

INVITATION FOR PUBLIC COMMENTS ON THE LEGAL PRACTICE AMENDMENT BILL, 2026

1. INVITATION

- 1.1 The Department of Justice and Constitutional Development (the Department) invites interested parties to submit written comments on the draft Legal Practice Amendment Bill, 2026.
- 1.2 The draft Bill aims to amend the Legal Practice Act, 2014 (Act No. 28 of 2014), and is available on the website of the Department at:
<https://www.justice.gov.za/legislation/invitations/invites.htm>

2. COMMENTS

- 2.1 The comments must be submitted not later than **Friday, 11 September 2026**, marked for the attention of **Ms F Bhayat**, and—
- (a) if they are forwarded by post, be addressed to—
The Department of Justice and Constitutional Development
Private Bag X81, Pretoria, 0001
(Floor 14, Office No. 27)
 - (b) if they are delivered by hand, be delivered at—
The Department of Justice and Constitutional Development
Momentum Building, 329 Pretorius Street, Pretoria
(Floor 14, Office No. 27)
 - (c) if they are delivered by email, be emailed to FBhayat@justice.gov.za
- 2.2 For more information, please contact Ms F Bhayat on **012 406 4771/078 511 4307**

REPUBLIC OF SOUTH AFRICA

LEGAL PRACTICE AMENDMENT BILL, 2026

*(As introduced in the National Assembly (proposed section 75); explanatory summary of
Bill published in Government Gazette No. of 2026)
(The English text is the official text of the Bill)*

(MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT)

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments

 Words underlined with a solid line indicate insertions in existing enactments

BILL

To amend the Legal Practice Act, 2014, so as to allow the Council to assess fees and disbursements for non-litigious work; to indemnify certain persons against actions for damages; to revise a provision relating to the decisions and voting of Council members; to provide for appropriations made by the Fund; to provide for the composition of the Provincial Councils to be prescribed; to revise the provisions relating to community service; to revise a provision relating to the cancellation of enrolment of any person who is enrolled as a legal practitioner; to regulate the authority to render legal services; to provide for the advertisement of certain services; to regulate appeals against findings imposed by disciplinary committees; to regulate the composition of appeal tribunals; to provide for limitation of liability of the Fund; to regulate the purpose and application of the Fund; to provide for the composition of the Board and the election thereof; to provide for the procedure for instituting claims against the Fund; to regulate liabilities in respect of fees, levies, charges and contributions payable in terms of the Act; to provide for the manner in which interest must be paid over to the Fund; to empower the Council and Board to make rules; to provide for persons who may undergo practical vocational training; to provide for the cut-off date by which persons are entitled to be admitted and enrolled as advocates, attorneys, conveyancers or notaries in terms of the Act.

PARLIAMENT of the Republic of South Africa enacts as follows:—

Amendment of section 6 of Act 28 of 2014, as amended by section 2 of Act 16 of 2017

1. Section 6 of the Legal Practice Act, 2014 (Act No. 28 of 2014) (hereinafter referred to as the principal Act) is hereby amended by the addition of the following subsections:

“(6) The Council may, from time to time, assess the reasonableness of the fees and disbursements payable by any person to a legal practitioner, in accordance with a procedure determined by the Council in the rules.

“(7) No action for damages lies against any person serving on, or employed by the Council or its substructures, in respect of anything done in good faith in terms of this Act.”.

Amendment of section 17 of Act 28 of 2014

2. Section 17 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) A decision of the majority of the members of the Council present and entitled to vote at the meeting constitutes a decision of the Council.”.

Amendment of section 22 of Act 28 of 2014

3. Section 22 of the principal Act is hereby amended by the substitution in subsection (1) for paragraph (b) of the following paragraph:

“(b) **[an annual appropriation]** appropriations made by the Fund, the amount of which is determined by the Board after consultation with the Council; and”.

Amendment of section 23 of Act 28 of 2014, as amended by section 3 of Act 16 of 2017

4. Section 23 of the principal Act is hereby amended by the substitution for subsection (5) of the following subsection:

“(5) Provincial Councils must be—

- (a) composed in a prescribed manner; and
- (b) constituted in such a manner so as to reflect the proportion of attorneys and advocates in the area of jurisdiction of the Provincial Council concerned.”.

Amendment of section 29 of Act 28 of 2014

5. Section 29 of the principal Act is hereby amended—

- (a) by the deletion in subsection (2) of the word “or” at the end of paragraph (d);
- (b) by the substitution in subsection (2) for paragraph (e) of the following paragraph:
 - “(e) **[any other service which the candidate legal practitioner or the legal practitioner may want to perform, with the approval of the Minister.]** the provision of *pro bono* legal services, being legal services rendered at no fee or at a reduced fee to indigent or marginalised persons, communities or organisations that assist them, in accordance with the regulations;
- (c) by the addition to subsection (2) of the following paragraphs:
 - “(f) any other category of community service prescribed by the Minister, after consultation with the Council; or
 - (g) any other specific service which the candidate legal practitioner or the legal practitioner may want to perform, with the approval of the Council.”.

Amendment of section 31 of Act 28 of 2014

6. Section 31 of the principal Act is hereby amended—

- (a) by the addition to subsection (1) of the following paragraph:
 - “(c) Despite anything to the contrary in this Act, the Council may suspend the enrolment of a legal practitioner if the legal practitioner has

failed to pay any fees due to the Council, including annual levies, within the timeframes determined by the Council in the rules.”;

(b) by the substitution for subsection (2) of the following subsection:

“(2) The Council must, before cancellation or suspension of enrolment of a legal practitioner in the case of subsection (1)(b) and (c), notify and give such legal practitioner **[and give him or her]** an opportunity to be heard.”; and

(c) by the substitution for subsection (4) of the following subsection:

“(4) The Council must, at the written request of any person who is enrolled as a legal practitioner and upon receipt of a court order that the admission of such person with the High Court has been cancelled or that such person has been ordered to be struck off the Roll, cancel **[his or her]** the enrolment and remove [his or her] the name of such person from the Roll [or from the Roll of] as practising or non-practising legal [practitioners] practitioner, [as indicated by the legal practitioner in question,] but where an investigation into any alleged improper conduct by that person is in progress or is to be held, the enrolment may not be cancelled until the investigation has been concluded.”.

Amendment of section 33 of Act 28 of 2014, as amended by section 4 of Act 16 of 2017

7. Section 33 of the principal Act is hereby amended—

- (a) by the deletion in subsection (1) of the word “or” at the end of paragraph (a);
- (b) by the substitution in subsection (1) for the full-stop at the end of paragraph (b) of the expression “; or”;
- (c) by the addition to subsection (1) of the following paragraph:

“(c) draw up or execute any of the following documents—

- (i) any agreement, deed or writing relating to immovable property or the right in or to immovable property;
- (ii) any will or other testamentary writing;

- (iii) any memorandum of incorporation or prospectus of any company; or
 - (iv) any agreement, deed or writing relating to the creation or dissolution of any partnership or any variation of the terms thereof.”;
- (d) by the substitution for subsection (2) of the following subsection:

“(2) No person other than a legal practitioner may **[hold himself or herself out]** act as a legal practitioner or make any representation or use any type or description indicating or implying that **[he or she]** such person is a legal practitioner.”; and
- (e) by the addition of the following subsection:

“(5) No person other than a practising legal practitioner may orally, in a written or printed manner, or in any other manner, directly or indirectly, canvass, advertise or tout for, or make known their preparedness or the preparedness of such other person to undertake any work, whether for or without remuneration in connection with—

 - (a) the drawing up of a will or other testamentary writing;
 - (b) the administration, liquidation or distribution of the estate of any deceased or insolvent person, person with a mental disability or any person under any other legal disability; or
 - (c) the judicial management or the liquidation of a company.”.

Amendment of section 41 of Act 28 of 2014

8. Section 41 of the principal Act is hereby amended—
- (a) by the substitution in subsection (1) for paragraph (a) of the following paragraph:

“(a) Subject to section 44, a legal practitioner, candidate legal practitioner or juristic entity may, as determined in the rules and within **[30] 14** days of being informed of **[the decision]** a disciplinary sanction imposed by a disciplinary committee, lodge an appeal with an appeal tribunal established in terms of subsection (2) against a finding of

misconduct by the disciplinary committee or against the sanction imposed, or both.”; and

(b) by the substitution in subsection (2) for paragraph (b) of the following paragraph:

“(b) The members of the appeal tribunal must, where practicable, include at least—

- (i) one advocate and one attorney; and
- (ii) one lay person drawn by the Council from a list of persons established and maintained by the Office of the Ombud who has been approved by the Office of the Ombud, as being suitable to serve on appeal tribunals and who is paid an allowance for this purpose determined by the Council and published in the *Gazette*.”.

Amendment of section 55 of Act 28 of 2014

9. Section 55 of the principal Act is hereby amended—

- (a) by the deletion in subsection (1) of the expression “(1)”; and
- (b) by the substitution in subsection (1) for paragraphs (a), (b) and (c) of the following paragraphs:

- “(a) by or due to the negligence of an attorney in that practice or advocate, or by or due to the negligence of any person employed by that practice or supervised by that attorney or advocate;
- (b) by or due to the negligence of an attorney or person acting as executor or administrator in the estate of a deceased person;
or
- (c) by or due to the negligence of an attorney or person employed by that attorney who is a trustee in an insolvent estate or in any other similar capacity,”.

Amendment of section 56 of Act 28 of 2014

10. Section 56 of the principal Act is hereby amended—

- (a) by the deletion in subsection (1) at the end of paragraph (d) of the word “or”;
- (b) by the substitution in subsection (1) for the full-stop at the end of paragraph (e) of the expression “; or”; and
- (c) by the addition to subsection (1) of the following paragraph:
 - “(f) as a result of any transaction relating to, or conducted in, cryptocurrency.”.

Amendment of section 57 of Act 28 of 2014

11. Section 57 of the principal Act is hereby amended—

- (a) by the substitution in subsection (1) for paragraph (a) of the following paragraph:
 - “(a) Meeting the liability of the Fund referred to in section 55; Provided that this purpose must be prioritised above the other purposes;”;
- (b) by the substitution in subsection (1) for paragraph (h) of the following paragraph:
 - “(h) paying allowances to members of the Board in relation to their services or their reasonable travelling and accommodation expenses incurred in relation to the affairs of the Board and the Fund **[to be determined in consultation with the Council];**”;
- (c) by the substitution in subsection (1) for paragraph (j) of the following paragraph:
 - “(j) making **[an annual appropriation]** appropriations to the Council in terms of section 22(1)(b);”;
- (d) by the substitution in subsection (1) for the full-stop at the end of paragraph (l) of the expression “; and”; and
- (e) by the addition to subsection (1) of the following paragraph:
 - “(m) paying an honorarium, fees or expenses or compensation to any person for services rendered at the request of the Board

with the object of enhancing the professional standards of practitioners.”.

Amendment of section 62 of Act 28 of 2014, as amended by section 5 of Act 16 of 2017

12. Section 62 of the principal Act is hereby amended—

(a) by the substitution in subsection (1) for paragraph (a) of the following paragraph:

“(a) Five **[legal practitioners,]** practising attorneys and one **[of whom must be an]** advocate referred to in section 34(2)(b), elected in accordance with a procedure determined in the rules by the Council in consultation with the Board;” and

(b) by the addition of the following subsection:

“(4) An election referred to in subsection (1)(a) must be concluded within six months after each election of the Council.”.

Amendment of section 78 of Act 28 of 2014

13. Section 78 of the principal Act is hereby amended—

(a) by the deletion in subsection (1) of the word “and” at the end of paragraph (a);

(b) by the substitution in subsection (1) for the full-stop at the end of paragraph (b) of the expression “; and”; and

(c) by the addition to subsection (1) of the following paragraph:

“(c) a criminal complaint has been lodged by the claimant with the South African Police Service.”.

Amendment of section 85 of Act 28 of 2014

14. Section 85 of the principal Act is hereby amended—

(a) by the substitution in subsection (1) for paragraph (b) of the following paragraph:

- “(b) Every legal practitioner referred to in paragraph (a) who, for the first time, practises as such, must, within the period and after payment of the fee determined by the Council in the rules, complete a legal practice management course approved by the Council determined in the rules: Provided that the Council may exempt a legal practitioner, fully or partially and on such conditions as may be appropriate, from completing a legal practice management course.”; and
- (b) by the substitution in subsection (6) for paragraph (c) of the following paragraph:
- “(c) discharged all liabilities in respect of **[enrolment]** fees, levies, charges and contributions payable in terms of this Act: Provided that where a practitioner has made an acceptable arrangement of payment of a fine, such arrangement is regarded as an acceptable discharge of liabilities; and”.

Amendment of section 86 of Act 28 of 2014

15. Section 86 of the principal Act is hereby amended by the addition of the following subsection:

“(8) The interest referred to in subsection (5) must be paid over to the Fund in the manner determined in the rules made by the Board.”.

Amendment of section 93 of Act 28 of 2014

16. Section 93 of the principal Act is hereby amended—
- (a) by the deletion in subsection (8) of the word “and” at the end of paragraph (b);
- (b) by the substitution in subsection (8) for the full-stop at the end of paragraph (c) of the expression “; and”; and
- (c) by the addition to subsection (8) of the following paragraph:
- “(d) may not appear in any court or before any tribunal on behalf of a client: Provided that the Council may apply for an interdict preventing such a

legal practitioner from so appearing or rendering any legal service on behalf of a client.”.

Amendment of section 94 of Act 28 of 2014, as amended by section 7 of Act 16 of 2017

17. Section 94 of the principal Act is hereby amended by the insertion in subsection (1) of the following paragraph after paragraph (d):

“(dA) the composition of the Provincial Councils as contemplated in section 23(5);”.

Amendment of section 95 of Act 28 of 2014

18. Section 95 of the principal Act is hereby amended—

(a) by the insertion in subsection (1) of the following paragraph after paragraph (a):

“(aA) the procedure to be followed for the assessment of the reasonableness of fees and disbursements as contemplated in section 6(6);”;

(b) by the deletion in subsection (3) of the word “and” at the end of paragraph (a);

(c) by the substitution in subsection (3) for the full-stop at the end of paragraph (b) of the expression “; and”; and

(d) by the addition to subsection (3) of the following paragraph:

“(c) the manner in which the interest referred to in section 86(5) must be paid over to the Fund.”.

Amendment of section 112 of Act 28 of 2014

19. Section 112 of the principal Act is hereby amended by the addition of the following subsection:

“(3) Any person upon whom the degree *baccalaureus procurationis* was conferred by a university of the Republic, may be allowed to undergo the

practical vocational training required of candidate legal practitioners, referred to in section 26(1)(c)."

Substitution of section 115 of Act 28 of 2014

20. The following section is hereby substituted for section 115 of the principal Act:

"115. Persons entitled to be admitted and enrolled as advocates, attorneys, conveyancers or notaries

Any person who, immediately before the date referred to in section 120(4), was entitled to be admitted and enrolled as an advocate, attorney, conveyancer or notary is, after that date, entitled to be admitted and enrolled as such in terms of this Act: Provided that the right of a person who was entitled to be admitted and enrolled as an advocate, attorney, conveyancer or notary in terms of this section, without complying with the practical vocational training requirements as prescribed, lapses within six months from the commencement of this Act."

Short title and commencement

21. This Act is called the Legal Practice Amendment Act, 2026, and comes into operation on a date determined by the President by proclamation in the *Gazette*.