

LEGAL PRACTICE COUNCIL

NOTICE 3167 OF 2025

3167 Legal Practice Act (28/2014 (as amended): Proposed Amendment to Rule 30.4 and Rule 31.4.....

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THE SOUTH AFRICAN LEGAL PRACTICE COUNCIL

NOTICE IN TERMS OF SECTION 95(1) & (4) OF THE LEGAL PRACTICE ACT, 28 OF 2014

Notice is hereby given that the Council intends to amend the Rules of the Council made in terms of sections 95(1)(x), read with section 32(1)(a), of the Legal Practice Act, 28 of 2014 (as amended), in the respects set out below.

Explanatory Note

The Legal Practice Council proposes to amend Rules 30.4 and 31.4 of the Legal Practice Council Rules. The proposed amendment involves the deletion of rules 30.4.2 and 31.4.2. These rules pertain to applications for conversion of enrolment by attorneys and advocates (rule 30) and conversion between practising and non-practising status (rule 31), respectively. Specifically, they require applicants to submit a certificate from the Registrar of every High Court where they applied for admission, confirming the absence of pending or contemplated proceedings to strike their name off the roll or suspend them from practice. The removal of these rules is proposed to streamline the application process, reduce administrative burden on applicants and the courts, and eliminate duplication of effort, as the Legal Practice Council already possesses the information required by the certificates.

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

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

Proposed amendment to rule 30.4 of the legal practice Council rules:

Rule 30. Application for conversion of enrolment by attorneys and advocates.

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 every 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-

Proposed amendment to rule 31.4 of the legal practice Council rules:

Rule 31. Conversion of non-practising legal practitioners to practising legal practitioners and vice versa.

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 every High Court to which the applicant applied for admission 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 (in the case of a practising legal practitioner).]

31.5 Where the applicant is a practising legal practitioner, and the Council is satisfied that the applicant is entitled to convert his or her enrolment to that of a non-practising legal practitioner, the Council shall remove the name of the applicant from the roll of practising legal practitioners and shall place the name of the applicant on the roll of non-practising legal practitioners.

In terms of Section 95(4)(a) of the Legal Practice Act, interested persons are called upon to submit comments in writing to the Council on the draft amendment.

Please note that all comments must be sent by email to rules@lpc.org.za by no later than 2 June 2025.

Signed at Midrand on 22 April 2025.


ADV PULE SELEKA (SC)
Chairperson- Legal Practice Council