

**LEGAL PRACTICE COUNCIL
NOTICE 375 OF 2020**

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Date: 02 July 2020

**THE SOUTH AFRICAN LEGAL PRACTICE COUNCIL (“COUNCIL”)
NOTICE IN TERMS OF SECTION 95(4) OF THE LEGAL PRACTICE ACT, 28 OF 2014**

Notice is hereby given that the Council intends to amend the Rules of the Council made under the authority of Sections 95(1), 95(3) and 109(2) of the Legal Practice Act, 28 of 2014 (as amended) by insertion of new Rules 22.1.11 and 22.2.9 relating to candidate attorneys and pupils respectively.

All interested parties are called upon to submit their comments to Council in writing.

All comments must be sent by email to rules@lpc.org.za by no later than 10 August 2020.

SIGNED AT MIDRAND THIS 2nd DAY OF JULY 2020



Ms Kathleen Matolo-Dlepu

Chairperson: Legal Practice Council

THE SOUTH AFRICAN LEGAL PRACTICE COUNCIL

NOTICE IN TERMS OF SECTION 95(4) OF THE LEGAL PRACTICE ACT, 28 OF 2014

The Legal Practice Council has become aware that some prospective employers of candidate legal practitioners require that the applicant be in possession of a driver's licence and/or owns or has access to a motor vehicle for use in the course of employment.

The Council believes that this practice is anti-transformative, and prejudices persons from disadvantaged backgrounds, and it intends to amend the Rules promulgated under the Legal Practice Act to prevent this anti-transformation practice.

Notice is hereby given that the Council intends to amend the Rules of the Council made under the authority of sections 95(1), 95(3) and 109(2) of the Legal Practice Act, 28 of 2014 (as amended) in the following manner:

1. by the insertion of a new Rule 22.1.11 relating to candidate attorneys reading as follows:

"22.1.11 Prohibited provisions in advertisements, interviews and practical vocational training contract

It is misconduct on the part of:

- 22.1.11.1 *an attorney seeking to employ a candidate legal practitioner to stipulate in an advertisement that it is a requirement that an applicant must be, or to enquire of an applicant whether he/she is, in possession of a valid driver's licence or owns or has access to the use of a vehicle for use in the course of his/her prospective employment as a candidate legal practitioner;*
- 22.1.11.2 *a principal to enter into a practical vocational training contract with a candidate attorney which incorporates any unreasonable or unusual terms, which terms may include, without limitation, a requirement that the candidate attorney be in possession of a valid driver's licence, or owns or has access to the use of a vehicle for use in the course of the latter's service under the contract."*

2. by the insertion of Rule 22.2.9 relating to pupils reading as follows:

"22.2.9 Prohibited provisions in interviews and practical vocational training contract

It is misconduct on the part of a training supervisor

22.1.9.1 *to enquire of an applicant for a practical vocational training contract whether he/she is in possession of a valid driver's licence or owns or has access to the use of a vehicle for use in the course of his/her prospective employment as a candidate legal practitioner;*

22.1.9.2 *to enter into a practical vocational training contract with a pupil which incorporates any unreasonable or unusual terms, which terms may include, without limitation, a requirement that the pupil be in possession of a valid driver's licence, or owns or has access to the use of a vehicle for use in the course of the latter's service under the contract."*

In terms of section 95(4) of the Act, interested persons are called upon to comment to the Council in writing on the draft amendment.

All comments must be sent by email to rules@lpc.org.za by no later than 10 August 2020.

Signed at Midrand on the 2nd day of July 2020.

Ms Kathleen Matolo-Dlepu



Chairperson

Legal Practice Council