the Council may from time to time determine;

36.1.7 the name under which the clinic is to carry on its activities, and the letterheads and other stationery of the clinic will require the prior approval of the Council; and

36.1.8 legal practitioners in the employ of the clinic may be remunerated only by way of salary payable by the clinic or by the organisation to which it is attached.

**37. Engagement of candidate legal practitioners by law clinics
[section 95(1)(zE) read with section 34(8)(b)(iv)]**

37.1 If a legal practitioner in the full time employment of a law clinic wishes to engage a candidate legal practitioner for purposes of practical vocational training he or she may do so only if:

37.1.1 the candidate legal practitioner is to be under his or her direct personal supervision or under the direct personal supervision of another legal practitioner who is a member of the professional staff of the clinic;

37.1.2 the clinic is open for business during normal business hours for not less than eleven months in any year;

37.1.3 the clinic has proper office systems, including telephones, information technology facilities, files and filing procedures, a diary system and at least elementary library facilities;

37.1.4 the clinic has a proper accounting system and accounting procedures;

37.1.5 the clinic handles a reasonably wide range of work to give the candidate legal practitioner exposure to the kind of problems that a newly qualified legal practitioner would expect to encounter and be able to handle competently during his or her first year of practice. The Council shall have the right to direct the clinic to require the candidate legal practitioner to attend a training course approved by the Council in areas of practice

which, in the opinion of the Council, are not adequately dealt with by the clinic;

provided that no such legal practitioner shall be entitled to engage more than three candidate legal practitioners at any one time.

PART X

DISCIPLINARY

38. Procedure to be followed by disciplinary bodies [section 95(1)(zG) read with section 38(1) and 39(1)]

38.1 Disciplinary proceedings

In rules 38 to 45 -

38.1.1 "the executive officer" means the executive officer of the Council appointed in terms of section 19(1) of the Act;

38.1.2 "the legal officer" means a person, by whatever title he or she may be designated, who is an employee of the Council and who is appointed or charged by the Council to perform the disciplinary functions referred to in these rules;

38.1.3 "the respondent" means a legal practitioner or candidate legal practitioner or juristic entity referred to in section 37(1) of the Act whose conduct is the subject of any proceedings (of whatever nature, including a complaint or a decision whether or not to refer such conduct to investigation) under these rules;

38.1.4 "costs", where an investigating committee or a disciplinary committee [or an appeal tribunal] orders a respondent to pay the costs of the investigation or of the disciplinary [or appeal] hearing, means the actual costs incurred by the Council in conducting the disciplinary proceedings, including without limitation:

38.1.4.1 the cost of procuring the attendance of witnesses;

- 38.1.4.2 the professional fees of accountants or auditors in public practice, in relation to evidence of an accounting nature;
- 38.1.4.3 the professional fees of legal practitioners engaged by the Council to act as *pro forma* complainant, or in any other capacity, to assist the investigating committee or the disciplinary committee [or the appeal tribunal] in the disciplinary process, assessed on the scale as between attorney and client.
- 38.2 The Council shall have disciplinary jurisdiction over all respondents no matter where the conduct which is, or allegedly is, misconduct is perpetrated. On the understanding that the Council is empowered by section 38(1) of the Act to enquire into and deal with any complaint of misconduct, and on the further understanding that this rule is not intended to be a complete list of acts or omissions which may constitute misconduct on the part of a legal practitioner, any legal practitioner shall be guilty of misconduct if he or she -
- 38.2.1 contravenes or fails to comply with any rule or any provision of a code of conduct applicable to him or her; or
- 38.2.2 fails after demand to pay any subscription or any fee, levy or other charge payable to the Council in terms of the Act.
- 38.3 The Council shall assign its duties in relation to the exercise of its disciplinary functions to a committee established by it in terms of section 37(1) or section 37(4) of the Act, subject to the provisions of the Act and these rules.
- 38.4 An investigating committee established by the Council shall consist of not less than two legal practitioners, of whom at least one shall be an attorney where the respondent is an attorney or a candidate attorney or a juristic entity, and at least one shall be an advocate where the respondent is an advocate or a pupil;
- 38.5 a disciplinary committee established by the Council shall consist of the individuals provided for in section 37(4) of the Act; provided that where more than two legal practitioners have been appointed to serve on a disciplinary committee:

- 38.5.1 where the respondent is an attorney or a candidate attorney, the majority of legal practitioners serving on the committee shall be attorneys;
- 38.5.2 where the respondent is an advocate or a pupil, the majority of the legal practitioners serving on the committee shall be advocates.

39. Commencement of enquiry into alleged misconduct

- 39.1 If an allegation of misconduct against a respondent comes to the attention of the executive officer or the legal officer, he or she must refer the allegation to the investigating committee if -
- 39.1.1 the allegations are in the public domain and he or she on reasonable grounds suspects that a respondent may be guilty of misconduct; or
- 39.1.2 a court sends, or directs to be sent, a record of proceedings in that court; or
- 39.1.3 a member of the public lodges a complaint with the Council and the executive officer or the legal officer is of the opinion that the complaint of misconduct appears to be justified.
- 39.2 Members of the public who wish to lodge a complaint of misconduct against a respondent must do so on affidavit lodged with the Council, unless the executive officer or the legal officer decides otherwise. A complaint shall set out clearly and concisely the specific acts or failures to act which give rise to the complaint of misconduct.
- 39.3 In order to establish whether grounds for referring the complaint to the investigating committee exist, the executive officer or the legal officer may, in his or her discretion:
- 39.3.1.1 notify the respondent in writing of the nature of the complaint and call upon the respondent to furnish a written explanation in answer to the complaint within 30 days of such notice; and
- 39.3.1.2 request the complainant to provide further particulars on any aspect of the complaint.

40. Investigation of alleged misconduct

- 40.1 When a complaint or allegation of misconduct against the respondent is referred to the investigating committee, that committee must investigate the complaint or allegation.
- 40.2 For purposes of carrying out its responsibilities in terms of rule 40.1 the investigating committee may:
- 40.2.1 take any steps which are not prohibited by law to gather information with regard to the complaint or allegation;
 - 40.2.2 request a complainant to provide further particulars on any aspect of the complaint;
 - 40.2.3 request the respondent to appear before the investigating committee in order to assist it to formulate its recommendations to the Council by notice, specifying the time and place of the meeting of the investigating committee. That notice shall inform the respondent:
 - 40.2.3.1 that the respondent has the right to be assisted or represented by another person;
 - 40.2.3.2 that any statement made by the respondent to the investigating committee may be used in evidence and that the proceedings of the investigating committee will be recorded; and
 - 40.2.3.3 that section 40(4)(b) of the Act provides that a respondent may be ordered to pay the cost of the investigation or of any disciplinary hearing;
 - 40.2.4 by notice in writing require the respondent, or any employee of the respondent, to produce to the investigating committee at a time and place stipulated in the notice, any information relating to the complaint including, but not limited to, files, statements, correspondence, accounting records or other documents which are in the possession of or under the control of the

- respondent or that other person and which relate to the subject matter of the complaint;
- 40.2.5 request the executive officer to institute legal action against any person referred to in rule 40.2.4 who fails to produce to the investigating committee the information referred to in that rule at the time and place stipulated in the notice; and
- 40.2.6 inspect and, if the investigating committee considers it appropriate, retain any information obtained pursuant to rules 40.2.4 and 40.2.5, and make copies of and take extracts from such information.
- 40.3 Notwithstanding the provisions of rules 40.2.3.1 and 40.2.3.2, the investigating committee and the respondent may agree to declare any appearance or part of an appearance of the respondent before the committee to be "without prejudice". In such a case:
- 40.3.1 the evidence presented or the discussions at such appearance or part of the appearance will not be recorded;
- 40.3.2 the discussions between the investigating committee and the respondent will not be used in evidence against the respondent;
- 40.3.3 the complainant will not be entitled to attend the proceedings.
- 40.4 If, in the course of the investigations, the respondent admits to the investigating committee that the respondent is guilty of misconduct, and the investigating committee and the respondent agree on an appropriate punishment to be imposed for that misconduct, or if it appears to the investigating committee to be appropriate, the investigating committee may recommend to the Council that a specific sanction be imposed on, and the payment of a specific amount in respect of costs be required from, the respondent; provided that such a recommendation will not be binding on the Council or on a disciplinary committee, which will be entitled to impose its own punishment after conducting an enquiry in accordance with this rule.
- 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 for adjudication by a disciplinary committee;
- 40.5.2 that the complaint should be dismissed on the grounds that the conduct in question does not necessarily warrant misconduct proceedings, it must discuss 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:
- 40.5.2.1 that the respondent is not guilty of misconduct; or
- 40.5.2.2 that the respondent has given a reasonable explanation for his or her conduct; or
- 40.5.2.3 that the conduct of which the respondent may be guilty is of an inconsequential nature; or
- 40.5.2.4 that there is no reasonable prospect of success in preferring a charge of misconduct against the respondent; or
- 40.5.2.5 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 receives a referral from the investigating committee in terms of rule 40.5.1 that the legal practitioner be charged with misconduct, it must refer the matter to a disciplinary committee for adjudication.

41. Disciplinary procedure

- 41.1 A disciplinary enquiry shall be commenced by way of the service on the respondent personally of a summons requiring the attendance of that respondent at the enquiry.
- 41.2 The summons shall be issued under the hand of the executive officer or the legal officer or some other duly authorised employee of the Council and shall be served not less than 10 days before the date appointed for the hearing, in the computation of which period weekends and statutory public holidays shall be excluded.
- 41.3 The summons shall set out the place, date and time of the hearing and shall contain the charge or charges of unprofessional or unworthy or dishonourable conduct alleged against the respondent.
- 41.4 At an enquiry conducted under this rule the respondent -
- 41.4.1 may be present at the hearing of the proceedings provided that if the respondent is not so present, the hearing may proceed in his or her absence if summons has been properly served on him or her;
 - 41.4.2 may be assisted or represented by another person or by a legal practitioner in conducting his or her defence;
 - 41.4.3 has the right to be heard;
 - 41.4.4 may call witnesses;
 - 41.4.5 may cross-examine any person called as a witness in support of the charge; and
 - 41.4.6 may have access to any book, document or object produced in evidence;
- 41.5 a respondent appearing at an enquiry -
- 41.5.1 may admit at any time before a conviction that he or she is guilty of the charge; and

- 41.5.2 may, in the case where he or she makes an admission of guilt, be deemed to be guilty of misconduct as charged.
- 41.6 The complainant in the matter shall be entitled to be present during all proceedings in the disciplinary enquiry relating to his or her complaint in the same manner as a complainant in criminal proceedings.
- 41.7 The Council may appoint a practising attorney or advocate, or an employee who is admitted as an attorney or advocate, to act as a pro forma prosecutor in the leading of evidence against, and the presentation of the case against, the respondent at the enquiry, and to examine and cross-examine witnesses.
- 41.8 The duties, functions and powers of the disciplinary committee relating to the conduct of an enquiry shall be the following, namely:
- 41.8.1 to determine through its chairman and, subject always to the provision of these rules and to the Act, the manner in which the enquiry shall be conducted;
- 41.8.2 to exercise the powers vested in the Council in terms of the Act in relation to its disciplinary functions;
- 41.8.3 to dispense with any requirements regarding summonses, notices, affidavits, documents, service or times in any case where it appears to be just to do so, or to extend the time for doing anything in connection with the conduct of the enquiry;
- 41.8.4 of its own accord, or upon the application of any affected person, to adjourn the enquiry upon such terms as to costs or otherwise as it deems fit;
- 41.8.5 to cause the proceedings at the enquiry to be recorded in such a manner as shall enable a true and correct record of such proceedings to be available, and to procure that each of its decisions shall be recorded in writing and be prefaced by a statement of its findings in relation to the fact investigated during the course of the enquiry, and shall be signed by the chairperson of the committee;

- 41.8.6 to procure that all decisions referred to in rule 41.8.5 shall be filed in the records of the Council;
- 41.8.7 of its own accord, to treat as a separate complaint of misconduct, any act or omission on the part of a respondent attending, or required to attend, an enquiry being conducted under these rules, where such act or omission is calculated to interfere with, or otherwise interferes with, its proper consideration, investigation and determination of the complaint for the subject matter of the enquiry, and to refer any such separate complaint to the Council for consideration and investigation in accordance with the provisions of these rules;
- 41.8.8 to exercise such ancillary powers as it shall consider reasonably necessary to enable it to discharge its duties, functions and powers under these rules;
- 41.8.9 to appoint a person or persons to assist it in the performance of its functions under these rules;
- 41.8.10 where any matter of procedure arises for which no provision is made in these rules, to determine through its chairman in his or her discretion what procedure shall be followed.

42. Subpoena

A subpoena issued by the disciplinary committee in terms of section 39(3) of the Act-

- 42.1 shall be in the form of Schedule 4 to these rules;
- 42.2 shall be signed by the chairperson of the committee or, in the absence of the chairperson, any member of the committee; and
- 42.3 shall be served on the person concerned personally.

43. Proceedings after disciplinary hearing, and sanctions

- 43.1 After the conclusion of the hearing the disciplinary committee must, within 30 days, decide whether or not the respondent is guilty of misconduct.

- 43.2 If the disciplinary committee finds that the respondent is guilty of misconduct it must -
- 43.2.1 inform the respondent and the Council and the Provincial Council concerned of the finding; and
- 43.2.2 inform the respondent of the right of appeal as provided for in terms of section 41 of the Act;
- 43.3 A respondent found guilty of misconduct may -
- 43.3.1 address the disciplinary committee in mitigation of sentence; and
- 43.3.2 call witnesses to give evidence on his or her behalf in mitigation of sentence.
- 43.4 If the disciplinary committee finds the respondent guilty of misconduct it may call witnesses to give evidence in aggravation of sentence and may-
- 43.4.1 in the case of a legal practitioner:
- 43.4.1.1 order him or her to pay compensation, with or without interest, to the complainant, which order is subject to confirmation by an order of any court having jurisdiction in the circumstances in the prescribed manner, on application by the Council;
- 43.4.1.2 impose upon him or her a fine, payable to the Council, not exceeding the amount determined from time to time by the Minister by notice in the *Gazette*, on the advice of the Council;
- 43.4.1.3 temporarily suspend him or her from practising or from engaging in any particular aspects of the practice of law, pending the finalisation of an application referred to in rule 43.4.1.4;
- 43.4.1.4 advise the Council to apply to the High Court for -
- 43.4.1.4.1 an order striking his or her name from the roll;
- 43.4.1.4.2 an order suspending him or her from practice;

- 43.4.1.4.3 an interdict prohibiting him or her from dealing with trust money; or
- 43.4.1.4.4 any other appropriate relief;
- 43.4.1.5 advise the Council to amend or endorse his or her enrolment;
- 43.4.1.6 order that his or her Fidelity Fund certificate be withdrawn, where applicable;
- 43.4.1.7 warn him or her against certain conduct and order that such warning be endorsed against his or her enrolment; or
- 43.4.1.8 caution or reprimand him or her;
- 43.4.2 in the case of a juristic entity:
 - 43.4.2.1 order it to pay compensation, with or without interest, to the complainant, which order is subject to confirmation by an order of any court having jurisdiction in the circumstances in a prescribed manner on application by the Council;
 - 43.4.2.2 impose upon it a fine, payable to the Council, not exceeding the amount determined from time to time by the Minister by notice in the *Gazette*, on the advice of the Council;
 - 43.4.2.3 warn it against certain conduct;
 - 43.4.2.4 advise the Council to apply to the High Court for the winding up of the juristic entity; or
 - 43.4.2.5 caution or reprimand the juristic entity; or
- 43.4.3 in the case of a candidate legal practitioner:
 - 43.4.3.1 cancel or suspend his or her practical vocational training;
 - 43.4.3.2 impose upon him or her a fine, payable to the Council, not exceeding the amount determined from time to time by the Minister by notice in the *Gazette*, on the advice of the Council; or

43.4.3.3 caution or reprimand him or her.

43.5 The disciplinary committee may -

43.5.1 impose any combination of the sanctions in rules 43.4.1, 43.4.2 or 43.4.3;
and

43.5.2 postpone the taking of any steps or suspend the imposition of any sanction
on such conditions as it may determine;

43.5.3 in addition to the sanctions referred to in rule 43.4, order the respondent to
pay the cost of the investigation or of the disciplinary hearing.

43.6 If the respondent fails to comply with any conditions determined by the
disciplinary committee, the committee may impose a sanction for non-
compliance or may execute the sanction which was originally imposed, unless
the respondent satisfies the disciplinary committee that the non-compliance was
due to circumstances beyond his or her or its control, in which case the
disciplinary committee may impose such further conditions as it deems fit.

43.7 At the conclusion of a disciplinary hearing -

43.7.1 the disciplinary committee must notify the complainant, the respondent, the
Council and the Provincial Council in writing of the outcome of the hearing ;

43.7.2 if the disciplinary committee has found the respondent not guilty of
misconduct it must inform the complainant of the right to appeal as
provided for in terms of section 41 of the Act and of the time limit imposed
by rule 44.2.

**44. Appeal against conduct or finding of investigating committee or disciplinary
committee**

44.1 Subject to section 43 of the Act, a respondent may, within thirty days of being
informed of the decision of a disciplinary committee, lodge an appeal with the
appeal tribunal against the finding of the disciplinary committee or against the
sanction imposed by the disciplinary committee, or both

44.2 A complainant who is aggrieved by -

44.2.1 the manner in which an investigating committee conducted its investigation, or the outcome of the investigating committee; or

44.2.2 the outcome of a disciplinary enquiry.

may lodge an appeal with the appeal tribunal, within thirty days of being informed on the decision of the investigating committee or the disciplinary committee, as the case may be, against the conduct or finding of the investigating committee or the disciplinary committee, as the case may be.

44.3 The appeal referred to in rule 44.1 or 44.2 shall be by notice of appeal in writing, addressed to the Council, setting out -

44.3.1 in the case of an appeal by the respondent:

44.3.1.1 whether the appeal is against the finding of misconduct by the disciplinary committee, or against the sanction imposed, or both; and

44.3.1.2 the grounds of appeal in detail;

44.3.2 in the case of an appeal by the complainant:

44.3.2.1 whether the appeal is against the manner in which the investigating committee or the disciplinary committee, as the case may be, conducted the investigation or the hearing; and/or

44.3.2.2 whether the appeal is against the decision of the investigating committee or the disciplinary committee, as the case may be; and

44.3.2.3 the grounds of appeal in detail.

44.4 The Council shall forward a copy of the notice of appeal referred to in rules 44.3.1 or 44.3.2 to the complainant or to the respondent, as the case may be, and shall call upon the complainant or the respondent, as the case may be, to respond in writing to the notice of appeal within thirty days, or within such longer period as the Council may determine.

- 44.5 On receipt of the response from the complainant or the respondent, as the case may be, in terms of rule 44.4 the Council must forward the notice of appeal and the response to the appeal tribunal. If no response is received from the complainant or the respondent, as the case may be, the Council must send the copy of the notice of appeal to the appeal tribunal to be dealt with in accordance with these rules.
- 44.6 On receipt of the notice of appeal and, if applicable, the response to the notice of appeal the appeal tribunal shall advise the respondent and the complainant of the place and date, being a date not less than ten days after the date of the notice, at which the appeal will be heard by the appeal tribunal.
- 44.7 At the hearing of the appeal the respondent and the complainant may be present and may be assisted or represented by another person or by a legal practitioner. The proceedings before the appeal tribunal shall be conducted in such manner as the appeal tribunal shall determine.
- 44.8 After the conclusion of the hearing before the appeal tribunal the appeal tribunal must, within thirty days:
- 44.8.1 decide whether or not the finding of the disciplinary committee should be confirmed or set aside; or
- 44.8.2 decide whether or not the sanction imposed on the respondent should be confirmed or set aside; provided that if the sanction imposed by the disciplinary committee is to be set aside the appeal tribunal may impose its own sanction in respect of the misconduct, which sanction imposed by the appeal tribunal may be one which is more severe than that imposed by the disciplinary committee; or
- 44.8.3 if it decides that the conduct of the investigating committee or the disciplinary committee was unlawful or unfairly prejudicial to the respondent or to the complainant, or was in any other respect irregular or not in accordance with natural justice, it shall refer the matter back to the Council to be dealt with as a new complaint before a different investigating committee or disciplinary committee.

44.9 At the conclusion of the hearing before the appeal tribunal the appeal tribunal must notify the respondent, the complainant, the Council and the Provincial Council in writing of the outcome of the appeal.

44.10 If a respondent who has been found guilty of misconduct lodges an appeal in terms of rule 44.1 the decision of the disciplinary committee may not be enforced before the appeal tribunal has decided the appeal.

44.11 **Publication**

The Council shall cause particulars of all disciplinary hearings, including the particulars of:

44.11.1 the allegations of misconduct dealt with;

44.11.2 the members of the disciplinary committee in question;

44.11.3 the respondent involved in the dispute; and

44.11.4 the outcome of the hearings and any sanction imposed, if applicable

to be published on the website of the Council, to be updated at least once every month, and to be available for inspection by members of the public during business hours of the Council and of the relevant Provincial Councils.

45. **Manner and form in which complaints of misconduct must be lodged with the Council**

[Section 109(2)(a)(vi)]

45.1 A person wishing to lodge a complaint of misconduct against a legal practitioner, a candidate legal practitioner or a juristic entity must lodge the complaint in writing with the Council.

45.2 The complaint must be substantially in the form of Schedule 5 of these rules, must be signed by the complainant before a Commissioner of Oaths, and must be lodged with the Council; provided that the Council may in appropriate circumstances require that the complaint be lodged in a different format.

- 45.3 The Council, or a person to whom the function may be assigned by the Council, shall be entitled to dispense with the requirements of this rule in any specific case if in his or her view it is appropriate, and in the interests of justice, that the requirements of the rule be dispensed with.
- 45.4 The failure of a complainant to comply with the provisions of this rule shall not prevent the Council from exercising its powers to enquire into the conduct of a legal practitioner, a candidate legal practitioner or a juristic entity even in the absence of a formal complaint by a complainant.
- 45.5 The Council may require a complainant to provide, on affidavit, such further particulars in relation to any aspect of the complaint as it deems necessary

PART XI

LEGAL PRACTITIONERS' FIDELITY FUND: PROCEDURAL

46. Procedure for election of legal practitioners to the board [section 95(1)(zJ) read with section 62(1)(a)]

- 46.1 One member shall be elected to the Board from among, and by, the practising legal practitioners who are in good standing and who have their principal place of business as such in the area of the following provinces:
- 46.1.1 one member from the province of Gauteng;
- 46.1.2 one member from the provinces of Western Cape and Northern Cape;
- 46.1.3 one member from the provinces of the Free State, North West, Limpopo and Mpumalanga;
- 46.1.4 one member from the provinces of KwaZulu-Natal and Eastern Cape.
- 46.2 One member shall be elected to the Board from among the practising advocates referred to in section 34(2)(b) who are in good standing, by all the practising legal practitioners in the Republic who are in good standing.
- 46.3 Whenever a vacancy occurs in the Board in respect of –

- 46.3.1 a member elected from among the legal practitioners having their principal places of business in the areas referred to in rule 46.1 respectively; or
- 46.3.2 the member elected to the Board from among the advocates referred to in section 34(2)(b) of the Act

the Council shall call for nominations from among the legal practitioners of the respective province or provinces and who are on the practising roll, or from among the advocates referred to in section 34(2)(b) of the Act who are on the practising roll, as the case may be, by notice in the *Gazette* and in such other publication as may be appropriate, allowing 21 days from the date of the notice to the date on which nominations are to be submitted, and stating that nominations are to be made in writing in accordance with these rules.

- 46.4 A nomination may only be made –
 - 46.4.1 in the case of a nomination in respect of a vacancy referred to in rule 46.3.1, by a legal practitioner having his or her principal place of business in the province concerned; and
 - 46.4.2 in the case of a nomination in respect of a vacancy referred in in rule 46.3.2, by a legal practitioner.
- 46.5 Every nomination shall be in writing, shall be signed by the person making it and shall –
 - 46.5.1 in the case of a nomination by an attorney, state the name of that attorney, his or her date of admission as an attorney and the address of that attorney's principal place of business; and
 - 46.5.2 in the case of an advocate, state the name of advocate, his or her date of admission as an advocate and the address at which such advocate keeps chambers.
- 46.6 Every nomination shall be accompanied by –
 - 46.6.1 written acceptance of the practising attorney or practising advocate being nominated, duly signed by the said attorney or advocate, and providing

such details relating to the said attorney or advocate as is required from the attorney or advocate making the nomination in terms of rule 46.5; and

46.6.2 a comprehensive *curriculum vitae* of the person being nominated, in not more than 600 words and in such format as the Council may require, containing at least the following information:

46.6.2.1 his or her name;

46.6.2.2 in the case of an attorney, the name of the firm of which he or she is a proprietor or a member or by which he or she is employed, stating also the status of that attorney within the firm;

46.6.2.3 in the case of an advocate, whether or not he or she renders legal services in terms of section 34(2)(a)(ii) of the Act, and whether or not he or she has the status of a Senior Counsel;

46.6.2.4 his or her race, gender, date of admission and enrolment, and period in practice;

46.6.2.5 if he or she suffers from a disability, a statement to that effect and the nature of the disability;

46.6.2.6 the address of his or her principle place of practice

and on which shall be endorsed, over the signature of each nominee named therein, his or her confirmation that the information given therein is correct and that he or she is not disqualified from membership of the Board.

46.7 Upon receipt of a nomination, the Council shall make every effort to verify the information provided in the *curriculum vitae* that accompanied such nomination.

46.8 Within 30 days after the closing date for nominations, the Council shall publish a list of all the persons duly nominated and who have duly accepted such nomination, by notice in the *Gazette* and in such other publications as may be appropriate: provided that the Council may refuse to include the name of any person who has been nominated in respect of whom the Council has reason to believe that the information provided in the *curriculum vitae* submitted by or on

behalf of such person contains material details that are untrue, and any person whose name is so omitted shall be ineligible for election to the Board.

46.9 A notice referred to in rule 46.8 -

46.9.1 shall invite the submission of a written communication from every legal practitioner eligible to vote for the election of the member or members concerned, in such format as the Council may determine, by which such practitioner exercises his or her right to vote;

46.9.2 shall draw the attention of legal practitioners to the following consideration in relation to the constitution of the Board:

46.9.2.1 the racial and gender composition of South Africa;

46.9.2.2 representation of persons with disabilities;

46.9.2.3 provincial representation.

46.10 Every such written communication shall be signed by its author and -

46.10.1 in the case of a communication from an attorney, state the name of his or her practice and the address of that attorney's principal place of business; and

46.10.2 in the case of a communication from an advocate, specify the date of admission of the advocate concerned and the address at which such advocate keeps chambers.

46.11 Upon the expiry of 21 days from the date of the last-mentioned notice in the *Gazette*, referred to in rule 46.8, the Council shall, at a formal special meeting, tally all the votes received in writing by hand delivery, facsimile transmission or ordinary mail in respect of each person duly nominated, and shall determine the names of the persons in favour of whom the most such votes have been cast in order to fill the number of vacancies on the Board which are required to be filled.

46.12 Having made such a determination, the Council shall at such meeting declare such person or persons duly elected.

- 46.13 The Council shall within 7 days of having made such a declaration, by notice in the *Gazette*, publish the name of the person or persons so elected.

**47. Application for Fidelity Fund certificates
[section 95(1)(zK) read with section 85(1)(a)]**

- 47.1 The Council shall, not later than the last day of September in every year, send to every legal practitioner who is obliged in terms of section 84(1) of the Act to be in possession of a fidelity fund certificate, by electronic on-line submission to that legal practitioner's electronic mail address (or by pre-paid post to the postal address of that legal practitioner, or by delivery to that legal practitioner's business address, where the legal practitioner has not provided the Council with an email address) an application form for a fidelity fund certificate in respect of the year following. The Council shall enclose with such application form a statement setting out the liability, if any, of the legal practitioner concerned in respect of his or her subscription or other amounts due to the Council.
- 47.2 The application form for a fidelity fund certificate shall, as nearly as circumstances will permit, be in the form set out in rule 49.
- 47.3 Every legal practitioner who is obliged in terms of section 84(1) of the Act to be in possession of a fidelity fund certificate shall sign the application form relevant to him or her and shall truly, accurately and completely set out the information and particulars provided for in the form, and shall return the duly completed and signed application form by electronic on-line submission (or where the legal practitioner does not have an email facility, by pre-paid post or by delivery) to the Council not later than the first day of December of the same year in which it was sent.
- 47.4 The failure on the part of a legal practitioner to receive an application form and the statement of liability shall not relieve the legal practitioner of his or her obligation to make an application as required by section 85(1) of the Act.
- 47.5 The Council may from time to time require an applicant to furnish it with further and additional information and particulars in respect of any application before it issues a fidelity fund certificate, and neither the Council nor the Board shall incur any liability in respect of any penalty incurred or loss sustained by the applicant

due to any delay in issuing such a certificate if such delay was caused by the applicant's failure to furnish such information or particulars.

47.6 A fidelity fund certificate shall be in the form of Schedule 6A (in the case of attorneys) and Schedule 6B (in the case of advocates referred to in section 34(2)(b) of the Act) to this rule and shall be signed by an authorised official on behalf of the Council, and the production of such a certificate purporting to be so signed shall be *prima facie* evidence of its contents.

47.7 Every such application shall be accompanied by –

47.7.1 the contribution payable by the applicant, the amount of which shall from time to time be notified by the Council through publication in the *Gazette*; and

47.7.2 proof that the applicant has discharged all her or his liabilities in respect of enrolment fees and other amounts due to the Council;

47.7.3 in the case of an applicant who, for the first time, is required to be in possession of a fidelity fund certificate, proof that the applicant has completed a legal practice management course referred to in section 85(1)(b) of the Act or where, at the date of application, the applicant has not yet completed the practice management course, a statement to that effect and an acknowledgement that the applicant is aware that he or she will be required to complete the practice management course within the period referred to in rule 26, failing which a fidelity fund certificate will not be issued to him or her until he or she has completed the course;

47.7.4 in the case of a legal practitioner other than one referred to in rule 47.7.3, the certificate of an auditor in respect of an audit of his or her trust accounts that had been performed immediately prior to the application.

**48. Contributions payable by applicants for Fidelity Fund certificates
[section 95(1)(zM) read with section 85(2)]**

The contribution payable by the applicant for a fidelity fund certificate shall be in the amount determined by the Council from time to time, in consultation with the Board, in

accordance with sections 85(3) and 85(4) of the Act, and as notified by the Council in the *Gazette*.

49. **Form of application for Fidelity Fund certificate
[section 95(1)(zN)]**

The application form for a fidelity fund certificate, referred to in rule 47.2 shall, in the case of attorneys, be as nearly as circumstances will permit in the form set out in Schedule 7A to these rules, and in the case of advocates referred to in section 34(2)(b) of the Act, be as nearly as circumstances will permit in the form set out in Schedule 7B to these rules.

PART XII**50. ACCOUNTING RULES**

- 50.1 Part XII of the rules applies only to legal practitioners conducting a trust account practice.
- 50.2 If a firm at any time administers and controls its practice as a whole from premises in two or more buildings which, in the opinion of the Council, do not constitute such a single composite entity as is contemplated in the definition of 'main office' in rule 1, the Council may require the firm to declare to it in writing, within a time stipulated by the Council, which one or more of those buildings as may constitute such an entity, in the opinion of the Council, contains or contain its main office, and thereafter that firm shall administer and control its practice as a whole from the premises so declared.
- 50.3 The Council may make such enquiry as it deems fit, including inspection of the premises concerned, and the firm concerned shall furnish the Council with such information and render such assistance as it may require to enable it to form an opinion in terms of accounting rule 50.2.
- 50.4 A declaration made by a firm under accounting rule 50.2 shall remain effective until such time as the firm:
- 50.4.1 moves its main office from the premises which are the subject of the declaration; or
- 50.4.2 makes a declaration in terms of accounting rule 50.2 in respect of other premises.
- 50.5 Should a firm fail to make a declaration under accounting rule 50.2 within the time stipulated by the Council, the Council may by notice in writing to the firm determine which of the premises concerned constitutes its main office, whereupon the remaining provisions of accounting rules 50.2, 50.3 and 50.4 shall apply as though those premises had been so declared by the firm.

Accounting Requirements - General

50.6 A firm shall keep in an official language of the Republic such accounting records as are necessary to enable the firm to satisfy its obligations in terms of the Act, these rules and any other law with respect to the preparation of financial statements that present fairly and in accordance with an acceptable financial reporting framework in South Africa the state of affairs and business of the firm and to explain the transactions and financial position of the firm including, without derogation from the generality of this rule:

50.6.1 records showing all assets and liabilities as required in terms of sections 87 of the Act;

50.6.2 records containing entries from day to day of all monies received and paid by it on its own account, as required by sections 87(1) and 87(3) of the Act;

50.6.3 records containing particulars and information of:

50.6.3.1 all monies received, held and paid by it for and on account of any person;

50.6.3.2 all monies invested by it in terms of section 86(3) or section 86(4) of the Act;

50.6.3.3 any interest referred to in section 86(5) of the Act which is paid over or credited to it;

50.6.3.4 any interest credited to or in respect of any separate trust savings.

Acceptable financial reporting framework

50.7 **For purposes of these rules:**

50.7.1 acceptable financial reporting frameworks which are to be recognised and applied are:

- 50.7.1.1 "IFRS" being International Financial Reporting Standards as issued from time to time by the International Reporting Standards Board, or its successor body; and
- 50.7.1.2 "IFRS for SMEs", being IFRS for Small and Medium Enterprises.
- 50.7.2 In determining what is meant by "acceptable financial reporting frameworks" regard shall be had, *inter alia*, to any rulings of the Council published to trust account practitioners with respect to specific additional disclosures required to be made in the financial statements or trust account Schedules.

Distinguishing between trust account and business account transactions

- 50.8 The accounting records shall distinguish in readily discernible form between business account transactions and trust account transactions.

Retention of accounting records and files

- 50.9 A firm shall retain its accounting records, and all files and documents relating to matters dealt with by the firm on behalf of clients:
- 50.9.1 for at least five years from the date of the last entry recorded in each particular book or other document of record or file;
- 50.9.2 save with the prior written consent of the Council, or when removed therefrom under other lawful authority, at no place other than its main office, a branch office or, in the case of electronic accounting records or files, the location at which such accounting records or files are ordinarily hosted; provided that:
- 50.9.2.1 in the case of electronic accounting records or files hosted offsite, such records or files shall always be reasonably secured and shall remain immediately accessible to authorised persons from the office of the firm, and to the Council; and
- 50.9.2.2 in the case of a branch office, only insofar as they relate to any part of its practice conducted at that branch office.

Updating accounting records

- 50.10 A firm shall update and balance its accounting records monthly and shall be deemed to comply with this rule if, *inter alia*, its accounting records have been written up by the last day of the following month.

Trust money to be kept separate from other money

- 50.11 Trust money shall in no circumstances be deposited in or credited to a business banking account. Money other than trust money found in a trust banking account at any time shall be transferred to a business banking account without undue delay. A firm shall be deemed to have complied sufficiently with this rule if it:
- 50.11.1 makes transfers from its trust banking account to its business banking account at least once a month; and
 - 50.11.2 ensures that, when making a transfer from its trust banking account to its business banking account:
 - 50.11.2.1 the amount transferred is identifiable with, and does not exceed, the amount due to the firm;
 - 50.11.2.2 the trust creditor from whose account the transfer is made is identified; and
 - 50.11.2.3 the balance of any amount due to the firm remaining in its trust banking account is capable of identification with corresponding entries appearing in its trust ledger.

Accounting to clients

- 50.12 Every firm shall, within a reasonable time after the performance or earlier termination of any mandate, account to its client in writing and retain a copy of each such account for not less than five years; each account shall contain details of:
- 50.12.1.1 all amounts received by it in connection with the matter concerned, appropriately explained;

- 50.12.1.2 all disbursements and other payments made by it in connection with the matter;
- 50.12.1.3 all fees and other charges charged to or raised against the client and, where any fee represents an agreed fee, a statement that such fee was agreed upon and the amount so agreed;
- 50.12.1.4 the amount owing to or by the client.

Payment to clients

- 50.13 A firm shall, unless otherwise instructed, pay any amount due to a client within a reasonable time.

Accounting Requirements - Accounting Records

- 50.14.1 A firm shall maintain its accounting records in terms of the Act and these rules.
- 50.14.2 A firm shall report to the Council forthwith, in writing, any loss, theft or destruction of any such records.
- 50.14.3 A firm shall, in the case of the accounting records being computerised, make monthly back-ups which shall be kept in a safe, fireproof place remote from the firm or, in the case of accounting records being in the form of manual books of account, by ensuring that, outside normal business hours, such records are kept in a safe place.
- 50.14.4 If the firm keeps any of its accounting records in electronic form, the firm shall:
- 50.14.4.1 provide adequate precautions against loss of the records as a result of damage to or failure of the media in which the records are maintained; and
- 50.14.4.2 ensure that the records are at all times capable of being retrieved to a readable and printable form, including by converting the records from legacy to later systems or software from time to time.

50.14.5 A firm shall, where the firm utilises electronic banking in respect of payments from the trust account, keep a proper audit trail, which shall include verification of the payee's banking account details.

50.14.6 The firm's accounting records shall not, save with the prior written consent of Council or under lawful authority, and except for electronic records in terms of accounting rule 50.14.3 and backups of computerised records, be maintained at any place other than its main office or branch office, but in the latter instance, only insofar as they relate to any part of its practice conducted at that branch.

50.14.7 A firm shall ensure:

Internal controls

50.14.7.1 that adequate internal controls are implemented to ensure compliance with these rules and to ensure that trust funds are safeguarded; and in particular to ensure -

50.14.7.1.1 that the design of the internal controls is appropriate to address identified risks;

50.14.7.1.2 that the internal controls have been implemented as designed;

50.14.7.1.3 that the internal controls which have been implemented operate effectively throughout the period ;

50.14.7.1.4 that the effective operation of the internal controls is monitored regularly by designated persons in the firm having the appropriate authority;

Prompt depositing of trust monies

50.14.7.2 that all money received by it on account of any person is deposited intact into its trust banking account on the date of its receipt or the first banking day following its receipt on which it might reasonably be expected that it would be banked;

Transfers from trust investment account

- 50.14.7.3 unless the firm has received written authorisation for the payment of any guarantees issued by a bank on the strength of a trust investment, that any amount withdrawn by it from a trust investment account is deposited promptly by it in its trust banking account.

Trust moneys not to be less than trust balances

- 50.14.8 A firm shall ensure that the total amount of money in its trust banking account, trust investment account and trust cash at any date shall not be less than the total amount of the credit balances of the trust creditors shown in its accounting records.

Trust accounts not to be in debit

- 50.14.9 A firm shall ensure that no account of any trust creditor is in debit.

Reports to Council of non-compliance

- 50.14.10 A firm shall immediately report in writing to the Council should the total amount of money in its trust bank accounts and money held as trust cash be less than the total amount of credit balances of the trust creditors shown in its accounting records, together with a written explanation of the reason for the debit and proof of rectification.
- 50.14.11 A firm shall immediately report in writing to the Council should an account of any trust creditor be in debit, together with a written explanation of the reason for the debit and proof of rectification.

Transfer from trust bank account to business bank account

- 50.14.12 A firm shall employ and maintain a system to ensure that the requirements of these rules are not infringed when amounts are transferred from its trust banking account to its business banking account.

Deposits on account of charges

- 50.14.13 Amounts received by a firm in advance to cover a prospective liability for services rendered or to be rendered or for disbursements (including

counsel's fees) to be made must be deposited forthwith to the credit of its trust banking account.

Withdrawals from trust banking account

50.14.14 Withdrawals from a firm's trust banking account shall be made only:

50.14.14.1 to or for a trust creditor; or

50.14.14.2 as transfers to the firm's business banking account, provided that such transfers shall be made only in respect of money due to the firm; and provided that no transfer from its trust banking account to its business banking account is made in respect of any disbursement (including counsel's fees) or fees of the firm unless:

50.14.14.2.1 the disbursements have actually been made and debited by the firm; or

50.14.14.2.2 a contractual obligation has arisen on the part of the firm to pay the disbursement; or

50.14.14.2.3 fees and disbursement have been correctly debited in its accounting records.

Payments from trust banking account

50.14.15.1 Any cheque drawn on a firm's trust banking account shall be made payable to or to the order of a payee specifically designated.

50.14.15.2 Payments from the trust banking account of a firm shall only be by cheque or electronic transfer.

50.14.15.3 No withdrawals from the trust banking account of a firm may be made by way of cellular and telephone transacting.

Interest accrued on trust banking account

50.14.16 The trust interest accrued on a firm's trust banking account or trust investment account, and that part of the interest accrued on a trust savings account opened in terms of section 86(4) of the Act which is payable to the

Fund in terms of section 86(5)(b) of the Act, shall be paid over to the Fund or its nominee at such times and in such manner as shall be determined by the Council from time to time.

Lists of balances

- 50.15.1 Every firm shall extract at intervals of not more than three calendar months, and in a clearly legible manner, a list showing all persons on whose account money is held or has been received and the amount of all such moneys standing to the credit of each such person, who shall be identified therein by name, and shall total such list and compare the said total with the total of the balance standing to the credit of the firm's trust banking account, trust investment account and amounts held by it as trust cash, in order to ensure compliance with accounting rule 50.14.7.
- 50.15.2 The balance listed in respect of each such account shall also be noted in some permanent, prominent and clear manner in the ledger account from which the balance was extracted.
- 50.15.3 Each such list shall be part of the accounting records of the firm to be retained for the five-year period referred to in accounting rule 50.9.

Notification of trust banking account

- 50.16 Every firm shall:
- 50.16.1 immediately notify the Council in writing of the name and address of the bank or banks at which its trust banking account or accounts are kept and shall thereafter notify the Council immediately of any change in the name and address of such bank or banks;
- 50.16.2 whenever so required by the Council, furnish to the Council within ten days or such longer period as the Council may stipulate, a signed statement issued by the bank or banks with which it keeps its trust banking account or accounts and a signed statement issued by the bank with which the firm keeps any trust investment account, certifying the amount of the balance of such trust banking account or accounts or trust investment account or accounts at such date or dates as may be specified by the Council.

Trust account investments in terms of section 86(4)

- 50.17 A firm which invests funds on behalf of any person shall, in addition to all other requirements applicable to the holding or investment of trust money:
- 50.17.1 not invest such funds other than in a trust savings or other interest-bearing account with a bank;
- 50.17.2 obtain that person's written confirmation of the investment as soon as is reasonably possible, or notify that person forthwith thereof in writing; and
- 50.17.3 forthwith cause the relevant trust savings or other interest-bearing account to be endorsed to the effect that it is an account opened in terms of Section 86(4) of the Act.
- 50.18 A firm shall not, in connection with any mandate which the firm has accepted to invest trust funds, agree or arrange to receive from a bank any commission, fee or other reward, without having disclosed, in writing, such commission, fee or reward to the person who has given the firm the mandate to invest.

Responsibility for ensuring compliance

- 50.19 Every partner of a firm, and every director of a juristic entity referred to in section 34(7) of the Act, and every advocate referred to in section 34(2)(b) of the Act, will be responsible for ensuring that the provisions of the Act and of those rules relating to trust accounts of the firm are complied with.

Reporting Requirements

- 50.20 A firm shall at its expense once in each calendar year or at such other times as the Council may require, appoint an auditor to discharge the duties assigned to the auditor in terms of these rules; provided that:
- 50.20.1 the Council may refuse to recognise the appointment by a firm of an auditor of whom the Council on good cause does not approve;
- 50.20.2 the Council may at any time, in its discretion and at its expense, appoint an auditor or a suitably qualified inspector to discharge those duties;

- 50.20.3 on the written application of a firm the Council may authorise the firm to appoint a person who in the opinion of the Council is suitably qualified as an inspector to perform the functions of an auditor in terms of these rules, subject to such terms as the Council in its discretion may determine.
- 50.21 A firm which commences practice for the first time shall, within six months of so commencing practice, furnish the Council with a report substantially in the form of the First Schedule to these rules (or in such other form as the Council may determine after consultation with the Independent Regulatory Board for auditors) covering the first four months of that firm's practice.
- 50.22 A firm shall allow an auditor or inspector appointed under accounting rule 50.20 access to such of its records as the auditor or inspector may deem necessary to examine for the purposes of discharging his duties under accounting rule 50.24 and shall furnish the auditor or inspector with any authority which may be required to enable the auditor or inspector to obtain such information, certificates or other evidence as the auditor may reasonably require for such purposes.
- 50.23 A firm shall ensure that the report to be furnished by an auditor or inspector in terms of accounting rule 50.21 or 50.22 is furnished in its original format (which may include an electronic format specified by the Council) within the required time or on the required date; provided that on written application by a firm relating to a particular report the Council may, in its discretion and on such conditions as it may stipulate, condone a failure by that firm to comply with this requirement. The form of such report shall be obtained only from the Council, which shall issue it on request to any firm or to any auditor or inspector appointed in terms of accounting rule 50.20.
- 50.24 A firm shall ensure that every auditor or inspector who has accepted an appointment in terms of accounting rule 50.20 shall:
- 50.24.1 within six months of the annual closing of the accounting records of the firm concerned or at such other times as the Council may require and subject to any conditions that the Council may impose, furnish the Council with a report which shall be in the form of the First Schedule to these rules or in such other form as the Council may determine after consultation with the Independent Regulatory Board for Auditors;

- 50.24.2 without delay report in writing directly to the Council if at any time during the discharge of his or her functions and duties under this rule:
- 50.24.2.1 if it comes to his or her notice that at any date the total of the balances shown on trust accounts in the accounting records of the firm exceeded the total amount of the funds in its trust banking account, its trust investment account and held by it as trust cash;
- 50.24.2.2 any material queries regarding the firm's accounting records which the auditor or inspector has raised with the firm have not been dealt with to his satisfaction;
- 50.24.2.3 any reasonable request made by the auditor or inspector for access to the firm's records or for any authority referred to in accounting rule 50.24 has not been met to his or her satisfaction;
- 50.24.3 state in his or her report in terms of accounting rule 50.24.1 that to the best of his or her belief:
- 50.24.3.1 the firm has not, during the period under review, carried on the business of an investment practice; or
- 50.24.3.2 the firm has carried on the business of an investment practice and has complied with these rules.
- 50.25.1 The Council may reject a report in terms of accounting rule 50.24 from an auditor or inspector whose appointment the Council has refused to recognise, as provided in accounting rule 50.20.1, or which is not in the prescribed format.
- 50.25.2 A copy of the report on the prescribed form required under accounting rule 50.24.1 and any report made in terms of accounting rule 50.24.2 shall be sent by the auditor or inspector to the firm concerned.
- 50.26 Where the Council is satisfied that it is not practicable to obtain the services of an auditor or inspector for the issuing of a report as prescribed under accounting rule 50.24, it may in lieu thereof accept as compliance with the requirements of accounting rule 50.24 such other evidence as it may deem sufficient.

- 50.27 The Council may by notice to trust account practices amend the Schedule or the audit report form as may be required from time to time to report such information as may be required.
- 50.28 A firm is obliged to report in the relevant sections of the accounting rule 51 report the gross interest earned and the gross charges levied in respect of trust accounts in terms of sections 86(1) or 86(3) or 86(4) of the Act, even if no claim in respect of bank charges is to be made.
- 50.29 In order to qualify for the issue of a Fidelity Fund certificate, a trust account practitioner must ensure that an unqualified audit or inspector's report is issued in respect of any firm or firms of which he or she was a partner or director or sole practitioner during the financial period under review, and is delivered timeously to the Society.
- 50.30 Where the audit or inspector's report in respect of the trust account of the firm is qualified by the auditor or inspector, as the case may be, the firm shall provide the Council with such information as the Council may require to satisfy itself that the firm's trust account is in good order, that the trust account practitioner remains fit and proper to continue to practise and that Fidelity Fund certificates may be issued to the members of the firm.

Closure of firm

- 50.31 A trust account practitioner who practises for his or her own account and who intends to cease practising shall, before he or she so ceases to practice, provide the Council, in writing, with the following information:
- 50.31.1 notice of the trust account practitioner's intention to cease practising for his or her own account;
- 50.31.2 his or her future contact particulars, being his or her residential and business address, fax, e-mail and telephone details;
- 50.31.3 the steps to be taken to satisfy the Council that provision has been made for the effective winding up of his or her practice, both in respect of current files and archived files and in respect of accounting records;
- 50.31.4 the name, address and telephone number of his or her bookkeeper;

- 50.31.5 the status of the writing up of his or her accounting records by providing the Council with a copy of the latest trust reconciliation;
- 50.31.6 the name of the auditor or inspector who will be submitting the final audit report;
- 50.31.7 updated contact particulars for as the trust account practitioner remains on the roll.
- 50.32 A trust account practitioner shall be required to submit, within three months of the date that such practitioner ceases to practise:
- 50.32.1 an audit or inspector's report for any period for which an audit or review is outstanding, up to date of closure of the trust banking account;
- 50.32.2 a final list of trust creditors as at the date on which the trust account practitioner ceased to practise;
- 50.32.3 confirmation from the auditor or inspector that all trust creditors have been paid;
- 50.32.4 in the event of trust creditors being taken over by another firm, a list of trust creditors, signed by the trust account practitioner, after the auditor or inspector confirms that that list is correct, and signed by or on behalf of the partners of the firm taking over the trust creditors, confirming that they accept liability for claims of the trust creditors listed and that they have received the funds;
- 50.32.5 a certificate of nil balance from the trust account practitioner's bank confirming that the trust banking account has been closed.
- 50.33 In the event of non-compliance with accounting rule 50.31 or 50.32, or if at any time the Council has reason to believe that adequate provision has not been made for the winding up of the practice or for the protection of the interests of clients' affairs, the Council may take such steps as it deems necessary to wind up the practice subject to the Council's being entitled to recover the reasonable expenses incurred and reasonable compensation for work done in connection therewith from the trust account practitioner concerned.

Opening of practice

50.34 An office opened by a firm, which for the first time opens a practice within the jurisdiction of a Provincial Council, shall be designated as a main office of the firm in that jurisdiction, and the firm shall ensure that:

50.34.1 banking accounts for the firm are opened in that jurisdiction;

50.34.2 a separate set of accounting records is kept for the office.

50.35 The Council may at any time inspect or cause to be inspected the accounting records of any firm to satisfy itself that the provisions of section 86 of the Act, read with these rules, have been or are being complied with. Such inspection may be conducted by the Council, or by an auditor or suitably qualified inspector appointed by the Council, or by the Fund at the request of the Council.

Report of dishonest or irregular conduct

50.36 Unless prevented by law from doing so every trust account practitioner is required to report to the Council any dishonest or irregular conduct on the part of another trust account practitioner in relation to the handling of or accounting for trust money on the part of that other trust account practitioner.

50.37

Investment Practice Rules**Definitions**

51.1 A firm shall for the purpose of this rule be deemed to be carrying on the business of an investment practice if it invests funds on behalf of a client or clients and it controls or manages such investments, whether directly or indirectly.

51.2 A client shall for the purpose of this investment practice rule include any person on whose behalf a firm invests funds or manages or controls investments, whether or not such person is otherwise a client of the firm concerned.

51.3 This investment practice rule shall not apply to:

- 51.3.1 investments made pursuant to section 86(4) of the Act, which are not transactions contemplated in investment practice rule 51.1;
- 51.3.2 any investment of a temporary nature that is made in the course of and incidental to a conveyancing or other matter, including litigation, to which the investing client is a party;
- 51.3.3 investments made by attorneys in their capacity as executors, trustees, curators or in any similar capacity in so far as such investments are governed by any other statutory enactment or regulation;
- 51.3.4 any investment (other than one referred to in investment practice rule 51.1) made with a bank in the name of that client alone and on the written instructions of that client.

Mandates

- 51.4 A firm carrying on an investment practice shall obtain an investment mandate from each client before or as soon as possible after investing funds for that client. The form of the investment mandate shall be substantially in the form of the Second Schedule to these rules, and shall contain a statement that the client acknowledges that moneys so invested do not enjoy the protection of the Fund.

Reports to clients in relation to investments

- 51.5 Every firm carrying on an investment practice shall report to its client in writing in terms of the client's investment mandate at least once every twelve months on income earned and capital movements during the period of the report. That report shall reflect all commission earned or other charges made by the firm in carrying out the mandate.

Accounting records for investment practices

- 51.6 Every firm carrying on an investment practice shall, in addition to its normal accounting records, also keep a separate trust account record and supporting documents in respect of each client, which record shall reflect:

- 51.6.1 payments of all monies entrusted to it from time to time by the client for investment pursuant to the mandate granted by the client in terms of investment practice rule 51.4;
- 51.6.2 payments of all monies invested by it on the client's behalf;
- 51.6.3 payments of all amounts, both capital and income, derived from investments and received for the client's account;
- 51.6.4 all payments made by it to the client in respect of the client's investments, and
- 51.6.5 all charges paid to the firm in respect of services rendered by it to the client pursuant to the client's mandate in terms of investment practice rule 51.4.
- 51.7 The accounting records and other supporting documents referred to in investment practice rule 51.6 shall be retained by the firm in such manner as to enable it to furnish each client upon request with all current details of the client's investments as recorded in investment practice rule 51.6. Such accounting records, other supporting documents and systems shall be maintained in sufficient detail and be cross-referenced to the trust account records retained in respect of each client, in such a way as to provide an adequate and appropriate audit trail which will enable a particular transaction to be identified at any time and traced through the accounting records to the client. The system shall collect the information in an orderly manner and the accounting records and other supporting documents shall be properly arranged, filed and indexed so that any particular record can be promptly accessed. Where accounting records are maintained by means other than on paper, adequate facilities must exist for such records to be reproduced in printed form.
- 51.8 All accounting records required to be retained in terms of investment practice rule 51.3 and copies of all reports dispatched in terms of rule 51.3 shall be retained for at least five years, unless there is statutory provision to the contrary, from the date of the last entry recorded in each particular book or other document of record, and shall be held at the same office as the firm's other accounting records.

Pooling of investments

- 51.9 No firm may mix deposits in a pooled account or make other money market investments in any manner otherwise than by accepting funds as agent for each participating client and placing such funds with a bank in a savings account or on the money market on behalf of the client. The firm shall obtain from the bank an acknowledgement of receipt of each deposit or money market investment and such written receipts shall be retained by the firm as part of its accounting records.
- 51.10 All monies received by a firm for investment with a bank shall be paid to such bank as soon as reasonably possible after receipt by the firm, having regard to matters such as whether a payment by cheque has been cleared with the issuing bank.

Restrictions applicable to certain investments

- 51.11 A firm may not invest on behalf of a client:
- 51.11.1 in shares or debentures in any company which is not listed on a licensed securities exchange in the Republic, unless it is a subsidiary of a listed company; or
- 51.11.2 in loans in respect of which, in the firm's reasonable opinion at the time of making the investment, there is no adequate security, unless the client's specific written authorisation for each such investment has first been obtained.

Compliance with requirements of Financial Advisory and Intermediary Services FAIS Act.

- 51.12 Every firm carrying on an investment practice must comply with all the applicable requirements of the Financial Advisory and Intermediary Services Act, 37 of 2002 and the regulations thereunder.

Investment of funds by firms on behalf of persons, otherwise than in terms of investment practice rule 51

- 52.1 A firm shall not invest any funds on behalf of any person otherwise than in accordance with the written instructions of that person, detailing the manner and form of the investment.
- 52.2 The written instructions referred to in rule 52.1:
- 52.2.1 shall be obtained by the firm concerned before the investment is made, save that, in cases of urgency, the firm may obtain them as soon as possible thereafter and shall forthwith upon making the investment request the person concerned in writing to furnish it with such instructions, detailing in that request the manner and form of the investment;
- 52.2.2 may be incorporated in a written contract to which the person giving the instructions is a party.
- 52.3 If the firm does not receive the written instructions to be obtained by it in terms of rule 52.2 within one month after its written request the firm shall forthwith notify the Council in writing and at the same time furnish the Council with copies of all relevant letters of request and responses, if any.

General Provisions

- 53.1 Failure by a firm to comply with any of the provisions of the rules contained in Part XI of the rules shall constitute misconduct on the part of the partners or directors of the firm.
- 53.2 An administrative levy in an amount to be determined by the Council from time to time shall be payable by all firms whose audit reports are not submitted within six months of the annual close of the accounting records of the firms concerned, as prescribed by accounting rule 50.24.
- 53.3 It shall constitute misconduct, or an abuse or misuse of trust funds, for a trust account practitioner to enter into any abnormal or unusual banking arrangement in relation to trust accounts such as "no interest - no charges" or to agree to or acquiesce in reduced interest or to increased charges in return for, or in the expectation or hope of, work allocated or referred to the trust account practitioner by the bank or corresponding advantages allowed by the bank to him or her in respect of his or her business or private accounts.

- 53.4 The Council shall be entitled to recover from any firm any expenditure incurred by the Council resulting from the firm's failure to comply with these accounting rules.

PART XIII

LEGAL PRACTITIONERS' FIDELITY FUND

54. Compliance and Enforcement: Inspections

54.1 Authority to conduct inspections

- 54.1.1 The Board may at any time, itself or through its nominee, or through a nominee of the Council acting on behalf of the Board, and at its own cost and on its own initiative, inspect the accounting records of any trust account practice in order to satisfy itself that the provisions of sections 86 and 87 of the Act, and the Council rules, are being complied with.
- 54.1.2 If on an inspection it is found that any of the provisions of sections 86 or 87, or the Council rules, have not been complied with, the Board may write up the accounting records of the trust account practice and recover the costs of the inspection and the writing up of the accounting records from the trust account practice concerned. If on an inspection it is found that any of the provisions of sections 86 or 87, or the Council rules, have not been complied with, the Board may write up the accounting records of the trust account practice and recover the costs of the inspection and the writing up of the accounting records from the trust account practice concerned.

54.2 Inspections

- 54.2.1 The Board may appoint any person in the service of the Board, or any other suitably qualified person, as an inspector to carry out inspections in terms of these rules.
- 54.2.2 The Board may determine the remuneration to be paid to a person who is appointed in terms of rule 54.2.1 and who is not in the full time service of the Board.

54.3 Certificate of appointment

54.3.1 The Board must issue an inspector contemplated in rule 54.2 (whether a person in the full time service of the Board or any other suitably qualified person) with a certificate of appointment signed by the chief executive officer of the Board, which certificate of appointment must specify -

54.3.1.1 the full name of the person so appointed;

54.3.1.2 his or her identity number;

54.3.1.3 his or her signature;

54.3.1.4 a description of the capacity in which he or she is appointed; and

54.3.1.5 the extent of his or her powers to inspect.

54.3.2 When an inspector undertakes an inspection in terms of these rules the inspector must -

54.3.2.1 be in possession of a certificate of appointment issued in terms of rule 54.3.1; and

54.3.2.2 on request, show that certificate to any person who is affected by the performance of the functions of the inspector, or is in charge of any premises or firm to be inspected.

54.4 **Conduct of inspections**

54.4.1 In carrying out the Board's functions in terms of these rules an inspector may at any reasonable time, and on reasonable notice where appropriate, enter and inspect any premises at which the Board reasonably believes that a trust account practice is being conducted.

54.4.2 In conducting such an inspection an inspector may -

54.4.2.1 in writing direct a person to appear for questioning before the inspector at a time and place determined by the inspector;

54.4.2.2 order any person who has or had any document in his, her or its possession or under his, her or its control relating to the accounting records of the firm to produce that document or to furnish the

inspector, at the place and in a manner determined by the inspector, with information in respect of that document;

54.4.2.3 open any strongroom, safe or other container, or order any person to open any strongroom, safe or other container, in which the inspector suspects any document relevant to the inspection is kept;

54.4.2.4 use any computer system or equipment on the premises, or require reasonable assistance from any person on the premises to use that computer system, to access any data contained in or available to that computer system, and to reproduce any document from that data;

54.4.2.5 examine or make extracts from, or copy, any document in the possession of the firm or any other person which is relevant to the inspection or, against the issue of a receipt, remove that document temporarily for that purpose; and

54.4.2.6 against the issue of a receipt, seize any document obtained in terms of 54.4.2.3 to 54.4.2.5 which, in the opinion of the inspector, may constitute evidence of non-compliance with the provisions of sections 86 and 87 of the Act or of the rules.

54.4.3 A firm to whom this Act applies must, without delay, provide reasonable assistance to an inspector acting in terms of rule 54.4.

54.4.4 No warrant is required for the purposes of an inspection in terms of these rules.

54.4.5 An inspector may at any time request the firm to provide to the Board such additional information or documentation relating to the subject matter of the inspection.

54.5 The inspection procedure

54.5.1 The procedure for an inspection will be determined on a case-by-case basis by the inspector.

54.5.2 An inspection may be conducted by one or more inspectors. Where more than one inspector is engaged in an inspection, one of the inspectors will

be designated as the lead inspector who will take overall responsibility for the conduct of the inspection.

- 54.5.3 Any request for the firm to produce documentation for purposes of inspection must be in writing, unless the purpose of the inspection, in the reasonable opinion of the inspector, would be frustrated by the giving of notice.
- 54.5.4 All inspections must be conducted so as to cause as little inconvenience and disruption to the firm and its staff as possible.
- 54.5.5 The inspection should be conducted only during normal business hours, unless the inspector reasonably considers that the conducting of an inspection at any other time is necessary on the grounds of urgency or expediency.
- 54.5.6 Not less than seven days' notice in writing shall be given to the firm of any inspection; provided that where the inspector has a reasonable suspicion that there has been a contravention of the Act or of the Council rules, or that the purpose of the inspection may be frustrated by the giving of notice, the inspection may be conducted without notice.
- 54.5.7 Only the inspector, and such other officials of the Board as may be reasonably necessary to carry out the inspection, should enter the premises of the firm during the course of the inspection. The person in charge of the firm, or a person nominated by him or her, shall be entitled to be present and to observe all aspects of the inspection, but the failure of that person to be present at the inspection shall not prevent the inspector from proceeding with the inspection.
- 54.5.8 If an inspector, after having identified himself or herself and declared his or her official capacity and the purpose for requiring admission to the premises of the firm and having complied with any other reasonable requirements, is not immediately given admission to the premises, the Board may apply to court for an order that the inspector be admitted to the premises to enable the inspection to be carried out.

- 54.5.9 The firm which is the subject of the inspection shall make such facilities available to the inspector as may reasonably be required for the purpose of conducting the inspection.
- 54.5.10 Any request for information or documentation which is not immediately available for inspection must be in writing and must allow the firm a reasonable time to comply with the request. Any such request -
- 54.5.10.1 must describe with reasonable particularity each item or category of items to be inspected;
- 54.5.10.2 must specify a reasonable time, place and manner for inspection and for performing any related acts; and
- 54.5.10.3 in the case of electronically stored information, must specify the form in which that information is to be produced.
- 54.5.11 If the firm which is the subject of an inspection objects to making disclosure of documentation or information which is called for by the inspector, the firm must set out its objection in writing, with detailed grounds of the objection, and the matter shall be determined by the chief executive officer of the Board.
- 54.5.12 Unless otherwise stipulated or ordered by a court, the following procedures shall apply to producing documents or electronically stored information:
- 54.5.12.1 the firm must produce documents as they are kept in the normal and ordinary course of business, or must otherwise organise and label the documents to correspond to the categories in the request;
- 54.5.12.2 if the request for information does not specify a form for producing electronically stored information, the firm must produce the information in a form or forms in which it is ordinarily maintained or in a reasonably usable form; and
- 54.5.12.3 the firm may not be required to produce the same electronically stored information in more than one form.

- 54.5.13 The Board may request the firm which is subject to the inspection to complete a pre-inspection questionnaire to allow for more efficient planning and conducting of the inspection.
- 54.5.14 At the conclusion of the inspection the inspector must prepare a report to the Board on the findings of the inspection, a copy of which report must be made available to the firm which was subject to the inspection. If the firm objects to any of the findings in the report it must do so in writing to the Board, outlining the basis of the objection. The Board shall consider the objections and shall take such further action in relation thereto as the Board considers appropriate.
- 54.5.15 The Board may in its discretion refer the inspection report to the Council for consideration. The firm which is the subject of the report shall be notified of such referral.
- 54.5.16 Any report of an inspection may, if appropriate, be used in disciplinary or criminal proceedings which may be brought against members of the firm.
- 54.6 **Duty to cooperate**
- 54.6.1 Every firm, and every partner or director of the firm, and every trust account advocate, must cooperate with the Board in the performance of any inspection in terms of these rules. Without limiting the generality of this provision, cooperation shall include cooperating with and complying with any lawful request, made in pursuance of the Board's authority and responsibilities under the Act -
- 54.6.1.1 to provide access to, and the ability to copy, any accounting record in the possession, custody or control of the firm or of that person; and
- 54.6.1.2 provide information by oral interviews, written responses or otherwise.
- 54.6.1.3 any person who refuses or fails to produce a book, document or any article for purposes of an inspection, or obstructs or hinders any person in the performance of his or her functions in conducting the investigation, is guilty of an offence.

- 54.6.2 The Board will not be liable for any costs incurred by the firm arising out of an inspection in terms of these rules, otherwise than in exceptional circumstances.

54.7 Confidentiality

Subject to any other law, any person who performs any function under these rules may not disclose any information which he or she obtained in the performance of that function except -

- 54.7.1 for the purposes of an inspection or hearing by a disciplinary body of the Council;
- 54.7.2 to any person authorised thereto by the Board or the Council who of necessity requires it for the performance of his or her functions under the Act or these rules;
- 54.7.3 if he or she is a person who of necessity supplies it in the performance of his or her functions under the Act or under these rules;
- 54.7.4 when required to do so by order of a court of law;
- 54.7.5 at the written request of the Legal Services Ombud for the Republic; or
- 54.7.6 at the written request of the National Prosecuting Authority or any competent authority which requires it for the institution of an investigation with a view to the institution of any criminal prosecution.

54.8 Obligations to provide information and documentation not affected by confidentiality rules

Subject to the provisions of any other law, a firm, or the person in charge of the firm, or any person nominated by him or her, may not refuse to produce any book, document or article required for purposes of an inspection under these rules, even though he or she is of the opinion that it contains confidential information belonging to or concerning his or her client. Contributions to the fund: insurance premiums

55. Contributions to the fund: insurance premiums

- 55.1 Every attorney who is required to be in possession of a fidelity fund certificate, and every advocate contemplated in section 34(2)(b) of the Act, shall pay annually to the Council, on behalf of the Fund, such amount as the Board shall determine as a contribution to the Fund towards the cost of the premiums payable by the Fund in respect of contracts of insurance entered into in terms of section 77 of the Act.
- 55.2 The annual contributions payable in terms of rule 3.1 shall be payable by not later than 30 November in every year commencing in the year to be determined by the Board; provided that any practitioner enrolled after 30 June in any year shall pay only one-half of the annual fee for the year then current, payable within thirty days of enrolment.
- 55.3 The Board shall, not later than the last day of September in every year, cause to be sent to every legal practitioner who is obliged in terms of section 84(1) of the Act to be in possession of a fidelity fund certificate, by electronic on-line transmission to that legal practitioner's electronic mail address (or by pre-paid post to the postal address of that legal practitioner, or by delivery to that legal practitioner's business address, where the legal practitioner has not provided the Council with an email address) an invoice in respect of the contribution to be made by the legal practitioner in respect of the year following.
- 55.4 The failure on the part of a legal practitioner to receive an invoice in respect of the contribution shall not relieve the legal practitioner of his or her obligation to make payment of the contribution as required by rule 55.1.

56. Issuing and costs of fidelity fund certificate

- 56.1 Subject to the payment of all contributions payable by a legal practitioner for the issue of a fidelity fund certificate, as required by rule 55.1, and upon receipt of the costs payable to the Council for the issue of the fidelity fund certificate, as determined from time to time by the Council in consultation with the Board, and as notified by the Council in the *Gazette*, and subject to the Council's being satisfied as to the matters dealt with in the application for the fidelity fund

certificate, the Board shall cause the Council to issue a fidelity fund certificate to the applicant.

- 56.2 A fidelity fund certificate shall be in the form of Schedule 2A to these rules (in the case of attorneys) and Schedule 2B to these rules (in the case of advocates referred to in section 34(2)(b) of the Act), and shall be signed by an authorised official on behalf of the Council, and the production of such a certificate purporting to be so signed shall be prima facie evidence of its contents.

57. Procedure for the appointment of the executive officer and other employees

- 57.1 The Board must appoint an executive officer to carry out the functions referred to in section 63(2) of the Act, and such other employees as it deems necessary to assist the executive officer.

- 57.2 The procedure for the appointment of the executive officer shall be as follows:

- 57.2.1 the Board shall advertise the vacancy for an executive officer in such media and in such manner as the Board shall determine;

- 57.2.2 the advertisement shall state the criteria to be considered by the Board in appointing the executive officer;

- 57.2.3 the advertisement calling for applications shall state the date by which applications should be received, and shall include a statement that applications received after that date will not be considered;

- 57.2.4 after the closing date the Board, or a committee of the Board established for that purpose, shall review the applications and arrange to interview those of the applicants which the Board or the committee, as the case may be, considers to be suitable for the position of executive officer; provided that if the Board or the committee, as the case may be, considers that none of the applicants is suitable for the position the Board shall again advertise for the vacancy, and the provisions of rules 57.2.1 to 57.2.4 shall again apply.

- 57.2.5 If, after following the procedure referred to in this rule 57.2, the Board appoints a candidate to fill the office of executive officer it shall enter into a

written agreement with the individual setting out the terms and conditions of the appointment.

57.3 Nothing in these rules shall be construed -

57.3.1 as requiring the Board to appoint any of the applicants for the vacancy; or

57.3.2 as prohibiting an existing employee of the Board from applying for the position of executive officer.

57.4 The procedure for the appointment of other employees of the Board shall be determined by the Board.

57.5 The need for the staff of the Board to reflect -

57.5.1 the racial and gender composition of South Africa; and

57.5.2 representation of persons with disabilities

must as far as practicable be considered when the executive officer and other employees of the Board are appointed.

57.6 The Board must determine the conditions of service of the executive officer and other employees of the Board.

**Schedule 1A
(Part A)
(Rule 16.12.4)****Provincial Council of [●]****Ballot Paper - Attorneys**

(for use in elections for all Provincial Councils except for the Gauteng Provincial Council)

Every attorney who is on the roll of practising attorneys and who practises within the area of jurisdiction of the Provincial Council may vote for a maximum of six candidates from the candidates listed below. Please note, however, that in order to achieve an appropriate balance of race and gender in relation to the composition of the Provincial Council, and subject to the availability of candidates, the following individuals will constitute the six attorneys who will serve as members of the Provincial Council:

1. the two black women¹ with the highest number of votes in this category;
2. the two black men with the highest number of votes in this category;
3. the white woman with the highest number of votes in this category;
4. the white man with the highest number of votes in this category.

A short profile of each candidate is available at www.lpc.co.za.

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¹ Black is used as defined in section 1 of the Broad-Based Black Economic Empowerment Act 53 of 2003, read with the Broad-Based Black Economic Empowerment Amendment Act 46 of 2013 as a generic term which means Africans, Coloureds and Indians who are citizens of the Republic of South Africa by birth or descent, or who became citizens of the Republic of South Africa by naturalisation before 27 April 1994 or on or after 27 April 1994 and who would have been entitled to acquire citizenship by naturalisation prior to that date and such other persons as may be categorised as black persons for purposes of that legislation.

When voting, please take into account the following considerations in relation to the constitution of the Provincial Council:

- (a) the racial and gender composition of South Africa;*
- (b) representation of persons with disabilities; and*
- (c) experience and knowledge of—*
 - (i) the provision of legal services;*
 - (ii) the principles of promoting access to justice;*
 - (iii) legal education and training;*
 - (iv) consumer affairs;*
 - (v) civil and criminal proceedings and the functioning of the courts and tribunals in general;*
 - (vi) the maintenance of professional standards of persons who provide legal services;*
 - (vii) the handling of complaints; and*
 - (viii) competition law.*

**Schedule 1A
(Part B)
(Rule 16.12.4)****Provincial Council of Gauteng****Ballot Paper - Attorneys****(only for use in elections for the Gauteng Provincial Council)**

Every attorney who is on the roll of practising attorneys and who practises within the area of jurisdiction of the Provincial Council may vote for a maximum of eight candidates from the candidates listed below. Please note, however, that in order to achieve an appropriate balance of race and gender in relation to the composition of the Provincial Council, and subject to the availability of candidates, the following individuals will constitute the eight attorneys who will serve as members of the Provincial Council:

1. the two black women² with the highest number of votes in this category;
2. the two black men with the highest number of votes in this category;
3. the two white women with the highest number of votes in this category;
4. the two white men with the highest number of votes in this category.

A short profile of each candidate is available at www.lpc.co.za.

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² Black is used as defined in section 1 of the Broad-Based Black Economic Empowerment Act 53 of 2003, read with the Broad-Based Black Economic Empowerment Amendment Act 46 of 2013 as a generic term which means Africans, Coloureds and Indians who are citizens of the Republic of South Africa by birth or descent, or who became citizens of the Republic of South Africa by naturalisation before 27 April 1994 or on or after 27 April 1994 and who would have been entitled to acquire citizenship by naturalisation prior to that date and such other persons as may be categorised as black persons for purposes of that legislation.

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When voting, please take into account the following considerations in relation to the constitution of the Provincial Council:

- (a) the racial and gender composition of South Africa;*
- (b) representation of persons with disabilities; and*
- (c) experience and knowledge of—*
 - (i) the provision of legal services;*
 - (ii) the principles of promoting access to justice;*
 - (iii) legal education and training;*
 - (iv) consumer affairs;*
 - (v) civil and criminal proceedings and the functioning of the courts and tribunals in general;*
 - (vi) the maintenance of professional standards of persons who provide legal services;*
 - (vii) the handling of complaints; and*
 - (viii) competition law.*

**Schedule 1B
(Part A)
(Rule 16.12.4)****Provincial Council of [●]****Ballot Paper - Advocates**

(for use in elections for all Provincial Councils except for the Gauteng Provincial Council)

Every advocate who is on the roll of practising advocates and who practises within the area of jurisdiction of the Provincial Council may vote for a maximum of four candidates from the candidates listed below. Please note, however, that in order to achieve an appropriate balance of race and gender in relation to the composition of the Provincial Council, and subject to the availability of candidates, the following individuals will constitute the four advocates who will serve as members of the Provincial Council:

1. the black woman³ with the highest number of votes in this category;
2. the black man with the highest number of votes in this category;
3. the white woman with the highest number of votes in this category;
4. the white man with the highest number of votes in this category.

A short profile of each candidate is available at www.lpc.co.za.

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³ Black is used as defined in section 1 of the Broad-Based Black Economic Empowerment Act 53 of 2003, read with the Broad-Based Black Economic Empowerment Amendment Act 46 of 2013 as a generic term which means Africans, Coloureds and Indians who are citizens of the Republic of South Africa by birth or descent, or who became citizens of the Republic of South Africa by naturalisation before 27 April 1994 or on or after 27 April 1994 and who would have been entitled to acquire citizenship by naturalisation prior to that date and such other persons as may be categorised as black persons for purposes of that legislation.

When voting, please take into account the following considerations in relation to the constitution of the Provincial Council:

- (a) the racial and gender composition of South Africa;*
- (b) representation of persons with disabilities; and*
- (c) experience and knowledge of—*
 - (i) the provision of legal services;*
 - (ii) the principles of promoting access to justice;*
 - (iii) legal education and training;*
 - (iv) consumer affairs;*
 - (v) civil and criminal proceedings and the functioning of the courts and tribunals in general;*
 - (vi) the maintenance of professional standards of persons who provide legal services;*
 - (vii) the handling of complaints; and*
 - (viii) competition law.*

**Schedule 1B
(Part B)
(Rule 16.12.4)****Provincial Council of Gauteng****Ballot Paper - Advocates****(only for use in elections for the Gauteng Provincial Council)**

Every advocate who is on the roll of practising advocates and who practises within the area of jurisdiction of the Provincial Council may vote for a maximum of four candidates from the candidates listed below. Please note, however, that in order to achieve an appropriate balance of race and gender in relation to the composition of the Provincial Council, and subject to the availability of candidates, the following individuals will constitute the four advocates who will serve as members of the Provincial Council:

1. the black woman⁴ with the highest number of votes in this category; the black man with the highest number of votes in this category;
2. the white woman with the highest number of votes in this category;
3. the white man with the highest number of votes in this category.

A short profile of each candidate is available at www.lpc.co.za.

A**B****C****D****E****F****G**

⁴ Black is used as defined in section 1 of the Broad-Based Black Economic Empowerment Act 53 of 2003, read with the Broad-Based Black Economic Empowerment Amendment Act 46 of 2013 as a generic term which means Africans, Coloureds and Indians who are citizens of the Republic of South Africa by birth or descent, or who became citizens of the Republic of South Africa by naturalisation before 27 April 1994 or on or after 27 April 1994 and who would have been entitled to acquire citizenship by naturalisation prior to that date and such other persons as may be categorised as black persons for purposes of that legislation.

When voting, please take into account the following considerations in relation to the constitution of the Provincial Council:

- (a) the racial and gender composition of South Africa;*
- (b) representation of persons with disabilities; and*
- (c) experience and knowledge of—*
 - (i) the provision of legal services;*
 - (ii) the principles of promoting access to justice;*
 - (iii) legal education and training;*
 - (iv) consumer affairs;*
 - (v) civil and criminal proceedings and the functioning of the courts and tribunals in general;*
 - (vi) the maintenance of professional standards of persons who provide legal services;*
 - (vii) the handling of complaints; and*
 - (viii) competition law.*

**Schedule 2
(Rule 21.1.2.1)****Form of Practical Vocational Training Contract**

Practical vocational training contract entered into at on this day of 20....., between, an attorney of the High Court of South Africa (hereinafter referred to as the principal) and born on (hereinafter referred to as the candidate attorney).

1. The candidate attorney undertake -

- 1.1 to serve the principal diligently, honestly and properly in his or her profession as an attorney from the date hereof for such period as may be determined by regulation, and during that period to maintain confidentiality in all matters relating to the business of the principal;
- 1.2 to execute, at all times, all lawful instructions given to him or her by the principal or any partner of the principal or any person placed in authority over the candidate attorney by the principal or any partner of the principal;
- 1.3 not to absent himself or herself from his or her employment by the principal without the principal's prior consent;
- 1.4 subject to any applicable rule or regulation, not to engage in any business whatsoever other than that of a candidate attorney without the written consent of the principal and the Legal Practice Council;

2. The principal undertakes -

- 2.1 to use his or her best efforts to teach and instruct the candidate attorney in the practice and profession of an attorney;
- 2.2 provided the candidate attorney has served his or her period under this contract properly and is in the principal's opinion a fit and proper person for admission, to

use his or her best efforts to procure the admission and enrolment of the candidate attorney as an attorney of the High Court of South Africa.

3. Should the principal discontinue his or her practice he or she shall not thereafter be bound by this contract but shall, if requested by the candidate attorney, cede this contract to another qualified principal.

4. Should the candidate attorney:

4.1 not serve the period of service properly in terms of this contract;

4.2 commit a breach of any of the terms of this contract; or

4.3 be guilty of any misconduct

the principal will be entitled to cancel this contract and dismiss the candidate attorney from his or her employment.

Signed on 20...

As witnesses:

1
Principal

2
Candidate Attorney

**Schedule 3
(Rule 21.2.2.1)****Form of Practical Vocational Training Contract**

Practical vocational training contract entered into at on this day of 20....., between, an advocate of the High Court of South Africa (hereinafter referred to as the training supervisor) and born on (hereinafter referred to as the pupil).

1. The pupil undertakes -

- 1.1 to undergo training under the supervision of the training supervisor diligently, honestly and properly from the date hereof for such period as may be determined by regulation, and during that period to maintain confidentiality in all matters relating to the business of the training supervisor
- 1.2 to execute, at all times, all lawful instructions given to him or her by the training supervisor or any person placed in authority over the pupil by the training supervisor;
- 1.3 subject to any applicable rule or regulation not to engage in any business whatsoever other than that of a pupil without the written consent of the training supervisor and the Legal Practice Council;

2. The training supervisor undertakes -

- 2.1 to use his or her best efforts to teach and instruct the pupil in the practice and profession of an advocate;
- 2.2 provided the pupil has served his or her period under this contract properly and is in the training supervisor's opinion a fit and proper person for admission, to training supervisor use his or her best efforts to procure the admission and enrolment of the pupil as an advocate of the High Court of South Africa.

3. Should the training supervisor discontinue his or her practice or otherwise cease to qualify to act as a training supervisor he or she shall not thereafter be bound by this contract but shall, if requested by the pupil, cede this contract to another qualified training supervisor;

4. Should the pupil:

4.1 not serve the period of service properly in terms of this contract;

4.2 commit a breach of any of the terms of this contract; or

4.3 be guilty of any misconduct,

then the training supervisor will be entitled to cancel this contract.

Signed on 20...

As witnesses:

1
Training supervisor

2
Pupil

**Schedule 4
(Rule 42.1)****LEGAL PRACTICE COUNCIL****Form of Subpoena****(issued in terms of section 39(3) of the Legal Practice Act, 2014)**

To:

Name :

Physical address :

You are hereby required to appear in person at

.....on..... 20XX ...at.....(time)

before the disciplinary committee in the matter of a hearing in terms of section 39 of the
Legal Practice Act, 2014 (Act 28 of 1014), in relation to the conduct of

.....

You are required to remain in attendance until excused by the disciplinary committee in
order to testify at the hearing in regard to the matter under consideration.You are also required to bring with you, and then produce, the documents specified in the list
hereunder.**List of documents to be produced**

.....

.....

.....

Given under the hand of the disciplinary committee on20XX

Capacity

**Schedule 5
(Rule 45.2)****The Legal Practice Council****Complaint of misconduct**

A person wishing to complain against the conduct of a legal practitioner, a candidate legal practitioner or a juristic entity must initiate the process by completing this document, signing it before a Commissioner of Oaths and lodging the original with the Council at the following address:

[Insert address of the appropriate Provincial Council] or by prepaid post to **[insert postal address of the Provincial Council]**

In this document a reference to a "legal practitioner" is a reference to a legal practitioner, a candidate legal practitioner or a juristic entity, as the context requires.

*** PLEASE QUOTE OUR REFERENCE NUMBER AT ALL TIMES ***

Please complete the document in print or typing

Please note that it is your duty to inform the Legal Practice Council of any change in your address or particulars after this complaint has been lodged.

1.	COMPLAINANT'S DETAILS	
Full name and surname		
Identity number		
Home address and code:		
Postal address and code:		
E-mail address:		
Telephone number/s:		
Your Employer:		

Work Address:	
Employer's telephone number:	
2.	LEGAL PRACTITIONER'S DETAILS
Full name and surname	
Where is the legal practitioner practising?	
If the legal practitioner is an attorney, the name of the firm of attorneys where the attorney is practising.	
3.	DETAILS OF YOUR COMPLAINT
On which date did you instruct the legal practitioner?	
What was the nature of your instruction to the legal practitioner? ie what did you ask the legal practitioner to do for you?	
When last did you hear from or consult with your legal practitioner?	
Was there a written letter of engagement?	
If so, please provide a copy.	Annexure:
4.	NATURE OF YOUR COMPLAINT
Into which of the following categories does your complaint fall?	
	Failure to account for money
	Failure to respond to communications
	Failure to deal properly with your instructions
	Fees and costs
	Other

5.	NATURE OF THE WORK
	Third party/motor vehicle accident claim
	Deceased estate
	Property transaction
	Divorce proceedings
	Criminal proceedings

Please complete only if your complaint does not fall within any of the above categories	
(Use a separate schedule if the space is insufficient)	
6	FURTHER DETAILS OF YOUR COMPLAINT
Did the legal practitioner send you you any letters after your instructions to him/her? (If you are in possession of such letters, please enclose only the letters relevant to your complaint.	
	Annexure/s:
Please state point by point why you are unhappy with the legal practitioner? In what way did he/she fail to do the work you expected to be done?	
(Use a separate schedule if the space is insufficient)	

<p>Please note that this document may be furnished to the legal practitioner. You are cautioned against making any potentially defamatory allegations against the legal practitioner, as you could expose yourself to a civil claim for damages by the legal practitioner</p>

LOGO

Schedule 6A
(Rule 47.6)**LEGAL PRACTITIONERS' FIDELITY FUND****FIDELITY FUND CERTIFICATE**

for the year ending 31 December [●]

Pursuant to the provisions of Chapter 6 of the
Legal Practice Act, 28 of 2014 (the Act)

I hereby certify that

[NAME OF LEGAL PRACTITIONER]

an attorney

of

[NAME OF FIRM]has complied with the provisions of Section 85 of the Act
in respect of the year ending 31 December [●]

for Executive OfficerLegal Practitioners'
Fidelity Fund

Issued on [●]

LOGO

Schedule 6B
(Rule 47.6)**LEGAL PRACTITIONERS' FIDELITY FUND****FIDELITY FUND CERTIFICATE**

for the year ending 31 December [●]

Pursuant to the provisions of Chapter 6 of the
Legal Practice Act, 28 of 2014 (the Act)

I hereby certify that

[NAME OF LEGAL PRACTITIONER]an advocate as contemplated in section 34(2)(b) of the Act
has complied with the provisions of Section 85 of the Act
in respect of the year ending 31 December [●]

for Executive OfficerLegal Practitioners'
Fidelity Fund

Issued on [●]

**Schedule 7A
(Rule 49)****LEGAL PRACTITIONERS' FIDELITY FUND****APPLICATION FOR FUND CERTIFICATE IN TERMS OF THE
LEGAL PRACTICE ACT, 2014 (ACT NO. 28 OF 2014)
FOR THE YEAR ENDING 31 DECEMBER 20____****APPLICATION FORM FOR ATTORNEYS***PLEASE COMPLETE IN BLOCK LETTERS***GENERAL INFORMATION**

1. Full names of the applicant: _____

Identity
number: _____

Practitioner reference
number: _____
2. Name under which practice will be carried on ("the firm"). If the practice is
incorporated give the full name and registration number:

Firm classification (sole practitioner, partnership, incorporated practice): _____
Firm practice reference number: _____

Company
number: _____
3. Physical address at which practice will be carried on (i.e. principal place of practice)

Province: _____
4. Contact details:

Postal
address: _____

Residential

address: _____

Docex address (if applicable): _____

Telephone (business): _____ (home): _____

(fax): _____ (e-mail): _____

5. Any other physical address at which practice will be carried on, including province:

_____ Province: _____

Name of practitioner in control: _____

6. Full names of partners or co-directors, if any: _____

7. If no Fidelity Fund Certificate has been obtained for the current year, state date on which the applicant will begin to practise for own account or in partnership or as a member of an incorporated practice:

8. If applicant ceased to practise for own account, or in partnership or as member of an incorporated practice, and intends to resume practising, state:

Name and address of former practice: _____

_____ Province: _____

When applicant ceased to practise: _____

ADDITIONAL INFORMATION REQUIRED BY THE LEGAL PRACTITIONERS' FIDELITY FUND FOR RISK MANAGEMENT AND ANALYSIS

9. Registration number with the Financial Intelligence Centre (attach proof): _____

10. Appointed auditor: _____ Practice registration number: _____

Firm

name: _____

Physical

address: _____

Postal

address: _____

Telephone (business): _____ (fax): _____

E-mail address: _____

11. The firm participated / did not participate in the automated monthly transfer system for the period from _____ 20____ to _____ 20____.
12. The firm provides bridging finance to clients: YES / NO.
13. The firm carried on the business of an investment practice during the year: YES / NO.

If yes, the investment practice registration in terms of the Financial Advisory and Intermediary Services Act, No. 37 of 2002, with the Financial Services Board is: _____

14. The practice purchased / did not purchase -
- 14.1 insurance cover to protect against the possibility of misappropriation of trust money and property;
- 14.2 professional indemnity insurance cover.

If such insurance was acquired, state in each case the extent of the cover, the name of the insurer and the policy number.

15. The legal practitioner is required to complete and return the attached risk questionnaire for analysis and risk management by the Attorneys Insurance Indemnity Fund.

FINANCIAL INFORMATION

16. I/ We as the practitioner(s) / partner(s) / director(s) is / are responsible for ensuring that the attorneys' trust accounts are maintained in compliance with the provisions of the Legal Practice Act and the rules of the Legal Practice Council. The practitioner(s) / partner(s) / director(s) is / are responsible for the design, implementation and

monitoring of accounting and internal control systems and the completion of the risk assessment of the firm.

16.1 I / We, confirm that I / we have maintained the necessary accounting records as required in terms of sections 87(1) and 87(3) of the Legal Practice Act, No. 28 of 2014 and the rules of the Legal Practice Council for the accounting period from 1 October 20____ to 30 September 20____.

16.2 I /We certify that:

16.2.1 the accounting records, to the best of my / our knowledge and belief, are in accordance with the terms of the Legal Practice Act, No. 28 of 2014, and the rules of the Legal Practice Council;

16.2.2 any trust deficit was reported to the Council;

16.2.3 the interest earned in terms of sections 86(5) of the Legal Practice Act was paid to the Council in full on a monthly basis;

16.2.4 the annual fees and charges are fully paid up.

16.3 the State the amount (as per the bank statement) standing to the credit of the firm's trust banking account(s) and the amount of trust monies invested by the applicant's firm at the end of each quarter of this year, per financial institution.

Balance standing to the credit of the firm's trust banking account(s)	(A) Section 86(1)	(B) Section 86(3)	(C) Section 86(4)	(D) Invest-ments	(E) Estates	(F) Property	Total
Currency							
31 December 20__							
31 March 20__							
30 June 20__							
30 September 20__							
TOTAL TRUST FUNDS							

Trust banking account details	(A) Section 86(1)	(B) Section 86(3)	(C) Section 86(4)	(D) Invest-ments	(E) Estates

Bank:					
Branch:					
Branch code:					
Account number:					
Credit interest rate:					
- at 31 March					
- at 30 Sept					

Balance standing to the credit of the firm's trust banking account(s)	(A) Section 86(1)	(B) Section 86(3)	(C) Section 86(4)	(D) Investments	(E) Estates	(F) Property	Total
Bank service fee formula:							

16.4 **Analysis of section 86(4) investments by category at 30 September 20__:**

Category	Distribution	Duration(average number of months)
Conveyancing	%	months
Commercial	%	months
Litigation	%	months
Road Accident Fund	%	months
Investments	%	months
Estates	%	months
Other: (Specify)		
	%	months
	%	months
	%	months
	%	months
TOTAL	100%	

16.5 I hereby authorise the above bank/s to provide the Legal Practitioners' Fidelity Fund with details of any changes to, and to certify, the above information, from time to time, as requested by the Fund.

16.6 I hereby authorise the Legal Practitioners' Fidelity Fund to negotiate with my bankers the terms relating to interest accruing on, and bank charges levied against, my trust current banking account(s).

SIGNED ON THIS ____ DAY OF 20__ AT _____.

IN THE PRESENCE OF THE UNDERSIGNED WITNESSES:

AS WITNESSES:

1. _____

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2. _____

SIGNATURE OF APPLICANT

GUIDELINES FOR COMPLETING THIS FORM

This form must be completed in advance for the coming year.

The form should be submitted by, 1 December of each year for a certificate in respect of the following year.

If commencing practice for the first time the application will be in respect of the current year.

The information requested in this application form will, inter alia, be used by the Legal Practitioners' Fidelity Fund to provide statistics for risk management, risk profiling and reinsurance programmes.

Item 16.3: The amount (as per bank statements) standing to the credit of the firm's trust banking account, the amount of trust moneys invested by the applicant's firm, estate accounts and other entrusted property.

A - Insert the balance standing to the credit of the trust current banking account as per the bank statement as at the end of each quarter. If there is more than one trust account, add the balances together and enter the result in A for each quarter.

B - Insert the total of the amounts invested in terms of section 86(3) in B for each quarter.

C - Insert the total of the amounts invested in terms of section 86(4) in C for each quarter. On this type of investment the interest generated is payable to the practitioner's client(s), and to the Legal Practitioners' Fidelity Fund in terms of section 86(5)(b).

D - Insert the total of the amounts invested in terms of the Council's investment rules in D for each quarter.

E - Insert the total amount held in respect of estates in terms of section 87(3)(c) of the Act in E for each quarter.

F - Insert the value of any other entrusted property in terms of section 55(1) of the Act, in F for each quarter.

Use annexures if there is more than one account and financial institution.

For trust funds denominated in any foreign currency, provide a separate annexure in the same format noting the currency.

Trust current banking account details:

- (a) Enter name of bank.
- (b) Enter name of branch.
- (c) Enter branch code.
- (d) Enter bank account number.
- (e) Enter the credit interest rate applied to the account as at the dates specified. These dates relate to the current year. If the rates are not shown on the bank statements, practitioners should contact their bank managers to get the correct information. If the rate fluctuates depending on the size of the balance in the account, indicate the rate on balances in excess of R100 000.
- (f) The bank service fee formula must be entered as at 30 September of the current year. The service fee formula is normally printed on the bank statement in the following way:

___/___/___

The first 3 digits are the charge for the first R100 of each cheque issued, expressed in cents.

The next 3 digits are the charge for each additional R100 of each cheque issued.

The last 3 or 4 digits are the maximum charge per cheque issued.

Use annexures if space is insufficient and for information on multiple accounts.

Item 16.4: You are required to provide your own assessment of the nature of section 86(4) trust investments at 30 September, expressed as a percentage, and the average duration of each type of investment.

Insert percentages to indicate the nature of section 86(4) trust investments.

Also insert the average duration of each investment type.

**Schedule 7B
(Rule 49)**

LEGAL PRACTITIONERS' FIDELITY FUND
APPLICATION FOR FUND CERTIFICATE IN TERMS OF THE
LEGAL PRACTICE ACT, 2014 (ACT NO. 28 OF 2014)
FOR THE YEAR ENDING 31 DECEMBER 20____

APPLICATION FORM FOR ADVOCATES referred to in section 34(2)(b) of the Act*PLEASE COMPLETE IN BLOCK LETTERS***GENERAL INFORMATION**

1. Full names of the applicant: _____

Identity number: _____

Practitioner reference number: _____
2. Physical address at which practice will be carried on (i.e. principle place of practice)

_____. Province: _____
3. Contact details:

Postal address: _____

Residential address: _____

Docex address if applicable: _____

Telephone (business): _____ (home): _____

(fax): _____ (e-mail): _____
4. Any other physical address at which practice will be carried on, including province:

_____. Province: _____
5. If no Fidelity Fund Certificate has been obtained for the current year, state date on which the applicant will begin to practise: _____
6. If applicant ceased to practise, and intends to resume practising, state:

Name and address of former practice: _____

_____ Province: _____

When applicant ceased to practise: _____

**ADDITIONAL INFORMATION REQUIRED BY THE LEGAL PRACTITIONERS' FIDELITY FUND
FOR RISK MANAGEMENT AND ANALYSIS**

7. Registration number with the Financial Intelligence Centre (attach proof): _____

8. Appointed auditor: _____ Practice registration number: _____

Firm

name: _____

Physical

address: _____

Postal

address: _____

Telephone (business): _____ (fax): _____

E-mail

address: _____

9. The applicant participated / did not participate in the automated monthly transfer system for the period from _____ 20____ to _____ 20____.

10. The applicant provides bridging finance to clients: YES / NO.

11. The applicant carried on the business of an investment practice during the year: YES / NO.

If yes, the investment practice registration in terms of the Financial Advisory and Intermediary Services Act, No. 37 of 2002, with the Financial Services Board is: _____

12. The applicant purchased / did not purchase -

12.1 insurance cover to protect against the possibility of misappropriation of trust money and property;

12.2 professional indemnity insurance cover

If such insurance was acquired, state in each case the extent of the cover, the name of the insurer and the policy number.

13. The legal practitioner is required to complete and return the attached risk questionnaire for analysis and risk management by the Attorneys Insurance Indemnity Fund.

FINANCIAL INFORMATION

14. As the legal practitioner I am responsible for ensuring that the legal practitioner's trust accounts are maintained in compliance with the provisions of the Legal Practice Act, 28 of 2014 ("the Act") and the rules of the Legal Practice Council. I am responsible for the design, implementation and monitoring of accounting and internal control systems and the completion of the risk assessment of the firm.

- 14.1 I confirm that I have maintained the necessary accounting records as required in terms of sections 87(1) and 87(3) of the Act and the rules of the Legal Practice Council for the accounting period from 1 October 20____ to 30 September 20____.

14.2 **I certify that:**

- 14.2.1 the accounting records, to the best of my knowledge and belief, are in accordance with the terms of the Act and the rules of the Legal Practice Council;
- 14.2.2 any trust deficit was reported to the Council;
- 14.2.3 the interest earned in terms of sections 86(5) of the Act was paid to the Council in full on a monthly basis;
- 14.2.4 the annual fees and charges are fully paid up.
- 14.3 State the amount (as per the bank statement) standing to the credit of the firm's trust banking account(s) and the amount of trust monies invested by the applicant's firm at the end of each quarter of this year, per financial institution:

Balance standing to the credit of the applicant's trust banking account(s)	(A) Section 86(1)	(B) Section 86(3)	(C) Section 86(4)	(D) Investments	(E) Estates	Total
Currency						
31 December 20__						
31 March 20__						
30 June 20__						
30 September 20__						
TOTAL TRUST FUNDS						

Trust banking account details	(A) Section 86(1)	(B) Section 86(3)	(C) Section 86(4)	(D) Investments	(E) Estates
Bank:					
Branch:					
Branch code:					
Account number:					
Credit interest rate:					
- at 31 March					
- at 30 Sept					

Balance standing to the credit of the applicant's trust banking account(s)	(A) Section 86(1)	(B) Section 86(3)	(C) Section 86(4)	(D) Investments	(E) Estates	(F) Property	Total
Bank service fee formula:							

14.4 Analysis of section 86(4) investments by category at 30 September 20__:

Category	Distribution	Duration(average number of months)
Commercial	%	months
litigation	%	months
Road Accident Fund	%	months
Investments	%	months
Estates	%	months
Other: (Specify)		
	%	months
	%	months
	%	months
	%	months
TOTAL	100%	

14.5 I hereby authorise the above bank/s to provide the Legal Practitioners' Fidelity Fund with details of any changes to, and to certify, the above information, from time to time, as requested by the Fund.

I hereby authorise the Legal Practitioners' Fidelity Fund to negotiate with my bankers the terms relating to interest accruing on, and bank charges levied against, my trust current banking account(s).

SIGNED ON THIS ____ DAY OF _____ 20__ AT _____.

IN THE PRESENCE OF THE UNDERSIGNED WITNESSES:

AS WITNESSES:

1. _____

2. _____

SIGNATURE OF APPLICANT

GUIDELINES FOR COMPLETING THIS FORM

This form must be completed in advance for the coming year.

The form should be submitted by 1 December of each year for a certificate in respect of the following year.

If commencing practice for the first time the application will be in respect of the current year.

The information requested in this application form will, inter alia, be used by the Legal Practitioners' Fidelity Fund to provide statistics for risk management, risk profiling and reinsurance programmes.

Item 14.3: The amount (as per bank statements) standing to the credit of the firm's trust banking account, the amount of trust moneys invested by the applicant's firm, estate accounts and other entrusted property.

A - Insert the balance standing to the credit of the trust current banking account as per the bank statement as at the end of each quarter. If there is more than one trust account, add the balances together and enter the result in A for each quarter.

B - Insert the total of the amounts invested in terms of section 86(3) in B for each quarter.

C - Insert the total of the amounts invested in terms of section 86(4) in C for each quarter. On this type of investment the interest generated is payable to the practitioner's client(s), and to the Legal Practitioners' Fidelity Fund in terms of section 86(5)(b).

D - Insert the total of the amounts invested in terms of the Council's investment rules in D for each quarter.

E - Insert the total amount held in respect of estates in terms of section 87(3)(c) of the Act in E for each quarter.

F - Insert the value of any other entrusted property in terms of section 55(1) of the Act, in F for each quarter.

Use annexures if there is more than one account and financial institution.

For trust funds denominated in any foreign currency, provide a separate annexure in the same format noting the currency.

Trust current banking account details:

- (a) Enter name of bank.
- (b) Enter name of branch.
- (c) Enter branch code.
- (d) Enter bank account number.
- (e) Enter the credit interest rate applied to the account as at the dates specified. These dates relate to the current year. If the rates are not shown on the bank statements, practitioners should contact their bank managers to get the correct information. If the rate fluctuates depending on the size of the balance in the account, indicate the rate on balances in excess of R100 000.
- (f) The bank service fee formula must be entered as at 30 September of the current year. The service fee formula is normally printed on the bank statement in the following way:

___/___/___

The first 3 digits are the charge for the first R100 of each cheque issued, expressed in cents.

The next 3 digits are the charge for each additional R100 of each cheque issued.

The last 3 or 4 digits are the maximum charge per cheque issued.

Use annexures if space is insufficient and for information on multiple accounts.

Item 14.4: You are required to provide your own assessment of the nature of section 86(4) trust investments at 30 September, expressed as a percentage, and the average duration of each type of investment.

Insert percentages to indicate the nature of section 86(4) trust investments.

Also insert the average duration of each investment type.

**Schedule 8
(Rule 50.24.1)****AUDITOR'S REPORT****(First Part) : Illustrative Auditor's Report (Unmodified opinion)****Circumstances**

- Compliance of trust accounts of trust account practices with the Act and the accounting rules contained in the code of conduct ("the accounting rules").
- Unmodified auditor's opinion
- The information in the Practitioner's Annual Statement on Trust Accounts of trust account practice agrees with the underlying records that were the subject of the engagement on the trust accounts of the trust account practice.

Independent Registered Auditor's Report on Trust Accounts of Trust Account Practice.

To the <Practitioner / Partners / Directors⁵> (insert the name of the firm)

We have undertaken a reasonable assurance engagement on the compliance of the trust accounts of <insert the name of the firm> with Section 86(1), 86(2), 86(3), 86(4), 86(5), 86(6) and 86(7) of the Legal Practice Act, No. 28 of 2014 (the Act), and accounting rules 0 and 51⁶ (the Rules) for the <period from <insert date> to <insert date>>/<year ended <insert date>>. ⁷

We clarify that we are not required to perform any procedures on records or documents relating to accounting for deceased and insolvent estates and trusts other than those dealt with via the firm's trust banking account(s).

As part of our assurance engagement we are required to agree the information extracted from the accounting records and included in the accompanying Annual Statement on Trust Accounts of a trust account practice for the <period from <insert date> to <insert date> /

⁵ Throughout the report - delete whichever: "proprietor/partners/directors" is "not applicable"

⁶ Applicable Rules are: 50.6, 50.7, 50.8, 50.9, 50.10, 50.11, 50.13, 50.14.7.2, 50.14.7.3, 50.14.8, 50.14.9, 50.14.12, 50.14.13, 50.14.14, 50.14.15, 50.14.16, 50.15, 50.16, 50.19 and 51.

⁷ Throughout the report - delete which is not applicable: <period from <insert date> to <insert date>>/<year ended <insert date>>.

<year ended <insert date>> to the underlying records that were the subject of our engagement on the compliance of the firm's trust accounts with the Act and the Rules. We are also required to read the firm's representations and the other disclosures in the firm's Annual Statement on Trust Accounts for the purpose of identifying material inconsistencies with our knowledge obtained in our engagement on the compliance of the firm's trust accounts with the Act and Rules.

<Practitioner's/Partner's/Partners'/Director's/Directors'> responsibility for the trust accounts

The <practitioner/partners/directors> is/are responsible for ensuring that the firm's trust accounts are maintained in compliance with the Act and the Rules, and for such internal control as the <practitioner/partners/directors> determine(s) is necessary to maintain the integrity of the trust accounts in accordance with the relevant mandates, including such controls as the <practitioner/partners/directors> determine(s) is also necessary to prevent and detect fraud and theft. The <practitioner/partners/directors> is/are also responsible for the preparing the attached statement and for the financial information and declarations contained therein.

Auditor's responsibility

Our responsibility is to express a reasonable assurance opinion on compliance of the firm's trust accounts with the Act and the Rules, based on our procedures performed, and to report as required on the firm's Annual Statement on Trust Accounts.

We conducted our assurance engagement in accordance with the International Standard on Assurance Engagements ISAE 3000, *Assurance Engagements Other than Audits or Reviews of Historical Financial Information*. That standard requires that we comply with ethical requirements and plan and perform the engagement to obtain reasonable assurance about the compliance of trust accounts of trust account practices, in all material respects, with the Act and the Rules.

A reasonable assurance engagement in accordance with ISAE 3000 involves performing procedures to obtain evidence about the compliance of trust accounts of trust account practices with the Act and the Rules. The nature, timing and extent of procedures selected depend on the auditor's judgement, including the assessment of the risks of non-compliance with the Act and the Rules, whether due to fraud and error. In making those risk assessments we considered internal control relevant to the circumstances of the engagement. Our reasonable assurance engagement included the following procedures:

- Considering, and applying when considered applicable in the engagement circumstances, the guidance in the Guide on *Engagements on Attorneys Trust Account* issued by the Independent Regulatory Board for Auditors;
- Making inquiries of the trust account practitioner and his or her staff;
- Testing transactions for all significant activities with the objective of evaluating whether:
 - Transactions were appropriately identified as trust transactions;
 - Trust transactions were in accordance with mandates and supported by adequate documentation and narrative to identify from whom funds were received, and for whose credit;
 - Deposits and withdrawals from the trust bank account were to, or for, a trust creditor;
 - Transfers to the firm's business account were only in respect of moneys claimed to be due to the firm; and
- Testing and/or scrutinising bank reconciliations, as considered appropriate in the engagement circumstances, and evaluating whether confirmations from financial institutions were in support of the records made available to us.

We believe that our work performed and evidence obtained is sufficient and appropriate to provide a basis for our opinion.

Opinion

In our opinion, the trust accounts of (*insert the name of the firm*) for the period/year ended <*insert date*> were maintained, in all material respects, in compliance with the Act and the Rules.

Report on Firm's Annual Statement on Trust Accounts⁸

As part of our engagement, on the compliance of the firm's trust accounts with the Act and the Rules, we have agreed the information extracted from the trust accounting records included in the accompanying firm's Annual Statement on Trust Accounts for the <period from <*insert date*> to <*insert date*>>/<year ended <*insert date*>> to the underlying records that were the subject of our engagement. We have also read the firm's Annual Statement on Trust Accounts for the purpose of identifying whether the information contained therein is

⁸ Refer paragraphs 75-77 of the Guide for Registered Auditors: *Engagements on Attorneys Trust Accounts* for guidance regarding the auditor's reporting responsibilities.

inconsistent with our knowledge obtained in the course of our engagement. The firm's Annual Statement on Trust Accounts is the responsibility of the firm.

We have not undertaken an assurance engagement on the firm's Annual Statement on Trust Accounts and accordingly we do not express an opinion thereon.

Report on Other Legal and Regulatory Requirements

<The form and content of this section of the auditor's report will vary depending on the nature of the auditor's other reporting responsibilities.>⁹

Restriction on distribution and use

This report is for the purpose of meeting the auditor reporting requirements of the Rules and, as regards the accompanying firm's Annual Statement on Trust Accounts, the additional auditor reporting requirements of the Legal Practice Council and the Legal Practitioners' Fidelity Fund. Consequently it may not be suitable for any other purpose. It is intended solely for the use of *<practitioner/partners/directors>* of the firm, the Council and the Legal Practitioners' Fidelity Fund, and should not be distributed to other parties.

Auditor's Signature

Name of individual registered auditor

IRBA Registration number for firm and/or auditor

Registered audit firm

Date of report

Auditor's address (if not on a firm letterhead)

⁹ Refer paragraph 78 of the Guide for Registered Auditors: *Engagements on Attorneys Trust Accounts*, for illustrative wording to insert as: *Report on Other Legal and regulatory requirements*, where a reportable irregularity, as required in section 45 of the Auditing Profession Act, No. 26 of 2005 has been reported.

(Second Part) : Illustrative Auditor's Report (Qualified opinion)**Circumstances**

- Certain non-compliance identified (rather than significant non-compliance) of the trust account practitioner's trust accounts with the Act and the Rules.
- Qualified auditor's opinion
- The information in the firm's Annual Statement on Trust Accounts agrees with the underlying records that were the subject of the engagement on the trust account practitioner's trust accounts.

Independent Registered Auditor's Report on Trust Accounts of a Trust Account Practitioner

To the <Practitioner / Partners / Directors¹> (insert the name of the firm)

We have undertaken a reasonable assurance engagement on the compliance of the trust accounts of <insert the name of the firm> with Section 86(1), 86(2), 86(3), 86(4), 86(5), 86(6) and 86(7) of the Legal Practice Act, no 29 of 2014 (the Act), and Accounting Rules 0 and 51² (the "Rules") for the <period from <insert date> to <insert date>>/< year ended <insert date>>.

We clarify that we are not required to perform any procedures on records or documents relating to accounting for deceased and insolvent estates and trusts other than those dealt with via the firm's trust banking account(s).

As part of our assurance engagement we are required to agree the information extracted from the accounting records and included in the attached Annual Statement on Trust Accounts of the trust account practice for the <period from <insert date> to <insert date>>/ <year ended <insert date>> to the underlying records that were the subject of our engagement on the compliance of the firm's trust accounts with the Act and Rules. We are also required to read the firm's representations and the other disclosures in the firm's Annual Statement on Trust Accounts for the purpose of identifying material inconsistencies with our knowledge obtained in our engagement on the compliance of firm's trust accounts with the Act and Rules.

<Practitioner's/Partner's/Partners'/Director's/Directors'> responsibility for the trust accounts

¹ Throughout the report - delete whichever: "proprietor/partners/directors" is "not applicable"

² 50.66, 50.7, 50.8, 50.9, 50.10, 50.11, 50.13, 50.14.7.2, 50.14.7.3, 50.14.8, 50.14.9, 50.14.12, 50.14.13, 50.14.14, 40.15.15, 50.14.16, 50.15, 50.16, 50.19 and 51.

The <practitioner/partners/directors> is/are responsible for ensuring that the firm's trust accounts are maintained in compliance with the Act and the Rules, and for such internal control as the <practitioner/partners/directors> determine(s) is necessary to maintain the integrity of the trust accounts in accordance with the relevant mandates, including such controls as the <practitioner/partners/directors> determine(s) is also necessary to prevent and detect fraud and theft. The <practitioner/partners/directors> is/are responsible for the preparing the attached firm's Annual Statement on Trust Accounts and for the financial information and declarations contained therein.

Auditor's responsibility

Our responsibility is to express a reasonable assurance opinion on the compliance of the firm's trust accounts with the Act and the Rules, based on our procedures performed, and to report as required on the firm's Annual Statement on Trust Accounts.

We conducted our assurance engagement in accordance with International Standard on Assurance Engagements ISAE 3000, *Assurance Engagements Other than Audits or Reviews of Historical Financial Information*. That standard requires that we comply with ethical requirements and plan and perform the engagement to obtain reasonable assurance about the compliance of the trust accounts of trust account practices, in all material respects, with the Act and the Rules.

A reasonable assurance engagement in accordance with ISAE 3000 involves performing procedures to obtain evidence about the compliance of trust accounts of the account practice with the Act and the Rules. The nature, timing and extent of procedures selected depend on the auditor's judgement, including the assessment of the risks of non-compliance with the Act and the Rules, whether due to fraud and error. In making those risk assessments we considered internal control relevant to the circumstances of the engagement. Our reasonable assurance engagement included the following procedures:

- Considering, and applying when considered applicable in the engagement circumstances, the guidance in the Guide on *Engagements on Attorneys Trust Accounts* issued by the Independent Regulatory Board for Auditors;
- Making inquiries of the trust account practitioner and his or her staff;
- Testing of transactions for all significant activities with the objective of evaluating whether:
 - Transactions were appropriately identified as trust transactions;

- Trust transactions were in accordance with mandates and supported by adequate documentation and narrative to identify from whom funds were received, and for whose credit;
- Deposits and withdrawals from the trust bank account were to, or for, a trust creditor;
- that transfers to the firm's business account were only in respect of moneys claimed to be due to the firm; and
- Testing and/or scrutinising bank reconciliations, as considered appropriate in the engagement circumstances, and evaluating whether confirmations from financial institutions were in support of the records made available to us.

We believe that our work performed and evidence obtained is sufficient and appropriate to provide a basis for our qualified opinion.

Basis for qualified opinion

The firm's trust accounts were not maintained in compliance with the Act and the Rules, as follows³;

List ...<insert instances of non-compliance identified>

Qualified opinion

In our opinion, except for the instances of non-compliance listed in the preceding paragraph, the trust accounts of <insert the name of the firm> for the period/year ended <insert date> were maintained in compliance with the Act and the Rules.

Report on firm's Annual Statement on Trust Accounts⁴

As part of our engagement, on the compliance of the firm's trust accounts with the Act and the Rules, we have agreed the information extracted from the trust accounting records included in the accompanying firm's Annual Statement on Trust Accounts for the <period from <insert date> to <insert date>>/ < year ended <insert date>> to the underlying records that were the subject of our assurance engagement. We have also read the firm's Annual Statement on Trust Accounts for the purpose of identifying whether the information contained therein is inconsistent

³ Any contravention of Sections 86 of the Act, and any instance of contravention of the rules identified in the course of the engagement relating to trust accounts in terms of the Rules is regarded as material and should be reported.

⁴ Refer paragraphs 75-77 of the Guide for Registered Auditors: *Engagements on Attorneys Trust Accounts* for guidance regarding the auditor's reporting responsibilities.

with our knowledge obtained in the course of our engagement. The firm's Annual Statement on Trust Accounts is the responsibility of the attorney.

Based on our reading we have not identified any information contained in the firm's Annual Statement on Trust Accounts that is inconsistent with our knowledge obtained in the course of our engagement. However, we have not undertaken an assurance engagement on the firm's Annual Statement on Trust Accounts and accordingly we do not express an opinion thereon.⁵

Report on Other Legal and Regulatory Requirements

<The form and content of this section of the auditor's report will vary depending on the nature of the auditor's other reporting responsibilities.>⁶

Restriction on distribution use

This report is for the purpose of meeting the auditor reporting requirements of the Rules and, as regards the accompanying firm's Annual Statement on Trust Accounts, the additional auditor reporting requirements of the Legal Practice Council and the Legal Practitioners' Fidelity Fund. Consequently it may not be suitable for any other purpose. It is intended solely for the use of *<practitioner/partners/directors>* of the firm, the Legal Practice Council and the Legal Practitioners' Fidelity Fund, and should not be distributed to other parties.

Auditor's Signature

Name of individual registered auditor

IRBA Registration number of firm and/or auditor

Registered audit firm

Date of report

Auditor's address (if not on a firm letterhead)

⁵ Refer paragraph 77 of the Guide for Registered Auditors: *Engagements on Attorneys Trust Accounts* for matters to be considered when inconsistencies are identified.

⁶ Insert paragraph on *Report on Other Legal and regulatory requirements* where a reportable irregularity has been reported (refer paragraph 78 of the Guide for Registered Auditors: *Engagements on Attorneys Trust Accounts* for illustrative wording).

(Third Part) : Annual Statement on Trust Accounts of Trust Account Practice¹**(On practitioner's letterhead)**

The Executive Office

Legal Practice Council

Address

Date

Practitioner's Annual Statement on Trust Accounts²

This statement is in support of the below listed practitioner(s) application for a Fidelity Fund Certificate for the <year/period> commencing <insert date> and ending <insert date>.

15. List of trust account practitioners in firm / practice applying for annual Fidelity Fund Certificate³

1.

2.

16. Firm's compliance representations

I/we confirm that I/we have maintained the necessary accounting records⁴ as required in terms of section 86 of the Legal Practice Act, no 28 of 2014 and the accounting rules applicable to trust account practitioners for the ended <insert date>, inter alia:

- a) The firm's trust accounts have been updated monthly and balanced at least quarterly;
- b) The firm complied/ has not complied with the service fee structure (including the cash deposit fee structure where applicable) and the credit interest rates, as amended from time to time, as nationally/provincially agreed upon between the Legal Practitioners' Fidelity Fund and the firm's bank(s);
- c) The ratio as a percentage of total bank charges (excluding VAT) incurred during the year to the total of interest earned during the year was <insert percentage>;

¹ To be attached to the auditor's *Report on the Practitioner's Trust Account Practice* to be submitted to the Legal Practice Council

² To be attached to the auditor's report on the Practitioner's Trust Accounts to be submitted to the Legal Practice Council.

³ Attach separate list if there are numerous partners / directors in the firm.

⁴ Accounting records include those for trust liabilities in respect of which the practitioner is the executor, trustee or curator or which he administers on behalf of the executor, trustee or curator.

- d) The firm's trust accounts for the period subsequent to 2X February 20X2 have been written up to *(insert date)* and the trial balance was last balanced at *<insert date>* and in compliance with the provisions of *<insert Rule X> read with <insert Rule X>*;
- e) The following changes in the composition of the firm occurred during the year or during the period from *<insert date>* to *<insert date>*:

<i><insert changes></i> :

- f) The firm was issued with a valid fidelity fund certificate for the calendar year ended *<insert financial period end>* (i.e. the calendar year before the financial period/year of this report in the name of *<insert the name of the firm>*).
- g) The firm is registered as an Accountable Institution in accordance with section 43B of the Financial Intelligence Centre Act, Act No. 38 of 2001 (FICA) with accountable institution registration reference number: *<insert number>* that was issued by the Financial Intelligence Centre.
- h) The firm *<has/has not>* complied with the requirements of section 21 of FICA "Identification of clients and other persons when establishing a business relationship or conducting a single transaction with a client".
- i) The firm *<has / has not>* reported *<insert number>* cash transactions (received or paid) above the prescribed limit to the Financial Intelligence Centre for the period reported on in accordance with the requirements of Section 28 of FICA "Cash transactions above prescribed limit".
- j) The firm *<has / has not>* reported *<insert number>* property associated with terrorist and related property reports to the Financial Intelligence Centre for the period in accordance with the requirements of section 28A of FICA "Property associated with terrorist and related activities".
- k) The firm *<has / has not>* reported *<insert number>* suspicious and unusual transactions to the Financial Intelligence Centre for the period in accordance with the requirements of section 29 of FICA "Suspicious and unusual transactions".
- l) The firm *<has / has not>* formulated and implemented internal rules in terms of section 42 of FICA which includes the requirement to report cash threshold

transactions (section 28) and suspicious and unusual transactions (section 29) to the Financial Intelligence Centre.

17. Places of practice

At the date of this report, the firm's principal place of practice is that given in the letterhead and the firm's South African offices are situated at <insert full physical addresses⁵>:

<insert office addresses>

18. Information extracted from the trust accounting records

Reconciliation of interest earned on the firm's section 78(1) and section (2)(a) trust accounts from 1 March 20XX to 2X February 20XX:

(i)	Amount brought forward from the previous financial year in respect of interest earned on monies deposited in terms of section 86(2) and monies invested in terms of section 86(3) of the Legal Practice Act, no 28 of 2014.	
(ii)	Amount earned during the current period on monies deposited in trust banking accounts in terms of section 78(1) and monies invested in trust investment accounts in terms of section 86(3) of the Legal Practice Act, no 28 of 2014.	
(iii)	Amount incurred during the current period in respect of refundable bank charges (excluding VAT – firms not liable for Vat as vendors may include VAT)	
(iv)	Amount already paid over to the Council as nominee of the Legal Practitioners' Fidelity Fund during the period under review in terms of section 86(5) of the Legal Practice Act, no 28 of 2014 is: (a schedule of the payments made is to be attached)	
(v)	Amount carried over to the next financial period in respect of interest earned on monies deposited in terms of section 86(2) and monies invested in terms of section 86(3) of the Legal	

⁵ Attach as a separate list if the firm has multiple offices in South Africa.

Practice Act, no 28 of 2014.	
------------------------------	--

- (vi) The amount referred to in paragraph 4(v) agrees/ does not agree⁶ with the balance as recorded in the accounting records, which amount, less the amount of R_____ paid over to the Council since period end, *<is/ is not>* held in the firm's trust account.

If not held in the trust account, a written explanation detailing how the trust interest has been dealt with is to be annexed to the report.

- (vii) The following information was extracted from our trust accounting records that were the subject of our auditor's assurance engagement in respect of trust creditors/liabilities and trust funds available at the period / year end *<insert date>* and on one other date, selected by our auditor *<insert date>*, were as follows:

TOTAL TRUST CREDITORS / LIABILITIES	Local	Foreign ⁷	At period end ⁸	At year end
Trust creditors/liabilities				
Trust creditors in terms of:				
- Section 86(2)				
- Section 86(3)				
- Section 86(5)(a)				
- Section 86(5)(b)				

⁶ If the answer to paragraph 4(vi) is: "*does not agree*", list all instances in which the accounting rules may not have been complied with. (If space is insufficient, this may be continued on a separate sheet and attached to this assurance report).

⁷ Attach a detailed schedule of liabilities per foreign currency per category, in the same format, and convert to Rand at the reporting date.

⁸ The date selected, by the auditor, must be a date, other than the financial year end, which occurs during the financial year / period to which this assurance engagement relates.

- Interest				
Trust creditors in terms of estates ⁹				
Trust creditors in terms of other entrusted assets ¹⁰				
TOTAL TRUST CREDITORS / LIABILITIES				
Trust funds available in terms of trust banking accounts:				
- Section 86(2)				
- Section 86(3)				
- Section 86(4)				
- Trust cash on hand				
- Interest				
Trust funds and assets relating to estates				
Other entrusted assets ¹¹				
Debit balances in trust ledger ¹²				
TOTAL FUNDS				
TRUST SURPLUS / (DEFICIT)¹³				

19. Investment practice

The firm:

- (i) has/ has not carried on the business of an investment practice during the year under review;

⁹ This is trust liabilities in respect of which the practitioner is the executor, trustee or curator or which he administers on behalf of the executor, trustee or curator for which consent has been obtained from the Master of the High Court to deal with through the firm's trust account.

¹⁰ This relates to the liability originating from any asset entrusted to the practitioner other than the items listed, supported by a detailed schedule of the nature of such liability.

¹¹ Assets entrusted to the practitioner other than the trust funds items listed.

¹² Details of debit balances in the trust ledger must be provided as an attachment to the report providing reasons for the occurrence and how it was resolved.

¹³ Detailed explanation required on how the surplus / deficit originated and how it was subsequently cleared and resolved. Indicate when the deficit was reported to the Council.

- (ii) has/ has not complied¹⁴ in all respects with the provisions of investment practice<rule 51> contained in the rules;
- (iii) <is / is not> registered as a Financial Services Provider (FSP) with the FAIS Department of the Financial Services Board.

.....

<Name of trust account practice>

<Sole Practitioner/Partners/Directors>¹⁵

SUPPLEMENTARY INFORMATION REQUESTED BY THE LEGAL PRACTICE COUNCIL
FIRM (INSERT FIRM NAME)

Schedule of Interest payments

For the financial period _____ to _____

Trust Banking Account at <insert Name of Bank>, Branch Code No. _____ and Account No. _____				
	Date	Financial Period	Method of Payment (EFT / Cheque)	Amount
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				

¹⁴ If the answer to paragraph 5(ii) is: "*has not complied*", list all instances in which the rules may not have been complied with. (If space is insufficient, this may be continued on a separate sheet and attached to this assurance report).

¹⁵ Delete whichever is not applicable. For practices with a large number of partners / directors this "Practitioners' Annual Statement on Trust Accounts" should be signed by the partner / director authorised by the Partnership / Board of the Inc.

9.				
10.				
11.				
12.				
13.				
Total				

Notes:

1. The total indicated above should agree with Par 4(v) of the **Practitioner's Annual Statement on Trust Accounts**.
2. Kindly note that a separate schedule should be submitted for each trust bank account operated by the firm.

**Second Schedule
(Rule 51.4)****CLIENT INVESTMENT MANDATE**

I/We, the undersigned _____
 (the client) of _____
 do hereby authorise and empower _____
 (firm's name) _____
 to make the following investments as my/our agent and on my/our behalf:

- | | | |
|------|--|----------|
| 20. | TYPE OF INVESTMENTS | YES / NO |
| 20.1 | With a bank (subject to the conditions as set out at the bottom of this mandate); and/or | |
| 20.2 | Stocks and shares on JSE; and/or | |
| 20.3 | Money lending; and/or | |
| 20.4 | Other (give details under 5 or on an annexure, if necessary) | |
| 21. | TYPE OF MANDATE GIVEN | YES / NO |
| 21.1 | Discretionary | |
| 21.2 | Non-discretionary | |
| 22. | IS FIRM TO KEEP ALL SECURITIES/CERTIFICATES | YES / NO |
| 23. | REPORTING Monthly / Quarterly / 6-Monthly / Annually | |
| 24. | GENERAL | |

Instructions re securities, interest payments, charges etc. _____

25. ACKNOWLEDGEMENTS BY INVESTOR

The investor acknowledges:

- 25.1 that the firm acts as the investor's agent in relation to any investments made in terms of this mandate;
- 25.2 that the investor assumes (except in so far as there may in law be a right of recovery against the firm) all risks connected with the administration by the firm of money entrusted to the firm, as well as the responsibility to ensure that the firm executes the instructions as recorded in this mandate;
- 25.3 that any funds invested with a bank are not protected against the possible liquidation or other failures of the bank;
- 25.4 that money or other assets paid to the firm for investment pursuant to this mandate do not enjoy the protection of the Legal Practitioners' Fidelity Fund.

Signed at _____ on this _____ day of _____

Signature of client

Accepted at _____ on this _____ day of _____

Signature of the firm

To be completed and signed in duplicate and a copy to be handed to the client.
Conditions applicable to investments with a Bank

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NOTICE 44 OF 2018

GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT 1994, (ACT No. 22 OF 1994) AS AMENDED.

Notice is hereby given in terms of Section 11(1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994), as amended. This claim for the restitution of land rights has been submitted to the Regional Land Claims Commissioner for the Western Cape. The particulars regarding this claim are as follows:

Name of the claimant : Mr I. Salie
Reference Numbers : KRK6/2/3/A/1/0/331/137/S193
Property : Erf 312 Woodstock City of Cape Town measuring 98 sqm
Date Submitted : 07th May 1996.

The Regional Land Claims Commission will investigate this claim in terms of provisions of the Act in due course. Any party who has an interest in the above-mentioned land is hereby invited to submit, within 60 days from the publication of this notice, any comments / information to:

The Regional Land Claims Commission: Western Cape
Private Bag X9163
Cape Town
8000

Tel: (021) 409-0300

Fax: (021) 424-5146

CHECKED.....

DATE.....

APPROVED.....

DATE.....

Mr. L.H Maphutha
Regional Land Claims Commissioner

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NOTICE 45 OF 2018

GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT No. 22 OF 1994)

Notice is hereby given in terms of Section 11(1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994), as amended. This claim for the restitution of land rights has been submitted to the Regional Land Claims Commissioner for the Western Cape. The particulars regarding this claim is as follows:

Project Name : Brandt Family Claim
 Number of Claims : 1
 Areas : Stellenbosch
 Properties : Erf 6156 Stellenbosch
 Type : Beneficial Occupancy Rights
 Date submitted : 28 December 1998
 Current Owner : Millennia Park PTY (LTD)

No.	Ref No.	Surname & Initial	Identity Number	Property Description	Area	Extent	Dispossessed Person
1.	B838	P.E Brandt	370831 5049 085	Erf 6156	Stellenbosch	1.2125 ha	David Brandt

The Regional Land Claims Commission will investigate this claim in terms of provisions of the Act in due course. Any party who has an interest in the above-mentioned land is hereby invited to submit, within 60 days from the publication of this notice, any comments / information to:

The Regional Land Claims Commission: Western Cape
 Private Bag X9163
 Cape Town
 8000
 Tel: 021*486-7400
 Fax: 021*424-5146
 Mr. L.H. Maphutha
 Regional Land Claims Commissioner

APPROVED 

DATE 2017/11/15

CHECKED 

DATE 01/11/2017

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM
NOTICE 46 OF 2018

**GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT 1994,
(ACT No. 22 OF 1994) AS AMENDED.**

Notice is hereby given in terms of Section 11(1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994), as amended. This claim for the restitution of land rights have been submitted to the Regional Land Claims Commissioner for the Western Cape. The particulars regarding this claim are as follows:

Claimant : Benjamin Stanley Willis
Capacity : Ownership
Date of submission : 28/12/1998

Ref no	Property Description	Area	Extent	Date of Dispossession
KRK6/2/3/A/1/4/0/3 (J942)	Erf 19509	Brooklyn, City of Cape Town	312m ² .	5/04/1966

The Regional Land Claims Commission will investigate this claim in terms of provisions of the Act in due course. Any party who has an interest in the above-mentioned land is hereby invited to submit, within 60 days from the publication of this notice, any comments / information to:

The Regional Land Claims Commission: Western Cape
Private Bag X9163
Cape Town
8000

Tel: (021)409-0300

Fax: (021)418 0205

CHECKED.....

DATE.....05/6/2017.....

APPROVED.....

DATE.....20/7/2017.....

Mr. L.H Maphutha
Regional Land Claims Commissioner

SOUTH AFRICAN RESERVE BANK**NOTICE 47 OF 2018****THE BANKS ACT, 1990 (ACT NO. 94 OF 1990 – “THE BANKS ACT”)****CONSENT GRANTED IN TERMS OF SECTION 34 OF THE BANKS ACT FOR A FOREIGN INSTITUTION TO ESTABLISH A REPRESENTATIVE OFFICE WITHIN THE REPUBLIC OF SOUTH AFRICA: HSBC PRIVATE BANK (SUISSE) SA**

Notice is hereby given for general information, in accordance with the provisions of section 30 of the Banks Act that HSBC Private Bank (Suisse) SA, an institution that lawfully conducts business similar to the business of a bank in Switzerland, has been granted permission by the Registrar of Banks, in terms of section 34 of the Banks Act, to establish a representative office within the Republic of South Africa, with effect from 11 December 2017. The representative office referred to above is, however, not authorised to conduct the business of a bank in the Republic of South Africa.

DEPARTMENT OF TRADE AND INDUSTRY

NOTICE 48 OF 2018

SECTION 12I TAX ALLOWANCE PROGRAMME

The Minister of Trade and Industry, Dr Rob Davies - in terms of section 12I (12)(a)(i) and (19)d of the Income Tax Act, 1962 (Act 58 of 1962) as amended (herein after referred to as the Act) and the Regulations promulgated in the Government Gazette No. 33385 of 23 July 2010 - hereby publishes the decision to **withdraw** the approval of an application received for the 12I Tax Allowance Programme.

Particulars of applicant

- Name of applicant: **Ironveld Smelting (Pty) Ltd.**
- The company was approved as a Greenfield project and awarded 6 points and afforded **Qualifying Status**.
- The project would have invested a total of **R 610 288 701**, with the value of qualifying manufacturing assets equal to **R 548 912 735**.
- On **2 November 2017** the Minister of Trade and Industry endorsed the recommendation of the 12I Adjudication Committee meeting of **06 October 2017** to withdraw the approval of the company as an Industrial Policy Project in terms of Section 12I of the Act and the relevant Regulations.
- An additional **investment** allowance in respect of manufacturing assets amounting to **R 192 119 457** and an additional **training** allowance of **R 2 952 000**, totalling **R 195 071 457** are withdrawn and reallocated to the budget.

Enquiries relating to this publication should be made to:

The Secretariat: 12I Tax Allowance Programme
Department of Trade and Industry
Private Bag X84
PRETORIA
0001

For attention:	Mr A Potgieter
Telephone No.:	012 394 1427
Fax No.:	012 394 2427

DEPARTMENT OF TRADE AND INDUSTRY

NOTICE 49 OF 2018

SECTION 12I TAX ALLOWANCE PROGRAMME

The Minister of Trade and Industry, Dr Rob Davies - in terms of section 12I (19)d of the Income Tax Act, 1962 (Act 58 of 1962) as amended (herein after referred to as the Act) and the Regulations promulgated in the Government Gazette No. 33385 of 23 July 2010 - hereby publishes the decision to **approve** an application received for the 12I Tax Allowance Programme.

Particulars of applicant

- Name of applicant: **PG Bison Southern Cape (Pty) Ltd**
- PG Bison Southern Cape (Pty) Ltd - Thesen Sawmilling Division** is a project to manufacture **industrial and structural Timber**. The project will invest a total of **R 82 076 196**, with the value of qualifying manufacturing assets equal to **R 39 342 196**. The project is classifiable under SIC **3210 (SIC edition 7: 1610)**.
- Description and costs of qualifying manufacturing assets:

Assets	Expected Date of Assets In Use	Value of Qualifying Assets (R)
Buildings	December 2017	R 39 342 196
Total Qualifying Assets		R 39 342 196

- Date of approval: **5 May 2017**
- Additional investment allowance benefit period: **May 2017 to May 2021**.
- PG Bison Southern Cape (Pty) Ltd** is approved as a **Brownfield** project and awarded **5 points** and afforded **Qualifying Status**.
- The approved amount for the additional **investment** allowance in respect of manufacturing assets to be brought into use by the company is **R 13 769 769 (thirteen million seven hundred and sixty-nine thousand seven hundred and sixty-nine rand)**
- The approved amount for the additional **training** allowance is **R 301 328 (three hundred and one thousand three hundred and twenty-eight rand)**.
- Total potential national revenue to be forgone by virtue of deduction of the approved allowances of **PG Bison Southern Cape (Pty) Ltd** will be **R3 939 907**.

Enquiries relating to this publication should be made to:

The Secretariat: 12I Tax Allowance Programme
Department of Trade and Industry
Private Bag X84
PRETORIA
0001

For attention: Andre Potgieter
Telephone No.: 012 394 1427
Fax No.: 012 394 2427

DEPARTMENT OF TRADE AND INDUSTRY

NOTICE 50 OF 2018

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 1647:2017 Ed 1	<i>Approved market names for South African fish and related seafood species.</i> Covers the customary and accepted market names for species of fish and invertebrates, traded for consumption in South Africa and in addition, refers to the requirements for the addition of new species as they arise.	2018-02-20
SANS 1694:2017 Ed 1	<i>The welfare of dairy cattle.</i> Provides guidance to the owners of dairy cattle and to persons who are in charge of them about the requirements they have to adhere to in order to meet their obligations.	2018-02-20
SANS 60335-2-105:2017/ IEC 60335-2-105:2016 Ed 2	<i>Household and similar electrical appliances – Safety – Part 2-105: Particular requirements for multifunctional shower cabinets . Deals with the safety of electric multifunctional shower cabinets and electric separate multifunctional shower units for household and similar purposes, their rated voltage being not more than 250 V for single-phase appliances and 480 V for other appliances.</i>	2018-02-20
SANS 60335-2-14:2017/ IEC 60335-2-14:2016 Ed 5	<i>Household and similar electrical appliances – Safety Part 2-14: Particular requirements for kitchen machines.</i> Deals with the safety of electric kitchen machines for household and similar purposes, their rated voltage being not more than 250 V. Appliances intended for normal household and similar use and that may also be used by laymen in shops, in light industry and on farms, are within the scope of this standard.	2018-02-20
SANS 62586-1:2017/ IEC 62586-1:2017 Ed 1	<i>Power quality measurement in power supply systems – Part 1: Power quality instruments (PQI).</i> Specifies product and performance requirements for instrument whose functions include measuring, recording and possibly monitoring power quality parameters in power supply systems, and whose measuring methods (class A or class S) are defined in IEC 61000-4-30 (published in South Africa as an identical adoption under the designation SANS 61000-4-30).	2018-02-20
SANS 62561-5:2017/ IEC 62561-5:2017 Ed 2	<i>Lightning protection system components (LPSC) – Part 5: Requirements for earth electrode inspection housings and earth electrode seals.</i> Specifies the requirements and tests for earth electrode inspection housings (earth pit) and earth electrode seals.	2018-02-20
SANS 8082-1:2017/ ISO 8082-1:2009 Ed 1	<i>Self-propelled machinery for forestry – Laboratory tests and performance requirements, for roll-over protective structures – Part 1: General machines.</i> Establishes a consistent, reproducible means of evaluating the force-deflection characteristics of roll-over protective structures (ROPS) on self-propelled forestry machines under static loading, and prescribes performance requirements for a representative specimen under such loading.	2018-02-20
SANS 8082-2:2017/ ISO 8082-2:2011 Ed 1	<i>Self-propelled machinery for forestry – Laboratory tests and performance requirements, for roll-over protective structures – Part 2: Machines having a rotating platform with a cab and boom on the platform.</i> Establishes a consistent and reproducible means of evaluating the load-carrying characteristics of roll-over protective structures (ROPS) on self-propelled forestry machines under static loading, and gives performance requirements for a representative specimen under such loading. It is applicable to machines configured as forestry machines or defined as such in ISO 6814, having a rotating platform with a cab – with or without a fixed cab riser – and boom on the same or a separate platform, intended to be operated by an operator wearing a seat-belt.	2018-02-20

SANS 11850:2017/ ISO 11850:2011 Ed 2	<i>Machinery for forestry – General Safety requirements.</i> Specifies safety requirements for common design aspects of mobile, ride-on, self-propelled forestry machines. It is applicable to fellers, bunchers, delimbers, forwarders, log loaders, skidders, processors, harvesters, and multi-function versions of these machine types, as defined in ISO 6814. It covers certain hazards common to forestry machinery, but does not, as a standard that addresses common requirements, deal with all the hazards (noise, vibration, thrown objects, etc.) which could exist on a particular machine.	2018-02-20
SANS 62087-4:2017/ IEC 62087-4:2015 Ed 1	<i>Audio, video and related equipment – Determination of power consumption – Part 4: Video recording equipment.</i> Specifies methods of measurement for the power consumption of video recording equipment with removable media.	2018-02-20
SANS 62561-4:2017/ IEC 62561-4:2017 Ed 1	<i>Audio, video and related equipment – Determination of power consumption – Part 4: Video recording equipment.</i> Specifies methods of measurement for the power consumption of video recording equipment with removable media.	2018-02-20

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 585:2017 Ed 4.1	<i>The production of frozen fish, marine molluscs, and products derived therefrom.</i>	Amended to correct microbiological requirements and update referenced standards and legislation.	2018-02-20
SANS 788:2017 Ed 1.2	<i>Frozen shrimps (prawns), langoustines and crabs.</i>	Amended to correct microbiological requirements in Table 2, update a referenced standard, update referenced legislation and update clause 8.8.	2018-02-20
SANS 1083:2017 Ed 2.6	<i>Aggregates from natural sources – Aggregates for concrete.</i>	Amended to update table 1 and table 2	2018-02-20
SANS 1453:2017 Ed 1.5	<i>Copper tubes for medical gas and vacuum services.</i>	Amended to update referenced standards.	2018-02-20
SANS 164-4:2017 Ed 1.4	<i>Plug and socket-outlet systems for household and similar purposes for use in South Africa Part 4: Two-pole and earth, 16A 250V a.c. dedicated system.</i>	Amended to change the title of the standard without technical changes to its content and to update list of parts in the foreword.	2018-02-20

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 A.3: WITHDRAWAL OF INFORMATIVE AND NORMATIVE DOCUMENTS

In terms of section 24(5) of the Standards Act, the following documents are being considered for withdrawal.

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

SECTION B: ISSUING OF THE SOUTH AFRICAN NATIONAL STANDARDS

SCHEDULE B.1: NEW STANDARDS

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

Standard No. and year	Title, scope and purport
SATR 61131-4:2017/ IEC TR 61131-4:2004 Ed 1	<i>Programmable controllers Part 4: User guidelines.</i> Introduces the end-users of Progame Controller (PLC) to the IEC 61131 series, and assists the end-users in their selection and specification of their PLC equipment according to the IEC 61131 series (published in South Africa as identical adoptions under the designation SANS 61131).
SANS 62443-2-4:2017/ EN 62443-2-4 Ed 1	<i>Security for industrial automation and control systems – Part 2-4: Security program requirements for IACS service providers.</i> Specifies requirements for security capabilities for IACS service providers that they can offer to the asset owner during integration and maintenance activities of an Automation Solution.

Standard No. and year	Title, scope and purport
SANS 1761:2017 Ed 1	<i>Safes for domestic use.</i> Specifies requirements for safes for domestic use.
SANS 54199:2017 Ed 1	<i>Execution of Special Geotechnical Works – Micropiles.</i> Establishes general principles for the execution of micropiles.
SANS 50131-1:2017/ EN 131-1:2015 Ed 1	<i>Ladders – Part 1: Terms, types, functional sizes.</i> Defines terms and specifies the general design characteristics of ladders.
SANS 52050-1:2017/ EN 12050-1:2015 Ed 1	<i>Wastewater lifting plants for buildings and sites – Part 1: Lifting plants for wastewater containing faecal matter.</i> Applies to lifting plants for wastewater containing faecal matter for drainage of locations below flood level in buildings and sites to prevent any backflow of wastewater into the building.
SANS 52050-2:2017/ EN 12050-2:2015 Ed 1	<i>Wastewater lifting plants for buildings and sites – Part 2: Lifting plants for faecal-free wastewater.</i> Applies to lifting plants for faecal-free wastewater for drainage of locations below flood level in buildings and sites to prevent any backflow of wastewater into the building.
SANS 52050-3:2017/ EN 12050-2:2015Ed 1	<i>Wastewater lifting plants for buildings and sites – Part 3: Lifting plants for limited applications.</i> Applies to lifting plants for limited applications for domestic non-commercial wastewater containing or not containing faecal matter and located below flood level.
SANS 52050-4:2017/ EN 12050-4:2015 Ed 1	<i>Wastewater lifting plants for buildings and sites – Part 4: Nonreturn valves for faecal-free wastewater and wastewater containing faecal matter.</i> Applies to non-return valves used for faecal-free wastewater and wastewater containing faecal matter lifting plants.
SANS 11133:2017/ ISO 11133:2014 Ed 1	<i>Microbiology of food, animal feed and water – Preparation, production, storage and performance testing of culture media.</i> Defines terms related to quality assurance of culture media and specifies the requirements for the preparation of culture media intended for the microbiological analysis of food, animal feed, samples from the food and feed production environment as well as kinds of water intended for consumption or use in food production.
SANS 22322:2017/ ISO 22322:2015 Ed 1	<i>Societal security – Emergency management – Guideline for public warning.</i> Provides guidelines for developing, managing, and implementing public warning before, during, and after incidents.
SANS 27043:2017/ ISO/IEC 27043:2015 Ed 1	<i>Information technology – Security techniques – Incident investigation principles and processes.</i> Provides guidelines based on idealized models for common incident investigation processes across various incident investigation scenarios involving digital evidence.
SANS 33020:2017/ ISO/IEC 33020:2015 Ed 1	<i>Information technology - Process assessment – Process measurement framework for assessment of process capability.</i> Defines a process measurement framework that supports the assessment of process capability, in accordance with the requirements of ISO/IEC 33003.
SANS 1496:2017 Ed 2	<i>Wheel flaps fitted to motor vehicles.</i> Covers the requirements for wheel protection systems fitted to motor vehicles of gross vehicle mass or gross combination mass exceeding 3,5 t and to trailers of gross vehicle mass exceeding 3,5 t, for the purpose of providing other road users with some protection against stones, surface water, mud or other debris thrown up by the vehicle tyres.
SANS 4074:2017 Ed 2	<i>Natural rubber latex male condoms – Requirements and test methods.</i> Specifies the minimum requirements and the test methods to be used for male condoms made from natural rubber latex which are supplied to consumers for contraceptive purposes and to assist in the prevention of sexually transmitted infections.
SANS 27033-1:2017/ ISO/IEC 27033-1:2015 Ed 2	<i>Information technology – Security techniques – Network security – Part 1: Overview and concepts.</i> Provides an overview of network security and related definitions.
SANS 302217-2-2:2017/ ETSI EN 302217-2-2:2014 Ed 3	<i>Fixed Radio Systems; Characteristics and requirements for point-to-point equipment and antennas – Part 2-2: Digital systems operating in frequency bands where frequency co-ordination is applied; Harmonized EN covering the essential requirements of article 3.2 of the R&TTE Directive.</i> Specifies the essential requirements for point-to-point Digital Fixed Radio Systems (DFRS) operating in frequency division full duplex (FDD) in frequency bands, where co-ordinated link-by-link frequency planning is applied.
SANS 302217-3:2017/ ETSI EN 302217-3:2014 Ed 3	<i>Fixed Radio Systems; Characteristics and requirements for point-to-point equipment and antennas – Part 3: Equipment operating in frequency bands where both frequency coordinated or uncoordinated deployment might be applied; Harmonized EN covering the essential requirements of article 3.2 of the R&TTE Directive.</i> Specifies the essential requirements for point-to-point Digital Fixed Radio Systems (DFRS) operating in higher frequency bands, which propagation characteristics might be suitable for different simplified frequency planning rather than conventional link-by-link coordinated deployment.

Standard No. and year	Title, scope and purport
SANS 1213:2017 Ed 3	<i>Mechanical cable glands.</i> Covers requirements for mechanical cable glands for the attachment of cables that comply with the requirements of SANS 1507 (all parts), SANS 1520-1, SANS 1520-2, and of SANS 1574 (all parts) for electrical apparatus, excluding explosion protected apparatus and enclosures.

SCHEDULE B.2: AMENDMENT/AMENDED STANDARDS

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

Standard No. and year	Title, scope and purport
SANS 1574-2:2017 Ed 1.2	<i>Electric flexible cables with solid extruded dielectric insulation Part 2: PVC insulated flexible cables for domestic, office and similar environments (cords).</i> Consolidated edition incorporating amendment No. 2. Amended to update referenced standards, general requirements, cross references, inspection and methods of test, and to renumber subclauses accordingly.
SANS 1973-3:2017/ Ed 1.1	<i>Low-voltage switchgear and controlgear ASSEMBLIES – Part 3: Safety of ASSEMBLIES with a rated prospective short-circuit current of up to and including 10 Ka.</i> Consolidated edition incorporating amendment No. 1. Amended to update referenced standards.
SANS 60287-1-1:2017/ IEC 60287-1-1:2014 Ed 1.1	<i>Electric cables – Calculation of the current rating – Part 1-1: Current rating equations (100 % load factor) and calculation of losses – General.</i> Consolidated edition incorporating amendment No. 1. Amended to update the requirements for the AC cables, and for skin effect factor, to update the information on loss factors for sheath and screen, and for loss factor for armour, reinforcement and steel pipes, and to replace the table on Skin and proximity effects – Experimental values for the coefficients with a new table.
SANS 60335-2-7:2017/ IEC 60335-2-7:2012 Ed 5.2	<i>Household and similar electrical appliances – Safety – Part 2-7: Particular requirements for washing machines.</i> Consolidated edition incorporating amendment No. 2. Amended to update referenced standards, requirements for marking and instruction, moisture resistance, abnormal operation, stability and mechanical hazards, construction, and the annex on ageing test for elastomeric parts (annex BB).
SANS 60335-2-13:2017/ IEC 60335-2-13:2009 Ed 3.1	<i>Household and similar electrical appliances – Safety – Part 2-13: Particular requirements for deep fat fryers, frying pans and similar appliances.</i> Consolidated edition incorporating amendment No. 1. Amended to update the heading for the terms and definitions clause, to update the subclause on construction, and to update the referenced standards.
SANS 60335-2-109:2017/ IEC 60335-2-109:2013 Ed 1.2	<i>Household and similar electrical appliances – Safety – Part 2-109: Particular requirements for UV radiation water treatment appliances.</i> Consolidated edition incorporating amendment No. 2. Amended to modify requirements for classification, to add a new clause on moisture resistance, to update requirements for construction, internal wiring, radiation, toxicity and similar hazards, and to delete the annex on UV radiation conditioning (annex AA).
SANS 61400-1:2017/ IEC 61400:2014 Ed 1.1	<i>Wind turbines – Part 1: Design requirements.</i> Consolidated edition incorporating amendment No. 1. Amended to update referenced standards, terms and definitions, symbols and abbreviated terms, to update the figure on normal turbulence model (NTM), to update the equations on wind speed transients, to update the requirements for structural design, and mechanical systems, to add the table on minimum required safety factor for yaw gear system, to update the information on assessment of topographical complexity for site, assessment of wake effects from neighbouring wind turbines, assessment of structural integrity by reference to wind data and assessment of structural integrity by load calculations with reference to site specific conditions, to update the annexes turbulence models, statistical extrapolation of loads for ultimate strength analysis, and to add the annex on contemporaneous loads.
SANS 62271-100:2017/ IEC 62271-10: 2012 Ed 2.2	<i>High-voltage switchgear and controlgear Part 100: Alternating-current circuit-breakers.</i> Consolidated edition incorporating amendment No. 2. Amended to add an introduction, to update the scope, referenced standards and terms and definitions, update the requirements on ratings, design and construction, type tests, routine tests, guidance to the selection of circuit-breakers for service, information to be given with enquiries, tenders and orders and the influence of the product on the environment, annexes on calculation of transient recovery voltages for short-line faults from rated characteristics, tolerances on test quantities during type tests, method of determination of the prospective TRV, methods of determining prospective transient recovery voltage waves, requirements for breaking of transformer-limited faults by circuit-breakers with rated voltage higher than 1 kV, use of mechanical characteristics and related requirements, requirements for short-circuit and switching test procedures for metal-enclosed and dead tank circuit-breakers, to delete annexes on inrush currents of single and back to back capacitor banks, explanatory notes, test current and line length tolerances for short line fault testing, list of symbols and abbreviations used in this standard, explanatory notes on the revision of TRVs for circuit breakers of rated voltages higher than 1 kV and less than 100 kV, and to add an annex on verification of capacitive current switching in presence of single or two-phase earth faults.

Standard No. and year	Title, scope and purport
SANS 1123:2017 Ed 3.4	<i>Pipe flanges. Consolidated edition incorporating amendment No. 4.</i> Amended to update table 2 500/2 – Steel welding neck flanges.
SANS 1539:2017 Ed 5.1	<i>Appliances operating on liquefied petroleum gas (LPG) or natural gas (NG) – Safety aspects. Consolidated edition incorporating amendment No. 1.</i> Amended to update referenced standards, to update definitions, and to renumber the definitions accordingly, to update the heading of the clause on verification, to move reference to a national authority to the foreword, to update the requirements applicable to all appliances, to update specific requirements, to update additional requirements (for specific appliances and components), to update cross references, to update inspection and methods of test, to update the requirements for packing and marking, and to update the annex on flueless space heater requirements with specific reference to information to be provided in the user/installer manual
SANS 1550-10:2017 Ed 2.2	<i>Motor vehicle tyres and rims – Dimensions and loads – Part 10: Rim contours. Consolidated edition incorporating amendment No. 2.</i> Amended to update referenced standards.
SANS 1553-2:2017 Ed 1.3	<i>PVC-U window and door frames for external use –Part 2: Windows with frames made from PVC-U profiles. Consolidated edition incorporating amendment No. 3.</i> Amended to update referenced standards, and to delete the footnote on fluorescent UV lamp.
SANS 1745:2017 Ed 1.2	<i>Cementitious grouting capsules for use with tendon-based support systems. Consolidated edition incorporating amendment No. 2.</i> Amended to update referenced standards.
SANS 1808-9:2017 Ed 1.3	<i>Water supply and distribution system components – Part 9: Metering taps and valves (metallic bodies). Consolidated edition incorporating amendment No. 3.</i> Amended to update referenced standards.
SANS 1808-16:2017 Ed 1.3	<i>Water supply and distribution system components – Part 16: Drinking fountain taps. Consolidated edition incorporating amendment No. 3.</i> Amended to update referenced standards.
SANS 2001-CS1:2017 Ed 1.2	<i>Construction works Part CS1: Structural steelwork. Consolidated edition incorporating amendment No. 2.</i> Amended to update referenced standards.
SANS 6124:2017 Ed 2.3	<i>Wooden doors – Determination of resistance to torsion. Consolidated edition incorporating amendment No. 3.</i> Amended to update the test specimen requirements, and to update the test procedure and calculation of deflection.
SANS 6129:2017 Ed 2.2	<i>Wooden doors – Class 2 – Determination of resistance to weathering. Consolidated edition incorporating amendment No. 2.</i> Amended to update the test specimen requirements and procedure.
SANS 825:2017 Ed 4.2	<i>Hand dishwashing or light duty detergent (liquid). Consolidated edition incorporating amendment No. 2.</i> Amended to update the title of the standard, to update referenced standards, to update requirements, to add references to the annexes in the text, to update inspection and methods of test, to update the requirements for marking, and to insert a new annex on notes to manufacturers.

SCHEDULE B.3: WITHDRAWN STANDARDS

In terms of section 24(1)(C) of the Standards Act, the following standards have been withdrawn.

Standard No. and year	Title
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SCHEDULE B.4: ESTABLISHMENT OR DISBANDMENT OF TECHNICAL COMMITTEES

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

Technical Committee No.:	Title	Scope
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If your organization is interested in participating in these committees, please send an e-mail to Dsscomments@sabs.co.za for more information.

SCHEDULE 5: ADDRESSES OF THE SOUTH AFRICAN BUREAU OF STANDARDS OFFICES

The addresses of offices of the South African Bureau of Standards where copies of the standards mentioned in this notice can be obtained, are as follows:

1. Gauteng Head Office, 1 Dr Lategan Road, Groenkloof, Private Bag X191, Pretoria 0001.
2. Western Cape Regional Office, SABS, Liesbeek Park Way, Rosebank, PO Box 615, Rondebosch 7701.
3. Eastern Cape Regional Office, SABS, 30 Kipling Road, cor. Diaz and Kipling Roads, Port Elizabeth, PO Box 3013, North End 6056.
4. KwaZulu-Natal Regional Office, SABS, 15 Garth Road, Waterfall Park, Durban, PO Box 30087, Mayville 4058.

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PART 3 OF 3

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

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BOARD NOTICES • RAADSKENNISGEWINGS

BOARD NOTICE 7 OF 2018



ALLIED HEALTH PROFESSIONS COUNCIL OF SOUTH AFRICA

6 CASTELLI, IL VILLAGGIO, 5 DE HAVILLAND CRESCENT SOUTH, PEREQUOR TECHNOPARK, PRETORIA, 0184

Telephone: (012) 349 2331 Facsimile: (012) 349 2327

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Website: www.ahpcsa.co.za

**UNPROFESSIONAL CONDUCT BOARD NOTICE: INJECTION THERAPY BY
CHIROPRACTORS AND OSTEOPATHS**

The Allied Health Professions Council of South Africa (AHPCSA), after due consideration and after consultation with the Professional Board: Chiropractic and Osteopathy (PBCO), taking into account section 2(a) of the Allied Health Professions Act (63/1982) ("the Act"), together with Regulation 27 of Government Notice No.R.127 of 12 February 2001, in reaffirming the AHPCSA decision taken in terms of sections 3(f) and 3(h) of the Act in 2010, as well as section 22A of the Medicines and Related Substances Act, Act 101 of 1965 has resolved, against the background that the AHPCSA has the power to generally do all such things as it may deem necessary or expedient for the purpose of achieving the objects of the Act, that the use of **any** injection therapy is **unprofessional conduct** for any chiropractor or osteopath.

The AHPCSA, after consultation with the Professional Board: Chiropractic and Osteopathy (PBCO), has resolved that injection therapy is not consistent with the provision that chiropractors or osteopaths are limited to substances that are intended exclusively for application to the skin; nor is injection therapy indicated for emergency treatment of neuromusculo-skeletal conditions; and the sale, possession of and use of any injectables is unlawful in light of the provisions of section 22A of the Medicines and Related Substances Act, Act 101 of 1965. In addition to the AHPCSA resolution that the use of **any** injection therapy as part on any treatment protocol is **unprofessional conduct** for any chiropractor or osteopath, the following activities are also strictly prohibited for chiropractors or osteopaths: -

1. Promoting the use of injection therapy to other chiropractors, osteopaths, chiropractic learners or chiropractic interns; and
2. Providing any education or training in the use of injection therapy to chiropractors, osteopaths, chiropractic learners or chiropractic interns.

Should the AHPCSA become aware of any chiropractor or osteopath engaging in any of the above-mentioned prohibited activities or any other activity relating to the use of injection therapy, such chiropractor or osteopath shall face disciplinary action in terms of sections 23 to 30 of the Act.



DR LOUIS MULLINDER

REGISTRAR: ALLIED HEALTH PROFESSION COUNCIL OF SOUTH AFRICA

BOARD NOTICE 8 OF 2018**ALLIED HEALTH PROFESSIONS COUNCIL OF SOUTH AFRICA**

6 CASTELLI, IL VILLAGGIO, 5 DE HAVILLAND CRESCENT SOUTH, PEREQUOR TECHNOPARK, PRETORIA, 0184

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**UNPROFESSIONAL CONDUCT BOARD NOTICE:
ISSUING OF DEATH CERTIFICATES BY ALLIED HEALTH
PRACTITIONERS**

The Allied Health Professions Council of South Africa (AHPCSA), after due consideration and in consultation with the Professional Board: Ayurveda, Chinese Medicine and Acupuncture and Unani-Tibb (PBACMU); the Professional Board: Chiropractic and Osteopathy (PBCO); and the Professional Board: Homeopathy, Naturopathy and Phytotherapy (PBHNP), and taking into account section 1(2)(a) of the Allied Health Professions Act (63/1982) ("the Act"), read together with section 32(1) of the Act, which sets out offences by practitioners and students, has resolved that: -

- A practitioner registered in any allied health profession may not issue any death certificate; and
- Any practitioner not entitled to issue death certificates, found to have performed such action shall be guilty of an offence, liable to a fine or to imprisonment or a fine and imprisonment or subject to a disciplinary hearing and any penalty which is of relevance and appropriate.



DR LOUIS MULLINDER

REGISTRAR: ALLIED HEALTH PROFESSION COUNCIL OF SOUTH AFRICA

BOARD NOTICE 9 OF 2018**ALLIED HEALTH PROFESSIONS COUNCIL OF SOUTH AFRICA**

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**CONDITIONS OF RESTORATION TO ANY AHPCSA REGISTER OR REGISTERS
BY ANY PERSON PREVIOUSLY DEREGISTERED IN ANY ONE OF THE AHPCSA
PROFESSIONS**

The Allied Health Professions Council of South Africa (AHPCSA), after due consideration and in consultation with the Professional Board: Therapeutic Aromatherapy, Therapeutic Massage Therapy and Therapeutic Reflexology (PBARM); the Professional Board: Ayurveda, Chinese Medicine and Acupuncture and Unani-Tibb (PBACMU); the Professional Board: Chiropractic and Osteopathy (PBCO); and the Professional Board: Homeopathy, Naturopathy and Phytotherapy (PBHNP), and taking into account section 26(3) of the Allied Health Professions Act (63/1982) ("the Act") has resolved that where any person makes application for the name of that person to be restored to any register or registers, then the following conditions shall be met prior to restoration to any register or registers:

1. Persons applying for restoration to any register or registers who have been deregistered for a period of less than two years shall be allowed to have his or her name restored to the register or registers, provided that such person has paid the applicable application fee and all outstanding fees in full, successfully completed an AHPCSA-approved bioethics and jurisprudence course and be in possession of a valid Level I first aid certificate, offered by a Department of Labour-accredited provider of such first aid courses;

2. Persons applying for restoration to any register or registers who have been deregistered for a period of more than two years, but less than three years, shall be allowed to have his or her name restored to the register or registers, provided that such person has paid the applicable application fee and all outstanding fees in full, successfully completed an AHPCSA-approved bioethics and jurisprudence course, be in possession of a valid Level I first aid certificate, offered by a Department of Labour-accredited provider of such first aid courses, and successfully complete a practical/*viva voce* examination conducted by an institution of higher education and training offering education in the relevant profession applicable to the relevant register or registers at own cost. In cases of the professions of Ayurveda and Osteopathy, the practical/*viva voce* examination shall be conducted by the members of the relevant professional boards, at the cost of the applicant;
3. Persons applying for restoration to any register or registers who have been deregistered for a period of more than three years shall be allowed to have his or her name restored to the register or registers, provided that such person has paid the applicable application fee and all outstanding fees in full, successfully completed an AHPCSA-approved bioethics and jurisprudence course, be in possession of a valid Level I first aid certificate, offered by a Department of Labour-accredited provider of such first aid courses and successfully complete both a written and practical/*viva voce* examination conducted by an institution of higher education and training offering education in the relevant profession applicable to the relevant register or registers at own cost. In cases of the professions of Ayurveda and Osteopathy, the written and practical/*viva voce* examinations shall be conducted by the members of the relevant professional boards, at the cost of the applicant; and
4. Once all requirements have been met and any application for restoration is approved, restoration fees, as promulgated by the AHPCSA from time to time, shall be payable before restoration may proceed.



DR LOUIS MULLINDER

REGISTRAR: ALLIED HEALTH PROFESSION COUNCIL OF SOUTH AFRICA

BOARD NOTICE 10 OF 2018**ALLIED HEALTH PROFESSIONS COUNCIL OF SOUTH AFRICA**

6 CASTELLI, IL VILLAGGIO, 5 DE HAVILLAND CRESCENT SOUTH, PEREQUOR TECHNOPARK, PRETORIA, 0184

Telephone: (012) 349 2331 Facsimile: (012) 349 2327

Email: registrar@ahpcsa.co.za

Website: www.ahpcsa.co.za

**INSTITUTION OF PROFESSIONAL BOARD EXAMINATIONS FOR GRADUATES IN THE
PROFESSIONS OF CHINESE MEDICINE AND ACUPUNCTURE, NATUROPATHY,
PHYTOTHERAPY AND UNANI-TIBB**

The Allied Health Professions Council of South Africa (AHPCSA), after due consideration and after consultation with the Professional Board: Ayurveda, Chinese Medicine and Acupuncture and Unani-Tibb (PBACMU) and the Professional Board: Homeopathy, Naturopathy and Phytotherapy (PBHNP), has ratified the 2017 decisions taken by these two professional boards in terms of section 10D(c) of the Allied Health Professions Act (63/1982) ("the Act") and resolved that professional board examinations be instituted for all South African graduates of higher education and training holding qualifications in the professions of Chinese Medicine and Acupuncture, Naturopathy, Phytotherapy and Unani-Tibb; these board examinations shall be completed successfully as a registration requirement for the entry of the name of the successful candidate in the relevant register. Such board examinations are instituted for any graduate holding a qualification of higher education and training in these professions from 1 September 2018 and will be held bi-annually in March and September of every year until revocation.

A handwritten signature in black ink, appearing to read 'Mullinder'.

DR LOUIS MULLINDER

REGISTRAR: ALLIED HEALTH PROFESSION COUNCIL OF SOUTH AFRICA

BOARD NOTICE 11 OF 2018**NATIONAL COUNCIL OF SOCIETIES
FOR THE PREVENTION OF CRUELTY
TO ANIMALS****R U L E S****1 AMENDMENT TO RULE 2.3**

A Society shall only use printed stationery/electronic communications which bear the name and logo approved by the Council. All such printed stationery and communications must state that the Society is registered with the Council in terms of the Act.

2 AMENDMENT TO RULE 3.8

Every Society shall donate 1% of total gross income in excess of R1 million, excluding bequests and Lotto funding, to the Inspectorate Fund. Any Society with a gross income of less than R1 million, excluding bequests and Lotto funding, shall not be required to make a donation to the Inspectorate Fund.

3 NEW RULE TO BE NUMBERED 2.16

A Society shall not employ the services of an Inspector/Senior Inspector/Field Officer without consulting with the Council first and confirming the status and qualification of the said Inspector/Senior Inspector/Field Officer.

4 NEW RULE 2.6(d)

Societies shall not make public statements about closing down unless the facts have been discussed and agreed with the Council, or their approved representative.

5 NEW RULE 3.9

No person/s, regardless of designation, shall be permitted to sell immovable property registered in the name of a Society, or part thereof, or any buildings situated upon the immovable property, upon which the Society conducts its activities, without the approval of the Board.

6 AMENDMENT TO RULE 3.3

Societies shall, together with their audited Financial Statements, submit to the NSPCA a certificate signed by their auditor confirming the sum of all legacies received by them, whether or not a legacy was received. This certificate shall be accompanied by copies of the Last Wills and Testaments which constitute the basis for such legacies.

7 NEW RULE 2.17

A Society shall ensure that all persons involved in the activities of such Society produce a recent Police Clearance Certificate issued by the South African Police Services. This applies to current and prospective employees, committee members/directors and regular or unsupervised volunteers.

8 AMENDMENT TO RULE 6.29

All managers of Societies shall attend an Inspectors Training Course and meet all the requirements necessary to qualify as an Inspector. Although managers already employed shall

have until November 2019 to comply, new managers shall attend an Inspectors Training Course within six months of the date of their employment. The Board may however exempt a Society from such a requirement upon such conditions and for such period (which period shall not exceed 12 months) as it may deem fit, having regard to the particular circumstances of the Society, and after receipt of a request for such exemption, fully motivated, from the Society.

9 AMENDMENT TO RULE 3.5

Audited Financial Statements as per the SPCA Act 169 of 1993 Clause 9 (2) (c) – Income Statements must be detailed and include as a separate item (1) Subscriptions (2) Legacy/Bequest (3) Income from Trusts (4) Pound Income. The expenditure must be detailed and include salaries and wages as separate items.

BOARD NOTICE 12 OF 2018**ALLIED HEALTH PROFESSIONS COUNCIL OF SOUTH AFRICA**

6 CASTELLI, IL VILLAGGIO, 5 DE HAVILLAND CRESCENT SOUTH, PEREQUOR TECHNOPARK, PRETORIA, 0184

Telephone: (012) 349 2331 Facsimile: (012) 349 2327

Email: registrar@ahpcs.co.za

Website: www.ahpcs.co.za

**THE GOVERNING OF PERSONS IN ALLIED HEALTH PROFESSIONS NOT
IN ACTIVE PRACTICE**

The Allied Health Professions Council of South Africa (AHPCSA), after due consideration and in consultation with the Professional Board: Therapeutic Aromatherapy, Therapeutic Massage Therapy and Therapeutic Reflexology (PBARM); the Professional Board: Ayurveda, Chinese Medicine and Acupuncture and Unani-Tibb (PBACMU); the Professional Board: Chiropractic and Osteopathy (PBCO); and the Professional Board: Homeopathy, Naturopathy and Phytotherapy (PBHNP), and taking into account sections 4, 10C, 14, 17 and 22 of the Allied Health Professions Act (63/1982) ("the Act"), has resolved that a category or division within any existing register be allowed for the name of any non-practising person to be entered into such category or division and by way of individual application, with appropriate motivation, to the relevant professional board responsible for the profession of such person, which application shall be considered by the members of the relevant professional board responsible for the profession of such person and be approved, or denied, as the case may be.

The following conditions or exemptions shall be applicable to any non-practising person whose name has been entered into the category or division for non-practising persons after approval by the relevant professional board:

1. Any person whose name has been entered into the category or division for non-practising persons shall not be obligated to complete any of the requirements of the AHPCSA-approved Continuing Professional Development (CPD) programme;
2. Any person whose name has been entered into the category or division for non-practising persons shall pay the same annual registration fee as promulgated for persons in active practice;
3. Any person whose name has been entered into the category or division for non-practising persons and who wishes to restore his or her name to the category or division for practising persons, shall comply with the conditions of restoration to any AHPCSA register or registers as promulgated separately;
4. Any person whose name has been entered into the category or division for non-practising persons and who wishes to restore his or her name to the category or division for practising persons, shall not be obligated to pay any application or restoration fee, as may be promulgated by the AHPCSA from time to time, but all other fees shall be payable, as may be applicable to the restoration circumstance;
5. Any registered practitioner employed as a member of staff at any institutions of higher education and training and who are involved in any clinical activities at any such institution of higher education and training shall not be eligible to have his or her name entered into the category or division for non-practising persons; and
6. Any registered practitioner, currently practising beyond the borders of the Republic of South Africa and who choose to remain registered, shall not be eligible to have his or her name entered into the category or division for non-practising persons, unless he or she provides proof to the AHPCSA that he or she is not practising beyond the borders of the Republic of South Africa.



DR LOUIS MULLINDER

REGISTRAR: ALLIED HEALTH PROFESSION COUNCIL OF SOUTH AFRICA

BOARD NOTICE 13 OF 2018**SACLAP****SOUTH AFRICAN COUNCIL FOR THE LANDSCAPE ARCHITECTURAL PROFESSION****FOR PUBLIC COMMENT****REVISED PROCEDURE FOR THE NOMINATION OF COUNCIL MEMBERS FOR THE
SOUTH AFRICAN COUNCIL FOR THE
LANDSCAPE ARCHITECTURAL PROFESSION
(SACLAP)**

The South African Council for the Landscape Architectural Profession, has in terms of sections 36(2)(a) of the Landscape Architectural Profession Act, 2000 (Act No. 45 of 2000) (the Act) made the following Rules in order to undertake the Nomination Procedure as per Section 4 of the Act.

The South African Council for the Landscape Architectural Profession calls for written comments and input from Voluntary Associations, Registered persons any interested member of the public on the revised Procedure for the Nomination of Council members.

A copy of this Procedure can be downloaded from our website: www.saclap.org.za

Postal Address

The Registrar
SACLAP
P.O. BOX 868
Ferndale
2160

Physical Address

169 Corobay Ave
Block A, 2nd Floor,
Waterkloof Glen
Pretoria
0181

CLOSING DATE FOR COMMENTS: 5TH March 2018

Ms Cecilia Chinga
REGISTRAR

BOARD NOTICE 14 OF 2018

Request for Proposal**Subsidy Scheme for Workshops for Persons with Disabilities**

The Department of Labour administers a Subsidy Scheme for Workshops for Persons with Disabilities as mandated by the Employment Services Act, Act 4 of 2014, with the view to promote employment for persons with disabilities. The Department of Labour calls on **non-profit organisations** to express their interest to benefit from a **three-year funding cycle** under this Subsidy Scheme, depending on performance and sound financial management.

The following is funded under the Subsidy Scheme for Workshops for Persons with Disabilities:

- A pre-determined subsidy amount for a pre-approved number of workers with disabilities manufacturing goods or rendering services in the Workshop;
- A pre-determined subsidy amount for a pre-approved number of administrative staff with disabilities ensuring proper administration and governance over the the Subsidy Scheme;
- A subsidy on a specific set of items for current/administrative costs of the Workshop.

Further requirements are as follows:

- The Workshop must co-fund the wages of staff, daily operations and capital expenditure from contracts sourced from companies;
- Governance requirements such as legislative compliance, sound management systems inclusive of business, sustainability and financial planning as well as submission of reports.

Non-profit organisations willing to make a difference in the lives of persons with disabilities, must submit the, name of organisation, e-mail address and telephone numbers to kgololesego.lekoma@labour.gov.za by 7 February 2018. A compulsory briefing session will be held early in 2018, during which project specifications, the funding model and application forms will be made available.

BOARD NOTICE 15 OF 2018

**INVITATION FOR NOMINATIONS OF MEMBERS
OF THE PUBLIC TO BE APPOINTED
TO SERVE ON THE
COUNCIL FOR THE BUILT ENVIRONMENT****Closing Date: 7 May 2018**

The Council for the Built Environment (CBE) is a statutory body established under the Council for the Built Environment Act no. 43 of 2000. It is an overarching body that coordinates the six councils for the built environment professions (architecture, engineering, landscape architecture, project and construction management, property valuation and quantity surveying) for the purpose of promoting good conduct within the professions, transforming the professions and advising South African government on built environment related issues.

In terms of section 6(2)(b) of the Council for the Built Environment Act, 2000 (Act 43 of 2000), the CBE hereby *invites nominations from members of the public within the period specified in the notice from the date of the notice*, for its fifth term of office. The term of office of members will be four (4) years. The Council meets at least four times per annum and the appointed person may be required to serve in the sub-committees of the Council.

Nominees must be persons with leadership qualities; an understanding of the Public Finance Management Act (PFMA) and management of public budget and expenditure; and an understanding of the government priorities and developmental agenda. Preference would be given to persons with either legal; finance; corporate governance or human resource experience to contribute to the strategic direction of the Council for the Built Environment in the interest of the built environment and the public whom they represent.

The Minister of Public Works would take into account representation in terms of race, gender, geographical location and disability when appointing the Council. Nominators and nominees should ensure that they are conversant with the Council for the Built Environment Act (Act No 43 of 2000) especially Section 8(1)–(4) defining the disqualification requirements.

Nominations should be made on the Nomination Form provided for on the CBE website or on request from the e-mail address here below. Please note that failure to comply with the above requirements may result in the disqualification of the nomination.

Nominations must be sent for the attention of:

Chief Executive Officer
Council for the Built Environment

Postal Address:
PO Box 915

Hand-delivered to:
2nd Floor Corobay Corner
169 Corobay Avenue
(Cnr Dallas & Aramist Ave)
MENLYN

E-mail:
council@cbe.org.za

Website:
www.cbe.org.za

Groenkloof
0027

For enquiries please contact:
Tel: (012) 346-3985

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