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GOVERNMENT NOTICE

DEPARTMENT OF JUSTICE

No. R. 2370

18 November 1977

RULES OF THE LAW SOCIETY OF THE ORANGE FREE STATE

The undermentioned rules of the Law Society of the Orange Free State have been made by the Council and after consultation of the Council with the Judge President of the Orange Free State Provincial Division of the Supreme Court of South Africa have been approved by the Chief Justice of South Africa in terms of section 21 of the Law Societies' Act, 1975 (Act 41 of 1975):

1. DEFINITIONS

In these rules, unless the context otherwise indicates—

- (a) "articled clerk" means any person duly bound to serve under articles of clerkship in terms of the Admission Act;
- (b) "articles or articles of clerkship" means a contract in writing whereby any person is duly bound to serve an attorney for a specified period in terms of the Admission Act;
- (c) "attorney, notary and conveyancer" means respectively an attorney, notary and conveyancer duly admitted and/or enrolled and entitled to practise as such in the Province of the Orange Free State;
- (d) "Chairman" means the chairman for the time being of any meeting of members;
- (e) "circle" means an association of members of the Society referred to in section 15 (j) of the Act and established in terms of rule 21;
- (f) "Council" means the Council of the Society in terms of section 6 of the Act;
- (g) "country districts" means those districts situated within the Orange Free State excluding the Magisterial District of Bloemfontein;
- (h) "Court" means the Orange Free State Provincial Division of the Supreme Court of South Africa;
- (i) "days" mean days as defined in the Interpretation Act, 1957 (Act 33 of 1957), as amended;
- (j) "disciplinary committee" means a committee appointed in terms of section 13 of the Act to exercise such disciplinary powers as may have been assigned to it;
- (k) "enquiry" means an enquiry held by the Council or by a disciplinary committee;

GOEWERMENSKENNISGEWING

DEPARTEMENT VAN JUSTISIE

No. R. 2370

18 November 1977

REËLS VAN DIE PROKUREURSORDE VAN DIE ORANJE-VRYSTAAT

Onderstaande reëls van die Prokureursorde van die Oranje-Vrystaat is deur die Raad van voormelde Prokureursorde gemaak en na oorlegpleging van die Raad met die Regter-president van die Oranje-Vrystaatse Provinsiale Afdeling van die Hooggeregshof van Suid-Afrika, deur die Hoofregter van Suid-Afrika goedgekeur, kragtens artikel 21 van die Wet op Prokureursordes, 1975 (Wet 41 van 1975):

1. WOORDOMSKRYWING

In hierdie reël, tensy dit uit die samehang anders blyk, beteken—

- (a) "dae" soos omskryf in die Interpretasiewet, 1957 (Wet 33 van 1957), soos gewysig;
- (b) "Hof" van die Oranje-Vrystaatse Provinsiale Afdeling van die Hooggeregshof van Suid-Afrika;
- (c) "Orde" die Prokureursorde van die Oranje-Vrystaat soos gestig kragtens artikel 2 van die Wet;
- (d) "Raad" die Raad van die Orde kragtens artikel 6 van die Wet;
- (e) "die Toelatingswet" die Toelating van Prokureurs, Notarisse en Transportbesorgers Wet, 1934 (Wet 23 van 1934), soos gewysig;
- (f) "die Wet" die Wet op Prokureursorder, 1957 (Wet 41 van 1975), soos gewysig;
- (g) "dissiplinêre komitee" 'n komitee aangestel ooreenkomstig artikel 13 van die Wet om sodanige dissiplinêre gesag uit te oefen as waarmee dit bekleed is;
- (h) "klerk onder leerkontrak" iemand wat gebonde is om kragtens 'n leerkontrak te dien ooreenkomstig die Toelatingswet;
- (i) "leerkontrak" 'n skriftelike ooreenkoms waarkragtens iemand gebonde is om 'n prokureur vir 'n bepaalde tydperk ooreenkomstig die Toelatingswet, te dien;
- (j) "lid" 'n lid van die Orde soos waarna verwys word in artikel 3 van die Wet;
- (k) "ondersoek" 'n ondersoek wat gehou word deur die Raad of deur 'n dissiplinêre komitee;

- (l) "member" means a member of the Society referred to in section 3 of the Act;
- (m) "misconduct" means unprofessional or dishonourable or unworthy conduct;
- (n) "practitioner" means a practitioner as referred to in the Act;
- (o) "President" and "Vice-President" means respectively the President and Vice-President for the time being of the Society;
- (p) "Secretary" means the Secretary and Treasurer for the time being of the Society;
- (q) "Society" means the Law Society of the Orange Free State established in terms of section 2 of the Act;
- (r) "the Act" means the Law Societies' Act, 1975 (Act 41 of 1975), as amended;
- (s) "the Admission Act" means the Attorneys, Notaries and Conveyancers Admission Act, 1934 (Act 23 of 1934), as amended.

2. OFFICE OF SOCIETY

The Secretary's office shall be the office of the Society.

3. MEMBERS

- (a) (i) Every person shall as soon as he becomes a member, give written notice to the Secretary of his full name, employment and business and postal address, and it shall be incumbent on every such member who may be carrying on business in partnership or under a firm name for his own account to send the Secretary a written statement of the name or names of his partner or partners in such business, the firm name under which the business is carried on and also of any subsequent change therein.
- (ii) Every member shall, within 14 days of any change in any of the above-mentioned particulars notify the Secretary in writing thereof.
- (iii) Any member who unreasonably neglects to comply or delays in complying with the requirements of subsection (i) or (ii) hereof shall be guilty of unprofessional conduct.
- (b) The registers of members which shall be kept by the Secretary shall for all purposes of the Society be considered to contain a correct list of members and their respective business addresses, and any letter or notice which shall be sent by the Council or by the Secretary in terms of these rules by post to any member addressed to him at such business address shall be deemed to have been duly and properly sent and he shall be deemed to have received such letter or notice at the time when such letter or notice would have reached him in the ordinary course of post.
- (c) A member's subscription becomes due on the first day of the financial year except in the case of a newly admitted member in which case his subscription becomes due on the date of his admission as a member.
- (d) If any member fails to pay his annual subscription within one month after it has become due, the Secretary shall, by letter, draw his attention to the fact, and if the subscription in arrear is not paid within seven days from the date of such letter or within such further time as the Council may grant, proceedings for recovery thereof may be taken in terms of rule 8 (b).
- (e) No member whose subscription is in arrear for more than three months shall be entitled to vote or be present at any general meeting.

4. CERTIFICATE FEES

Save as otherwise provided for, the fees payable to the Society for any certificate issued by the Secretary shall be R5.

(l) "plattelandse distrikte" daardie distrikte wat binne die Oranje-Vrystaat geleë is, uitgesonderd die landdrosdistrik Bloemfontein;

(m) "praktisyn" 'n praktisyn waarna verwys word in die Wet.

(n) "President" en "Vise-president" onderskeidelik die diensdoende President en Vise-president van die Orde;

(o) "prokureur, notaris en transportbesorger" onderskeidelik 'n prokureur, notaris en transportbesorger behoorlik toegelaat en/of ingeskryf en geregtig om as sodanig te praktiseer in die Oranje-Vrystaat;

(p) "Sekretaris" die Sekretaris en Tesourier te syner tyd van die Orde;

(q) "sirkel" 'n vereniging van lede van die Orde, soos na verwys word in artikel 15 (j) van die Wet en gestig ooreenkomstig reël 21;

(r) "Voorsitter" die dienende voorsitter van enige vergadering van lede;

(s) "wangedrag" onprofessionele of oneerbare of onbetaamlike gedrag;

2. KANTOOR VAN DIE ORDE

Die kantoor van die Sekretaris sal die kantoor van die Orde wees.

3. LEDE

(a) (i) Elke persoon moet, sodra hy lid word, die Sekretaris skriftelik kennis gee van sy volle name, werks-, besigheids- en posadres en elke sodanige lid wat in vennootskap praktiseer is verplig om die Sekretaris skriftelik in kennis te stel van die naam of name van sy vennoot of vennote in sodanige praktyk, die firmanaam waaronder die praktyk gedryf word, asook van enige daaropvolgende veranderinge daarin.

(ii) Elke lid moet binne 14 dae na enige verandering in enige van bogenoemde besonderhede, die Sekretaris skriftelik daarvan in kennis stel.

(iii) Enige lid wat op 'n onredelike wyse nalaat om te voldoen aan, of versuim om te voldoen aan die voorskrifte van subartikel (i) of (ii) hierbo, is skuldig aan onprofessionele gedrag.

(b) Die lederegisters wat deur die Sekretaris gehou word, sal vir alle doeleindes van die Orde geag word 'n juiste naamlys van lede en hulle onderskeie besigheids-adresse te bevat en enige brief of kennisgewing wat per pos deur die Raad of die Sekretaris ooreenkomstig hierdie reëls aan enige lid gestuur word en geadresseer is aan sodanige besigheidsadres, sal geag word as behoorlik gestuur te wees en hy sal geag word sodanige brief of kennisgewing te ontvang het ten tyde wanneer sodanige brief of kennisgewing hom in die gewone loop van sake deur die pos sou bereik het.

(c) 'n Lid se subskripsie word betaalbaar op die eerste dag van die finansiële jaar, behalwe in die geval van 'n lid wat pas toegelaat is, in welke geval sy ledegeld betaalbaar word op die datum van sy toelating as lid.

(d) As 'n lid nalaat om sy jaarlikse subskripsie binne een maand nadat dit betaalbaar geword het, te betaal, moet die Sekretaris sy aandag per brief daarop vestig, en as die agterstallige subskripsie nie binne sewe dae vanaf die datum van sodanige brief, of binne sodanige verdere tydperk as waartoe die Raad uitstel mag verleen, betaal is nie, kan stappe ingevolge reël 8 (b) geneem word vir die invordering daarvan.

(e) Geen lid wie se subskripsie vir meer as drie maande agterstallig is, is geregtig om op 'n algemene vergadering te stem of teenwoordig te wees nie.

4. GELDE BETAALBAAR TEN OPSIGTE VAN SERTIFIKATE

Tensy anders bepaal word, bedra die gelde aan die Orde betaalbaar vir enige sertifikaat wat die Sekretaris uitreik, R5.

5. LIBRARY

(a) The library of the Society will be under the control of the Secretary who shall purchase such law books, reports or other legal publications as the Council may direct.

(b) Books may be obtained on loan from the library on application to the Secretary and on filling in a card or other acknowledgement by members resident in Bloemfontein, who will be allowed the use thereof for a period of seven days which period may however, for special reasons be extended by the Secretary for a reasonable time.

(c) Books may be obtained on loan by country members on written application addressed to the Secretary and they will be allowed the use thereof for a period of 14 days which period may, however, for special reasons, be extended by the Secretary for a reasonable time. The Society will defray the railage or postage on the books when forwarded, but the country applicant must defray the cost of their return.

(d) Should any borrower lose, tear or otherwise damage any book or books on loan he shall replace same or pay such compensation as the Council may determine.

(e) Any member who keeps a book for a period in excess of the periods referred to in subrule (b) or (c) as the case may be (without a reasonable explanation acceptable to the Council), shall pay a fine of R1 per book for every day in excess of the applicable period, and failing payment shall be guilty of conduct which will make him liable to be dealt within terms of the provisions of rule 19.

6. THE COUNCIL

(a) (i) The Council shall consist of eight elected members or such other number as may be decided upon at a general meeting.

(ii) The Council shall always consist of an even number of elected members, parity being maintained as between the country districts and the Magisterial District of Bloemfontein.

(iii) Members of the Council shall remain in office until retirement or vacation of office.

(iv) The Council may be constituted on a regional basis in such manner as may be determined from time to time by the Council but subject to approval by the members in general meeting.

(b) (i) One-quarter of the members of the Council shall retire annually at the conclusion of all the proceedings of the annual general meeting. The retiring members shall be eligible for re-election.

(ii) The longest serving members of the Council shall retire first.

(iii) One councillor from the country districts and one councillor from the Magisterial District of Bloemfontein shall retire annually.

(iv) If councillors from the country districts or councillors from the Magisterial District of Bloemfontein should have equal lengths of service. The Council shall determine which councillor from the country districts and which councillor from the Magisterial District of Bloemfontein shall retire.

(c) The members of the Council shall, immediately after the conclusion of the proceedings of the annual general meeting of the Society, elect a President and a Vice-President of the Society. The President and the Vice-President shall each hold office until the conclusion of the next annual general meeting.

(d) At every meeting of the Council a quorum shall consist of one more than half of the number of members of the Council.

5. BIBLIOTEEK

(a) Die biblioteek van die Orde is onder beheer van die Sekretaris wat al sodanige regsboeke, verslae of ander regspublikasies moet aankoop waarop die Raad mag besluit.

(b) Boeke kan deur lede woonagtig in Bloemfontein uit die biblioteek geleen word deur by die Sekretaris aansoek te doen en 'n kaart of ander ontvangserkenning daarvan in te vul; welke lede geregtig is op die gebruik van die boeke vir 'n tydperk van sewe dae, welke tydperk egter weens besondere redes vir 'n redelike tydperk deur die Sekretaris verleng mag word.

(c) Boeke kan deur plattelandse lede geleen word op skriftelike aansoek aan die Sekretaris gerig, en hulle is geregtig op die gebruik daarvan vir 'n tydperk van 14 dae, welke tydperk egter weens besondere redes vir 'n redelike tydperk deur die Sekretaris verleng mag word. Die Orde sal die spoorvrag of posgeld op boeke wat afgestuur word, betaal maar die plattelandse lid moet die koste vir die terugsending daarvan betaal.

(d) Ingeval enige lener enige boek of boeke wat hy geleen het, verloor, skeur of andersins beskadig, moet hy dit vervang of sodanige skadevergoeding as wat die Raad mag vasstel, betaal.

(e) Enige lid wat 'n boek vir 'n langer tydperk hou as wat in subreël (b) of (c) bepaal word, na gelang van die geval (sonder 'n redelike verduideliking wat vir die Raad aanneemlik is), moet 'n boete van R1 per boek betaal vir elke dag wat hy dit langer as die toepaslike tydperk hou en as hy nalaat om sodanige boete te betaal, is hy skuldig aan gedrag wat hom daaraan blootstel dat daar ingevolge die bepalings van reël 19 teen hom opgetree kan word.

6. DIE RAAD

(a) (i) Die Raad bestaan uit agt verkose lede, of sodanige ander getal as waarop 'n algemene vergadering mag besluit.

(ii) Die Raad bestaan altyd uit 'n gelyke aantal verkose lede; gelykheid tussen die plattelandse distrikte en die landdrosdistrik Bloemfontein, sal gehandhaaf word.

(iii) Lede van die Raad beklee hulle amp totdat hulle aftree of totdat hulle die pos ontruim.

(iv) Die Raad mag op 'n streekgrondslag saamgestel word op sodanige wyse soos wat die Raad van tyd tot tyd mag besluit, dōg sodanige besluit is onderhewig aan die goedkeuring daarvan deur lede tydens 'n algemene vergadering.

(b) (i) Een kwart van die lede van die Raad tree jaarliks af vanaf die sluiting van al die verrigtinge van die algemene jaarvergadering van lede. Aftredende lede is herkiesbaar.

(ii) Die lede van die Raad met die langste diens, sal eerste aftree.

(iii) Een Raadslid van die plattelandse distrikte en een Raadslid van die landdrosdistrik Bloemfontein, sal jaarliks aftree.

(iv) As daar Raadslede van die plattelandse distrikte en die landdrosdistrik Bloemfontein is wat dieselfde diens-tersyn het, sal die Raad aanwys welke Raadslid van die landdrosdistrik Bloemfontein sal aftree.

(c) Lede van die Raad moet, onmiddellik na afloop van die verrigtinge van die algemene jaarvergadering van die Orde 'n President en Vise-president vir die Orde kies. Die President en Vise-president sal hulle ampte beklee tot na die afloop van die volgende algemene jaarvergadering.

(d) Met elke vergadering van die Raad sal 'n kworum bestaan uit een lid meer as die helfte van die aantal Raadslede.

(e) A member of the Council shall vacate his office—

- (i) if he resigns; or
- (ii) if he ceases to be a member of the Society; or
- (iii) if he is suspended from practice; or
- (iv) in case of the final sequestration of his estate as insolvent; or
- (v) if he becomes of unsound mind; or
- (vi) if he is declared by a Court to be incapable of managing his own affairs.

(f) The Council may remove or suspend from office any member of the Council where he fails to attend—

- (i) two consecutive meetings of the Council without advising the Secretary of his inability to attend and if there are no other facts before the Council to justify his absence; or
- (ii) four consecutive meetings of the Council.

7. MEETINGS OF THE COUNCIL

(a) (i) Ordinary meetings of the Council shall be held whenever, in the opinion of the President or the Secretary, there are sufficient matters on hand requiring attention or decision;

(ii) any two members of the Council may in writing request the Secretary to convene a special meeting of the Council stating the business to be considered. Such a meeting shall forthwith be called by giving at least five days' notice in writing of such meeting and specifying the business to be considered thereat;

(iii) the President may at any time convene a special meeting on such notice and in such manner as he may determine.

(b) No resolution passed at any meeting of the Council shall be rescinded at any subsequent meeting unless notice of intention to propose such rescission shall have been given in the notice of the meeting.

(c) The annual report shall include a list of Council members and shall reflect the number of Council and of committee meetings held during the year covered by the report and the number of such meetings attended by each member or from which he was absent.

(d) Minutes of the proceedings of every meeting of the Council or of any committee thereof shall be kept by the Secretary or in the event of his absence by some other person appointed for the occasion by the Chairman. A fair copy of such minutes shall be—

- (i) recorded in book form; and
- (ii) signed by the Chairman after confirmation thereof at the next meeting of the Council or committee.

8. FINANCE

(a) The subscriptions, fees, levies or other charges payable to the Society shall be those fixed by the Council in terms of the Act.

(b) All moneys due to the Society may be recovered by the Council by the institution of legal process.

(c) The financial year of the Society shall be from 1 July in one year to 30 June in the following year, with effect as from 1 July 1977.

9. ANNUAL FINANCIAL REPORT, ACCOUNTS AND AUDIT

(a) The Council shall cause proper accounts to be kept of the income and expenditure of the Society, and of the assets and liabilities of the Society, which account shall be closed annually as at the 30th day of June whereafter the statements and balance sheet to be submitted to the next annual general meeting shall be compiled.

(e) Die pos van 'n Raadslid word vakant wanneer—

- (i) hy bedank; of
- (ii) hy ophou om lid van die Orde te wees; of
- (iii) hy geskors word om te praktiseer; of
- (iv) sy boedel finaal gesekwestreer word; of
- (v) hy geestelik gekrenk raak; of
- (vi) hy deur 'n Hof onbevoeg verklaar word om sy eie sake te behartig.

(f) Die Raad mag enige Raadslid uit sy amp onthef of skors indien hy sou nalaat om—

(i) twee agtereenvolgende Raadsvergaderings by te woon sonder om die Sekretaris van sy onvermoë om die Raadsvergaderings by te woon in kennis te stel en as daar nie enige ander feite voor die Raad is om sy afwesigheid te verklaar nie; of

(ii) vier agtereenvolgende Raadsvergaderings by te woon.

7. RAADSVERGADERINGS

(a) (i) Gewone Raadsvergaderings word gehou wanneer daar volgens die oordeel van die President of die Sekretaris genoeg sake voorhande is wat aandag en beslissing verg.

(ii) Enige twee lede van die Raad kan die Sekretaris skriftelik versoek om 'n spesiale vergadering van die Raad te belê, met vermelding van die sake wat oorweeg moet word. Sodanige vergadering moet onverwyld belê word deur minstens vyf dae voor die tyd skriftelik kennis daarvan te gee met vermelding van die sake wat daartydens oorweeg sal word.

(iii) Die President mag te eniger tyd 'n spesiale vergadering belê met sodanige kennisgewing en op sodanige wyse as wat hy mag goeddink.

(b) Geen besluit wat op enige Raadsvergadering aangeneem is, mag op enige latere vergadering herroep word nie, tensy kennis van die voorneme om so 'n herroeping voor te stel in die kennisgewing van die vergadering gegee is.

(c) Die jaarverslag moet 'n lys van Raadslede bevat en moet die aantal Raadsvergaderings of komiteevergaderings gehou gedurende die jaar wat deur die jaarverslag gedek word, aantoon asook die aantal vergaderings wat elke Raadslid bygewoon het, of waarvan hy afwesig was.

(d) Notule van die verrigtinge van elke Raadsvergadering of vergadering van enige komitee van die Raad, moet deur die Sekretaris, of in geval van sy afwesigheid deur 'n ander persoon vir die geleentheid deur die Voorzitter aangestel, gehou word. 'n Ware afskrif van sodanige notule moet—

- (i) in boekvorm aangeteken word; en
- (ii) deur die Voorzitter na bekragtiging daarvan op die daaropvolgende vergadering van die Raad of komitee, geteken word.

8. FINANSIES

(a) Die subskripsies, gelde, heffings of ander vorderings betaalbaar aan die Orde, is soos deur die Raad vasgestel ooreenkomstig die Wet.

(b) Alle gelde wat aan die Orde verskuldig is, mag deur die Raad verhaal word deur die doen van geregtelike stappe.

(c) Die finansiële jaar van die Orde strek vanaf 1 Julie van die een jaar, tot 30 Junie van die volgende jaar, soos vanaf 1 Julie 1977.

9. JAARLIKSE FINANSIËLE VERSLAG, REKENINGE EN OUDIT

(a) Die Raad moet toesien dat behoorlike rekeninge gehou word van die inkomste en uitgawes van die Orde en van die bates en laste van die Orde, welke rekeninge jaarliks afgesluit moet word op die 30ste dag van Junie, waarna die state en balansstaat vir voorlegging met die volgende algemene jaarvergadering, opgestel moet word.

(b) If any vacancy shall arise during the year in the office of auditor through death, resignation, absence or otherwise, such vacancy may be filled by the Council.

10. GENERAL MEETINGS

A. ANNUAL GENERAL MEETINGS

(a) The Council shall convene an annual general meeting of its members to be held during the month of October in every year.

(b) Written notice of every annual general meeting shall be posted to every member of the Society at least 14 days before the day appointed for the holding of the meeting. Such notice shall shortly state the business to be transacted at such meeting and shall be accompanied by a copy of the annual report, of the statement of income and expenditure and of the balance sheet prepared as hereinbefore provided.

(c) The business to be transacted at the annual general meeting shall be—

(i) the consideration of the Report for the past financial year prepared and submitted by the Council;

(ii) the consideration and adoption with or without amendment of the income and expenditure account and the balance sheet for the past financial year;

(iii) the election of Council members for the ensuing year;

(iv) the appointment of auditors and the determination of their remuneration;

(v) the consideration and transaction of any business which the Council may wish to submit to the meeting;

(vi) the consideration and transaction of any special business of which due notice shall have been given by a member as hereinafter provided.

(d) Members of the Council shall be elected only from candidates who have been nominated as hereinafter provided.

(e) Only members of the Society shall be eligible for election to the Council.

(f) Any member who desires to nominate a candidate for election as a member of the Council at any annual meeting shall, after the notice convening such meeting has been posted as set out above, but at least seven days before the date upon which such meeting is to be held, lodge with the Secretary a written nomination form signed by him as the proposer and by another member as the seconder in which they nominate a candidate, and which written nomination form shall be endorsed and signed by the candidate that he accepts such nomination.

B. SPECIAL GENERAL MEETINGS

(a) The Secretary shall be bound to call a special general meeting of the Society whenever ordered so to do by the Council or whenever requested so to do by requisition in writing signed by not less than 10 members of the Society stating the business to be submitted to the meeting.

(b) Notice of every special general meeting shall be posted to every member by the Secretary at least 14 clear days before the day fixed for the holding of the meeting and which notice shall state the business for which such meeting is called. The Council, however, in case of urgency, of which it shall be the sole judge, may call such a meeting at shorter notice than is above specified.

(c) No business shall be transacted at any special general meeting other than the business for which such meeting has been specially called.

(b) As die pos van die ouditeur gedurende die jaar deur dood, bedanking of afwesigheid of andersins vakant raak, kan sodanige vakature deur die Raad gevul word.

10. ALGEMENE VERGADERINGS

A. ALGEMENE JAARVERGADERINGS

(a) Die Raad belê elke jaar 'n algemene jaarvergadering van sy lede wat gedurende die maand Oktober gehou sal word.

(b) 'n Skriftelike kennisgewing van elke algemene jaarvergadering moet ten minste 14 dae voor die dag waarop dit gehou sal word, aan elke lid gegee word. Sodanige kennisgewing moet kortliks die sake wat op so 'n vergadering behandel sal word, aantoon, en moet vergeselskap van 'n afskrif van die jaarverslag, die staat van inkomste en uitgawes en die balansstaat, opgestel soos hierin tevore bepaal.

(c) Die sake wat op die algemene jaarvergadering afgehandel word, is die volgende:

(i) Die oorweging van die verslag (deur die Raad opgestel en voorgelê), vir die afgelope finansiële jaar;

(ii) die oorweging en aanname, met of sonder wysiging, van die inkomste- en uitgawerekening en die balansstaat vir die afgelope finansiële jaar;

(iii) die verkiesing van Raadslede vir die daaropvolgende jaar;

(iv) die aanstelling van ouditeure en die vasstelling van hulle vergoeding;

(v) die oorweging en afhandeling van enige sake wat die Raad nodig ag om voor die vergadering te bring;

(vi) die oorweging en afhandeling van enige saak waarvan 'n lid behoorlike kennis gegee het soos hierin later bepaal.

(d) Raadslede word slegs verkies uit kandidate wat behoorlik genomineer is soos hierin later bepaal.

(e) Slegs lede van die Orde is verkiesbaar as Raadslede.

(f) Enige lid wat 'n kandidaat wil nomineer vir verkiesing as 'n Raadslid tydens enige algemene jaarvergadering moet, nadat die kennisgewing van sodanige vergadering gegee is, soos hierbo bepaal, maar ten minste sewe dae voor die datum waarop sodanige vergadering gehou sal word, 'n skriftelike nominasievorm wat deur hom as voorsteller en deur 'n ander lid as sekondant, onderteken is en waarin hulle 'n kandidaat nomineer (welke skriftelike nominasievorm deur die kandidaat endosseer en onderteken moet word waarin hy sodanige nominasie aanvaar), by die Sekretaris inlewer.

B. SPESIALE ALGEMENE VERGADERINGS

(a) Die Sekretaris is verplig om 'n spesiale algemene vergadering van die Orde byeen te roep wanneer hy deur die Raad daartoe gelas is, of wanneer hy daartoe versoek word by wyse van 'n skriftelike aansoek wat deur nie minder nie as 10 lede van die Orde onderteken is, welke skriftelike aansoek die onderwerp wat voor die vergadering gelê sal word, moet meld.

(b) Kennisgewing van elke spesiale algemene vergadering moet deur die Sekretaris aan elke lid gegee word ten minste 14 volle dae voor die dag waarop dit gehou word, en sodanige kennisgewing moet die onderwerp waarvoor die vergadering byeengeroep word, meld. Die Raad mag egter in dringende gevalle, volgens sy uitsluitlike diskresie, sodanige vergadering op korter kennisgewing belê.

(c) Geen onderwerp, behalwe 'n onderwerp waarvoor die vergadering spesiaal byeengeroep is, sal op enige spesiale algemene vergadering behandel word nie.

11. PROCEDURE AT GENERAL MEETINGS

A. ANNUAL GENERAL MEETINGS

The procedure at an annual general meeting shall, unless varied by the Chairman, be as follows:

(a) The chair shall be taken by the President, or in his absence the Vice-President or in his absence a member of the Council nominated by the Council to act as Chairman.

(b) The minutes of the preceding annual general meeting and of all intervening special general meetings shall be read and confirmed subject to correction and amendment.

(c) The annual report shall then be considered and matters arising therefrom shall be open for discussion.

(d) The statements of account and balance sheet of the Society as signed by the auditors shall be submitted to the meeting for consideration and adoption with or without modification.

(e) The nomination and appointment of auditors shall then take place and their remuneration shall then also be determined.

(f) Any business or matter, which the Council may deem necessary to introduce, shall then be discussed and dealt with and if necessary the opinion of the meeting shall be taken thereon.

(g) Any member shall thereafter have the right to bring forward, for the consideration and decision of the meeting, any business or matter which may be lawfully dealt with at such meeting or to give notice of motion of, or relating to, any business which he intends to bring forward at a future general meeting.

(h) The Chairman shall then announce the names of the candidates nominated for election as members of the Council and if the candidates so nominated are not more than the number of the vacancies the persons so nominated shall be deemed to be duly elected and declared as such by the Chairman.

In case the number of such candidates exceeds the number of vacancies any of the candidates in excess of the number to be elected, may withdraw.

In case all the candidates in excess of the number to be elected fail to withdraw an election shall be conducted by ballot papers as hereinafter provided.

(i) Before proceeding to an election by ballot papers, the Chairman shall appoint two scrutineers from among the members present, not being candidates or proposers or seconders of candidates, to receive and examine the ballot papers and to certify to the result of the election.

The ballot papers shall be in such form as directed by the Council and shall state the number of vacancies to be filled, the names of the candidates and the manner in which the voting shall take place.

Each member who votes shall vote for the number of vacancies to be filled.

(j) The scrutineers shall report in writing to the meeting and such report shall be signed by them and shall contain the following particulars:

- (i) The total number of ballot papers received;
- (ii) the number of the ballot papers rejected, if any;
- (iii) the total number of votes in favour of each candidate;
- (iv) the number of members present and entitled to vote.

The report of the scrutineers shall be read to the meeting by one of them and such report shall be conclusive notwithstanding any formal irregularity.

11. PROSEDURE BY ALGEMENE VERGADERINGS

A. ALGEMENE JAARVERGADERINGS

Die prosedure by 'n algemene jaarvergadering is, tensy deur die Voorsitter gewysig, as volg:

(a) Die voorsitterstoel word ingeneem deur die President of in sy afwesigheid deur die Vise-president of in sy afwesigheid 'n Raadslid wat deur die Raad benoem is om as Voorsitter waar te neem.

(b) Die notule van die vorige algemene jaarvergadering en van alle tussenkommende spesiale algemene vergaderings wat gedurende die finansiële jaar gehou is, word gelees en goedgekeur, onderworpe aan verbetering en wysiging.

(c) Die jaarverslag word daarna oorweeg en alle sake wat daaruit voortspruit, is oop vir bespreking.

(d) Die state van rekeninge en die balansstaat van die Orde soos onderteken deur die ouditeure, word dan vir oorweging en goedkeuring, met of sonder wysiging, voorgelê.

(e) Die benoeming, aanstelling en vasstelling van die vergoeding van die ouditeure geskied daarna.

(f) Enige onderwerp wat die Raad nodig ag om aan die vergadering voor te lê, word dan bespreek en behandel, en indien nodig, kan die sienswyse van die vergadering daaromtrent ingewin word.

(g) Enige lid het daarna die reg om, vir die oorweging en beslissing van die vergadering enige onderwerp wat wettiglik op so 'n vergadering behandel kan word, te berde te bring, of om kennis van mosie van, of met betrekking tot, enige onderwerp wat hy voornemens is om op 'n toekomstige algemene vergadering te opper, te gee.

(h) Die Voorsitter sal dan die name van die kandidate wat genomineer is vir verkiesing van Raadslede aankondig en as die aantal kandidate wat aldus genomineer is, nie meer is as die vakatures nie, word die persone wat genomineer is, as verkose geag en aldus deur die Voorsitter verklaar.

Ingeval die getal van sodanige kandidate die aantal vakatures oorskry, mag enige van die kandidate wat meer is as die aantal vakatures hulle kandidatuur terugtrek.

Ingeval alle kandidate meer as die aantal vakatures, se kandidatuur nie teruggetrek word nie, moet 'n verkiesing deur middel van stembriefies gehou word soos hierin later bepaal.

(i) Voor daar tot die verkiesing by wyse van stembriefies oorgegaan word, stel die Voorsitter twee stemopnemers aan uit die teenwoordige lede wat nie kandidate of voorstellers of sekondante van kandidate is nie, om die stembriefies te ontvang, te ondersoek en om die uitslag van die verkiesing te sertifiseer.

Die stembriefies moet in die vorm wees soos deur die Raad bepaal en moet die aantal vakatures wat gevul moet word, die name van die kandidate en die wyse waarop gestem moet word, weergee.

Elke lid wat stem, moet stem vir die aantal vakatures wat gevul moet word.

(j) Die stemopnemers moet skriftelik aan die vergadering verslag doen en sodanige verslag moet deur hulle onderteken word en moet die volgende besonderhede bevat:

- (i) Die totale aantal stembriefies ontvang;
- (ii) die aantal stembriefies wat verwerp is, indien enige;
- (iii) die totale aantal stemme ten gunste van elke kandidaat;
- (iv) die aantal lede teenwoordig en geregtig om te stem.

Die verslag van die stemopnemers moet deur een van hulle aan die vergadering voorgelees word, en sal afdoende wees nieëntaande enige formele onreëlmatigheid.

In the event of a tie between two or more candidates the question as to which candidate shall be declared to be elected shall be decided by lot to be drawn in such manner and at such time and place as the Chairman may direct.

(k) Any special business brought forward by any member notice whereof had been given to the Secretary on or before the 15th of September immediately prior to the meeting, including notice of motion in regard thereto given at the previous annual general meeting.

B. SPECIAL GENERAL MEETINGS

The proceedings at a special general meeting shall as far as possible be conducted in a manner similar to those laid down for the conduct of an annual general meeting. The Chairman shall have powers similar to those which he would have at an annual general meeting.

12. PROVISIONS COMMON TO ALL GENERAL MEETINGS

(a) All notices of general meetings posted by the Secretary to each member shall be considered to have been duly so posted if posted by prepaid post to such member, to the last address supplied by him to the Secretary and recorded in the membership register.

(b) Twenty members present shall form a quorum.

(c) Any general meeting at which a quorum shall be present may be adjourned to such time and place as may be decided at the meeting.

(d) If on the day and at the time appointed for the holding of any general meeting, no quorum is present nor within 15 minutes after such time, no business shall be dealt with thereat, but it shall stand adjourned for seven days and even though there shall not then be a quorum present, the meeting shall proceed to business, provided however that if such meeting be a special general meeting requisitioned by members in accordance with rule 10B (a) and there be no quorum present at such lastmentioned meeting, it shall be considered dissolved; and provided further that if any day to which a general meeting shall be adjourned is a public holiday, the meeting shall be held on the next succeeding day not being a public holiday or a Sunday.

(e) The following rules of debate shall be observed at all general meetings:

(i) In case debate shall arise on any subject no member shall be permitted to speak more than once on that subject, except by way of explanation provided that the mover of any motion shall be allowed to speak in reply, after which the debate shall be closed;

(ii) the mover of an original motion shall not without the consent of the Chairman, speak for more than 15 minutes; no other speaker including the mover in reply shall, without the consent of the Chairman, speak for more than 10 minutes;

(iii) after such motion has been seconded, and any member who desires to speak on the motion has done so and the mover thereof has replied if he so desires, the mover or any other member may request the Chairman without a speech to put the motion to the vote and the Chairman shall do so;

(iv) the mover of a motion for the adjournment either of the meeting or of the debate, or that the motion be put, or that the meeting do proceed to the next business, may speak for not more than five minutes and such motion shall be seconded without a speech. Any one member (the mover of the original motion or amendment under

Ingeval van staking van stemme tussen twee of meer kandidate moet die vraag van welke kandidaat verkose verklaar moet word, beslis word deur die lot te werp op sodanige tyd en plek soos deur die Voorsitter bepaal.

(k) Enige besondere onderwerp wat deur enige lid voorgelê word en waarvan kennis van die Sekretaris gegee is op of voor die 15de September wat die vergadering onmiddellik voorafgaan, insluitende 'n kennisgewing van 'n mosie omtrent so 'n onderwerp wat tydens die vorige algemene jaarvergadering gegee is.

B. SPESIALE ALGEMENE VERGADERINGS

Die verrigtinge tydens 'n spesiale algemene vergadering sal, sover moontlik, op dieselfde wyse gevoer word as wat bepaal is vir die verrigtinge van 'n algemene jaarvergadering. Die Voorsitter sal dieselfde magte hê as wat hy op 'n algemene jaarvergadering het.

12. BEPALINGS VAN TOEPASSING OP ALLE ALGEMENE VERGADERINGS

(a) Alle kennisgewings van algemene vergaderings wat deur die Sekretaris aan elke lid gepos is, sal beskou word as behoorlik gepos, indien dit met die posgeld vooruitbetaal gepos is aan sodanige lid aan sy jongste adres wat hy aan die Sekretaris verstrek het en aangeteken is in die lederegister.

(b) Twintig lede teenwoordig vorm 'n kworum.

(c) Enige algemene vergadering waarop 'n kworum teenwoordig is, kan verdaag word tot so 'n tyd en plek soos op die vergadering besluit mag word.

(d) As daar op die dag vasgestel vir die hou van enige algemene vergadering geen kworum op die vasgestelde vergader tyd of binne 15 minute daarna teenwoordig is nie, sal geen sake daartydens verrig word nie, maar dit sal as verdaag beskou word vir sewe dae en selfs al sou daar dan nie 'n kworum teenwoordig wees nie, sal die vergadering voortgaan met sy werksaamhede, met dien verstande dat indien sodanige vergadering 'n spesiale algemene vergadering, aangevra deur lede ooreenkomstig reël 10B (a) is, en daar nie 'n kworum op die laasgenoemde vergadering is nie, moet die vergadering as ontbind beskou word; met die verderre voorbehoud dat as enige dag tot wanneer 'n algemene vergadering verdaag is 'n openbare vakansiedag is, moet die vergadering op die eerste daaropvolgende dag wat nie 'n openbare vakansiedag of Sondag is nie, gehou word.

(e) Die volgende reëls vir debat moet op alle algemene vergaderings nagekom word:

(i) Ingeval besprekings omtrent 'n onderwerp ontstaan, word geen lid toegelaat om meer as een keer oor daardie onderwerp te praat nie, behalwe by wyse van verduideliking, met dien verstande dat die voorsteller van enige voorstel toegelaat sal word om te antwoord, waarna die bespreking gesluit sal wees;

(ii) die voorsteller van 'n oorspronklike voorstel mag nie sonder die toestemming van die Voorsitter vir langer as 15 minute praat nie en geen ander spreker, insluitende die voorsteller, mag by wyse van repliek, sonder die toestemming van die Voorsitter vir langer as 10 minute praat nie;

(iii) nadat sodanige oorspronklike voorstel gesekondeer is en enige lid wat verlang om daaroor te praat, dit gedoen het en die voorsteller daarvan repliek gelever het indien hy dit sou verkies, mag die voorsteller of enige ander lid, die Voorsitter sonder redevoering, versoek om die voorstel tot stemming te bring en die Voorsitter sal verplig wees om dit te doen;

(iv) die voorsteller van 'n voorstel vir die verdagging van die vergadering of die bespreking, of dat 'n voorstel tot stemming gebring word, of dat die vergadering tot die volgende saak oorgaan, mag nie langer as vyf minute praat nie en enige sodanige voorstel moet sonder redevoering gesekondeer word. Enige lid (die voorsteller van

discussion to have the preference) may speak for five minutes in opposition to any such seconded motion, which shall then be put by the Chairman to the vote without debate;

(v) whenever an amendment to an original motion has been moved and seconded, no second or subsequent amendment shall be moved until the first amendment shall have been disposed of. If an amendment be carried the motion as amended shall take the place of the original motion, and shall become the question on which any further amendment may be moved;

(vi) no member shall move more than one amendment on any motion;

(vii) the Chairman may call the attention of the meeting to continued irrelevance, tedious repetition, unbecoming language, or any breach of order on the part of a member, and may direct such member to discontinue his speech.

(f) Whenever a notice of motion has been given by a member and included in the notice convening a general meeting and the member who gave the notice is not present and has not withdrawn it, any member then present may, with the consent of the Chairman, adopt it as his own, and move it as if the notice had been given by him.

(g) Except where otherwise provided in these rules all questions discussed at general meetings shall be decided by a majority of members voting. Except in the case of a contested election of members of the Council, the Chairman of the meeting shall in the event of an equality of votes, have a second or casting vote in addition to his vote as member.

(h) (i) Minutes of the proceedings of every general meeting shall be kept by the Secretary, or in his absence by any other person appointed for the occasion by the Chairman, a fair copy of which minutes shall be made in a minute book to be kept for the purpose and shall be corrected if necessary and thereafter signed as correct by the Chairman at the next Council meeting.

(ii) A copy of such minutes shall be posted to all members as soon thereafter as possible.

(i) Only members present at such meeting shall be entitled to vote thereat and each member shall have one vote only save for the Chairman's casting vote referred to in subparagraph (g) above.

(j) Save as provided for the election of councillors and, save if the meeting should require a secret ballot, the method of voting shall be determined by the Chairman.

13. ALLOWANCES

(a) No practitioner shall make over to, share or divide any portion whatsoever of his professional fees with any person other than a practitioner in or a legal practitioner outside the Republic, either by way of partnership, commission or allowance or in any manner whatsoever.

(b) The allowance on his fees or earnings which a practitioner shall be entitled to make to another practitioner in the Republic with whom he may do business shall not either directly or indirectly exceed one-third of the fees or earnings charged or received on the particular business transacted by the practitioner making the allowance.

(c) Unless otherwise provided herein an attorney shall be entitled to the same allowance on fees earned for notarial and conveyancing work as are received by a notary and conveyancer.

(d) Notwithstanding the provisions of subrule (b) and subject to the division of fees as provided for by the Deeds Registries Act, 1937 (Act 47 of 1937) (hereinafter referred to as the Deeds Act), and the regulations

die oorspronklike voorstel of die voorsteller van 'n wysiging onder bespreking, geniet voorkeur), mag vir vyf minute teen sodanige gesekondeerde voorstel praat, welke voorstel dan sonder bespreking deur die Voorsitter tot stemming gebring moet word;

(v) wanneer 'n wysiging tot 'n oorspronklike voorstel, voorgestel en gesekondeer is, mag geen tweede of daaropvolgende wysiging voorgestel word voordat daar nie oor die eerste wysiging besluit is nie. Indien 'n wysiging aangenem word, vervang die gewysigde voorstel die oorspronklike en dit word dan die besprekingspunt waarop enige verdere wysiging voorgestel kan word;

(vi) geen lid mag meer as een wysiging op enige voorstel, voorstel nie;

(vii) die Voorsitter het die reg om die aandag van die vergadering te vestig op voortdurende ontersaaklikheid, vervelende herhaling, onwettige taal of enige verbrekking van die orde deur enige lid en kan sodanige lid die swye opla.

(f) Wanneer kennis van 'n voorstel deur 'n lid gegee is, en in die kennisgewing wat 'n algemene vergadering byeenroep, ingesluit is, en die lid wat die kennis gegee het nie teenwoordig is nie en sy voorstel nie teruggetrek het nie, kan enige lid teenwoordig dit met die toestemming van die Voorsitter as sy eie aanneem en dit voorstel asof die kennis deur hom gegee is.

(g) Behalwe waar in hierdie reëls ander bepaal word, moet alle vraagstukke wat op 'n algemene vergadering bespreek word, beslis word deur 'n meerderheid van lede wat stem. Behalwe in die geval van 'n bestrede verkiesing van Raadslede het die Voorsitter van die vergadering in die geval van 'n staking van stemme, behalwe sy stem as lid, 'n tweede beslissende stem.

(h) (i) Die notule van die verrigtinge van elke algemene vergadering moet deur die Sekretaris of in die geval van sy afwesigheid deur enige ander persoon vir die doel deur die Voorsitter aangestel, gehou word, 'n ware afskrif van welke notule in 'n notuleboek wat vir die doel aangehou word, gemaak word en indien nodig verbeter en daarna deur die Voorsitter op die eerste daaropvolgende Raadsvergadering as korrek gesertifiseer word.

(ii) 'n Afskrif van sodanige notule word aan alle lede so spoedig moontlik daarna gegee.

(i) Slegs lede wat by so 'n vergadering teenwoordig is, word toegelaat om te stem en elke lid het slegs een stem, behalwe die Voorsitter wat 'n beslissende stem het soos in subparagraaf (g) hierbo bepaal.

(j) Behalwe soos bepaal vir die verkiesing van Raadslede en tensy die vergadering 'n geheime stemming aanvra, word die wyse van stemming deur die Voorsitter vasgestel.

13. TOELAE

(a) Geen praktisyn mag hoegenaamd enige gedeelte van sy professionele gelde oormak aan, of deel met enige persoon behalwe 'n praktisyn binne of regspraktisyn buite die Republiek van Suid-Afrika nie, hetsy by wyse van vennootskap, kommissie of toelae of op enige ander wyse nie.

(b) Die toelaag op sy gelde of verdienste wat 'n praktisyn geregtig is om te gee aan 'n ander praktisyn in die Republiek van Suid-Afrika en met wie hy besigheid doen, mag nie direk of indirek 'n derde van die gelde of verdienste gevra of ontvang vir die besondere saak, afgehandel deur die praktisyn wat die toelaag gee, oorskry nie.

(c) Tensy anders hierin vermeld, is 'n prokureur ten opsigte van gelde verdien vir notariële en aktevervaardigingswerk op dieselfde gelde as 'n notaris of aktevervaardiger geregtig.

(d) Ondanks die bepalings van subreël (b) en onderworpe aan die verdeling van gelde soos bepaal in die Registrasie van Aktes Wet, 1937 (Wet 47 van 1937) (hierina genoem die Akteswet), en die regulasies daarkragtens

framed thereunder, the division of fees in conveyancing and notarial matters or in such work as is contemplated by the Deeds Act, shall be as set out in Items I to XI hereunder which correspond to the relevant sections in the tariff of fees and charges prescribed by regulation 85 of the Regulations promulgated in terms of subsection (1) (c) of section 10 of the Deeds Act, and any reference in the said Items to A, B or C shall mean respectively:

(i) In the case of A, where the instruction attorney who is also a conveyancer (and in the case of notarial work where he is a notary), completed all the work and forwards the documents to the instructed conveyancer merely for lodgment and registration in the deeds office;

(ii) in the case of B, where the instructing attorney, whether or not he is also a conveyancer and/or notary, does the preliminary work, for example, the payment of transfer duty, obtaining receipts, obtaining rates certificates and the drawing of the power of attorney and thereafter forward the documents to the instructed conveyancer for drawing of the deeds and lodgments of registration thereof; and

(iii) in the case of C, where the instructing attorney whether or not he is also a conveyancer and/or notary, instructs the instructed conveyancer to do all the necessary work.

ITEM I

A. 20 per cent: Provided that if the instructed conveyancer finds it necessary to have deeds redrawn or if he is requested by the instructing conveyancer to do this instead of returning the deeds to the latter for redrawing and where the instructed conveyancer has to do any special or additional work, for example, obtaining the Master's endorsements, the latter shall be entitled to additional fees, in his discretion, up to a maximum of $7\frac{1}{2}$ per cent depending on the extent of the additional work.

B. $33\frac{1}{3}$ per cent: Provided where the instructed conveyancer has to do any special or additional work, for example, obtaining the Master's endorsements, the latter shall be entitled to additional fees, in his discretion, up to a maximum of $7\frac{1}{2}$ per cent depending on the extent of the additional work.

C. $66\frac{2}{3}$ per cent.

ITEM II

A. 20 per cent.
B. $33\frac{1}{3}$ per cent.
C. $66\frac{2}{3}$ per cent.

ITEM III

A. 20 per cent.
B. $33\frac{1}{3}$ per cent.
C. $66\frac{2}{3}$ per cent.

ITEM IV

(1) A. 20 per cent.
B. $33\frac{1}{3}$ per cent.
C. $66\frac{2}{3}$ per cent.
(2) A. 20 per cent.
B. $33\frac{1}{3}$ per cent.
C. $66\frac{2}{3}$ per cent.
(3) A. 20 per cent.
B. $33\frac{1}{3}$ per cent.
C. $66\frac{2}{3}$ per cent.

ITEM V

A. 10 per cent subject to a minimum of R10.
B. $33\frac{1}{3}$ per cent.
C. $66\frac{2}{3}$ per cent.

gemaak, is die verdeling van gelde in aktevervaardiging en notariële aangeleenthede of in sodanige werk soos in die Akteswet voorsiening gemaak is en soos uiteengesit in Items I tot XI hieronder, wat ooreenstem met die betrokke afdelings in die tarief van gelde en koste voorgeskryf by regulasie 85 van die regulasies uitgevaardig ingevolge subartikel (1) (c) van artikel 10 van die Akteswet en enige verwysing in die genoemde Items na A, B en C sal onderskeidelik beteken:

(i) In die geval van A, waar die opdraggewende prokureur, wat ook die transportbesorger is (en waar hy 'n notaris is in die geval van notariële werk) al die werk voltooi en die dokumente aanstuur aan die opdragnemende transportbesorger bloot vir indiening en registrasie in die akteskantoor;

(ii) in die geval van B, waar die opdraggewende prokureur, hetsy hy ook 'n transportbesorger en/of notaris is, al dan nie, die voorbereidende werk doen, byvoorbeeld, die betaling van hereregte, verkryging van kwitansies, verkryging van belastingsertifikate en die opstel van 'n volmag, en daarna die dokumente aanstuur aan die opdragnemende transportbesorger vir die opstel van die aktes en indiening en registrasie daarvan; en

(iii) in die geval van C, waar die opdraggewende prokureur, hetsy hy ook 'n transportbesorger en/of notaris is, al dan nie, die opdragnemende transportbesorger opdrag gee om al die werk wat nodig is, te doen.

ITEM I

A. 20 persent: Met dien verstande dat indien die opdragnemende transportbesorger dit nodig ag om aktes her op te stel of indien hy deur die opdraggewende transportbesorger versoek word om in plaas van die aktes aan laasgenoemde terug te stuur vir heropstelling, dit self te doen en waar die opdraggewende transportbesorger enige spesiale of addisionele werk moet verrig; byvoorbeeld, verkryging van endossemente van die Meester, sal laasgenoemde, in sy diskresie, geregtig wees op addisionele gelde tot 'n maksimum van $7\frac{1}{2}$ persent, afhangende van die omvang van die addisionele werk.

B. $33\frac{1}{3}$ persent: Met dien verstande dat waar die opdragnemende transportbesorger enige spesiale of addisionele werk moet verrig, byvoorbeeld, verkryging van endossemente van die Meester, sal laasgenoemde in sy diskresie, geregtig wees op addisionele gelde tot 'n maksimum van $7\frac{1}{2}$ persent afhangende van die omvang van die addisionele werk.

C. $66\frac{2}{3}$ persent.

ITEM II

A. 20 persent.
B. $33\frac{1}{3}$ persent.
C. $66\frac{2}{3}$ persent.

ITEM III

A. 20 persent.
B. $33\frac{1}{3}$ persent.
C. $66\frac{2}{3}$ persent.

ITEM IV

(1) A. 20 persent.
B. $33\frac{1}{3}$ persent.
C. $66\frac{2}{3}$ persent.
(2) A. 20 persent.
B. $33\frac{1}{3}$ persent.
C. $66\frac{2}{3}$ persent.
(3) A. 20 persent.
B. $33\frac{1}{3}$ persent.
C. $66\frac{2}{3}$ persent.

ITEM V

A. 10 persent onderworpe aan 'n minimum van R10.
B. $33\frac{1}{3}$ persent.
C. $66\frac{2}{3}$ persent.

ITEM VI

A. 20 per cent: Provided that where the instructed conveyancer finds it necessary to have deeds redrawn and he is requested by the instructing conveyancer to do this instead of returning the deeds to the latter or redrawing or where the instructed conveyancer has to do any special or additional work, for example, where he assumes direct responsibility to the mortgagee, for *inter alia*, finance in the case of mortgage bonds for building societies, banks or other financial institutions, the latter shall be entitled to additional fees in his discretion, up to a maximum of $7\frac{1}{2}$ per cent depending on the extent of the additional work.

B. $33\frac{1}{3}$ per cent: Provided that if the instructed conveyancer has to do any special additional work, or example, where he assumes direct responsibility to the mortgagee for, *inter alia*, finance in the case of mortgage bonds for building societies, banks or other financial institutions, the latter shall be entitled to additional fees in his discretion, up to a maximum of $7\frac{1}{2}$ per cent depending on the extent of the additional work.

C. $66\frac{2}{3}$ per cent.

ITEM VII

A. 10 per cent subject to a minimum of R10.

B. $33\frac{1}{3}$ per cent.

C. $66\frac{2}{3}$ per cent.

ITEM VIII

A. 20 per cent.

B. $33\frac{1}{3}$ per cent.

C. $66\frac{2}{3}$ per cent.

ITEM IX

(1) A. 20 per cent.

B. $33\frac{1}{3}$ per cent.

C. $66\frac{2}{3}$ per cent.

(2) A. R10.

B. $33\frac{1}{3}$ per cent.

C. $66\frac{2}{3}$ per cent.

ITEM X

(1) (a) R8.

(b) R3.

(2) R8.

(3) R8.

ITEM XI

(1) $66\frac{2}{3}$ per cent.

(2) A. R8.

B. $33\frac{1}{3}$ per cent.

C. $66\frac{2}{3}$ per cent.

(3) R8.

(4) 50 per cent.

(5) (a) (i) 50 per cent.

(ii) A. $33\frac{1}{3}$ per cent.

B. 50 per cent.

C. $66\frac{2}{3}$ per cent.

(b) A. $33\frac{1}{3}$ per cent.

B. $66\frac{2}{3}$ per cent.

C. $66\frac{2}{3}$ per cent.

(6) $66\frac{2}{3}$ per cent.

(7) A. $33\frac{1}{3}$ per cent.

B. 50 per cent.

C. $66\frac{2}{3}$ per cent.

(8) $66\frac{2}{3}$ per cent.

(9) $66\frac{2}{3}$ per cent.

(10) $66\frac{2}{3}$ per cent.

(11) A. $33\frac{1}{3}$ per cent.

B. 50 per cent.

C. $66\frac{2}{3}$ per cent.

ITEM VI

A. 20 persent: Met dien verstande dat waar die opdrag-nemende transportbesorger dit nodig vind om aktes her op te stel, en hy word deur die opdraggewende transport-besorger versoek om dit te doen in plaas van om die aktes aan laasgenoemde vir heropstelling terug te stuur, of waar die opdragnemende transportbesorger enige spesiale of addisionele werk te doen het, byvoorbeeld waar hy direkte verantwoordelikheid teenoor die verbandhouer aanvaar vir, *inter alia*, finansiering in die geval van verbande vir bougenootskappe, banke en ander finansiële instellings sal laasgenoemde geregtig wees op addisionele gelde, in sy diskresie, tot 'n maksimum van $7\frac{1}{2}$ persent afhange van die omvang van die addisionele werk.

B. $33\frac{1}{3}$ persent: Met dien verstande dat indien die opdragnemende transportbesorger enige spesiale of addisionele werk te doen het, byvoorbeeld, waar hy direkte verantwoordelikheid teenoor die verbandhouer aanvaar vir, *inter alia*, finansiering in die geval van verbande vir bouverenigings, banke of ander finansiële instellings sal laasgenoemde geregtig wees op addisionele gelde, in sy diskresie, tot 'n maksimum van $7\frac{1}{2}$ persent afhange van die omvang van die addisionele werk.

C. $66\frac{2}{3}$ persent.

ITEM VII

A. 10 persent onderworpe aan 'n minimum van R10.

B. $33\frac{1}{3}$ persent.

C. $66\frac{2}{3}$ persent.

ITEM VIII

A. 20 persent.

B. $33\frac{1}{3}$ persent.

C. $66\frac{2}{3}$ persent.

ITEM IX

(1) A. 20 persent.

B. $33\frac{1}{3}$ persent.

C. $66\frac{2}{3}$ persent.

(2) A. R10.

B. $33\frac{1}{3}$ persent.

C. $66\frac{2}{3}$ persent.

ITEM X

(1) (a) R8.

(b) R3.

(2) R8.

(3) R8.

ITEM XI

(1) $66\frac{2}{3}$ persent.

(2) A. R8.

B. $33\frac{1}{3}$ persent.

C. $66\frac{2}{3}$ persent.

(3) R8.

(4) R50.

(5) (a) (i) 50 persent.

(ii) A. $33\frac{1}{3}$ persent.

B. 50 persent.

C. $66\frac{2}{3}$ persent.

(b) A. $33\frac{1}{3}$ persent.

B. $66\frac{2}{3}$ persent.

C. $66\frac{2}{3}$ persent.

(6) $66\frac{2}{3}$ persent.

(7) A. $33\frac{1}{3}$ persent.

B. 50 persent.

C. $66\frac{2}{3}$ persent.

(8) $66\frac{2}{3}$ persent.

(9) $66\frac{2}{3}$ persent.

(10) $66\frac{2}{3}$ persent.

(11) A. $33\frac{1}{3}$ persent.

B. 50 persent.

C. $66\frac{2}{3}$ persent.

- (12) 66 $\frac{2}{3}$ per cent.
- (13) 66 $\frac{2}{3}$ per cent.
- (14) 66 $\frac{2}{3}$ per cent.

(e) Fees and percentages specified in this rule are the nett share of the total fees prescribed by the above-mentioned tariff which is payable to the instructed conveyancer or notary.

(f) In the following cases where the provisions of sub-rule (d) are not applicable, the instructing partitioner shall pay to the instructed practitioner the following nett fees out of his share of the fees specified in subrule (d) in respect of the following services (inclusive of correspondence) rendered by the instructed practitioner.

- (i) Obtaining all necessary endorsements from the Master: R10 per document per estate.
- (ii) Obtaining copies of documents required for lodgment in a deeds office: R4 per application (exclusive of search fees).
- (iii) Obtaining a clearance or other similar certificate from a public or local authority: R4 per certificate.
- (iv) Attending to payment of transfer duty and uplifting receipt: R4.
- (v) Any other attendance per half hour or part thereof: R4.
- (vi) Drawing any document per folio or part thereof: R2.
- (vii) Perusing and certifying a guarantee for payment: R4.
- (g) The provisions of subrules (d) and (f) shall be applicable to all members of the Society practising within the Orange Free State and having their own offices in this Province.

14. TARIFFS

GENERAL

- (1) For non-contentious or non-litigious work which is not already covered by a statutory tariff, the minimum tariff of fees prescribed hereunder shall apply.
- (2) Members may, dependent upon the amount involved, or the importance, volume or complexity of work done, or the seniority of the member or his experience in that specific field, increase the fees herein stipulated accordingly, except for the fees prescribed in Section 5 which may not be increased.
- (3) No member may charge less than the minimum fees prescribed herein.
- (4) Any member who intentionally breaches the foregoing rule shall be guilty of unprofessional conduct.
- (5) A folio shall be 100 words or part thereof.

TARIFF OF FEES

Section 1

Agreements, acknowledgements of debt, statements, affidavits, will and any other important documents

- (a) For taking instructions, drawing and attending to signature of deeds of sale of immovable property:
 - (i) For the first half hour or part thereof: R15.
 - (ii) Thereafter for every half hour or part thereof (this fee includes typing of the deed of sale and making of copies thereof normally required): R7,50.
- (b) In all matters mentioned hereunder, there shall be a minimum fee for consultation and/or taking instructions and/or time necessarily occupied to consider and prepare for the drawing of agreements or any other documents, of R3,75 per quarter hour or part thereof.

- (12) 66 $\frac{2}{3}$ persent.
- (13) 66 $\frac{2}{3}$ persent.
- (14) 66 $\frac{2}{3}$ persent.

(e) Gelde en persentasie in hierdie reël vermeld, is die netto aandeel van die totale gelde by bogemelde tarief voorgeskryf, wat aan die opdragnemende transportbesorger of notaris betaalbaar is.

(f) In die volgende gevalle waar die bepalinge van subreël (d) nie van toepassing is nie, sal die opdraggewende praktisyn aan die opdragnemende praktisyn die volgende netto gelde betaal uit sy aandeel van die gelde uiteengesit in subreël (d) (1) met betrekking tot die volgende dienste (insluitende korrespondensie) gelewer deur die opdragnemende praktisyn:

- (i) Verkryging van alle noodsaaklike endossemente van die Meester: R10 per dokument per boedel.
- (ii) Verkryging van afskrifte van dokumente benodig vir indiening by 'n akteskantoor: R4 per aansoek (uitsluitende soekgelde).
- (iii) Verkryging van uitklaring of ander soortgelyke sertifikaat van 'n staats- of plaaslike owerheid: R4 per sertifikaat.
- (iv) Behartiging van die betaling van hereregte en die afhaal van kwitansies: R4.
- (v) Enige ander bywoning per halfuur of gedeelte daarvan: R4.
- (vi) Opstel van enige dokument per folio of gedeelte daarvan: R2.
- (vii) Nagaan en sertifisering van 'n waarborg vir betaling: R4.
- (g) Die bepalinge van subreëls (d) en (f) is van toepassing op alle lede van die Orde wat in die Oranje-Vrystaat praktiseer en hul eie kantore in hierdie Provinsie het.

14. TARIWE

ALGEMEEN

- (1) Die minimum tarief van gelde hieronder voorgeskryf, sal van toepassing wees op nie-bestrede werk of nie-regswerk, waarvoor daar geen statutêre tarief voorgeskryf is nie.
- (2) Lede kan, inagnemende die bedrag betrokke, of die belangrikheid, volume of ingewikkeldheid van die gedane werk, of die senioriteit van die lid, of sy ervaring in daardie spesifieke rigting, die gelde hierin vasgestel, dienoreenkomstiglik verhoog, buiten vir die gelde onder Afdeling 5 voorgeskryf, wat nie verhoog kan word nie.
- (3) Geen lid mag minder as die voorgeskrewe gelde vra nie.
- (4) Enige lid wat die voorafgaande reël opsetlik oortree, maak hom skuldig aan onprofessionele gedrag.
- (5) 'n Folio bestaan uit 100 woorde of gedeelte daarvan.

TARIEF VAN GELDE

Afdeling 1

Ooreenkomste, skuldbewyse, verklarings, beëdigde verklarings, testamente en enige ander belangrike dokumente

- (a) Vir die neem van opdragte, die opstel en toesien tot ondertekening van koopkontrakte ten opsigte van onroerende eiendom:
 - (i) Vir die eerste halfuur of gedeelte daarvan: R15.
 - (ii) Daarna vir elke halfuur of gedeelte daarvan (hierdie gelde sluit in die tik van die koopkontrak sowel as die maak van afskrifte daarvan soos normaalweg benodig): R7,50.
- (b) In alle gevalle hieronder genoem, sal daar 'n minimum tarief wees vir konsultasie en/of neem van instruksies en/of tyd noodsaaklikewys bestee aan oorweging en voorbereiding vir die opstel van ooreenkomste en enige ander dokumente, ten bedrae van R3,75 per kwartier of gedeelte daarvan.

(c) For the drawing of agreements, acknowledgements of debt, statements, affidavits, wills and any other important documents, with the exception of agreements of sale of immovable property as provided in Section 1 (a) above and of agreements of sale of shares in a company, as provided in Section 1 (f) hereunder:

(i) A fee of R7,50 per half hour or part thereof for the drawing of the document; or

(ii) a fee of R3 per folio for the drawing of the document; or

(iii) any amount between the alternative fees calculated in accordance with Section 1 (c) (i) or (ii) above.

(d) Unless otherwise provided the minimum fees for drawing of the documents mentioned above, shall include the making of an original and two copies.

(e) Unless otherwise provided, the making of any extra copies shall be charged for in accordance with the prevailing Supreme Court tariff for copying.

(f) For the drawing of an agreement of sale of the shares in a company, fees shall be calculated on the following basis:

Consideration:

Between R1 and R50 000: R3 per R1 000 or part thereof; between R50 000 and R300 000: R150 for the first R50 000 and thereafter R1 per R1 000 or part thereof; above R300 000: The fee is unlimited but subject to a minimum fee of R400:

Provided that the fees for drawing an agreement of sale of shares in a company shall in all cases be a minimum of R120. Consideration for the purposes of this rule shall be the gross value of the assets of the company, including goodwill, on which the purchase price of the shares is based, but without necessarily including unexpired values, payments in advance and similar items.

(g) Full fees must be charged on the basis set out in Section 1 (c) and (f) above for the drawing of a draft of a document.

(h) For the re-drawing of any document or portion thereof on further instructions, a fee of R7,50 per half hour or portion thereof, shall be charged, plus a charge for making copies in accordance with the prevailing charges allowed for copying in the Supreme Court tariff.

Section 2

Applications

The fees set out under this heading, shall include all normal attendances and consultations, as well as the drawing and typing of all normal documents. All extra attendances and consultations shall be charged for in accordance with the minimum fee as set out in Section 7 (a) hereunder, and all additional documents shall be charged for in accordance with the tariff as set out in Section 1 above.

A. Liquor licences

(a) New liquor licence, except those mentioned in Section 2A (f), (h), (i), (j), (o) (iii) and (q) hereunder:

(i) If unopposed: R200.

(ii) If opposed and no advocate is briefed: R300.

(iii) If opposed and an advocate is briefed: R200.

(iv) Simultaneous application for additional licence in respect of same business and premises: R150.

(b) (i) Renewal of a liquor licence: R75.

(ii) Renewal of bottle and wholesale licences or breweries and wholesale licences when held in conjunction in respect of same business and premises: R125.

(c) Vir die opstel van ooreenkomste, skuldbewyse, verklarings, beëdigde verklarings, testamente en enige ander belangrike dokumente met die uitsondering van koopkontrakte ten opsigte van onroerende eiendom soos bepaal in Afdeling 1 (a) hierbo en koop-ooreenkomste ten opsigte van aandele in 'n maatskappy, soos bepaal in Afdeling 1 (f) hieronder:

(i) Teen vergoeding van R7,50 per halfuur of gedeelte daarvan vir die opstel van die dokument; of

(ii) teen vergoeding van R3 per folio vir die opstel van die dokument; of

(iii) enige bedrag tussen die alternatiewe gelde bereken kragtens Afdeling 1 (c) (i) of (ii) hierbo.

(d) Tensy anders bepaal sluit die minimum tarief vir die opstel van die dokumente soos hierbo genoem, in die maak van die oorspronklike en twee afskrifte.

(e) Tensy anders vermeld, sal vir die maak van elke verdere afskrif gelde gevra word volgens die heersende Hooggeregshoftarief vir die maak van afskrifte.

(f) Vir die opstel van 'n koop-ooreenkoms ten opsigte van die aandele in 'n maatskappy, sal gelde op die volgende basis bereken word:

Vergoeding:

Tussen R1 en R50 000: R3 per R1 000 of gedeelte daarvan; tussen R50 000 en R300 000: R150 vir die eerste R50 000 en daarna R1 per R1 000 of gedeelte daarvan; bo R300 000: Geen beperking op die gelde nie, maar onderhewig aan 'n minimum van R400:

Met dien verstande dat die gelde vir die opstel van 'n koop-ooreenkoms ten opsigte van die aandele in 'n maatskappy in alle gevalle 'n minimum van R120 sal beloop. Vergoeding vir die doeleindes van hierdie reël is die bruto waarde van die bates van die maatskappy, insluitende klandisiewaarde, waarop die koopprys van die aandele gebaseer is maar sonder dat dit noodwendig onverstreke uitgawes, vooruitbetalings en soortgelyke items insluit.

(g) Vir die opstel van 'n konsepdokument moet die volle gelde gehef word op die grondslag soos neergelê in Afdeling 1 (c) en (f) hierbo.

(h) Vir die heropstelling van enige dokument of gedeelte daarvan na verdere opdragte, sal 'n vergoeding van R7,50 per halfuur of gedeelte daarvan gevra word plus gelde vir die maak van afskrifte volgens die heersende Hooggeregshoftarief vir die maak van afskrifte.

Afdeling 2

Aansoeke

Die gelde vermeld onder hierdie hoof, sluit in alle normale opwagtinge en konsultasies sowel as die opstel en tik van alle normale dokumente. Vir alle addisionele opwagtinge en konsultasies sal die minimum gelde gevra word soos uiteengesit in Afdeling 7 (a) hieronder, en vir alle addisionele dokumente, sal gelde gevra word teen die tarief soos uiteengesit in Afdeling 1 hierbo.

A. Dranklisensies

(a) Nuwe dranklisensies, buiten dié wat genoem word in Afdeling 2A (f), (h), (i), (j), (o) (iii) en (q) hieronder:

(i) Indien onbestrede: R200.

(ii) Indien bestrede en indien geen advokaat opdrag gegee is nie: R300.

(iii) Indien bestrede en indien 'n advokaat opdrag gegee is: R200.

(iv) Gelyktydige aansoek om 'n addisionele lisensie ten opsigte van dieselfde besigheid en perseel: R150.

(b) (i) Hernuwing van 'n dranklisensie: R75.

(ii) Hernuwing van bottel- en groothandelaarslisensie, of brouers- en groothandelaarslisensies, indien tesame gehou word ten opsigte van dieselfde besigheid en perseel: R125.

- (c) Transfer of a licence:
 - (i) From one employee to another: R45.
 - (ii) Any other transfer: R75.
- (d) Removal or temporary removal of a licence: R150.
- (e) Application for a special meeting of a Liquor Licensing Board to be held if no application to court is necessary: R45.
- (f) Obtaining a temporary or a late hours occasional licence: R10.
- (g) (i) Application in terms of section 116 (a) of the Liquor Act, 1928 (Act 30 of 1928): R7,50.
- (ii) Application in terms of section 116 (b) of the Liquor Act, 1928 (Act 30 of 1928): R25.
- (h) (i) Application in terms of section 100*bis* or 100*sex* of the Liquor Act, 1928 (Act 30 of 1928): R200.
- (ii) Application for removal of authorised business: R150.
- (iii) Application for transfer upon change of nominee: R10.
- (iv) Application in terms of regulation 26 of the regulations made in terms of the Liquor Act, 1928 (Act 30 of 1928): R20.
- (i) Application for endorsement of club liquor licence upon change of licensee: R10.
- (j) Application for authority in terms of section 103A of the Liquor Act, 1928 (Act 30 of 1928) (clubs and restaurants), if not included in application for new licence: R50.
- (k) Application for authority in terms of section 78 of the Liquor Act, 1928 (Act 30 of 1928): R50.
- (l) Application for cancellation of a lease in terms of section 121 of the Liquor Act, 1928 (Act 30 of 1928): R50.
- (m) Application to convey liquor in terms of section 132 of the Liquor Act, 1928 (Act 30 of 1928): R10.
- (n) Application to introduce liquor into a Bantu area in terms of section 134 (2) of the Liquor Act, 1928 (Act 30 of 1928): R10.
- (o) (i) Application for classification of hotel: R200.
- (ii) Application for reclassification of hotel: R150.
- (iii) Application for off sales if not included in application for classification: R50.
- (iv) Application for ladies' bar if not included in application for classification: R50.
- (p) (i) Application for grading of hotel: R150.
- (ii) Application for regrading of hotel: R100.
- (iii) Application for registration as hotelier: R10.
- (q) Application for a foreign liquor licence: R75.
- (r) Any application if the documents are prepared by a correspondent: One-third of the fee for the application.
- (s) Opposing any application: One-half of the fee for the application.

B. Trading licences

Application to Licensing Board for trading licence or trading licences in respect of a business, including all normal documents correspondence and attendances: R35.

Section 3

Deceased estates

Administration of estates on behalf of executor: One-half of the executor's fees calculated according to the Master's tariff.

(c) Oordrag van 'n lisensie:

- (i) Van een werknemer na 'n ander: R45.
- (ii) Enige ander oordrag: R75.

(d) Verplasing of tydelike verplasing van 'n lisensie: R150.

(e) Aansoek vir die hou van 'n spesiale vergadering van 'n Dranklisensieraad indien geen aansoek van die hof nodig is nie: R45.

(f) Verkryging van 'n tydelike of nagtelike geleentheids-lisensie: R10.

(g) (i) Aansoek kragtens artikel 116 (a) van die Drankwet, 1928 (Wet 30 van 1928): R7,50.

(ii) Aansoek kragtens artikel 116 (b) van die Drankwet, 1928 (Wet 30 van 1928): R25.

(h) (i) Aansoek kragtens artikel 100*bis* of 100*sex* van die Drankwet, 1928 (Wet 30 van 1928): R200.

(ii) Aansoek vir verskuiwing van gemagtigde besigheid: R150.

(iii) Aansoek vir oordrag by 'n verandering van genomineerde: R10.

(iv) Aansoek kragtens regulasie 26 van die regulasies gemaak ingevolge die Drankwet 1928 (Wet 30 van 1928): R20.

(i) Aansoek om endossering van klub dranklisensie by verandering van lisensiehouer: R10.

(j) Aansoek om magtiging kragtens artikel 103A van die Drankwet, 1928 (Wet 30 van 1928) (klubs en restaurants), indien nie ingesluit in die aansoek vir 'n nuwe lisensie nie: R50.

(k) Aansoek om magtiging kragtens artikel 78 van die Drankwet, 1928 (Wet 30 van 1928): R50.

(l) Aansoek om kansellering van 'n huurkontrak kragtens artikel 121 van die Drankwet, 1928 (Wet 30 van 1928): R50.

(m) Aansoek om drank te vervoer kragtens artikel 132 van die Drankwet, 1928 (Wet 30 van 1928): R10.

(n) Aansoek om drank in 'n Bantoegebied in te neem kragtens artikel 134 (2) van die Drankwet, 1928 (Wet 30 van 1928): R10.

(o) (i) Aansoek om klassifikasie van hotel: R200.

(ii) Aansoek om herklassifikasie van hotel: R150.

(iii) Aansoek om buiteverkope indien nie ingesluit in aansoek om klassifikasie nie: R50.

(iv) Aansoek om dameskroeg indien nie ingesluit in die aansoek vir klassifikasie nie: R50.

(p) (i) Aansoek om gradering van hotel: R150.

(ii) Aansoek om hergradering van hotel: R100.

(iii) Aansoek om registrasie as hotelhouer: R10.

(q) Aansoek om 'n buitelandse dranklisensie: R75.

(r) Enige aansoek indien die dokumente opgestel is deur 'n korrespondent: Een derde van die fooie vir die aansoek.

(s) Om enige aansoek te bestry: Een halwe van die fooie vir die aansoek.

B. Handelslisensies

Aansoek aan die Lisensieraad vir 'n handelslisensie of handelslisensies ten opsigte van 'n besigheid, insluitende alle normale dokumente, korrespondensie en opwagtings: R35.

Afdeling 3

Bestorwe boedels

Beredding van boedels namens die eksekuteur: Helfte van die eksekuteursloon, bereken volgens die basis van die Meester se tarief.

Section 4

Proving of claims

Proving any claims against insolvent estates, estates administered under the Agricultural Credit Act, 1966 (Act 28 of 1966), or companies in liquidation:

- (a) Taking instructions and drawing affidavit: R5.
- (b) Drawing of powers of attorney: R2.
- (c) Drawing resolution: R2.
- (d) Attending meeting of creditors: R3,75 for every quarter hour or part thereof.

Section 5

Uniform collection charges

A. (1) An attorney to whom a liquidated monetary claim is handed for collection by reason of default on the part of a debtor shall, in addition to any professional fees, e.g. the charges for any proceedings in any court of law, be obliged to make, and shall be limited to the following charges, namely:

- (a) A basic charge of R1 which shall include the charge for the letter of demand; and
- (b) collection commission at the rate of 10 per cent on the amount collected, subject to a maximum of R50 for each payment or instalment: Provided that, where the attorney recovers collection commission from the debtor, either in terms of any law or in terms of any law or in terms of a contractual obligation, he shall credit his client with the amount thus recovered.

(2) The charges set out in Section 5A (1) (a) and (b) above, shall be raised irrespective of whether legal proceedings are instituted or not, and irrespective of whether the costs of any such legal proceedings are recoverable from the debtor.

(3) For the purpose of this rule the word "amount collected" include any payment made by or on behalf of any debtor direct to the client, whether in cash or in kind, or by way of novation or set-off, after the claim is handed to the attorney for collection.

(4) Notwithstanding the provisions of Section 5A (1) (b) an attorney may, where the total commission chargeable by him in any one matter exceeds R150 waive or reduce his commission charges to the extent that it exceeds the said sum of R150.

B. In the case of final recovery or repossession of moveables in terms of hire purchase agreements, suspensive sale agreements, leases or agreements of a like nature, an attorney shall, in addition to any professional fees, be obliged to make and shall be limited to a charge equivalent to collection commission calculated in terms of Section 5A (1) and (4) upon the value of the goods so repossessed or recovered, which value shall be—

- (a) the value determined by the court in arriving at a final judgment, failing which;
- (b) the value fixed by a sworn appraiser:

Provided that, where the total unpaid amount owing under the agreement are less than the value of the moveables then the collection commission shall be calculated upon such total unpaid amounts, and not upon the value of the moveables, or where no value has been fixed upon the moveables in terms of Section 5B (a) or (b) above, the collection commission shall be calculated upon the total unpaid amounts owing under the agreement.

C. The Council may, on the written application of a member, but then only in exceptional circumstances authorise such member to depart from the provisions of this rule.

Afdeling 4

Bewys van eise

Bewys van enige eise teen insolvente boedels, boedels wat ingevolge die Wet op Landboukrediet, 1966 (Wet 28 van 1966), beredder word, of maatskappye in likwidasië:

- (a) Neem van opdrag en opstel van beëdigde verklaarings: R5.
- (b) Opstel van volmag: R2.
- (c) Opstel van resoluë: R2.
- (d) Bywoning van die vergadering van skuldeisers: R3,75 per kwartier of gedeelte daarvan.

Afdeling 5

Eenvormige invorderingskommissie

A. (1) 'n Prokureur, aan wie 'n gelikwiderde geldelike vordering weens wanprestasie van 'n skuldenaar oorhandig is vir invordering is verplig om, benewens enige professionele gelde, bv., gelde ten opsigte van enige geding in 'n geregshof, die volgende gelde te hef en sal hy tot sodanige gelde beperk wees, naamlik:

- (a) 'n Basiese vergoeding van R1 wat die koste van die aanmaning sal insluit; en
- (b) invorderingskommissie teen die koers van 10 persent van die bedrag gevorder, onderhewig aan 'n maksimum bedrag van R50 vir elke betaling of paalement: Met dien verstande dat waar die prokureur invorderingskommissie op die skuldenaar verhaal, hetsy kragtens enige wetsvoorskrif of kragtens 'n kontraktuele verpligting, hy sy klient moet krediteer met die bedrag wat aldus verhaal word.

(2) Die gelde uiteengesit in Afdeling 5A (1) (a) en (b) hierbo, sal gehêf word ongeag of geregtelike stappe ingestel word, al dan nie; en ongeag of sodanige geding-koste van die skuldenaar verhaalbaar is of nie.

(3) Vir die doeleindes van hierdie reël sluit die woorde "bedrag gevorder" enige betaling gemaak deur of ten behoeve van enige skuldenaar regstreeks aan die klient, hetsy in geld of in goedere, of by wyse van skuldvernuwing of skuldvergeliking, nadat die vordering aan die prokureur vir invordering oorhandig is.

(4) Ondanks die bepaling van Afdeling 5A (1) (b) mag 'n prokureur, waar die invorderingskommissie wat deur hom gehêf mag word ten opsigte van een afsonderlike vordering, die bedrag van R150 oorskry, die bedrag van die invorderingskommissie verminder of daarvan afstand doen insoverre dit die bedrag van R150 oorskry.

B. In die geval van finale verhaal of herinbesitname van roerende goedere ingevolge huurkoopkontrakte, koopkontrakte onderhewig aan 'n opskortende voorwaarde, huurkoopkontrakte of soortgelyke kontrakte, moet 'n prokureur, benewens enige professionele gelde, invorderingskommissie hef gelykstaande aan en beperk tot die invorderingskommissie nêrgeleë in Afdeling 5A (1) en (4) bereken op die waarde van die goedere aldus verhaal of in besit geneem welke waarde as volg bereken sal word:

- (a) Die waarde deur die hof bepaal wanneer hy 'n finale vonnis vel, en by ontstentenis daarvan.
- (b) Die waarde deur 'n geswore waardeerder vasgestel:

Met dien verstande dat, waar die totale onbetaalde bedrae verskuldig ingevolge die ooreenkoms minder is as die waarde van die roerende goedere, die invorderingskommissie bereken moet word op sodanige totale onbetaalde bedrae verskuldig, en nie op die waarde van die roerende goedere nie of waar geen waarde op die roerende goedere geplaas is ingevolge Afdeling 5B (a) of (b) hierbo vermeld nie, die invorderingskommissie bereken sal word op die totale onbetaalde bedrae verskuldig ingevolge die ooreenkoms.

C. Die Raad mag, indien hy skriftelik deur 'n lid daartoe versoek word, maar dan slegs in buitengewone omstandighede, sodanige lid magtig om van die bepalings van hierdie reël af te wyk.

D. Correspondence and attendances:

(1) (a) Letters where not already included in the tariff: 20c for the first two folios and 10c per folio thereafter (a folio being 100 words or part thereof).

(b) Any attendance other than consultations: 10c.

(2) Members may, depending upon the amount, importance or complexity of the work done, charge up to ten times the amount of fees prescribed in Section 5D (1) (a) and (b).

Section 6**Registration of private companies**

(a) Taking instruction for and drawing of memoranda and articles of association as well as all other documents which are normally required in regard to the registration of a simple company, including all normal correspondence and attendances: R120.

(b) Taking of instructions and all extraordinary consultations, discussions and attendances, not covered by Section 6 (a) above: Fees calculated as set out in Section 7 (a) below.

(c) Drawing of pre-incorporation agreement and any other extraordinary documents: Fees calculated as set out in Section 1 above.

Section 7**Miscellaneous**

(a) (i) Any attendance or consultation in respect whereof no special provision has been made, except as provided in Section 7 (a) (ii) below: R3,75 per quarter hour or part thereof.

(ii) Simple, formal or brief attendances in respect whereof the above tariff cannot be reasonably applied: R1.

(iii) Where it is necessary for an attorney during normal office hours to leave his offices at the request of the client, for any attendance or consultation which could normally have been done in his office: R5 per quarter hour excluding travelling costs if any.

(b) Any attendance or consultation after normal office hours, or drawing any documents, after normal office hours at the request of the client: One and a half times the fees which are prescribed therefor in this tariff.

(c) (i) Taking instruction and arranging a distribution with creditors: R35: Provided that if there are not more than five creditors this fee may be reduced to a minimum of R15.

(ii) Other work, making of periodical distributions and remitting moneys to creditors: 10 per cent on all amounts received plus 50c for each letter other than letter remitting distribution to creditors.

(d) (i) Drawing letters except where otherwise provided in this tariff: R1,20 per folio.

(ii) Attending receipt of, perusing and considering any documents including letters: 20c per folio with a minimum of 75c excepting formal letters for which a fee, for perusing, of 50c shall be charged.

(e) Notwithstanding the provisions of Section 7 (d) (i) and (ii) above, an attorney shall be entitled to charge fees as set out in Section 1 (c) above for the drawing of important or involved letters, and he shall furthermore be entitled to charge fees as set out in Section 7 (a) (i) above, in respect of the perusal or consideration of important or involved documents or letters.

Section 8**Bills of costs and taxation**

Section 1 (c) and 7 (a) of this tariff shall be applicable to the drawing of any bills of costs and to all attendances in connection with the taxation of any bill of costs.

D. Korrespondensie en opwagtinge:

(1) (a) Briewe wat nie reeds in die tarief inbegrepe is nie: 20c vir die eerste twee folio's en 10c per folio daarna ('n folio synde 100 woorde of gedeelte daarvan).

(b) Enige opwagting anders as konsultasie: 10c.

(2) Lede mag, inagnemende die hoeveelheid, belangrikheid of ingewikkeldheid van die gedane werk, tot 10 maal die gelde voorgeskryf in Afdeling 5D (1) (a) en (b) vra.

Afdeling 6**Registrasie van privaatmaatskappye**

(a) Neem van opdrag vir en opstel van aktes van oprigting en statute, sowel as alle ander dokumente wat normaalweg nodig is, in verband met die registrasie van 'n eenvoudige maatskappy, insluitende alle normale korrespondensie en opwagtinge: R120.

(b) Neem van opdrag en alle buitengewone konsultasies, onderhoude en opwagtinge wat nie gedek word deur Afdeling 6 (a) hierbo nie: Gelde bereken soos in Afdeling 7 (a) hieronder uiteengesit.

(c) Opstel van voor-inkorporasie-ooreenkoms en enige ander buitengewone dokumente: Gelde bereken soos in Afdeling 1 hierbo uiteengesit.

Afdeling 7**Diverse**

(a) (i) Enige opwagting of konsultasie waarvoor nie spesiaal voorsiening gemaak is nie buiten soos bepaal in Afdeling 7 (a) (ii) hieronder: R3,75 per kwartier of gedeelte daarvan.

(ii) Eenvoudige, formele of kort opwagtings ten opsigte waarvan die bogenoemde tarief nie redelikerwys toegepas kan word nie: R1.

(iii) Waar dit vir 'n prokureur nodig is om gedurende normale kantoorure op versoek van sy klient, sy kantoor te verlaat vir enige opwagting of konsultasie wat normaalweg in sy kantoor gedoen kon gewees het: R5 per kwartier, sonder inagneming van reiskoste, indien enige.

(b) Enige opwagting of konsultasie na normale kantoorure of die opstel van enige dokumente na normale kantoorure, op versoek van die klient: Een en 'n half maal die gelde wat daarvoor bepaal is in hierdie tarief.

(c) (i) Neem van opdragte en reëling van 'n distribusie met skuldeisers: R35: Met dien verstande dat indien daar nie meer as vyf skuldeisers is nie, hierdie vergoeding verminder mag word tot 'n minimum van: R15.

(ii) Verdere werk, maak van periodieke distribusies en oorbetalings aan skuldeiser: 10 persent op alle bedrae ontvang plus 50c vir elke brief behalwe briewe onder dekking waarvan distribusies aan skuldeisers gestuur word.

(d) (i) Opstel van briewe waavor nie reeds in hierdie tarief voorsiening gemaak is nie: R1,20 per folio.

(ii) Opwagting ontvangs, deurlees en oorweging van enige dokument insluitende briewe: 20c per folio met 'n maksimum van 75c buiten vir formele briewe, waar die vergoeding vir nagaan 50c sal wees.

(e) Nieteenstaande die bepalings van Afdeling 7 (d) (i) en (ii) hierbo, sal 'n prokureur geregtig wees om gelde te hef soos uiteengesit in Afdeling 1 (c) hierbo vir die opstel van belangrike of ingewikkelde briewe en hy sal verder geregtig wees om gelde te hef soos uiteengesit in Afdeling 7 (a) (i) hierbo, ten opsigte van die nagaan of oorweging van belangrike of ingewikkelde dokumente of briewe.

Afdeling 8**Kosterekening en taksasie**

Afdelings 1 (c) en 7 (a) van hierdie tarief sal van toepassing wees op die opstel van enige kosterekening en op alle opwagtinge in verband met die taksasie van enige kosterekening.

15. ASSESSMENT OF FEES

(a) It shall be competent for the Council or any committee appointed by the Council for that purpose, at the request of any person or practitioner, to assess the fees payable by such person to a practitioner, who in terms of the provisions of section 3 (1) of the Act is a member of the particular Society, in respect of the performance on behalf of such person of any work other than litigious work by the practitioner in his capacity as such: Provided that the Council or the committee shall not assess fees in instances where a state official is empowered to do so or where the work concerned is already covered by a statutory tariff.

(b) Within a view to affording the practitioner reasonable and adequate remuneration for the services rendered by him, the Council or the committee, as the case may be, shall, on every assessment, allow all such fees as appear to it to have been reasonable for the performance of the work concerned, and in so doing shall take cognisance of the following:

- (i) The amount and importance of the work done;
- (ii) the complexity of the matter or the difficulty or novelty of the work or the questions raised;
- (iii) the skill, labour, specialised knowledge and responsibility involved on the part of the practitioner;
- (iv) the number and importance of the documents prepared or perused, without necessarily having regard to length;
- (v) the place where and circumstances in which the services or any part thereof were rendered;
- (vi) the time expended by the practitioner;
- (vii) where money or property is involved, its amount or value;
- (viii) the importance of the matter to the client;
- (ix) the quality of the work done;
- (x) the experience or seniority of the practitioner;
- (xi) any tariff of fees approved by the Society for the sole purpose of serving as a guide to practitioners;
- (xii) any tariff of fees prescribed by the Council in accordance with the provisions of section 15 (b) of the Act; and

whether the fees have been incurred or increased through overcaution, negligence or mistake on the part of the practitioner.

(c) At the assessment of any practitioner's fees, the Council or the committee, as the case may be, may call for the production of such books, documents, papers or accounts as in its opinion are necessary to enable it properly to determine any matter arising upon such assessment.

(d) The Council or the committee, as the case may be, shall not proceed to the assessment of the fees unless the Secretary of the Society has duly given notice by prepaid registered post to both the practitioner and the person liable to pay the fees, stating the time and place of such assessment and recording that he is entitled to be present and represented thereat: Provided that such notice shall not be necessary if both the practitioner and such person have consented in writing to assessment in their absence. At the assessment the Council or the committee, as the case may be, shall permit the practitioner and such person to submit their representations and arguments either orally or in writing. After receiving such representations and arguments, the Council or the committee, as the case may be, shall be entitled to reserve its decision. As soon as the Council or the committee,

15. VASSTELLING VAN GELDE

(a) Die Raad of enige komitee deur die Raad aangestel vir daardie doel kan, op versoek van enige persoon of praktisyn, die gelde bereken wat deur sodanige persoon betaalbaar is aan 'n praktisyn wat ingevolge die bepalings van artikel 3 (1) van die Wet 'n lid van die betrokke Orde is, ten opsigte van die verrigting ten behoeve van sodanige persoon van enige ander werk as hofwerk deur die praktisyn in sy hoedanigheid van praktisyn: Met dien verstande dat die Raad of die komitee nie gelde bereken nie in gevalle waar 'n staatsamptenaar gemagtig is om dit te doen, of waar die betrokke werk reeds deur 'n statutêre tarief gedek word.

(b) Ten einde aan die praktisyn redelike en toereikende vergoeding te bied vir die dienste deur hom gelewer, moet die Raad of die komitee, na gelang van die geval, by elke berekening alle sodanige gelde toelaat as wat vir hom redelik skyn te gewees het vir die verrigting van die betrokke werk, en by sodanige berekening moet hy die volgende in aanmerking neem:

- (i) Die hoeveelheid en belangrikheid van die werk wat gedoen is;
- (ii) die ingewikkeldheid van die aangeleentheid of die moeilikheid of nuutheid van die werk of die vraagstukke wat geopper is;
- (iii) die bekwaamheid, arbeid, gespesialiseerde kennis en verantwoordelikheid daarby betrokke van die kant van die praktisyn;
- (iv) die getal en belangrikheid van die dokumente wat opgestel of deurgelees is, sonder om noodwendig op die lengte daarvan te let;
- (v) die plek waar en die omstandighede waarin die dienste of enige deel daarvan gelewer is;
- (vi) die tyd wat die praktisyn daaraan bestee het;
- (vii) waar geld of eiendom betrokke is, die bedrag of waarde daarvan;
- (viii) die belangrikheid van die aangeleentheid vir die kliënt;
- (ix) die gehalte van die werk wat gedoen is;
- (x) die ondervinding of senioriteit van die praktisyns;
- (xi) enige tarief van gelde deur die Orde goedgekeur vir die uitsluitlike doel om 'n riglyn vir praktisyns te dien;
- (xii) enige tarief van gelde deur die Raad voorgeskryf ooreenkomstig die bepalings van artikel 15 (d) van die Wet; en

of betaling van die gelde meegebring of die gelde verhoog is deur oorversigtigheid, nalatigheid of dwaling van die kant van die praktisyns.

(c) By die berekening van 'n praktisyn se gelde kan die Raad of die komitee, na gelang van die geval, die voorlegging vereis van sodanige boeke, dokumente, geskrifte of rekenings as wat na sy mening nodig is om hom in staat te stel om behoorlik te besluit oor enige aangeleentheid wat by sodanige berekening ter sprake kom.

(d) Die Raad of die komitee, na gelang van die geval, gaan nie oor tot die berekening van die gelde nie tensy die Sekretaris van die Orde behoorlik en per vooruitbetaalde geregistreerde pos aan sowel die praktisyn as die persoon wat vir die betaling van die gelde aanspreeklik is, kennis gegee het, met vermelding van die tyd en plek van sodanige berekening en met vermelding dat hy geregtig is om daarby teenwoordig te wees en verteenwoordig te word: Met dien verstande dat sodanige kennisgewing nie nodig is nie, indien beide die praktisyn en sodanige persoon skriftelik toegestem het tot berekening in hulle afwesigheid. By die berekening moet die Raad of die Komitee, na gelang van die geval, die praktisyn en sodanige persoon toelaat om hul vertoë en argumente mondeling of skriftelik in oorweging te gee. Die Raad of die komitee, na gelang van die geval, is na ontvangs

as the case may be, has arrived at its decision, it shall deliver to both the practitioner and such person either by hand or prepaid registered post, a copy of the fee list submitted for assessment, duly endorsed with the allocatur of the Council or the committee, as the case may be, under the hand of the Secretary of the Society. Subject to the provisions of section 21 (5) of the Act the fees determined in terms of the allocatur shall be deemed to be a reasonable fee payable to the practitioner for the services rendered.

(e) The Council or the committee, as the case may be, shall be entitled in its discretion at any time, to depart from any of the provisions on subrule (b) above, in extraordinary or exceptional cases, where strict adherence to such provisions would be inequitable.

(f) This rule shall not apply to any work done pursuant to a mandate accepted by an attorney prior to the date of promulgation of this rule whether the work is actually done before or after the said date.

16. AUDIT CERTIFICATES

(1) (a) Every practitioner or firm of practitioners shall balance his or its books of account and extract therefrom a list of amounts standing to the credit of any persons in respect of all moneys held or received by him or it on account of all such persons (hereinafter called trust balances), at intervals of not more than three calendar months and shall keep the lists of such trust balances for not less than five years from the date on which such lists were extracted.

(b) The balances listed from each account shall be recorded in some permanent, prominent and clear manner in the ledger account from which such balance was extracted.

(2) Every practising practitioner or firm of practitioners shall, at his or its expense, whenever so required by the Council but at least once in each calendar year, appoint an accountant registered in terms of the Public Accountants' and Auditors' Act, 1951 (Act 51 of 1951), as amended, on behalf of and as representative of the Council, to furnish the Council with a certificate in accordance with the provisions of subrule (3).

(3) In the certificate referred to in subrule (2) above the accountant shall state—

(a) whether or not he carried out an audit or merely made an examination in terms of this rule;

(b) that he has satisfied himself by an examination of the books of account, bank statements and system of bookkeeping employed by the practitioner or firm of practitioners concerned for the period of 12 months (or for such shorter period during which the practitioner or firm of practitioners has been practising) terminating at a date to be specified in the certificate that—

(i) such practitioner or firm complied, during the said period, with the provisions of section 33 (1) to (4) of the Admission Act;

(ii) moneys received by such practitioner or firm on account of any person were deposited, regularly and promptly, in his or its trust account kept in terms of section 33 (1) of the Admission Act;

(c) the date to which such books appear to have been written up and the date to which it appears that they were last balanced and whether it appears that such practitioner or firm during the period referred to in subrule (b) complied with the provisions of rule 16 (1);

(d) that he has compared each item in the list of trust balances shown in the trust accounts in the ledgers of such practitioner or firm at the closing date of the period

van sodanige vertoë en argumente geregtig om sy besluit voor te behou. Sodra die Raad of die komitee, na gelang van die geval, tot 'n besluit gekom het, moet hy aan beide die praktisyn en sodanige persoon, per hand of per vooruitbetaalde geregistreerde pos, 'n eksemplaar lewer van die geldelys wat vir berekening ingedien is, behoorlik geëndosseer met die allocatur van die Raad of die komitee, na gelang van die geval, onder die hand van die Sekretaris van die Orde. Behoudens die bepalings van artikel 21 (5) van die Wet word die gelde wat ingevolge die allocatur vasgestel is, geag redelike gelde te wees betaalbaar aan die praktisyn vir die dienste gelewer.

(e) Die Raad of die komitee, na gelang die geval, is geregtig om te eniger tyd na sy goëddunke af te wyk van enige van die bepalings van subreël (b) hierbo, in buitengewone of uitsonderlike gevalle waar die strenge nakoming van sodanige bepalings onbillik sou wees.

(f) Hierdie reël is nie van toepassing nie op enige werk gedoen ooreenkomstig 'n opdrag voor die datum van afkondiging van hierdie reël deur 'n prokureur aanvaar, ongeag of die werk werklik voor of na genoemde datum gedoen word.

16. OUDITSERTIFIKATE

(1) (a) Elke praktiserende praktisyn of firma van praktisyns moet by tussenpose van hoogstens drie kalendermaande 'n uittreksel maak en 'n lys van bedrae wat tot die krediet van enige persoon staan ten opsigte van alle gelde wat hy of die firma vir sodanige persoon hou of ontvang het (hieronder trustsaldo's genoem) en moet hy of die firma die lyste van sodanige trustsaldo's minstens vyf jaar lank vanaf die datum waarop hy of die firma die uittreksel gemaak het, hou.

(b) Die saldo van elke rekening op die lys geplaas, moet in 'n permanente, ooglopende en duidelike manier in die grootboekrekening waaruit sodanige saldo gehaal is, aangeteken word.

(2) Elke praktiserende praktisyn of firma van praktisyns moet, op eie koste, een maal in elke kalenderjaar of wanneer die Raad dit vereis, 'n rekenmeester geregistreer kragtens die Wet op Openbare Rekenmeesters en Ouditeurs, 1951 (Wet 51 van 1951) namens en as verteenwoordiger van die Raad aanstel om die Raad van 'n sertifikaat ooreenkomstig die bepalings van die subreël (3) te voorsien.

(3) In die sertifikaat in subreël (2) bedoel, moet die rekenmeester meld—

(a) of hy 'n oudit uitgevoer het, en of hy slegs 'n ondersoek ingevolge hierdie reël ingestel het;

(b) dat hy hom vergewis het by wyse van 'n ondersoek van die rekeningboeke, bankstate en boekhoustelsel gebruik deur die betrokke praktisyn of firma vir die tydperk van 12 maande (of vir sodanige korter tydperk as wat die praktisyn of firma praktiseer) wat eindig op 'n datum wat in die sertifikaat genoem word, dat—

(i) sodanige praktisyn of firma gedurende die onderhawige tydperk aan die bepalings van artikel 33 (1) en (4) van die Wet voldoen het;

(ii) gelde deur sodanige praktisyn of firma vir rekening van enige persoon ontvang, gereeld en stip telik in sy trustrekening ingevolge artikel 33 (1) van die Wet gehou, gedeponeer is;

(c) tot op watter datum sodanige boeke blyk gehou te wees en tot op watter datum dit blyk dat hulle laas gebalanseer is en of dit blyk dat sodanige praktisyn of firma gedurende die tydperk in subparagraaf (b) bedoel voldoen het aan die bepalings van reël 16 (1) (a);

(d) dat hy die lys trustsaldo's getoon op die trustrekening in die grootboeke van sodanige praktisyn of firma op die sluitingsdatum van die tydperk soos bepaal

covered as specified in subrule (b) and also at least one other date during the said period to be selected by him, with the respective ledger accounts;

(e) whether on each of the dates referred to in subrule (d) the total of the trust balances standing to the credit of the trust account kept by such practitioner or firm in terms of section 33 (1) of the Admission Act and any separate savings or interest bearing account kept by him or it in terms of section 33 (2) of the Admission Act, together with any trust moneys which were, according to such books of account held by him or it in cash on hand (which moneys he has satisfied himself were deposited in the said trust account on the first banking day following each such date on which it might reasonably be expected that such moneys would be banked) was sufficient to cover all amounts which according to the books of account were on those dates, due to his or its trust creditors and agreed with, or was in excess of, the total of such lastmentioned amounts;

(f) that he has made an examination of the trust account bank statement of such practitioner or firm for a period of a week, or such longer period as he considered necessary in any particular case following each date referred to in subrule (d) and that such examination did not reveal that any negotiable instruments deposited in the said trust account had not been met, except in circumstances which appeared to him to be satisfactory; and

(g) whether in his opinion, the system employed by such practitioner or firm, when transferring amounts from his or its trust account to his or its business banking account, appears to ensure that on each occasion such transfer is made, the balance then remaining to the credit of his or its trust account and any special savings or interest-bearing accounts kept by him or it in terms of section 33 (2) of the Admission Act, together with such trust money held by him or it in cash on hand, is equal to or in excess of, the trust liabilities of such practitioner or firm.

(4) The certificate to be furnished in terms of this rule shall be sent direct by the accountant appointed in terms of subrule (2) to the Council within six months of the annual closing of the books of account of the practitioner or firm concerned or within such other period as the Council may require and a copy thereof and of any report referred to in subrule (6) shall be sent by such accountant to such practitioner or firm.

(5) In any case where the Council is satisfied that it is not practicable to obtain the services of an accountant registered in terms of the Public Accountants' and Auditors' Act, 1951 (Act 51 of 1951), as amended, for the issuing of such certificate, it may in lieu of the certificate accept such other evidence of compliance with the requirements set out in subrule (3) of this rule as it may deem sufficient.

(6) Every accountant who has commenced or made an examination in terms of this rule shall without delay report direct to the Council if—

(i) it comes to his notice that at any date, the total of the trust balances, shown in the trust account in the ledgers of the practitioner or firm concerned, exceeded the amount of the funds in his or its trust banking account kept in terms of section 33 (1) of the Admission Act together with any funds available in separate savings or interest bearing accounts kept in terms of section 33 (2) of the Admission Act and any trust money held, according to the books of account, in cash on hand;

(ii) any material queries concerning the books of account or entries which he has raised with such practitioner or firm have not been dealt with to his satisfaction.

in subreël (b), en ook op minstens een ander datum deur hom gekies gedurende gemelde tydperk, met die onderskeie grootboekrekenings vergelyk het;

(e) of, op elkeen van die datums in subreël (d) bedoel, die totaal van die trustsaldo's wat in die krediet staan van die trustrekening deur sodanige praktisyn of firma ingevolge artikel 33 (1) van die Wet gehou, en enige aparte spaar- of rentegewende rekening deur hom ingevolge artikel 33 (2) van die Wet gehou, tesame met enige trustgelde wat volgens sodanige rekeningboeke deur hom as kontant in kas gehou is (gelde ten opsigte waarvan hy hom vergewis het dat dit in gemelde trustrekening gedeponeer is op die eerste bankdag wat volg op elke sodanige datum waarop dit redelikerwys verwag kan word dat sodanige gelde gebank sou word), voldoende was om alle bedrae te dek wat luidens die rekeningboeke op daardie datums verskuldig was aan sy trustkrediteure en met die totaal van laasgenoemde bedrae ooreengestem het of sodanige totaal oorskry het;

(f) dat hy die trustbankstaat van sodanige praktisyn of firma vir 'n tydperk van 'n week, of sodanige langer tydperk as wat hy nodig geag het in 'n bepaalde geval, wat volg op elke datum in subreël (d) bedoel, ondersoek het, en dat sodanige ondersoek nie openbaar het dat enige verhandelbare dokumente in sodanige trustrekening gedeponeer, nie aan voldoen is nie, behalwe onder omstandighede wat vir hom geblyk het bevredigend te wees; en

(g) of, na sy mening, die stelsel wat deur sodanige praktisyn of firma gebruik word wanneer bedrae uit sy trustrekening na sy besigheidsrekening oorgedra word, blyk te verseker dat, by elke geleentheid wanneer sodanige oordrag gemaak word, die saldo wat oorbly en die krediet van sy trustrekening en enige spesiale spaar- en rentegewende rekening deur hom ingevolge artikel 33 (2) van die Wet gehou, tesame met sodanige trustgelde deur hom as kontant in kas gehou, gelyk is aan sy trustlaste of dit oorskry.

(4) Die sertifikaat wat ingevolge hierdie reël verstrek moet word moet deur die rekenmeester, aangestel ingevolge subreël (2), direk aan die Raad gestuur word binne ses maande na die jaarlikse afsluiting van die rekeningboeke van die betrokke praktisyns of firma of binne sodanige ander tydperk as wat die Raad vereis, en 'n afskrif daarvan en van enige verslag in subreël (6) bedoel, moet deur sodanige rekenmeester aan sodanige praktisyn of firma gestuur word.

(5) In enige geval waar die Raad oortuig is dat dit nie prakties is om die dienste van 'n rekenmeester kragtens die Wet op Openbare Rekenmeesters en Ouditeurs, 1951 (Wet 51 van 1951), geregistreer, vir die uitreiking van sodanige sertifikaat te verkry nie, kan hy in die plek van die sertifikaat sodanige ander bewys van die nakoming van die vereistes in subreël (3) van hierdie reël uiteengesit, aanvaar, as wat hy voldoende ag.

(6) Elke rekenmeester wat 'n ondersoek ingevolge hierdie reël begin of gedoen het, moet sonder versuim direk aan die Raad verslag doen indien—

(i) dit onder sy aandag kom dat op enige datum die totaal van die trustsaldo's in die trustrekening in die grootboeke van die betrokke praktisyn of firma getoon, die bedrag van die fondse in sy trustrekening ingevolge artikel 33 (1) van die Wet gehou, tesame met enige fondse beskikbaar ingevolge artikel 33 (2) van die Wet gehou, en enige trustgelde luidens die rekeningboeke as kontant in kas gehou, oorskry het;

(ii) enige wesenlike navrae met betrekking tot die rekeningboeke of inskrywings wat hy by die praktisyn of firma gedoen het nie tot sy tevredenheid beantwoord is nie.

(7) A practitioner shall not be compelled to withdraw the full amount of any surplus in his trust banking account, when such surplus is ascertained, and shall be entitled to permit a portion of such surplus to remain in his trust banking account at all times.

17. MISCONDUCT

Misconduct on the part of a member or articulated clerk shall include inter alia, the following:

(1) *Touting*.—Without prejudice to the generality of the meaning of the word "touting" a member or articulated clerk shall be deemed to be guilty of touting if he—

(a) (i) accepts or agrees to accept or offers to accept remuneration for professional work at less than the rate or scale of charges fixed by statute or regulation or rule or by resolution of the Council, or does any work gratuitously for any person for the sole reason that such person is a shareholder, partner, director, owner or employee of any firm, business, company or institution: Provided that an attorney is not precluded from acting *pro amico* for any of his own employees; or

(ii) by his conduct directly or indirectly holds himself out or allows himself to be held out as being prepared to do professional work at less than such rate or scale of charges, unless in each case he proves that he did not do so with the object of attracting work or business;

(b) advertises in any manner the object or effect of which is to induce or invite the public to entrust to him work or business in his professional capacity: Provided it shall not be deemed to be a contravention of this rule if any member—

(i) has affixed to or painted on doors, walls or windows of his office premises the usual nameplates or office signs of reasonable size and with lettering not exceeding 15 centimeters in height;

(ii) when acting for any client inserts in the *Government Gazette*, *Provincial Gazette* or newspaper an advertisement or publication required by law or order of Court and indicates therein that he is acting on behalf of that client;

(c) procures or allows his name or that of any firm in which he is interested to appear in any client's advertisement (other than a prospectus, offer for sale or statement issued in accordance with the laws or regulations relating to companies or the regulations of a recognised stock exchange) indicating that he or his firm holds the appointment of attorney, notary or conveyancer to such client or any other person or company.

(2) The contravention of section 32 (1)*bis* and/or section 32 (3) of the Admission Act.

(3) The contravention of section 32 (4) of the Admission Act or the giving or taking of any allowances in contravention of the provisions of the Admission Act or these rules.

(4) The entering into partnership with or being in the employ of any person who is not a practitioner for the performance of any work or business proper to the calling of a practitioner or commonly associated therewith, or the holding or acquisition of shares in a company established mainly for the performance of any work or business commonly associated with such calling except as provided for in section 28*quat* of the Admission Act: Provided however, that for the purposes of this rule the performance of any work or business proper to the calling or business of an auctioneer or general agent shall be deemed not to be commonly associated with the calling of a practitioner and provided further that the holding or acquisition of

(7) 'n Praktisyn is nie verplig om die volle surplus in sy trust bankrekening, wanneer sodanige surplus vasgestel is, te onttrek nie, maar sal geregtig wees om 'n gedeelte van sodanige surplus te alle tye in sy trustbankrekening te hou.

17. WANGEDRAG

Wangedrag deur 'n lid of klerk onder 'n leerkontrak sluit inter alia die volgende in:

(1) *Smous*.—Sonder om afbreuk te doen aan die algemeenheid van die betekenis van die woord "smous", word 'n lid of klerk onder leerkontrak geag skuldig te wees aan smousery indien hy—

(a) (i) vergoeding aanneem of ooreenkom om aan te neem of aanbied om vergoeding vir professionele werk aan te neem teen 'n laer tarief of skaal van vergoeding vasgestel by wyse van 'n statuut of regulasies of reël of deur 'n Raadsbesluit, of enige werk vir enige persoon gratis doen om die uitsluitlike rede dat sodanige persoon 'n aandeelhouer, vennoot, direkteur, eienaar of diensnemer van enige firma, sakeonderneming maatskappy of instelling is: Met dien verstande dat 'n prokureur nie belet is om *pro amico* vir enige van sy werknemers op te tree nie; of

(ii) deur sy gedrag direk of indirek voorgee, of toelaat dat die indruk geskep word dat hy gewillig is om professionele werk te doen teen minder as sodanige tarief of skaal van vergoeding, tensy hy in elke geval bewys dat hy dit nie gedoen het nie met die oogmerk om werk of besigheid te lok;

(b) om op enige wyse te adverteer waarvan dit die oogmerk is of die gevolg het om die publiek oor te haal of uit te nooi om werk of sake aan hom toe te vertrou in sy professionele hoedanigheid: Met dien verstande dat dit nie geag sal word 'n oortreding van hierdie reël te wees nie, indien enige lid—

(i) aan die deur, mure of vensters van sy kantore die gewone naamplate of kantoortekens laat aanbring of verf in letters van redelike grootte wat nie 15 sentimeters mag oorskry nie;

(ii) wat namens 'n kliënt optree, 'n advertensie in die *Staatskoerant*, *Provinsiale Koerant* of 'n koerant of 'n publikasie wat deur wetsbepaling of bevel van die Hof vereis word, plaas, en daarin vermeld dat hy namens sodanige kliënt optree;

(c) dit bewerkstellig of toelaat dat sy naam of die van enige firma waarin hy enige belang het, verskyn in enige advertensie van 'n kliënt (uitgesonderd 'n prospektus, aanbod vir verkoop, of 'n verklaring uitgereik in ooreenstemming met die wetsbepalings of regulasies met betrekking tot maatskappye of die regulasies van 'n erkende effektebeurs), waarin aangetoon word dat hy of sy firma aangestel is as die prokureur, notaris of aktevervaardiger van sodanige kliënt, of ander persoon, of maatskappy.

(2) Die oortreding van artikel 32 (1)*bis* en/of artikel 32 (3) van die Toelatingswet.

(3) Die oortreding van artikel 32 (4) van die Toelatingswet, of die toestaan of neem van enige toelae in stryd met die bepalings van die Toelatingswet of hierdie reëls.

(4) Die aangaan van 'n vennootskap met of in diens tree van enige persoon wat nie 'n praktisyn is nie, vir die verrigting van enige werk of sake eie aan die professie van 'n praktisyn of wat gewoonlik daarmee vereenselwig word, of die hou of verkryging van aandele in 'n maatskappy gestig hoofsaaklik vir die verrigting van enige werk of sake wat gewoonlik met sodanige professie vereenselwig word, behalwe soos bepaal word in artikel 28*quat* van die Toelatingswet: Met dien verstande dat, vir die doeleindes van hierdie reël, sal die verrigting van enige werk of sake eie aan die beroep of bedryf van 'n afslaer of 'n algemene agent niebeskou word as gewoonlikevereen selwig te word met die professie van 'n praktisyn nie en

shares in a company as aforesaid shall be permissible so long as the member's right to undertake agency work of any kind is not interfered with by reason of his holding or acquisition of such shares, and so long as the company as aforesaid does not bear the name of the member or the name of the firm under which such member is practising.

(5) Knowingly in any way assisting, allowing or enabling an unqualified person to charge, recover or receive any fee, or derive any remuneration for, in respect of, or in connection with the preparation or execution of any document, or the performance of any professional work which only a practitioner, is qualified by law to prepare, sign, execute, attest or perform, or in any way conniving at any arrangement, agreement or understanding whatsoever whereby any such fee or remuneration as aforesaid is, or shall be, charged, recovered or received by any such unqualified person.

(6) The contravention of section 33 (1) of the Admission Act or withholding the payment of trust moneys without lawful excuse.

(7) Advertising, excepting by means of a professional notice in a periodical or directory devoted solely to legal matters.

(8) Inserting, or allowing his name to be inserted, in any telephone or other directory in type other than ordinary type, or inserting it, or allowing it to be inserted, in such a manner as to give it prominence.

(9) The stating in his letterheads, professional cards or any other papers or documents or nameplates or signboards on which his legal qualifications of practitioner appear, of the expression "et cetera" or any similar expression or of any other qualification or any appointment he may hold, or any occupation he may follow, other than the following: Parliamentary Agent, Patent and Trade Mark Agent, Draftsman of Wills, Liquidator of Estates, Sworn Appraiser, General Agent, Auctioneer, Commissioner of Oaths or an academic qualification conferred on him by a university or university college.

(10) Inserting or allowing to be inserted on his letterheads, professional cards or elsewhere any appointments he may hold or the names of any of his clients.

(11) Without previous approval of the Council—

(a) publishing under his name articles on legal subjects in any publication other than recognised legal journals;

(b) in his professional capacity;

(i) appearing on television or broadcasting on radio or television;

(ii) lecturing to lay audiences on any legal subject.

(12) Claiming costs in a letter of demand unless specifically provided for in the contract or instrument of debt or any law.

(13) The opening or maintaining of any office, which is not in the normal course of practice continuously under the direct and personal supervision of a practising attorney: Provided that such requirement of continuous, direct and personal supervision may in its discretion be relaxed or waived by the Council on such conditions as it may determine: Provided further that such relaxation or waiver may in its discretion be revoked by the Council.

(14) Keeping the accounts of his business as a practitioner in the books of account utilised in connection with

met dien verstande verder dat die hou of verkryging van aandele in 'n maatskappy soos hierbo genoem, toelaatbaar sal wees solank as wat daar nie met die lid se reg om agentskapwerk van enige soort aan te neem ingemeng word as gevolg van die hou of verkryging van sodanige aandele nie, en solank as wat die genoemde maatskappy nie die naam van die lid, of die firmanaam waaronder so 'n lid praktiseer, dra nie.

(5) Om op enige wyse bewustelik 'n ongekwalifiseerde persoon te help, toe te laat of in staat te stel om enige gelde te vra, te vorder of te ontvang of om enige beloning te kry vir, ten opsigte van, of in verband met die opstel of verlyding van enige dokument, of die verrigting van enige professionele diens wat alleen 'n praktisyn volgens wet geregtig is om op te stel, of om op enige manier enige skikking, ooreenkoms of verstandhouding wat ook al, waardeur enige sodanige gelde of beloning soos genoem, deur enige ongekwalifiseerde persoon gevra, ingevorder of ontvang word, of sal word, onder 'n geheime verstandhouding veroorloof.

(6) Die oortreding van artikel 33 (1) van die Toelatingswet, of die weerhouding van trustgelde sonder wettige verskoning.

(7) Adverteer, behalwe by wyse van 'n professionele kennisgewing in 'n tydskrif of 'n adresboek wat alleen aan regsake gewy word.

(8) Die plasing van sy naam of toelaat dat dit geplaas word in enige telefoongids of ander adresboek in druk anders as die gewone, of deur dit te plaas of toelaat dat dit op so 'n wyse geplaas word, dat dit op die voorgrond kom.

(9) Die plasing op sy briefhoofde, beroepskaarte of enige ander stukke of dokumente of naamplate of uithangbordê waarop sy regskwalifikasies as praktisyn voorkom, van die uitdrukking "et cetera" of enige soortgelyke uitdrukking, of van enige ander kwalifikasie, of enige aanstelling wat hy mag hou of enige beroep wat hy mag beoefen, behalwe die volgende: Parlementêre Agent, Patente- en Handelsmerkagent, Opsteller van Testamente, Boedelberedderaar, Beëdigde Taksateur, Algemene Agent, Afslaer, Kommissaris van Ede of 'n akademiese kwalifikasie aan hom toegeken deur 'n universiteit of universiteitskollege.

(10) Deur op sy briefhoofde, beroepskaarte of elders, enige aanstelling wat hy mag beklee, of die name van enige van sy kliênte, te plaas of toelaat dat dit geplaas word.

(11) Deur, sonder die vooraf verkreë toestemming van die Raad—

(a) artikels oor regsonderwerpe onder sy naam in enige publikasie behalwe erkende regstydskrifte, te publiseer;

(b) in sy professionele hoedanigheid—

(i) op televisie te verskyn of oor die radio of televisie uit te saai;

(ii) lesings oor enige regsonderwerp, voor lekegehoore te hou.

(12) Die eis van koste in 'n aanmaning, tensy daar spesiaal voorsiening daarvoor in die kontrak, skuldbewys of enige wetsbepaling gemaak is.

(13) Die open of aanhou van enige kantoor wat nie in die normale loop van sake voortdurend onder die direkte persoonlike toesig van 'n praktiserende prokureur is nie: Met dien verstande dat sodanige vereiste van voortdurende, direkte en persoonlike toesig deur die Raad in sy diskresie, op sodanige voorwaardes as wat hy mag bepaal, verslap of van afgesien kan word: Met dien verstande verder dat sodanige verslapping of afstanddoening deur die Raad in sy diskresie herroep kan word.

(14) Die hou van rekeninge van sy besigheid as praktisyn in die rekeningboeke wat gebruik word in verband

any other business in which he may be interested jointly with a person not being a practitioner.

(15) Remunerating any employee, not being a practitioner by way of a share in the profits of his business as a practitioner: Provided that it shall not be deemed to be a contravention of this rule if a practitioner employs an unqualified person in connection with the non-professional part of his business and remunerates him wholly or in part on a commission basis.

(16) Non-payment of his subscription to the Society after demand.

(17) Tendering for or offering in response to advertisements, circulars or similar invitations, either directly or indirectly, the performance of any work or business proper to the calling of a practitioner.

(18) Save as provided in subrule 27, allowing his name with all or any of his qualifications of practitioner to appear by way of information upon any business letter-heads, accounts, notices, advertisement, or other documents whatsoever in conjunction or along with the name of a person not being a practitioner.

(19) Entering into or continuing to be a party to any contract or arrangement with a person not being a practitioner the effect whereof is to place the practitioner under such control on the part of such unqualified person as may interfere with his independence as an Officer of the Court.

(20) The inserting of his qualifications of practitioner in a letterhead of a firm in which he is a partner, the other partners not being practitioners.

(21) Practising his said professions or any of them in any office of which he, his firm or his partners are not the sole lessees or owners, or in offices which have intercommunication with an office occupied by unqualified persons or except in the case of a building which contains a number of offices which have a main entrance giving access also to offices occupied by such qualified persons.

(22) The wilful and persistent neglect or refusal to reply to correspondence in connection with matters entrusted to a practitioner.

(23) The excessive use of signboards on which professional qualifications are displayed.

(24) Neglect or refusal to reply to the Secretary's letters when called upon for an explanation of conduct.

(25) The commission of an offence referred to in section 19 of the Act.

(26) Directly or indirectly applying or seeking any instruction for professional business, or doing or permitting in the conduct of his practice any act or thing which may reasonably be regarded as touting or advertising or is calculated to attract such business unfairly.

(27) Advertising in relation to any business in which he has an interest including estate agency and auctioneering, in any way which in the opinion of The Council, is deemed unbecoming a practitioner or is calculated to lower the dignity or standing of the profession or is calculated to attract professional work: Provided that it shall not be deemed to be a contravention of this rule if a practitioner advertise within the limits mentioned herein—

(i) that as a real estate agent he negotiates the buying, selling and letting of property of all kinds, attends to the raising of loans on mortgage and offers capital for investment;

(ii) that money has been entrusted to him for investment, and he may couple with this particular type of advertisement, a disclosure of his professional qualifications;

met enige ander besigheid waarin hy belang mag hê saam met 'n persoon wat nie 'n praktisyn is nie.

(15) Die vergoeding van 'n werknemer wat nie 'n praktisyn is nie, by wyse van 'n aandeel in die winste van sy besigheid as praktisyn: Met dien verstande dat dit nie as 'n oortreding van hierdie reël beskou word nie, indien 'n praktisyn 'n ongekwalfiseerde persoon in diens neem in verband met die nie-professionele gedeelte van sy praktyk en hom geheel of gedeeltelik op 'n kommissiebasis vergoed.

(16) Die wanbetaling van sy ledegeld aan die Orde nadat hy aangemaak is om dit te doen.

(17) Die tender vir of aanbidding in antwoord op advertensies, omsendbriewe of soortgelyke uitnodigings, direk of indirek vir die verrigting van enige diens of sake eie aan die professie van praktisyn.

(18) Behalwe soos bepaal in subreël 27, toelaat dat sy naam met almal of sommige van sy kwalifikasies as praktisyn by wyse van inligting voorkom op enige besigheids-briefhoofde, rekeninge, kennisgewings, advertensies of enige ander dokumente hoegenaamd, tesame met die naam van 'n persoon wat nie 'n prokureur is nie.

(19) Die aangaan met, of om aan te hou om 'n party te wees tot 'n kontrak of reëling met 'n persoon wat nie 'n prokureur is nie, wat tot gevolg het dat die praktisyn tot so 'n mate onder die beheer van sodanige ongekwalfiseerde persoon geplaas word dat dit op sy onafhanklikheid as Amptenaar van die Hof inbreuk maak.

(20) Die invoeging van sy kwalifikasies as praktisyn op die briefhoof van 'n firma waarvan hy 'n vennoot is, en die ander vennote nie praktisyns is nie.

(21) Die beoefening van enige of al sy professies in enige kantoor waarvan hy, sy firma of sy vennote nie die enigste huurders of eienaar is nie, of in kantore wat onderling verbind is met 'n kantoor wat deur ongekwalfiseerde persone betrek is, behalwe in die geval van 'n gebou wat 'n aantal kantore bevat wat 'n hoofingang het wat ook toegang verleen tot kantore vir gebruik van sodanige ongekwalfiseerde persone.

(22) Die opsetlike en aanhoudende versuim of weiering om op korrespondensie in verband met sake aan 'n praktisyn toevertrou, te antwoord.

(23) Die buitensporige gebruik van uithangborde waarop sy professionele kwalifikasies vertoon word.

(24) Die versuim of weiering om op die Sekretaris se briewe, wanneer vir 'n verduideliking van gedrag gevra word, te antwoord.

(25) Die begaan van 'n oortreding waarna verwys word in artikel 19 van die Wet.

(26) Deur direk of indirek aansoek te doen vir, of om enige opdrag vir professionele dienste te werf, of in die uitoefening van sy praktyk iets te doen of toe te laat dat enige daad of iets wat redelikerwys beskou kan word as smousery, advertensie of die ongeoorloofde aanlokking van besigheid, gedoen word.

(27) Deur op sodanige wyse met betrekking tot enige besigheid waarin hy 'n belang het, insluitende die van eiendomsagent en afslaer, te adverteer as wat na die mening van die Raad onbetaamlik is vir 'n praktisyn of wat bedoel is om die waardigheid of goeie naam van die professie te verlaag of wat bedoel is om professionele werk te werf: Met dien verstande dat dit nie as 'n oortreding van hierdie reël beskou sal word nie, indien 'n praktisyn binne die perke hierin genoem, adverteer dat—

(i) as eiendomsagent hy onderhandel vir die koop, verkoop en verhuur, van allerhande eiendomme, toesien tot die verkryging van lenings teen verbande en kapitaal vir belegging aanbied;

(ii) gelde aan hom toevertrou is vir belegging en hy mag met hierdie besondere tipe advertensie sy professionele kwalifikasies bekendmaak;

(iii) that specific property has been entrusted to him for sale or lease, and he may couple with this particular type of advertisement a disclosure of his professional qualifications, and that such sale or lease will be conducted in association with an auctioneer.

(28) (a) The practising under any other name than—

(i) his own name if he practises without partners; or

(ii) the name of any of or all partners if his practice is conducted in partnership; or

(iii) the name of any or all of the past or former owners of or partners in the practice; or

(iv) his own name and the names of any or all of the past or former owners of or partner in the practice; or

(v) his own name and the words "and Conveyancer", "and Partners" or "and Son(s)" or in the name of any or all of the past or former owners or partners and the words "and Company", "and Partners" or "and Son(s)" if the practice is conducted in partnership.

(b) Failing whenever so required or called upon by the Council to furnish to the Council within 14 days of receipt of such request, full information concerning the name, style or firm under which his or their practice is conducted, including the grounds upon which any name or names appearing in the name, style or firm of the said practice are used.

(c) Disclosing on the stationery of his practice or a practice in which he is a partner, the name of any practitioner employed by him or a partnership in which he is a partner unless he indicates that such employee is not a partner in the said practice by the use of the words "Assisted by" or "Consultant" immediately after the name of such practitioner.

29. (a) Allowing the total of the trust balances standing to the credit of the trust account in his books of account at any date to be in excess of his trust funds in—

(i) his trust banking account; and/or

(ii) invested in terms of the provisions of the Admission Act; and/or

(iii) in the form of cash on hand.

(b) Withdrawing funds to which he claims to be entitled from his trust banking account, being the amount of his trust funds, as aforementioned, which is in excess of the amount due by him to his trust creditors, otherwise than by a cheque drawn on his trust banking account and depositing same direct into his business account.

(c) Failing to deposit funds received as trust funds, into his trust banking account.

(d) Failing to keep a business banking account.

(e) Failing to cause his books of account to be kept in such manner that the extent of his trust creditors can be ascertained therefrom.

(30) (a) Acting for or in association with any organisation or person, not being a practising attorney or an assessor acting on the instructions of a registered insurance company, whose business or part of whose business is to make, support or prosecute claims resulting from death or personal injury and who solicits instructions to make, support or prosecute any such claim or receives any payment, gift or benefit in respect thereof.

(b) Knowingly with regard to any such claim acts for any person introduced or referred to him by any such organisation or person.

(iii) 'n besondere eiendom aan hom toevertrou is vir verkoop of verhuur en hy mag met hierdie besondere tipe advertensie sy professionele kwalifikasies bekendmaak, asook dat die aanbieding van sodanige verkoop of verhuur in samewerking met 'n afslaer geskied.

(28) (a) Deur onder enige naam te praktiseer anders as—

(i) sy eie naam indien hy sonder vennote praktiseer of;

(ii) die naam van enige van of al die vennote indien die praktyk in vennootskap beoefen word; of

(iii) die naam van enige van of al die gewese of vorige eienaars van of vennote in die praktyk; of

(iv) sy eie naam en die name van enige van of al die gewese vorige eienaars of vennote in die praktyk; of

(v) sy eie naam en die woorde "en Kie.", en "en Vennote" of "en Seun(s)" of in die naam van enige van of al die gewese of vorige eienaars of vennote en die woorde "en Kie." en, "en Vennote" of "en Seun(s)" indien die praktyk in vennootskap beoefen word.

(b) Deur na te laat om, wanneer die Raad dit vereis of versoek, die Raad binne 14 dae na ontvangs van sodanige versoek te voorsien van volle besonderhede aangaande die naam, titel of firma waaronder sy of hulle praktyk beoefen word met inbegrip van die gronde waarop enige naam of name wat in die naam, titel of firma van die praktyk voorkom, gebruik word.

(c) Deur op die skryfbehoeftes van sy praktyk of 'n praktyk waarin hy 'n vennoot is, die naam van enige praktisyn by hom of 'n vennootskap waarin hy 'n vennoot is, in diens is te openbaar, tensy hy aandui dat sodanige werknemer nie 'n vennoot in die genoemde praktyk is nie, deur die gebruik van die woorde "Bygestaan deur" of "Konsultant" onmiddellik voor, of die woorde "Professionele Assistent" of "Konsultant" onmiddellik na die naam van sodanige praktisyn.

(29) (a) Deur toe te laat dat die totaal van die trust-balanse wat tot krediet van sy trustrekening in sy rekeningboeke staan, op enige tydstip meer is as sy trustfondse in—

(i) sy trustbankrekening; en/of

(ii) beleggings ooreenkomstig die Toelatingswet; en/of

(iii) die vorm van kontant op hande.

(b) Die onttrekking van fondse (waarop hy beweer hy geregtig is), uit sy trustbankrekening tot die mate waarmee sy trustfondse, soos hierbo genoem, die totaal van sy trustkrediteure oorskry, anders as by wyse van 'n tjek getrek op sy trustbankrekening en die deponering daarvan in sy besigheidsbankrekening.

(c) Deur na te laat om gelde wat as trustgelde ontvang word, in sy trustbankrekening te deponeer.

(d) Deur na te laat om 'n besigheidsbankrekening te hou.

(e) Deur na te laat om sy rekeningboeke so te hou dat die omvang van sy trustkrediteure daaruit vasgestel kan word.

(30) (a) Die optree vir of medewerking met enige organisasie of persoon, uitgesonderd 'n praktiserende prokureur of 'n assessor wat optree in opdrag van 'n geregistreerde versekeringsmaatskappy, wie se besigheid of deel van wie se besigheid dit is om eise in te stel, te steun of voort te sit wat voortspruit uit die dood of besering van 'n persoon en wat opdragte uitlok om sodanige eise in te stel, te steun of voort te sit of enige vergoeding, geskenk voordeel daarvan ontvang.

(b) Indien hy wetens optree, ten opsigte van enige sodanige eis, vir 'n persoon voorgestel of na hom verwys deur enige sodanige organisasie of persoon.

(c) Not making reasonable inquiry before accepting instructions in respect of any claim for the purpose of ascertaining whether the acceptance of such instructions will involve a contravention of subrule (a) or (b).

(d) Acting for a person referred to in subrule (b), while in the opinion of the Council he should have known that the organisation or person who introduced or referred such person to him is an organisation or person referred to in subrule (a), shall be deemed not to have complied with the provisions of subrule (b).

(31) Being a Bloemfontein practitioner, knowingly or under circumstances giving reasonable grounds for suspicion, acting in collaboration or in association with any bank or organisation, not being a practitioner, to disturb the division of fees appertaining to deeds office work as between Bloemfontein and country practitioners as set out in rule 13.

18. EXEMPTIONS

Notwithstanding the provisions of rule 17 and the general prohibition against advertising by practitioners it shall not be considered as advertising by a practitioner if he—

(a) occupies a public office and is described as an attorney with reference to all matters relating to or appertaining to that office, whether or not the position being held is for profit or otherwise;

(b) obtained the consent of the Council to deliver a lecture to or to address a lay audience on legal matters where his expert knowledge is required, and he allows his name and his qualification as an attorney to be mentioned or printed on the agenda (if there is one), and he be introduced to the meeting as an attorney: Provided that his name and qualification as an attorney shall appear normally and without prominence on the notice and that he be normally introduced to the audience or meeting and not in a way which may be reasonably considered as advertising him;

(c) acts for a company to be incorporated, and he is compella by law to have his name appear in the Prospectus to be published: Provided that his name shall be printed or typewritten normally, and not given prominence;

(d) acts on behalf of a registered company and he allows his name to appear as the attorney of the company in the annual report and financial statements of the company concerned: Provided that his name shall be printed or typewritten normally and not given prominence and that it be restricted to such reports and statements;

(e) is a candidate for election as a member of Parliament, Provincial Council or a municipal council, and he allows his nomination to be made known in the press by way of the publication of his photo and an appropriate announcement mentioning the fact that he is an attorney, and he, at the convening of public meetings to advance his candidature, or at the addressing of such meetings, makes it known that he is an attorney: Provided that the mentioned acts be done in the normal manner and not in such manner as may reasonably be considered as advertising.

Notwithstanding the provisions of paragraphs (a), (b) and (e) above a practitioner is not entitled to publish, or cause to be published the name of the firm wherein he practices or to which he is attached but he will be entitled to publish or cause to be published such firm's name in the circumstances mentioned in paragraphs (c) and (d) above.

(c) Deur nie redelike navraag te doen nie, alvorens hy opdrag aanvaar in verband met enige sodanige eis, om vas te stel of die aanvaarding van sodanige opdrag 'n oortreding van subreël (a) of (b) inhou.

(d) Die optree vir 'n persoon genoem in subreël (b), terwyl hy, na die oordeel van die Raad, behoort te gewet het dat die organisasie of persoon deur wie sodanige persoon aan hom voorgestel of na hom verwys is, 'n organisasie of persoon is genoem in subreël (a), word nie geag om aan die bepalings van subreël (b) te voldoen het nie.

(31) Die optrede van 'n Bloemfonteinse praktisyn wat, bewustelik of onder omstandighede wat redelike gronde vir agterdog daarstel, in oorleg of in samewerking met enige bank of organisasie, wat nie 'n praktisyn is nie, handel om die verdeling van gelde van toepassing op akteswerk tussen Bloemfontein en plattelandse distrikte soos uiteengesit in reël 13, te steur.

18. VRYSTELLINGS

Nieteenstaande die bepalings van reël 17 en die algemene verbod op advertensie deur 'n praktisyn sal dit nie as adverteer deur 'n prokureur beskou word nie indien hy—

(a) 'n openbare amp beklee en as 'n prokureur beskryf word, met verwysing na alle aangeleenthede rakende of behorende tot daardie amp, ongeag of daar vergoeding aan die amp verbonde is, al dan nie;

(b) toestemming van die Raad verkry het om 'n lesing te lewer of 'n lekegehoor toe te spreek aangaande regsangeleenthede waar sy deskundige kennis verlang word, en hy toelaat dat sy naam en kwalifikasie as 'n prokureur genoem of gedruk word in die sakelys (as daar een is) en hy aan die vergadering voorgestel word as synde 'n prokureur: Met dien verstande dat sy naam en kwalifikasie as 'n prokureur gewoonweg en sonder prominensie op die kennisgewing sal verskyn en dat hy normaalweg en nie op 'n wyse wat redelikerwys as 'n advertensie vir hom beskou kan word, aan die gehoor of vergadering voorgestel word nie;

(c) vir 'n maatskappy, wat geregistreer staan te word, optree en kragtens wetsbepalings verplig is om sy naam in die prospektus, wat gepubliseer word te laat verskyn: Met dien verstande dat sy naam gewoonweg en sonder prominensie gedruk of in tikskrif sal verskyn;

(d) vir 'n behoorlike geregistreerde maatskappy optree en hy toelaat dat sy naam as prokureur van die maatskappy, in die jaarverslag en finansiële state van die betrokke maatskappy verskyn: Met dien verstande dat sy naam gewoonweg en sonder prominensie gedruk of in tikskrif sal verskyn en dat dit tot genoemde verslag en state beperk sal wees;

(e) 'n kandidaat is vir verkiesing as 'n lid van die Parlement, Provinsiale Raad of 'n munisipale raad en hy sy kandidaatstelling bekendmaak in die pers deur die plasing van sy foto en 'n paslike aankondiging met vermelding van die feit dat hy 'n prokureur is en hy by die belê van openbare vergaderings ter bevordering van sy kandidatuur of by die toespraak van sodanige vergadering sy kwalifikasie as prokureur bekend maak: Met dien verstande dat die gemelde handeling op die gewone wyse geskied en nie op 'n wyse wat redelikerwys as adverteer beskou kan word nie.

Ondanks die bepaling van paragrawe (a), (b) en (e) hierbo is 'n praktisyn nie geregtig om die firmaam waaronder hy praktiseer of waaraan hy verbonde is te publiseer of te laat publiseer nie, maar hy sal geregtig wees om sodanige firmaam te publiseer of te laat publiseer in die gevalle vermeld in paragrawe (c) en (d) hierbo.

19. DISCIPLINARY RULE

(1) (a) Subject to the provisions of this rule the Chairman of a disciplinary committee shall determine how often it shall meet and the manner in which it shall discharge its duties.

(b) The Council shall fill any vacancy on any disciplinary committee.

(2) Subject to any limitation imposed by a resolution of the Council when assigning its duties, or any variation thereof, a disciplinary committee shall be charged with the following duties, namely:

(a) To consider and investigate any complaint formally made against a practitioner;

(b) when it is of the opinion that a *prima facie* complaint has been made out against a practitioner, determine such complaint in accordance with this rule;

(c) when upon the determination of a complaint it is of the opinion that *prima facie* the conduct of a practitioner constitutes misconduct and that a finding of guilt would warrant an application for the striking off of such practitioner from the roll, or his suspension from practising, it shall not make a finding but it shall make a recommendation to the Council and simultaneously therewith forward the record of the enquiry to the Council for such action as the Council may deem proper;

(d) in all cases other than those referred to in subrule (c), to impose such punishment as it deems fit and to cause it to be carried into effect;

(e) to notify the Council, the complainant and the practitioner concerned of its finding, and when so authorised by the Council, whether generally or specially in any particular case, to publicise such information concerning the finding as may be determined by the Council;

(f) save to the extent set forth in this rule to preserve the confidential nature of its proceedings;

(g) to do all things necessary to ensure the disciplinary proceedings are dealt with justly, expeditiously and in accordance with this rule.

(3) Subject to any limitation imposed by the resolution of the Council when assigning its powers, or any variation thereof, and subject to the provisions of the Act, a disciplinary committee shall have the following powers, namely:

(a) To determine the information if any to be furnished by the Secretary to a complainant; or what assistance if any, shall be given by the Secretary to a complainant who, for good cause, cannot lodge a complainant unaided;

(b) before it investigates any complaint, to require a complainant to make his complaint formally in writing, and/or to verify it by affidavit;

(c) to require the complainant to furnish such further evidence, written or oral, documentary or otherwise as it may require for the purpose of ensuring that—

(i) a complaint has been formally made; and

(ii) the disciplinary committee may ascertain the precise nature of the complaint;

(d) to investigate any complaint made by the Council *mero motu*;

(e) summarily to dismiss a complaint where it is of the opinion that it does not disclose a *prima facie* charge of misconduct or where a complainant has neglected or refused to comply with the requirements of a disciplinary committee;

(f) where in its opinion a *prima facie* case of misconduct on the part of a practitioner has been made out, to furnish the practitioner with such particulars of the

19. DISSIPLINÊRE REËL

(1) (a) Behoudens die bepalings van hierdie reël, bepaal die Voorsitter van 'n dissiplinêre komitee hoe dikwels dit sal vergader en die wyse waarop dit sy werksaamhede sal afhandel.

(b) Die Raad sal enige vakature op 'n dissiplinêre komitee aanvul.

(2) Behoudens enige beperking opgelê deur 'n besluit van die Raad by die bepaling van die pligte van 'n dissiplinêre komitee, of enige wysiging daarvan, is so 'n komitee belas met die volgende pligte:

(a) Om enige formele klag wat teen 'n praktisyn gelê is, te oorweeg en te ondersoek;

(b) wanneer dit van mening is dat 'n *prima facie*-klagte teen 'n praktisyn aanhangig gemaak is, daaroor te beslis ooreenkomstig hierdie reël;

(c) wanneer dit by die beslissing van 'n klag van mening is dat die optrede van 'n praktisyn *prima facie*-wangedrag uitmaak en dat 'n skuldigbevinding 'n aansoek vir die skraping of die skorsing van sodanige praktisyn van die rol sal regverdig, maak die komitee geen bevinding nie, maar maak dit 'n aanbeveling aan die Raad en stuur terselfdertyd die oorkonde van die ondersoek aan die Raad vir sodanige optrede as wat die Raad mag goëddink;

(d) om in alle gevalle, behalwe in dié waarna verwys word in subreël (c), sodanige straf op te lê as wat dit goëddink en om toe te sien dat die straf ten uitvoer gebring word;

(e) om die Raad, die klaer en die betrokke praktisyn in kennis te stel van sy bevindinge en om, wanneer aldus deur die Raad hetsy gemagtig, in die algemeen of in die besonder, in enige geval sodanige inligting van sy bevindinge as wat die Raad mag bepaal, bekend te maak;

(f) om, behalwe in die mate soos uiteengesit in hierdie reël, die vertroulike aard van sy verrigtinge te bewaar;

(g) om alle nodige stappe te neem ten einde te verseker dat dissiplinêre verrigtinge regverdig, spoedig en ooreenkomstig hierdie reël afgehandel word.

(3) Behoudens enige beperking deur die besluit van die Raad wanneer hy die komitee se magte bepaal, of enige wysiging daarvan opgelê en verder behoudens die bepalings van die Wet, het 'n dissiplinêre komitee die volgende magte, naamlik om:

(a) Te bepaal welke inligting, indien enige, deur die Sekretaris aan 'n klaer wat 'n klagte aanhangig wil maak, verskaf mag word; of welke bystand indien enige, deur die Sekretaris verleen mag word aan 'n klaer wat vir goeie rede nie in staat is om sonder hulp en klag aanhangig te maak nie;

(b) voordat dit enige klag ondersoek, van 'n klaer te vereis om sy klag formeel op skrif te stel en/of dit by wyse van beëdigde verklaring te bevestig;

(c) van die klaer te vereis om sodanige verdere bewys, skriftelik of mondelings, dokumentêr of andersins, te verskaf as wat dit nodig mag ag vir die doeleindes om te verseker dat—

(i) 'n klag formeel aanhangig gemaak is; en

(ii) die dissiplinêre komitee die presiese aard van die klag kan vasstel;

(d) enige klag wat deur die Raad gelê is, *mero motu* te ondersoek;

(e) 'n klag summier te verwerp waar dit van mening is dat dit nie 'n *prima facie*-klag van wangedrag openbaar nie, of waar 'n klaer nagelaat of geweier het om aan die vereistes van die dissiplinêre komitee te voldoen;

(f) waar dit van mening is dat 'n *prima facie*-saak van wangedrag teen 'n praktisyn uitgemaak is, die praktisyn van sodanige besonderhede van die klag te voorsien as wat nodig mag wees ten einde hom in staat te stel

complaint as may be necessary to enable that practitioner to know the case he has to meet and to call on him to furnish a reply to the Secretary within a stipulated time;

(g) to require a practitioner to verify his reply referred to in subrule (f) above by affidavit;

(h) when, upon a consideration of the complaint and the practitioner's reply, it is of the opinion that no case of misconduct has been made out against the practitioner, to dismiss the complaint and to notify the Council, the complainant and the practitioner accordingly;

(i) when, upon a consideration of the complaint and the practitioner's reply, the disciplinary committee is satisfied that the complaint disclose a prima facie case of misconduct on the part of the practitioner, it may—

(aa) determine the matter summarily without a hearing and impose a punishment; provided that at the same time as it notifies the practitioner in writing of the imposition of such punishment, it shall afford the practitioner the opportunity of demanding within a stipulated time, an enquiry to be conducted in terms of this rule instead of submitting to such summary punishment; or

(bb) decide to hold a summary enquiry, or a formal enquiry in the manner hereinafter set forth in this rule in which event it may appoint an attorney (other than from amongst the member of the Council) or an advocate to present the case on behalf of the complainant, at the expense of the Society;

(j) save in a case contemplated by paragraph (c) of subrule (2), upon the summary determination of a complaint, or at the conclusion of a summary enquiry or the conclusion of a formal enquiry, to find the practitioner—

(i) not guilty; or

(ii) (a) guilty of unprofessional conduct; or

(b) guilty of dishonourable conduct; or

(c) guilty of unworthy conduct; or

(d) guilty of any one or more of the above;

(k) if at the conclusion of an enquiry, the disciplinary committee is of the opinion that the case is one which is contemplated by the provisions of paragraph (c) of subrule (2), it shall not make any finding but it shall refer the matter to the Council for such action as the Council may deem proper;

(l) to dispense with any requirements of this rule respecting summonses, notices, affidavits, documents, service or time, in any case where it appears to be just so to do; and/or extend the time for doing anything under this rule.

(4)-(a) Whenever a disciplinary committee decides in terms of subrule (3) (i) (bb), to hold a summary enquiry, or a formal enquiry, such enquiry shall be commenced by serving on the practitioner concerned a summons substantially in the form of Schedule A, requiring the attendance of the practitioner.

(b) When holding an enquiry not likely to result in a recommendation that a practitioner be struck off the roll or suspended from practice, a disciplinary committee, may, either before or at the commencement of the hearing, offer the practitioner the choice of a summary or formal enquiry.

(c) The practitioner's choice in terms of subrule (b) shall then be recorded; provided that in the event of the practitioner neglecting or refusing to make such choice, he shall be deemed to have rejected the offer of a summary enquiry.

om die aard van die klag teen hom te bepaal en om hom te versoek om binne 'n vasgestelde tyd 'n antwoord aan die Sekretaris te verskaf;

(g) 'n praktisyn te verplig om sy antwoord waarna verwys word in subreël (f) hierbo, by wyse van beëdigde verklaring te bevestig;

(h) wanneer dit na oorweging van die klag en die antwoord van die praktisyn, van mening is dat geen saak van wangedrag teen die praktisyn uitgemaak is nie, die klag te verwerp en die Raad, die klaer en die praktisyn dienooreenkomstig in te lig;

(i) wanneer dit na oorweging van die klag en die antwoord van die praktisyn, tevrede is dat die klag prima facie 'n saak van wangedrag van die kant van die praktisyn daarstel, mag dit—

(aa) die saak summier beslis sonder 'n verhoor en 'n straf opleë; met dien verstande dat terselftertyd wanneer die praktisyn in kennis gestel word van die oplegging van sodanige straf, hy die geleentheid gegee word om binne 'n vasgestelde tyd te kan eis dat 'n ondersoek ingevolge hierdie reël gehou moet word in stede daarvan dat hy hom neerlê by die summiere straf; of

(bb) besluit om 'n summiere ondersoek te hou, of om 'n formele ondersoek te hou op die wyse soos hierin later bepaal, in welke geval die komitee 'n prokureur (wat nie 'n Raadslid is nie), of 'n advokaat mag aanstel om die saak namens die klaer op die koste van die orde te stel;

(j) behalwe in 'n geval waarvoor voorsiening gemaak word in paragraaf (c) van subreël (2), met die summiere beslissing van 'n klag, of aan die einde van 'n summiere ondersoek, of aan die einde van 'n formele ondersoek, te bevind dat die praktisyn—

(i) onskuldig is; of

(ii) (a) skuldig is aan onprofessionele gedrag; of

(b) skuldig is aan oneerbare gedrag; of

(c) skuldig is aan onbetaamlike gedrag; of

(d) skuldig is aan enige een of meer van bogenoemde;

(k) indien die dissiplinêre komitee aan die einde van 'n ondersoek van mening is dat die saak een is waarvoor voorsiening gemaak word in paragraaf (c) van subreël (2) sal dit geen bevinding maak nie, maar die aangeleentheid na die Raad verwys vir sodanige optrede as wat laasgenoemde mag goeddink;

(l) in enige saak waar dit voorkom dat dit regverdig sal wees om dit te doen, af te sien van enige vereistes van hierdie reël met betrekking tot dagvaardings, kennisgewings, beëdigde verklarings, dokumente, betekening of tydversloop; en/of die tydversloop om iets ingevolge hierdie reël te doen, te verleng.

(4) (a) Wanneer die dissiplinêre komitee in terme van subreël (3) (i) (b) besluit om 'n summiere ondersoek of 'n formele ondersoek te hou, moet sodanige ondersoek begin word deur 'n dagvaarding, wesenlik in ooreenstemming met Bylae A, wat die betrokke praktisyn se teenwoordigheid by die ondersoek vereis, aan die praktisyn te beteken.

(b) Wanneer 'n ondersoek gehou word wat waarskynlik nie tot gevolg sal hê dat 'n aanbeveling gemaak sal word dat 'n praktisyn van die rol geskrap of geskors moet word nie, mag die dissiplinêre komitee of voor of met die aanvang van die verhoor, 'n praktisyn die keuse gee tussen 'n summiere of 'n formele ondersoek.

(c) Die praktisyn se keuse ingevolge subreël (b) moet aangeteken word; met dien verstande dat indien die praktisyn nalaat of weier om 'n keuse te maak, dit geag word dat hy die aanbod van 'n summiere verhoor van die hand gewys het.

(d) At a summary enquiry the disciplinary committee may dispense with the attendance of a practitioner and in its discretion, determine the complaint on the basis of such written oral, documentary or other evidence as it deems necessary for a just and proper determination of the matter: Provided that the practitioner may demand—

(i) to be present during the hearing of any oral evidence;

(ii) to inspect any written, documentary or other evidence to be taken into consideration by the disciplinary committee;

(iii) that any witness testifying before a disciplinary committee shall be required at any time during the course of his evidence to give his evidence on oath and to be subject to cross-examination;

(iv) the right to make written or oral submission in his own defence;

(v) that a summons be issued and served at his expense, to procure the attendance of any witness at any enquiry, save where the disciplinary committee is satisfied that such demand has been made for the sole purpose of causing delay.

(5) A practitioner summoned to appear at any enquiry, whether summary or formal, before a disciplinary committee shall be entitled to legal representation.

(6) Subject to provisions of these rules, the Chairman of the disciplinary committee shall determine the manner in which an enquiry, whether summary or formal, shall be conducted. In the event of this rule not providing specifically for any matter he shall be guided by the practice and procedure prevailing in a Court of Law.

(7) Subject to the provisions of the Act, this rule shall apply *mutatis mutandis* to any proceedings against an articulated clerk: Provided that in such proceedings his principal shall also be present at the enquiry, unless excused.

20. ARTICLES OF CLERKSHIP

(a) Articles of clerkship shall be substantially in the form given in the Schedule B annexed, and shall contain the whole agreement between the parties. The Council shall have the right to reject any articles of clerkship submitted to it for registration which in its opinion do not comply with the Admission Act, the Act, and/or these rules or which contain any improper or objectionable clauses.

Subject to the provisions of the Admission Act and the Act, any article of clerkship which contain a reasonable barring clause shall be accepted for registration.

(b) An articulated clerk shall be entitled to be released by his principal from office duties in order to attend university or other law classes for not more than six hours per week: Provided that during the month immediately preceding any examination for which such clerk is a candidate, he shall be entitled to be released by his principal from all office duties for a reasonable period not exceeding three weeks.

(c) The hours during which an articulated clerk shall be entitled to be released from office duties as aforesaid may be fixed from time to time by the Council.

(d) An articulated clerk who has been released from office duties in order to attend university or other law classes or to attend examinations shall, when so requested by the principal, furnish proof to the satisfaction of the principal that he has attended all such classes or has attended such examinations.

(d) Die dissiplinêre komitee mag tydens 'n summierse ondersoek, afsien van die teenwoordigheid van 'n praktisyn en in sy diskresie die klag besleg op grond van sodanige skriftelike of mondelinge of dokumentêre of ander getuïenis wat dit nodig mag ag vir 'n regverdige en behoorlike beslissing van die aangeleentheid: Met dien verstande dat 'n praktisyn kan eis—

(i) om teenwoordig te wees tydens die aanhoor van enige mondelinge getuïenis;

(ii) om enige geskrewe, dokumentêre of ander getuïenis wat deur die dissiplinêre komitee in aanmerking geneem sal word, te ondersoek;

(iii) dat van enige getuie wat voor 'n dissiplinêre komitee getuig, vereis kan word om te enige tyd gedurende die aflê van sy getuïenis, dit onder eed te doen en aan kruisverhoor onderwerp te word;

(iv) dat die reg om skriftelik of mondeling tot sy verdediging te betoog aan hom verleen word;

(v) dat 'n dagvaarding uitgereik en op sy koste beteken word ten einde die teenwoordigheid te bewerkstellig van enige getuie by enige ondersoek, behalwe wanneer die dissiplinêre komitee oortuig is dat sodanige eis gemaak is slegs met die doel om vertraging te veroorsaak.

(5) 'n Praktisyn wat gedagvaar is om by 'n ondersoek van die dissiplinêre komitee te verskyn, of dit 'n summierse of formele ondersoek is, is geregtig op regsvertegenwoordiging.

(6) Behoudens die bepalinge van hierdie reël, bepaal die Voorsitter van die dissiplinêre komitee, die wyse waarop 'n ondersoek, hetsy summier of formeel, gevoer word. Indien hierdie reël nie uitdruklik voorsiening maak vir enige aangeleentheid nie, word die Voorsitter gelei deur die praktyk en prosedure heersend in 'n geregshof.

(7) Behoudens die bepalinge van die Wet, sal hierdie reël *mutatis mutandis* van toepassing wees op enige verrigtinge teen 'n klerk onder leerkontrak: Met dien verstande dat met sulke verrigtinge, sy prinsipaal ook by die ondersoek teenwoordig moet wees, tensy hy verskoon word.

20. LEERKONTRAKTE

(a) Leerkontrakte moet wesenlik in die vorm aangegee in die aangehegte Bylae B wees en moet die hele ooreenkoms tussen die partye bevat. Die Raad is by magte om enige leerkontrak wat vir registrasie voorgelê word en wat volgens die Raad se sienswyse nie aan die Toelatingwet, die Wet en/of hierdie reëls voldoen nie, of wat enige onbehoorlike of aanstootlike klousules bevat, te verwerp.

Onderworpe aan die bepalinge van die Toelatingwet moet leerkontrakte wat 'n redelike beletklousule bevat, vir registrasie aangeneem word.

(b) 'n Klerk onder leerkontrak is geregtig om vir nie meer as ses uur per week deur sy prinsipaal van kantoorpligte onthef te word ten einde universiteits- of ander regsklasse by te woon: Met dien verstande dat hy geregtig sal wees om gedurende die maand wat enige eksamen waarvoor hy 'n kandidaat is voorafgaan, deur sy prinsipaal, vir 'n redelike tyd, maar wat nie drie weke mag oorskry nie, van alle kantoorpligte onthef te word.

(c) Die ure waarin die klerk onder leerkontrak geregtig sal wees om van kantoorpligte vrygestel te word soos vermeld, kan van tyd tot tyd deur die Raad vasgestel word.

(d) 'n Klerk onder leerkontrak wat van kantoorpligte vrygestel word om universiteits- of ander regsklasse of eksamens by te woon, moet, wanneer hy daartoe versoek word, sy prinsipaal tevrede stel dat hy al sodanige klasse bygewoon het of dat hy al sodanige eksamens bygewoon het.

21. CIRCLES

(1) The Council may establish within the Orange Free State circles of members of the Society—

(a) to promote and foster professional loyalty, professional ethics and sound public relations amongst members and between the profession and the public;

(b) to discuss and report on matters referred to it by the Council;

(c) to consider and make representations to the Council upon any matter affecting the profession in its area or in general or the Society;

(d) to protect and promote the interest of its members.

(2) The area of jurisdiction of a circle shall be as determined by the Council from time to time.

(3) A circle shall have the power to make, and from time to time alter, amend, add to or repeal rules—

(a) for convening and regulating the proceedings of or at meetings and activities of the circle;

(b) for the requirements and obligations of membership of a circle;

(c) for the election of a committee as an Executive of the circle; and

(d) for the determination of the circle committee's powers and functions.

(4) No circle shall operate nor be recognised by the Council unless its rules have been approved by the Council.

(5) The Council shall have the power to approve, amend, vary or reject the rules of a circle.

(6) No member of the Society shall be compelled to become a member of a circle.

(7) The Council may, on the written application of a circle committee, contribute to the expenses of a circle such amounts, for such purposes as the Council in its discretion may approve.

(8) The Council shall have the power to suspend or dissolve a circle if it considers it desirable in the interests of the Society or the profession and to take such decision and action in regard to such suspension or dissolution as it considers just and in the interest of the Society.

(9) Any existing circle of members of the Society or attorneys' association operating in the Orange Free State shall be subject to the provisions of this rule.

22. MISCELLANEOUS

A practitioner is prohibited from assisting an unqualified person directly or indirectly, who does not hold appointment as executor, trustee or liquidator, in the liquidation of an estate or company. "Unqualified person" for the purposes of this rule shall mean any person other than a practitioner or an admitted or enrolled agent or persons exempted by the proviso in section 32 (5) of the Admission Act, to whom has been entrusted the task of winding up an estate or company in liquidation. This will not preclude the performance of what is strictly professional work for the benefit of such unqualified person or of the estate which he is administering.

23. DATE OF COMMENCEMENT AND RULES REPEALED

These rules shall come into force on the date of publication thereof in the *Government Gazette* in terms of section 21 (4) of the Act and all rules and/or regulations in force before that date are hereby repealed, save and except that the members of the Council holding office in terms of the repealed rules, shall continue to hold office notwithstanding such repeal.

21. SIRKELS

(1) Die Raad kan in die Oranje-Vrystaat sirkels van lede van die Orde stig—

(a) om professionele lojaliteit, professionele etiek en 'n gesonder openbare verhouding tussen lede en tussen die professie en die publiek aan te moedig en te bevorder;

(b) om aangeleenthede wat deur die Raad na hom verwys is, te bespreek en verslag daaroor te doen; en

(c) om enige aangeleentheid wat die professie in sy gebied of in die algemeen of die Orde raak, te oorweeg en vertoë daaromtrent tot die Raad te rig;

(d) om die belange van sy lede te beskerm en te bevorder.

(2) Die gebied waaroor 'n sirkel regsbevoegdheid het, is soos deur die Raad van tyd tot tyd bepaal.

(3) 'n Sirkel is bevoeg om reëls te maak en van tyd tot tyd te verander, te wysig, daaraan toe te voeg of te herroep—

(a) vir die byeenroeping en reëling van die verrigtinge, van of op vergaderings en aktiwiteite van die sirkel;

(b) vir die vereistes en verpligtinge van lidmaatskap van 'n sirkel;

(c) vir die verkiesing van 'n komitee as uitvoerende bestuur van die sirkel; en

(d) vir die vasstelling van die bevoegdhede en funksies van die sirkelkomitee.

(4) Geen sirkel mag optree of sal deur die Raad erken word nie tensy sy reëls deur die Raad goedgekeur is.

(5) Die Raad is bevoeg om die reëls van die sirkel goed te keur, te wysig, te verander of te verwerp.

(6) Geen lid van die Orde is verplig om 'n lid van 'n sirkel te word nie.

(7) Die Raad kan op skriftelike aansoek van 'n sirkelkomitee tot die uitgawes van 'n sirkel sodanige bedrae en vir sodanige doeleindes as wat die Raad volgens sy diskresie mag bepaal, bydra.

(8) Die Raad is bevoeg om 'n sirkel te skors of te ontbind indien hy dit in die belang van die Orde of die professie wenslik ag en om sodanige besluit en sodanige stappe te doen met betrekking tot sodanige skorsing of ontbinding wat hy billik en in die belang van die Orde ag.

(9) 'n Bestaande sirkel van lede van die Orde of Prokureursvereniging wat in die Oranje-Vrystaat optree, is aan die bepalings van hierdie verordening onderworpe.

22. DIVERSE

'n Praktisyn word verbied om 'n ongekwalifiseerde persoon wat nie as eksekuteur, kurator of likwidateur aangestel is nie, direk of indirek behulpzaam te wees met die likwidasië van 'n boedel of maatskappy.

Vir die doeleindes van hierdie reël beteken "ongekwalifiseerde persoon" enige persoon wat nie 'n praktisyn, of 'n toegetelate of 'n ingeskrewe agent of persone vrygestel deur die bepalings van artikel 32 (5) van die Toelatingswet is nie, en aan wie die taak om 'n boedel of 'n maatskappy in likwidasië te likwider toevertrou is.

Hierdie bepalings is nie van toepassing op werk wat as professionele werk verrig word vir die voordeel van sodanige ongekwalifiseerde persoon of vir die boedel wat hy beredder nie.

23. DATUM VAN INWERKINGTREDDING EN REËLS HERROEP

Hierdie reëls sal van krag word op die datum van die publikasie daarvan in die *Staatskoerant* ingevolge artikel 21 (4) van die Wet en alle reëls en/of regulasies van krag op daardie datum, word hierby herroep, behalwe dat die Raadslede wat hulle amp beklee ingevolge die herroepe reëls, sal voortgaan om hulle amp te beklee, niteenstaande sodanige herroeping.

SCHEDULE A

SUMMONS IN TERMS OF RULE 19 (4) (a) OF THE RULES OF THE LAW SOCIETY OF THE ORANGE FREE STATE
BEFORE THE DISCIPLINARY COMMITTEE OF THE COUNCIL OF THE LAW SOCIETY, SITTING AT.....

In the matter of:

AB Complainant

and

CD Practitioner

To: CD of.....

PLEASE TAKE NOTICE THAT—

1. AB of..... has complained to the Law Society of the Orange Free State. The particulars of the said complaint against you, and the charge arising out of it, are set forth in the Annexure hereto marked A.

2. The..... day of..... is the day fixed by the Disciplinary Committee for the hearing, which will take place in Room No..... at..... o'clock in the..... noon. If you fail to appear, the Disciplinary Committee may, in accordance with rule 19 (4) (d) proceed in your absence.

3. Your written explanation dated....., a copy of which is annexed hereto marked B, may be taken into account at the said enquiry; but, in order to reduce the costs of the hearing, you are invited to inform the Secretary of the Law Society of the Orange Free State, not less than seven Court days before the said date of hearing, of any facts set forth in Annexure A which are not in dispute; and in addition you may file such supplementary statement on oath or otherwise as you deem proper.

4. You are requested to acknowledge the receipt of this summons without delay, but your failure to do so will not in any way invalidate the aforesaid proceedings.

DATED AT..... THIS..... DAY OF..... 19.....

BY ORDER OF THE DISCIPLINARY COMMITTEE OF THE COUNCIL OF THE LAW SOCIETY OF THE ORANGE FREE STATE

SCHEDULE B

MEMORANDUM OF AGREEMENT made and entered into by and between....., an attorney of the Supreme Court of South Africa (Orange Free State Provincial Division), practising as such at..... hereinafter styled the principal) of the first part, and..... a major, born on..... (hereinafter styled the clerk) of the second part.

NOW THESE PRESENTS WITNESS THAT:

1. The clerk binds himself to the principal, to serve him in the profession of attorney in the Orange Free State Province, from the date of signature thereof, for a period of..... consecutive years, and the principal accepts the services of the clerk for the said period.

2. The clerk undertakes, during the said period, to serve the principal faithfully, diligently to the best of his ability, to obey and execute the lawful and reasonable orders of the principal, not to absent himself from the service of the principal, and to observe that standard of behaviour, dress and propriety as may be reasonably required by his principal.

3. The clerk will not divulge any of the secrets of his principal or of his clients nor spoil, destroy, waste or make away with any of the books, papers, writings, money, stamps or other property of the principal, nor his firm or partner nor any of his clients. Should the clerk fail to observe the foregoing or should the principal or his firm, or partner or client suffer any loss or damage by the misbehaviour, neglect or improper conduct of the clerk, the latter shall indemnify the principal and make good the amount or value thereof.

4. The principal will, to the best of his ability and to the utmost of his skill and knowledge, teach and instruct the clerk or cause him to be taught and instructed, in the profession of an attorney, and at the expiration of the said term, will use his best endeavours to cause the clerk to be admitted as an attorney of the Supreme Court, at the cost of the clerk, provided that the clerk shall have faithfully and diligently served his clerkship and shall have fulfilled all other requirements as provided by law.

5. Should the principal at any time during the said term cease to practice as an attorney in the Orange Free State, no liability to the clerk will attach to the principal as a result thereof, but he shall, if the clerk so desires, cede these articles to some fit and proper attorney and shall also, as far as lies in his power endeavour to find some such other practitioner who shall be willing to accept cession of these articles.

6. Should the clerk fail to comply with any of the obligations imposed by these articles, the principal may summarily terminate these articles and dismiss the clerk from his service.

THUS DONE AND SIGNED AT.....

BYLAE A

DAGVAARDING INGEVOLGE REËL 19 (4) (a) VAN DIE REËLS VAN DIE PROKUREURSORDE VAN DIE ORANJE-VRYSTAAT VOOR DIE DISSIPLINÊRE KOMITEE VAN DIE RAAD VAN DIE PROKUREURSORDE VAN DIE ORANJE-VRYSTAAT TE

In die saak van:

AB Klaer

en

CD Praktisyn

Aan: CD van.....

GELIEWE KENNIS TE NEEM DAT—

1. AB van..... 'n klag teen u gelê het by die Prokureursorde van die Oranje-Vrystaat. Die besonderhede van die klag teen u en die aanklag wat daaruit voortspruit, word uiteengesit in die Aanhangsel hierby aangeheg gemerk A.

2. Die Dissiplinêre Komitee het die..... dag van..... 19..... bepaal vir die verhoor, wat sal plaasvind te..... op..... uur in die..... middag. Sou u nalaat om te verskyn, mag die Dissiplinêre Komitee ooreenkomstig die bepalings van reël 19 (4) (d), in u afwesigheid voortgaan.

3. U skriftelike verduideliking gedateer..... 'n afskrif waarvan hierby aangeheg gemerk B, mag by die genoemde verhoor in aanmerking geneem word. Ten einde die koste verbonde aan die verhoor te verminder word u hierby versoek om die Sekretaris van die Prokureursorde van die Oranje-Vrystaat, nie minder as sewe hofdae voor die datum van die verhoor, in kennis te stel van enige feite wat in Aanhangsel A uiteengesit word, wat u nie betwis nie. Ter aanvulling mag u ook enige aanvullende verklaring wat u goedgevind, bevestig onder eed of anders, indien.

4. U word versoek om asseblief sonder versuim ontvangs te erken van hierdie dagvaarding. U versuim om dit te doen, sal egter nie die verrigtinge in enige opsig ongeldig maak nie.

GEDATEER TE..... OP HEDE DIE..... DAG VAN..... 19.....

OP LAS VAN DIE DISSIPLINÊRE KOMITEE VAN DIE RAAD VAN DIE PROKUREURSORDE VAN DIE ORANJE-VRYSTAAT

BYLAE B

OOREENKOMS aangegaan en gesluit deur en tussen..... 'n prokureur van die Hooggeregshof van Suid-Afrika (Oranje-Vrystaatse Provinsiale Afdeling) wat te..... as sodanig praktiseer, (hierna die prinsipaal genoem), en..... 'n meerderjarige gebore op..... (hierna die klerk genoem).

GETUIG AS VOLG:

1. Die klerk verbind hom hierby om die prinsipaal in die beroep van prokureur in die Provinsie Oranje-Vrystaat te dien vir 'n aaneenlopende tydperk van..... jaar, gereken vanaf die datum van ondertekening van die ooreenkoms, en die prinsipaal willig in om die klerk in diens te neem vir die genoemde tydperk.

2. Die klerk onderneem om die prinsipaal gedurende genoemde tydperk getrou en ywerig en na sy beste vermoë te dien. Hy onderneem om alle wettige en redelike bevels van sy prinsipaal te gehoorsaam en uit te voer: Om nie van sy werk af weg te bly nie, en om die redelike vereistes van die prinsipaal met betrekking tot gedrag, kleredrag en welvoeglikheid na te kom.

3. Die klerk mag nie vertroulike inligting omtrent sy prinsipaal of sy kliënte openbaar nie. Hy sal ook nie boeke, dokumente, geld, seëls of ander eiendom van sy prinsipaal, sy firma, vennote of kliënte verniel, vernietig, verkwis of andersins wegdoen nie. Indien die klerk versuim of nalaat om genoemde vereistes na te kom, of indien die prinsipaal, sy firma, vennote of kliënte enige skade ly wat veroorsaak is deur die wangedrag, nalatigheid of onbehoorlike gedrag of optrede van die klerk, sal hy die prinsipaal vrywaar, en die skade vergoed.

4. Die prinsipaal onderneem om die klerk na sy beste vermoë, bekwaamheid en kennis te onderrig in die beroep van prokureur of om hom te laat onderrig. Indien die klerk sy diens onder die leerkontrak getrou en ywerig voltooi en alle ander wetsvereistes nakom, sal die prinsipaal, na verstryking van die dienstermyn, sy allerbeste pogings aanwend om die toelating van die klerk as prokureur te verkry. Die koste van sodanige toelating sal deur die klerk betaal word.

5. Indien die prinsipaal gedurende die dienstermyn sou ophou om in die Oranje-Vrystaat as prokureur te praktiseer sal geen verpligtinge teenoor die klerk as gevolg daarvan op die prinsipaal rus nie. Die prinsipaal onderneem ook om hom in so 'n geval te beweer om 'n geskikte prokureur te vind wat bereid sal wees om oordrag van die leerkontrak te aanvaar.

6. Indien die klerk nalaat of versuim om enige van die verpligtinge in die ooreenkoms neergelê, na te kom, sal die prinsipaal geregtig wees om die ooreenkoms op staande voet te beëindig en om die klerk te ontslaan.

ALDUS GEDOEN EN GETEKEN TE.....

To ensure a

Satisfactory Telephone Service

- Read the special services and other information pages of your directory for useful hints and directions.
- Avoid long conversations.
- Be sure of the number you want before making a call.
- Answer your telephone promptly and speak distinctly.

Om 'n

Bevredigende Telefoondiens

te verseker:

- Lees die nuttige wenke en aanwysings wat op die bladsye in verband met spesiale dienste en oor ander inligting in u telefoongids voorkom.
- Maak u gesprekke so kort moontlik.
- Wees seker dat u die regte nommer het voordat u 'n oproep maak.
- Beantwoord u telefoon onmiddellik en praat duidelik.

Useful hints—

1. Address all mail fully, clearly and without misleading abbreviations.
2. Place your own address on the back of the envelope or wrapper.
3. Do not enclose coins or other hard objects in letters.
4. Send remittances by Postal Order or Money Order.
5. Pack parcels properly, using strong containers and heavy paper. Tie securely.
6. Prepay postage fully.
7. Place postage stamps in the upper right hand corner of the envelope or wrapper.
8. Insure your parcels and register valuable letters. Documents which can only be replaced at considerable cost should preferably be insured.
9. Post early and often during the day. Mail held until the last moment may cause delay.
10. Give your correspondents your correct post office address including your box number where applicable.
11. *A postal address is insufficient when the appropriate postcode is omitted.*

Nuttige wenke—

1. Adresseer alle posstukke volledig, duidelik en sonder misleidende afkortings.
2. Plaas u eie adres agterop die koevert of omslag.
3. Moenie muntstukke of ander harde artikels in briewe insluit nie.
4. Gebruik posorders of poswissels wanneer geld deur die pos gestuur word.
5. Verpak pakkette behoorlik. Gebruik sterk houters en dik papier en bind dit stewig vas.
6. Maak seker dat die posgeld ten volle vooruitbetaal is.
7. Plak die posseëls in die boonste regterhoek van die koevert of omslag.
8. Verseker u pakkette en registreer waardevolle briewe. Dokumente wat slegs teen hoë koste vervang kan word, moet verkieslik verseker word.
9. Pos vroegtydig en dikwels gedurende die dag. Posstukke wat tot op die laaste oomblik teruggehou word kan vertraging veroorsaak.
10. Verstrek u volledige posadres aan u korrespondente asook u posbusnommer waar van toepassing.
11. *'n Posadres is onvoldoende as die toepaslike poskode weggelaat is.*

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