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LEGAL PRACTICE COUNCIL

NOTICE 4257 OF 2026

NATIONAL OFFICE
Building 10
Riverview Office Park
100 River View Park Street
Halfway Gardens
Midrand 1686

Tel: 010 001 8500

THE SOUTH AFRICAN LEGAL PRACTICE COUNCIL
NOTICE IN TERMS OF SECTION 36(1), 36(4) AND 36(5) OF THE LEGAL PRACTICE ACT, 28 OF 2014

PROPOSED AMENDMENT OF THE CODE OF CONDUCT FOR ALL LEGAL PRACTITIONERS, CANDIDATE LEGAL PRACTITIONERS AND JURISTIC ENTITIES: INSERTION OF PARAGRAPHS 18.23 AND 46.6 (SUCCESSION CLAUSE IN CLIENT MANDATES, FEE AGREEMENTS AND LETTERS OF ENGAGEMENT)

Notice is hereby given that the Council intends to amend the Code of Conduct for all Legal Practitioners, Candidate Legal Practitioners and Juristic Entities as amended ("the Code"), made under the authority of section 36(1) of the Act, by the insertion of a new paragraph 18.23 in Part III of the Code (Conduct of attorneys) and a new paragraph 46.6 in Part V of the Code (Conduct of advocates contemplated in section 34(2)(a)(ii) of the Act) in the following respects:

Explanatory Note

The proposed insertions form part of a mandatory succession planning framework for attorneys practising for their own account as sole proprietors, attorneys who are the sole directors of juristic entities, and trust account advocates practising for their own account. The corresponding amendments to the South African Legal Practice Council Rules, namely the insertion of rules 47.7.3 and 54.37, which require such practitioners to designate one or more alternative legal practitioners to receive the current and archived files of the practice for safekeeping and transition management upon the death or permanent incapacity of the practitioner, are published for comment in a separate notice in terms of section 95 of the Act.

Words in italics and underlined with a solid line indicate proposed insertions to the existing paragraph of the Code. No deletions from the Code are proposed.

Proposed amendment to paragraph 18 (Specific provisions relating to conduct of attorneys) of Part III of the Code: insertion of paragraph 18.23 after paragraph 18.22

18 **Specific provisions relating to conduct of attorneys**

An attorney shall-

[.....]

18.22 not tout for professional work. An attorney will be regarded as being guilty of touting for professional work if he or she either personally or through the agency of another, procures or seeks to procure, or solicits

Executive Committee: Adv Pule Seleka (SC) – Chairperson, Dr Llewelyn Curlewis - Deputy Chairperson, Adv Craig Watt-Pringle (SC), Mr Martus De Wet, Ms Nonduduzo Khanyile, Mr Sello Phajane, Adv. Matshoge Chabedi (SC), Acting Executive Officer: Ms. Pearl Arnold Mfusi

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for, professional work in an improper or unprofessional manner or by unfair or unethical means, all of which for purposes of this rule will include, but not be limited to-

18.22.1 the payment of money, or the offering of any financial reward or other inducement of any kind whatsoever, directly or indirectly, to any person in return for the referral of professional work; or

18.22.2 directly or indirectly participating in an arrangement or scheme of operation resulting in, or calculated to result in, the attorney's securing professional work solicited by a third party.

For purposes of this paragraph 18.22 'professional work', in addition to work which may by law or regulation promulgated under any law be performed only by an attorney, means such other work as is properly or commonly performed by or associated with the practice of an attorney.

18.23 *if practising for his or her own account as a sole proprietor, or as the sole director of a juristic entity, ensure that every written mandate, fee agreement, or letter of engagement entered into with a client contains a clear and conspicuous succession clause, in such form as the Council may prescribe. The succession clause shall, at a minimum-*

18.23.1 *identify the designated alternative legal practitioner (or, where more than one has been designated, each such practitioner and the category of matters for which each is responsible) by full name, firm name, and physical practice address;*

18.23.2 *explain to the client that, in the event of the attorney's death or permanent incapacity a curator bonis will be appointed by the High Court in terms of section 90 of the Act to assume control of the attorney's trust accounts;*

18.23.3 *inform the client that, upon such a triggering event, the client's physical and electronic files will be delivered to the designated alternative legal practitioner for safekeeping and transition management;*

18.23.4 *advise the client that the alternative legal practitioner will seek a new mandate to continue with the matter, that the alternative legal practitioner may in the meantime take only such steps as are contemplated in rule 54.37, and confirm the client's right to decline to give a new mandate to the alternative legal practitioner and to instruct any other legal practitioner of the client's choice;*

18.23.5 *serve as explicit prior consent by the client to the transfer of the client's personal information and physical and electronic files to the alternative legal practitioner for the purpose of the transition, subject to the client's right subsequently to instruct another legal practitioner; and*

18.23.6 *serve as the client's acknowledgement that, pending the conclusion of a new mandate, the alternative legal practitioner may take such steps as are reasonably necessary to prevent prejudice to the client, as contemplated in rule 54.37.6.*

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Proposed amendment to paragraph 46 (Agreements about fees) of Part V of the Code: insertion of paragraph 46.6 after paragraph 46.5

46 **Agreements about fees**

[.....]

46.6 *A trust account advocate who practises for his or her own account shall ensure that every written fee agreement or letter of engagement entered into directly with a member of the public or a justice centre contains a succession clause. The provisions of paragraph 18.23 of this code apply, with the necessary changes required by the context, to the content and function of such succession clause.*

In terms of section 36(5) of the Act, legal practitioners and any other interested persons are hereby invited to submit comment to the Council in writing on the proposed amendments.

Please note that all comments must be sent by email to rules@lpc.org.za by no later than **30 November 2026.**

Signed at **Midrand** on **26 October 2026.**

ADV PG SELEKA SC
Chairperson: Legal Practice Council