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GOVERNMENT GAZETTE

STAATSKOERANT

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DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 967. 14 May 1975.

No. 967. 14 Mei 1975.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 41 of 1975: Law Societies' Act, 1975.

No. 41 van 1975: Wet op Prokureursordes, 1975.

Act No. 41, 1975

LAW SOCIETIES' ACT

ACT

To consolidate and amend the laws relating to societies established in the Republic and the territory of South West Africa in respect of the profession of attorney, notary or conveyancer; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)
Assented to 2 May 1975.)*

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Definitions.

1. In this Act, unless the context otherwise indicates—

- (i) "articled clerk" means any person bound to serve under articles of clerkship; (v)
- (ii) "articles of clerkship" means any contract in writing under which any person is bound to serve an attorney for a specified period in accordance with the Admission Act; (vi)
- (iii) "attorney" means any person duly admitted to practise as an attorney within any part of the Republic; (xii)
- (iv) "conveyancer" means any person duly admitted to practise as a conveyancer within any part of the Republic; (xix)
- (v) "council" means the council of a society; (xv)
- (vi) "court" means a court of a provincial division; (iv)
- (vii) "notary" means any person duly admitted to practise as a notary in any part of the Republic; (vii)
- (viii) "practise" means practise as an attorney, notary or conveyancer, and "practice" has a corresponding meaning; (x)
- (ix) "practitioner" means any attorney, notary or conveyancer; (xi)
- (x) "prescribed" means prescribed by rule made in terms of section 21; (xx)
- (xi) "profession" means the profession of attorney, notary or conveyancer and, in relation to a society, means such profession within the province of that society; (i)
- (xii) "province" includes the territory; (xiv)
- (xiii) "provincial division" means a provincial division as defined in the Supreme Court Act, 1959 (Act No. 59 of 1959); (xiii)
- (xiv) "Republic" includes the territory; (xvi)
- (xv) "roll", in relation to a court, the roll of attorneys or of notaries or of conveyancers referred to in section 25 of the Admission Act; (xvii)
- (xvi) "secretary", in relation to a society, includes an assistant secretary of that society; (xviii)
- (xvii) "society" means any law society referred to in section 2; (ix)
- (xviii) "territory" means the territory of South West Africa; (iii)

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Wet No. 41, 1975

WET

Tot samevatting en wysiging van die wetsbepalings betreffende ordes wat in die Republiek en die gebied Suidwes-Afrika gestig is ten opsigte van die beroep van prokureur, notaris of transportbesorger; en om vir aangeleenthede wat daarmee in verband staan, voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 2 Mei 1975.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. In hierdie Wet, tensy uit die samehang anders blyk, Woord-
omskrywing.
beteken—

- (i) „beroep” die beroep van prokureur, notaris of transportbesorger en, met betrekking tot ’n orde, daardie beroep in die provinsie van daardie orde; (xi)
- (ii) „die Toelatingswet” die Toelating van Prokureurs, Notarisse en Transportbesorgers Wet, 1934 (Wet No. 23 van 1934); (xix)
- (iii) „gebied” die gebied Suidwes-Afrika; (xviii)
- (iv) „hof” ’n hof van ’n provinsiale afdeling; (vi)
- (v) „klerk onder leerkontrak” iemand wat gebonde is om kragtens ’n leerkontrak te dien; (i)
- (vi) „leerkontrak” ’n skriftelike ooreenkoms waarkragtens iemand gebonde is om ’n prokureur vir ’n bepaalde tydperk ooreenkomstig die Toelatingswet te dien; (ii)
- (vii) „notaris” iemand wat behoorlik toegelaat is om in enige deel van die Republiek as notaris te praktiseer; (vii)
- (viii) „onprofessioneel of oneerbaar of onbetaamlik”, met betrekking tot gedrag, ook enige gedrag as sodanig voorgeskryf; (xx)
- (ix) „orde” ’n prokureursorde in artikel 2 vermeld; (xvii)
- (x) „praktiseer” as ’n prokureur, notaris of transportbesorger praktiseer, en het „praktyk” ’n ooreenstemmende betekenis; (viii)
- (xi) „praktisyn” ’n prokureur, notaris of transportbesorger; (ix)
- (xii) „prokureur” iemand wat behoorlik toegelaat is om in enige deel van die Republiek as prokureur te praktiseer; (iii)
- (xiii) „provinsiale afdeling” ’n provinsiale afdeling soos omskryf in die Wet op die Hooggeregshof, 1959 (Wet No. 59 van 1959); (xiii)
- (xiv) „provinsie” ook die gebied; (xii)
- (xv) „raad” die raad van ’n orde; (v)
- (xvi) „Republiek” ook die gebied; (xiv)
- (xvii) „rol”, met betrekking tot ’n hof, die rol van prokureurs of van notarisse of van transportbesorgers in artikel 25 van die Toelatingswet bedoel; (xv)
- (xviii) „sekretaris”, met betrekking tot ’n orde, ook ’n assistent-sekretaris van daardie orde; (xvi)

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- (xix) "the Admission Act" the Attorneys, Notaries and Conveyancers Admission Act, 1934 (Act No. 23 of 1934); (ii)
- (xx) "unprofessional or dishonourable or unworthy", in relation to conduct, includes any conduct prescribed as such. (viii)

Continued
existence of law
societies.

2. (1) A law society existing in any province and established under or referred to in any law repealed by section 24 shall, notwithstanding the repeal of such law, continue to exist as the law society of the province concerned and to be a body corporate, but shall as from the commencement of this Act be called—

- (a) in the case of the law society of the province of the Cape of Good Hope, The Law Society of the Cape of Good Hope;
- (b) in the case of the law society of the province of the Orange Free State, The Law Society of the Orange Free State;
- (c) in the case of the law society of the province of the Transvaal, The Law Society of the Transvaal;
- (d) in the case of the law society of the province of Natal, The Natal Law Society;
- (e) in the case of the law society of the territory, The Law Society of South West Africa.

(2) A registrar of deeds shall at the request in writing of a society substitute the name assigned to that society by subsection (1) for any former name of that society appearing in any title deed, document or record registered or kept in the deeds registry in question.

Membership of
society.

3. (1) Every practitioner who practises in any province, whether for his own account or otherwise, shall be a member of the society of that province.

(2) A society may by notice in writing addressed to any person who has been admitted and enrolled as an attorney, notary or conveyancer in any court in the province of its society, or whose name has been placed on the roll of such court, but who does not practise in that province, declare such person to be a member of such society with effect from a date fixed in that notice.

(3) The person who holds office as State Attorney in terms of section 2 (1) (a) of the State Attorney Act, 1957 (Act No. 56 of 1957), shall be a member of every society.

(4) If a member of any society is suspended from practice he shall during the period of such suspension not be entitled to the rights or privileges of membership of any society, and if a member of any society is struck off the roll of any court, such member shall cease to be a member of every society of which he is a member.

(5) The provisions of this section shall not apply in respect of any person who is in terms of the Natal Conveyancers Act, 1926 (Act No. 24 of 1926), entitled to practise as a conveyancer but who is not an attorney.

Objects of
society.

4. The objects of a society shall be—

- (a) to maintain and enhance the prestige, status and dignity of the profession;
- (b) to regulate the exercise of the profession;
- (c) to encourage and promote efficiency in and responsibility in relation to the profession;
- (d) to deal with all matters relating to the interests of the profession and to protect those interests;
- (e) to uphold the integrity of practitioners;
- (f) to uphold and improve the standards of professional conduct and qualifications of practitioners;

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- (xix) „transportbesorger” iemand wat behoorlik toegelaat is om in enige deel van die Republiek as transportbesorger te praktiseer; (iv)
- (xx) „voorgeskryf” voorgeskryf by reël uitgevaardig ingevolge artikel 21. (x)

2. (1) 'n Prokureursorde wat in enige provinsie bestaan en wat gestig is kragtens of vermeld word in 'n wet herroep deur artikel 24, bly, ondanks die herroeping van daardie wet, voortbestaan as die prokureursorde van die betrokke provinsie en bly 'n regspersoon, maar heet vanaf die inwerkingtreding van hierdie Wet—

Voortbestaan van prokureursordes.

- (a) in die geval van die prokureursorde van die provinsie die Kaap die Goeie Hoop, Die Wetsgenootskap van die Kaap die Goeie Hoop;
 - (b) in die geval van die prokureursorde van die provinsie Oranje-Vrystaat, Die Prokureursorde van die Oranje-Vrystaat;
 - (c) in die geval van die prokureursorde van die provinsie Transvaal, Die Prokureursorde van Transvaal;
 - (d) in die geval van die prokureursorde van die provinsie Natal, Die Natalse Wetsgenootskap;
 - (e) in die geval van die prokureursorde van die gebied, Die Prokureursorde van Suidwes-Afrika.
- (2) 'n Registrateur van aktes moet op die skriftelike versoek van 'n orde die naam wat aan daardie orde deur subartikel (1) toegewys is in die plek stel van 'n vorige naam van daardie orde wat voorkom in enige titelbewys, dokument of oorkonde wat in die betrokke registrasiekantoor geregistreer is of bewaar word.

3. (1) Elke praktisyn wat in 'n provinsie praktiseer, hetsy vir eie rekening of op 'n ander wyse, is lid van die orde van daardie provinsie.

Lidmaatskap van orde.

(2) 'n Orde kan by skriftelike kennisgewing gerig aan iemand wat in 'n hof in die provinsie van sy orde as 'n prokureur, notaris of transportbesorger toegelaat en ingeskryf is, of wie se naam op die rol van so 'n hof geplaas is, maar wat nie in daardie provinsie praktiseer nie, so iemand tot lid van daardie orde verklaar met ingang van 'n datum wat in daardie kennisgewing vasgestel is.

(3) Die persoon wat die amp van Staatsprokureur ingevolge artikel 2 (1) (a) van die Wet op die Staatsprokureur, 1957 (Wet No. 56 van 1957), bekleed, is 'n lid van elke orde.

(4) Indien 'n lid van 'n orde in sy praktyk geskors word, is hy gedurende die tydperk van daardie skorsing nie geregtig op die regte of voorregte van lidmaatskap van enige orde nie, en indien 'n lid van enige orde van die rol van 'n hof geskrap word, hou daardie lid op om lid te wees van elke orde waarvan hy lid is.

(5) Die bepalings van hierdie artikel is nie van toepassing nie ten opsigte van iemand wat ingevolge die Natalse Transportbesorgers Wet, 1926 (Wet No. 24 van 1926), geregtig is om as 'n transportbesorger te praktiseer, maar wat nie 'n prokureur is nie.

4. Die oogmerke van 'n orde is—

Oogmerke van orde.

- (a) om die prestige, status en waardigheid van die beroep te handhaaf en te verhoog;
- (b) om die beoefening van die beroep te reël;
- (c) om doeltreffendheid in en verantwoordelikheid met betrekking tot die beroep aan te moedig en te bevorder;
- (d) om met alle aangeleenthede betreffende die belange van die beroep te handel en om daardie belange te beskerm;
- (e) om die integriteit van praktisyns te handhaaf;
- (f) om die standaarde van professionele gedrag en kwalifikasies van praktisyns te handhaaf en te verbeter;

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- (g) to provide for the effective control of the professional conduct of practitioners;
- (h) to promote uniform practice and discipline among practitioners;
- (i) to encourage the study of the law;
- (j) to initiate and promote reforms and improvements in any branch of the law, the administration of justice, the practice of the law and in draft legislation;
- (k) to represent generally the views of the profession;
- (l) in the interests of the profession in the Republic, to co-operate with such other societies or bodies of persons as it may deem fit.

Powers of society.

5. A society may for the purpose of achieving its objects—
- (a) acquire or hire movable or immovable property;
 - (b) develop, hypothecate, let, sell or otherwise dispose of movable or immovable property of the society;
 - (c) make donations of property (including money) of the society;
 - (d) accept, draw, indorse, issue, make, pay or perform any other act in respect of negotiable instruments;
 - (e) with or without security, invest or lend moneys of the society;
 - (f) with or without security, borrow or raise moneys required by the society in connection with the carrying out of its duties, the performance of its functions or the exercise of its powers;
 - (g)
 - (i) employ, fix the remuneration and other conditions of service of and discharge a secretary, one or more assistant secretaries and other officials and employees of the society;
 - (ii) enter into any contract with any person for the performance of any particular act or particular work or the rendering of particular services;
 - (h) establish or promote or administer or assist in the establishment or promotion or administration of—
 - (i) insurance schemes;
 - (ii) medical aid schemes or medical benefit schemes;
 - (iii) pension funds or provident funds or pension schemes or benevolent schemes,
 for members and ex-members of the society, for employees of such members, for officials and employees of the society and for dependants of such members, ex-members, officials and employees;
 - (i) enter into any contract in connection with the carrying out of its duties, the performance of its functions or the exercise of its powers;
 - (j) appear in support of or in opposition to, or to abide the decision of any court in, any proceedings brought in terms of the provisions of this Act, and if permitted by any other law, such law;
 - (k) generally, do anything that is necessary for or conducive to the attainment of the objects of the society, and the generality of this provision shall not be limited by the preceding paragraphs of this section.

Council to manage and control affairs of society.

6. (1) The affairs of a society shall be managed and controlled by a council, which may, subject to the provisions of subsection (2), exercise the powers of the society.

(2) The alienation or mortgaging of any immovable property of a society, the appointment of the auditors of a society and the fixing of any subscriptions, fees, levies or other charges payable

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- (g) om voorsiening te maak vir die doeltreffende beheer van die professionele gedrag van praktisyns;
- (h) om eenvormige praktyk en dissipline onder praktisyns te bevorder;
- (i) om studie van die reg aan te moedig;
- (j) om hervormings en verbeterings in enige vertakking van die reg, die regspleging, die regspraktyk en in konsepwetgewing aanhangig te maak en te bevorder;
- (k) om in die algemeen die sienswyse van die beroep te verteenwoordig;
- (l) om, in die belang van die beroep in die Republiek, met die ander ordes of liggame van persone wat hy goedvind, saam te werk.

5. 'n Orde kan, ten einde sy oogmerke te verwesenlik—

Bevoegdhede van orde.

- (a) roerende of onroerende goed verkry of huur;
- (b) roerende of onroerende goed van die orde ontwikkel, verhipotekeer, verhuur, verkoop of op 'n ander wyse van die hand sit;
- (c) skenkings van goed van die orde (met inbegrip van geld) doen;
- (d) verhandelbare dokumente aksepteer, trek, endosseer, uitgee, maak, betaal of 'n ander handeling ten opsigte daarvan verrig;
- (e) geld van die orde met of sonder sekuriteit belê of uitleen;
- (f) geld wat deur die orde benodig is in verband met die uitvoering van sy pligte, die verrigting van sy werksaamhede of die uitoefening van sy bevoegdhede met of sonder sekuriteit leen of opneem;
- (g) (i) 'n sekretaris, een of meer assistent-sekretarisse en ander beamptes en werknemers van die orde aanstel, hul besoldiging en ander diensvoorwaardes bepaal en ontslaan;
- (ii) met enigiemand 'n kontrak aangaan vir die verrigting van 'n besondere handeling of besondere werk of die lewering van besondere dienste;
- (h) (i) versekeringskemas;
- (ii) mediese hulpskemas of mediese bystandskemas;
- (iii) pensioenfondse of voorsorgfondse of pensioenskemas of liefdadigheidskemas, vir lede en gewese lede van die orde, vir werknemers van daardie lede, vir beamptes en werknemers van die orde en vir afhanklikes van daardie lede, gewese lede, beamptes en werknemers, stig of ondersteun of administreer of behulpsaam wees met die stigting of ondersteuning of administrasie daarvan;
- (i) 'n kontrak aangaan in verband met die uitvoering van sy pligte, die verrigting van sy werksaamhede of die uitoefening van sy bevoegdhede;
- (j) in enige verrigtings ingestel ingevolge die bepalings van hierdie Wet en, indien toegelaat deur 'n ander wet, daardie wet, verskyn ter ondersteuning of bestryding daarvan of om in die beslissing van 'n hof daarin te berus;
- (k) oor die algemeen, enigiets doen wat nodig of bevorderlik is vir die verwesenliking van die oogmerke van die orde, en die algemeenheid van hierdie bepaling word nie beperk nie deur die voorafgaande paragrawe van hierdie artikel.

6. (1) Die sake van 'n orde word deur 'n raad bestuur en beheer, wat, onderworpe aan die bepalings van subartikel (2), die bevoegdhede van die orde kan uitoefen. Raad bestuur en beheer sake van orde.

(2) Die vervreemding of beswaring met 'n verband van enige onroerende goed van 'n orde, die aanstelling van die ouditeure van 'n orde en die vasstelling van enige subskripsies, geld,

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to a society by its members, shall be subject to the approval of such majority of the members of that society who are present or represented at a general meeting or at a meeting specially convened for that purpose, as may be prescribed.

Constitution of
council and
election and
period of office
of members.

7. (1) A council shall consist of such number of members of the society concerned as may be prescribed.

(2) The members of a council shall be elected in the prescribed manner by the members of the society concerned.

(3) A member of a council shall hold office for the prescribed period.

Vacation of
office, suspension
from office and
filling of
vacancies.

8. (1) A member of a council shall vacate his office—

(a) in the prescribed circumstances;

(b) if he is removed from office by the council in the prescribed circumstances and manner.

(2) Whenever a member of a council vacates his office before the expiration of the prescribed period of office, the council may appoint a member of the society to fill the vacancy for the unexpired portion of such period of office.

(3) A council may in the prescribed circumstances and manner suspend from office any member of that council and may in such case appoint any member of its society to act during the period of suspension in the place of the member so suspended.

President and
vice-president
or vice-presidents.

9. (1) A council shall from among its members elect a president and one or more vice-presidents who shall respectively also be the president and vice-president or vice-presidents of the society concerned and who shall hold office for the prescribed periods.

(2) If the office of the president becomes vacant before the expiration of his period of office, the vice-president or, if there is more than one vice-president, that vice-president determined by the council shall be the president for the unexpired portion of such period of office.

(3) If the office of a vice-president becomes vacant before the expiration of his period of office, the council shall elect one of its number to fill such vacancy, and the member so elected shall be vice-president for the unexpired portion of such period of office.

(4) If for any reason the president is absent or unable to perform his functions as president, the vice-president or, if there is more than one vice-president, such vice-president as the council may determine, shall act as president, and such vice-president shall while so acting have all the powers and perform all the functions of the president.

Meetings of
council.

10. (1) A meeting of the council shall be convened in the manner prescribed and shall be held at a time and place prescribed or determined in the manner prescribed.

(2) If the president and the vice-president or, if there is more than one vice-president, all vice-presidents, are absent from or unable to preside at any meeting of the council, the members of that council present at that meeting shall elect one of their number to preside at such meeting during such absence or inability, and the person so elected shall while so presiding have all the powers and perform all the functions of the president.

(3) (a) The decision of the majority of the members of a council present at a meeting of the council shall be the decision of the council: Provided that in the event of an equality of votes on any matter before such meeting, the person presiding at such meeting shall have a casting vote in addition to his deliberative vote.

(b) The method and procedure of voting at meetings of a council shall be determined by that council.

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heffings of ander vorderings betaalbaar aan 'n orde deur sy lede, is onderworpe aan die goedkeuring van sodanige meerderheid van die lede van daardie orde aanwesig of verteenwoordig op 'n algemene vergadering of op 'n vergadering wat spesiaal vir daardie doel belê is, as wat voorgeskryf word.

7. (1) 'n Raad bestaan uit die aantal lede van die betrokke orde wat voorgeskryf word.

Samestelling van raad en verkiesing en ampstermyn van lede.

(2) Die lede van 'n raad word op die voorgeskrewe wyse deur die lede van die betrokke orde verkies.

(3) 'n Lid van 'n raad bekleë sy amp vir die voorgeskrewe tydperk.

8. (1) 'n Lid van 'n raad ontruim sy amp—

Ontruiming van amp, skorsing in amp en vul van vakatures.

(a) in die voorgeskrewe omstandighede;

(b) indien hy deur die raad in die omstandighede en op die wyse wat voorgeskryf word van sy amp onthef word.

(2) Wanneer 'n lid van 'n raad sy amp voor die verstryking van die voorgeskrewe ampstermyn ontruim, kan die raad 'n lid van die orde aanstel om die vakature vir die onverstreke gedeelte van daardie ampstermyn te vul.

(3) 'n Raad kan in die omstandighede en op die wyse wat voorgeskryf word 'n lid van daardie raad in sy amp skors en kan in so 'n geval enige lid van sy orde aanstel om gedurende die tydperk van skorsing waar te neem in die plek van die lid wat aldus geskors is.

9. (1) 'n Raad moet uit sy geledere 'n president en een of meer vise-presidente verkies wat onderskeidelik ook die president en vise-president of vise-presidente van die betrokke orde is en wat hul ampte vir die voorgeskrewe tydperke bekleë.

President en vise-president of vise-presidente.

(2) Indien die amp van die president voor die verstryking van sy ampstermyn vakant raak, is die vise-president of, indien daar meer as een vise-president is, daardie vise-president wat deur die raad bepaal word, die president vir die onverstreke gedeelte van daardie ampstermyn.

(3) Indien die amp van 'n vise-president voor die verstryking van sy ampstermyn vakant raak, kies die raad een uit sy geledere om daardie vakature te vul, en die lid wat aldus gekies is, is vise-president vir die onverstreke gedeelte van daardie ampstermyn.

(4) Indien die president om enige rede afwesig of nie in staat is om sy werksaamhede as president te verrig nie, neem die vise-president of, indien daar meer as een vise-president is, daardie vise-president wat die raad bepaal, waar as president, en terwyl hy aldus waarneem, het daardie vise-president alle bevoegdhede en verrig hy alle werksaamhede van die president.

10. (1) 'n Vergadering van die raad word op die voorgeskrewe wyse belê en word gehou op 'n tyd en plek wat voorgeskryf word of op die voorgeskrewe wyse bepaal word.

Vergaderings van raad.

(2) Indien die president en die vise-president of, indien daar meer as een vise-president is, alle vise-presidente, van 'n vergadering van die raad afwesig of nie in staat is om daarop voor te sit nie, kies die lede van daardie raad by daardie vergadering aanwesig een uit hul midde om gedurende bedoelde afwesigheid of onvermoë op daardie vergadering voor te sit, en terwyl hy aldus voorsit, het die persoon wat aldus gekies is alle bevoegdhede en verrig hy alle werksaamhede van die president.

(3) (a) Die beslissing van die meerderheid van die lede van 'n raad wat op 'n vergadering van die raad aanwesig is, is die beslissing van die raad: Met dien verstande dat by 'n staking van stemme oor enige aangeleentheid voor so 'n vergadering die persoon wat op so 'n vergadering voorsit benewens sy beraadslagende stem ook 'n beslissende stem het.

(b) Die stemwyse en -prosedure by vergaderings van 'n raad word deur daardie raad bepaal.

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(4) (a) The quorum for any meeting of a council shall be as prescribed.

(b) If the number of members of a council is reduced to a number less than that required to constitute the prescribed quorum, the remaining members of that council shall from among the members of the society concerned appoint such number of members as is required to constitute the prescribed quorum.

Alternate members.

11. A council may appoint any member of its society as an alternate to attend on behalf of any member any meeting of the council which such member is unable to attend, with the power to vote at any such meeting.

Validity of decisions taken by, or acts performed under authority of council.

12. No decision taken by a council or act performed under authority of a council shall be invalid by reason only of the existence of a vacancy on that council or of the fact that a person who was not entitled to sit as a member of the council sat as a member of the council, if the decision was taken or the act was authorized by the requisite majority of the members of the council who were present at the time and entitled to sit as members.

Committees of council.

13. (1) (a) A council may appoint one or more committees to assist it in the carrying out of its duties, the performance of its functions and the exercise of its powers, may at any time increase or reduce the membership of any such committee and may fill any vacancy on any such committee.

(b) Any committee referred to in paragraph (a) shall consist of members of the council concerned or of members of the society concerned or of members of such council as well as of members of such society.

(c) A council may designate one of the members of a committee appointed by it in terms of paragraph (a) as chairman of that committee and, if no such designation is made, the members of that committee may from among their number elect a chairman.

(2) A council may assign to a committee appointed by it in terms of subsection (1), such of its powers as it may deem fit, but shall not be divested of any power which it may have assigned to a committee, and may amend or withdraw any decision of any such committee: Provided that if a council has assigned to a committee the power to enquire into any case of alleged unprofessional or dishonourable or unworthy conduct and to impose any punishment in respect thereof in accordance with section 18, the council shall not amend or withdraw any decision arrived at or anything done by such committee in terms of the power so assigned.

(3) A council may require any committee appointed in terms of subsection (1) either generally or specially to enquire into and to advise the council on any matter in connection with the duties, functions or powers of the society or the council.

Duties of council.

14. A council shall—

(a) convene annually a general meeting of the members of its society;

(b) convene in the prescribed circumstances a special meeting of the members of its society;

(c) determine the date and place of meetings of its society and the business to be transacted at such meetings;

(d) make rules providing for the calling of and the quorum and procedure at meetings of its society, and the manner in which motions shall be submitted to such meetings;

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- (4) (a) Die kworum vir 'n vergadering van 'n raad is soos voorgeskryf.
- (b) Indien die aantal lede van 'n raad verminder word tot 'n aantal minder as dit wat nodig is om die voorgeskrewe kworum daar te stel, stel die oorblywende lede van daardie raad uit die lede van die betrokke orde die aantal lede aan wat nodig is om die voorgeskrewe kworum daar te stel.

11. 'n Raad kan enige lid van sy orde as plaasvervangende lid aanstel om in namens 'n lid enige vergadering van die raad wat bedoelde lid nie kan bywoon nie, by te woon, met die bevoegdheid om by so 'n vergadering te stem.

Plaasvervangende lede.

12. Geen beslissing geneem deur 'n raad of handeling verrig op gesag van 'n raad is ongeldig nie bloot vanweë 'n vakature in daardie raad of omdat iemand wat nie geregtig was om as lid van die raad sitting te neem nie, as lid van die raad sitting geneem het, indien die beslissing geneem is of die handeling gemagtig is deur die vereiste meerderheid van die lede van die raad wat toe aanwesig en geregtig was om as lede sitting te neem.

Geldigheid van beslissings geneem deur, of handelinge verrig op gesag van raad.

13. (1) (a) 'n Raad kan een of meer komitees aanstel om hom by te staan by die uitvoering van sy pligte, die verrigting van sy werksaamhede en die uitoefening van sy bevoegdhede, kan te eniger tyd die lidmaatskap van so 'n komitee vermeerder of verminder en kan 'n vakature in so 'n komitee vul.
- (b) 'n Komitee in paragraaf (a) bedoel, bestaan uit lede van die betrokke raad of uit lede van die betrokke orde of uit lede van daardie raad sowel as lede van daardie orde.
- (c) 'n Raad kan een van die lede van 'n komitee deur hom ingevolge paragraaf (a) aangestel as voorsitter van daardie komitee aanwys en, indien geen sodanige aanwysing gedoen word nie, kan die lede van daardie komitee 'n voorsitter uit hul midde kies.

Komitees van raad.

(2) 'n Raad kan na goeddunke van sy bevoegdhede opdra aan 'n komitee wat deur hom ingevolge subartikel (1) aangestel is, maar word nie onthef van 'n bevoegdheid wat hy aan 'n komitee opgedra het nie, en kan 'n beslissing van so 'n komitee intrek of wysig: Met dien verstande dat indien 'n raad aan 'n komitee die bevoegdheid opgedra het om ondersoek in te stel na 'n beweerde geval van onprofessionele of oneerbare of onbetaamlike gedrag en om ten opsigte daarvan 'n straf ooreenkomstig artikel 18 op te lê, die raad nie 'n beslissing of enigiets wat deur so 'n komitee ingevolge die bevoegdheid aldus opgedra, geneem of gedoen is, kan wysig of intrek nie.

(3) 'n Raad kan 'n komitee ingevolge subartikel (1) aangestel of in die algemeen of in 'n besondere geval gelas om ondersoek in te stel na en die raad van advies te dien oor enige aangeleentheid in verband met die pligte, werksaamhede of bevoegdhede van die orde of die raad.

14. 'n Raad moet—

Pligte van raad.

- (a) jaarliks 'n algemene vergadering van die lede van sy orde belê;
- (b) in die voorgeskrewe omstandighede 'n spesiale vergadering van die lede van sy orde belê;
- (c) die datum en plek van vergaderings van sy orde, en die sake wat by daardie vergaderings verrig moet word, bepaal;
- (d) reëls uitvaardig wat voorsiening maak vir die byeenroeping van en die kworum en prosedure by vergaderings van sy orde, en die wyse waarop mosies aan sodanige vergaderings voorgelê moet word;

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- (e) deposit all moneys received by it with a banking institution registered in terms of the Banks Act, 1965 (Act No. 23 of 1965), or with a building society registered in terms of the Building Societies Act, 1965 (Act No. 24 of 1965);
- (f) keep proper accounts of the income and expenditure and of the assets and liabilities of its society.

Powers of council.

15. A council may—

- (a) prescribe the books, records, certificates or other documents to be kept, maintained or issued for the purposes of this Act, the form thereof, the inspection thereof by persons authorized to do so by the council, and the circumstances and manner in which alterations may be effected thereto;
- (b) fix the subscriptions, fees, levies, or other charges payable to its society by the members of its society, and, in fixing such subscriptions, fees, levies or other charges, differentiate among members belonging to different categories determined by it for the purpose;
- (c) fix the fees payable to its society in respect of certificates issued by the secretary of its society, and determine the persons who shall be obliged to pay such fees;
- (d) prescribe the tariff of fees payable to any practitioner in respect of professional services rendered by him in cases where no tariff is prescribed by any other law;
- (e) prescribe the information to be furnished to the secretary of its society by any person who—
 - (i) commences or discontinues to practise in the province of its society;
 - (ii) takes up employment in that province or ceases to be employed therein as a practitioner;
 - (iii) enters into or withdraws from a partnership with any person practising in that province;
 - (iv) practises in that province and who changes his business or residential address;
- (f) subject to the provisions of section 21 (4) of the Admission Act, prescribe the minimum remuneration payable to articulated clerks;
- (g) prescribe the form and contents of articles of clerkship;
- (h) prescribe the manner of assessment of the fees payable by any person to a practitioner in respect of the performance on behalf of such person of any work other than litigious work and, at the request of such person or practitioner, assess such fees in the prescribed manner;
- (i) pay any person allowances to cover expenses reasonably incurred by such person in connection with the performance of any act at the request or under the directions of the council, on behalf of or for the benefit of its society;
- (j) subject to such conditions as it may deem fit to impose, permit members of its society to form associations of such members, to be known as circles, in respect of such areas of the province concerned as the council may determine from time to time; determine the duties, functions and powers of such circles; designate places as the headquarters of such circles; and determine the constitution of bodies responsible for the management of the affairs of such circles;
- (k) prescribe the conditions on which any practitioner may practise at any branch office or in association with any other practitioner or any other person who carries on the practice of a lawyer outside the Republic;

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- (e) alle geld wat deur hom ontvang word, stort by 'n bankinstelling geregistreer ingevolge die Bankwet, 1965 (Wet No. 23 van 1965), of by 'n bouvereniging geregistreer ingevolge die Bouverenigingswet, 1965 (Wet No. 24 van 1965);
- (f) behoorlik boekhou van die inkomste en uitgawe en van die bate en laste van sy orde.

15. 'n Raad kan—

Bevoegdhede van raad.

- (a) die boeke, oorkondes, sertifikate of ander dokumente wat vir die doeleindes van hierdie Wet gehou, bygehou of uitgereik moet word, die vorm daarvan, die ondersoek daarvan deur persone deur die raad daartoe gemagtig, en die omstandighede en wyse waarop veranderings daaraan aangebring kan word, voorskryf;
- (b) die subskripsies, geld, heffings of ander vorderings vasstel wat aan sy orde deur die lede van sy orde betaalbaar is en, by die vasstelling van bedoelde subskripsies, geld, heffings of ander vorderings, differensieer tussen lede wat behoort tot verskillende kategorieë wat deur hom vir die doel bepaal word;
- (c) die geld vasstel wat aan sy orde betaalbaar is ten opsigte van sertifikate wat deur die sekretaris van sy orde uitgereik word, en die persone wat verplig is om daardie geld te betaal, bepaal;
- (d) die tarief van gelde voorskryf wat betaalbaar is aan 'n praktisyn ten opsigte van professionele dienste deur hom gelewer in gevalle waar geen tarief deur 'n ander wet voorgeskryf word nie;
- (e) die inligting voorskryf wat aan die sekretaris van sy orde verstrek moet word deur iemand wat—
 - (i) in die provinsie van sy orde begin praktiseer of ophou om dit te doen;
 - (ii) in daardie provinsie as praktisyn diens aanvaar of ophou om daarin aldus in diens te wees;
 - (iii) 'n vennootskap met iemand wat in daardie provinsie praktiseer, aangaan of daaruit uittree;
 - (iv) in daardie provinsie praktiseer en wat sy besigheids- of woonadres verander;
- (f) onderworpe aan die bepalinge van artikel 21 (4) van die Toelatingwet, die minimum besoldiging wat betaalbaar is aan klerke onder leerkontrak, voorskryf;
- (g) die vorm en inhoud van leerkontrakte voorskryf;
- (h) die wyse van berekening voorskryf van die geld wat deur 'n persoon aan 'n praktisyn betaalbaar is ten opsigte van die verrigting ten behoeve van daardie persoon van ander werk as hofwerk en, op versoek van daardie persoon of praktisyn, daardie geld op die voorgeskrewe wyse bereken;
- (i) aan 'n persoon toelaes betaal tot dekking van uitgawes redelikerwyse deur daardie persoon aangegaan in verband met die verrigting van 'n handeling op die versoek of kragtens die opdragte van die raad, ten behoeve van of ten bate van sy orde;
- (j) onderworpe aan die voorwaardes wat hy goedvind om op te lê, lede van sy orde toelaat om verenigings van sodanige lede, wat sirkels heet, te stig ten opsigte van die gebiede van die betrokke provinsie wat die raad van tyd tot tyd bepaal; die pligte, werksaamhede en bevoegdhede van daardie sirkels bepaal; plekke as die hoofkwartiere van daardie sirkels aanwys; en die samestelling van liggame wat vir die bestuur van die sake van daardie sirkels verantwoordelik is, bepaal;
- (k) die voorwaardes voorskryf waarop 'n praktisyn by 'n takkantoor of saam met 'n ander praktisyn of enige ander persoon wat die praktyk van 'n regsgeleerde buite die Republiek beoefen, kan praktiseer;

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- (l) prescribe the allowance on the fees charged by a practitioner for professional services which such practitioner shall be entitled to make to another practitioner or to any other person who carries on the practice of a lawyer outside the Republic with whom he is not in partnership, in respect of any matter on which they were both engaged;
- (m) prescribe the procedure to be followed in connection with any enquiry referred to in section 17;
- (n) determine the manner in which the council shall conduct its business;
- (o) do anything which is required for the proper and effective carrying out of its duties, the performance of its functions or the exercise of its powers.

Council's power of inspection.

16. (1) A council may for the purposes of an enquiry under section 17 or in order to enable it to decide whether or not such an enquiry should be held, direct any practitioner to produce for inspection, either by the council itself or by any person authorized thereto by the council, any book, document, record or thing which is in the possession or custody or under the control of such practitioner and which relates to his practice or former practice.

(2) The refusal or failure by a practitioner to comply with a direction in terms of subsection (1) shall constitute unprofessional conduct.

Enquiry by council into alleged cases of unprofessional or dishonourable or unworthy conduct.

17. (1) A council may in the prescribed manner inquire into cases of alleged unprofessional or dishonourable or unworthy conduct on the part of any attorney, notary or conveyancer whose name has been placed on the roll of any court within the province of its society, whether or not he is a member of such society, or of any person serving articles of clerkship with a member of its society.

(2) (a) For the purposes of an enquiry under subsection (1), a council may—

- (i) under the hand of the president or the secretary of its society, summon any person who in the opinion of the council may be able to give material information concerning the subject matter of the enquiry or who is believed by the council to have in his possession or custody or under his control any book, document, record or thing which has any bearing on the subject matter of the enquiry, to appear before it at a time and place specified in the summons, to be interrogated or to produce that book, document, record or thing, and may retain for examination any book, document, record or thing so produced;
- (ii) through the person presiding at the enquiry administer an oath to, or accept an affirmation from, any person present at the enquiry and who was summoned under subparagraph (i) and interrogate him and require him to produce any book, document, record or thing in his possession or custody or under his control.
- (b) A summons referred to in paragraph (a) shall be served in the same manner as a summons for the attendance of a witness at a civil trial in a magistrate's court.
- (c) In connection with the interrogation of any person who has been summoned under this section or the production by such person of any book, document, record or thing, the law relating to privilege as applicable to a witness summoned to give evidence or to produce a book, document, record or thing in a civil trial before a court of law shall apply.

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- (l) die aandeel in die gelde wat deur 'n praktisyn vir professionele dienste gevorder word, voorskryf wat so 'n praktisyn kan afstaan aan 'n ander praktisyn of aan 'n ander persoon wat die praktyk van 'n regsgeleerde buite die Republiek beoefen met wie hy nie in vennootskap is nie, ten opsigte van enige aangeleentheid waarby albei betrokke was;
- (m) die prosedure voorskryf wat in verband met 'n ondersoek in artikel 17 bedoel, gevolg moet word;
- (n) die wyse waarop die raad sy sake moet bestuur, bepaal;
- (o) enigiets doen wat nodig is vir die behoorlike en doeltreffende uitvoering van sy pligte, die verrigting van sy werksaamhede of die uitoefening van sy bevoegdhede.

16. (1) 'n Raad kan vir die doeleindes van 'n ondersoek kragtens artikel 17 of ten einde hom in staat te stel om te besluit of so 'n ondersoek ingestel moet word al dan nie, 'n praktisyn gelas om enige boek, dokument, oorkonde of saak wat in die besit of bewaring of onder die beheer van so 'n praktisyn is en wat op sy praktyk of vorige praktyk betrekking het vir ondersoek of deur die raad self of deur iemand wat deur die raad daartoe gemagtig is, oor te lê.

Raad se bevoegdheid van ondersoek.

(2) Die weiering of versuim deur 'n praktisyn om aan 'n lasgewing ingevolge subartikel (1) te voldoen, maak onprofessionele gedrag uit.

17. (1) 'n Raad kan op die voorgeskrewe wyse ondersoek instel na beweerde gevalle van onprofessionele of oneerbare of onbetaamlike gedrag van die kant van enige prokureur, notaris of transportbesorger wie se naam geplaas is op die rol van enige hof in die provinsie van sy orde, of hy 'n lid van so 'n orde is al dan nie, of van enigiemand wat 'n lid van sy orde kragtens 'n leerkontrak dien.

Ondersoek deur raad na beweerde gevalle van onprofessionele of oneerbare of onbetaamlike gedrag.

(2) (a) Vir die doeleindes van 'n ondersoek kragtens subartikel (1), kan 'n raad—

- (i) onder die handtekening van die president of sekretaris van sy orde, iemand wat na die oordeel van die raad in staat mag wees om inligting van wesentlike belang te verstrek betreffende die onderwerp van die ondersoek of wat, na die raad vermoed, enige boek, dokument, oorkonde of saak wat op die onderwerp van die ondersoek betrekking het in sy besit of bewaring of onder sy beheer het, dagvaar om op 'n tyd en plek in die dagvaarding bepaal voor hom te verskyn om ondervra te word of om daardie boek, dokument, oorkonde of saak oor te lê, en kan 'n boek, dokument, oorkonde of saak wat aldus oorgelê is, vir ondersoek behou;
- (ii) by monde van die persoon wat by die ondersoek voorsit 'n eed oplê aan of 'n bevestiging aanneem van iemand wat by die ondersoek teenwoordig is en wat kragtens subparagraaf (i) gedagvaar is, en hom ondervra en hom aansê om 'n boek, dokument, oorkonde of saak in sy besit of bewaring of onder sy beheer oor te lê.
- (b) 'n Dagvaarding in paragraaf (a) vermeld, word op dieselfde wyse beteken as 'n dagvaarding vir die verskynning van 'n getuie by 'n siviele verhoor in 'n landdroshof.
- (c) In verband met die ondervraging van iemand wat kragtens hierdie artikel gedagvaar is of die oorlegging deur so iemand van 'n boek, dokument, oorkonde of saak is die regsbepalings met betrekking tot privilegie, soos van toepassing op 'n getuie wat gedagvaar is om in 'n siviele verhoor in 'n geregshof getuie af te lê of om 'n boek, dokument, oorkonde of stuk oor te lê, van toepassing.

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- (d) (i) Any person who has been summoned in terms of this subsection or who has given evidence before a council shall be entitled to the same witness fees as if he had been summoned to attend or had given evidence at a civil trial in a magistrate's court held at the place where the enquiry is held.
- (ii) Any fees which may become payable in terms of subparagraph (i) shall be paid from the funds of the society concerned.

(3) The person presiding at the enquiry shall keep or cause to be kept a record of the proceedings at the enquiry and of the evidence given thereat.

(4) A council conducting an enquiry in terms of this section may if the conduct enquired into forms or is likely to form the subject of criminal or civil proceedings in a court of law postpone the enquiry until such proceedings have been determined.

Council's disciplinary powers.

18. (1) A council conducting an enquiry in terms of section 17 may find the person concerned guilty of unprofessional or dishonourable or unworthy conduct and may—

- (a) in the case of a practitioner—
- (i) impose upon him a fine not exceeding R500; or
 - (ii) reprimand him; and
 - (iii) recover from him the costs incurred by the council in connection with such enquiry;
- (b) in the case of an articled clerk—
- (i) cancel or suspend his articles of clerkship; or
 - (ii) impose upon him a fine not exceeding R100; or
 - (iii) reprimand him.

(2) Where a council finds a person referred to in subsection (1) guilty of the conduct referred to therein, it may—

- (a) on the conditions determined by it postpone the taking of any steps in respect of him or the imposition of any punishment upon him;
- (b) impose a fine referred to in subsection (1), but suspend the payment of such fine, or any part thereof.
- (3) (a) If the taking of any steps or the imposition of any punishment has been postponed for a particular period in terms of subsection (2) and, if at the end of that period the council concerned is satisfied that the person concerned has substantially observed all the relevant conditions, that council shall inform that person that no steps will be taken in respect of him or that no punishment will be imposed upon him.
- (b) If the payment of a fine or any part thereof has been suspended by a council for a particular period in terms of subsection (2), and if at the end of such period the council concerned is satisfied that the person concerned has substantially observed all the relevant conditions, that council shall inform such person that the payment of that fine or that part thereof will not be enforced.

(4) A fine imposed at an enquiry in terms of this section and the costs incurred by a council in connection with such enquiry may be recovered by legal process in the magistrate's court of the district in which the office of the society concerned is situate.

(5) A council may to such extent and in such manner as may be prescribed publish information relating to an enquiry held by it in terms of section 17.

(6) The provisions of this section shall not affect the power of—

- (a) a society to apply in terms of the provisions of the Admission Act for the suspension from practice or the striking from the roll of any practitioner against whom an enquiry is being or has been conducted in terms of

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- (d) (i) Iemand wat ingevolge hierdie subartikel gedagvaar is of wat getuienis voor 'n raad afgelê het, is geregtig op dieselfde getuiegeld asof hy gedagvaar is om te verskyn of getuienis afgelê het by 'n siviele verhoor in 'n landdroshof gehou op die plek waar die ondersoek ingestel word.
- (ii) Geld wat kragtens subparagraaf (i) betaalbaar word, word uit die fondse van die betrokke orde betaal.
- (3) Die persoon wat by die ondersoek voorsit, moet 'n notule hou of laat hou van die verrigtings by die ondersoek en van die getuienis wat daarby afgelê word.
- (4) 'n Raad wat 'n ondersoek instel ingevolge hierdie artikel kan, indien die gedrag wat ondersoek word die onderwerp van straf- of sivileregtelike verrigtings in 'n geregshof uitmaak of waarskynlik sal uitmaak, die ondersoek uitstel totdat sodanige verrigtings afgehandel is.
18. (1) 'n Raad wat 'n ondersoek ingevolge artikel 17 instel, kan die betrokke persoon skuldig bevind aan onprofessionele of oneerbare of onbetaamlike gedrag en kan—
- (a) in die geval van 'n praktisyn—
- (i) hom 'n boete van hoogstens R500 oplê; of
 - (ii) hom berispe; en
 - (iii) die koste deur die raad in verband met daardie ondersoek opgelê, op hom verhaal;
- (b) in die geval van 'n klerk onder leerkontrak—
- (i) sy leerkontrak opskort of intrek; of
 - (ii) hom 'n boete van hoogstens R100 oplê; of
 - (iii) hom berispe.
- (2) Waar 'n raad iemand in subartikel (1) bedoel, skuldig bevind aan gedrag daarin bedoel, kan die raad—
- (a) op die voorwaardes wat die raad bepaal die doen van enige stappe ten opsigte van hom of die oplegging van 'n straf aan hom, uitstel;
- (b) 'n boete vermeld in subartikel (1) oplê, maar die betaling van daardie boete, of 'n gedeelte daarvan, uitstel.
- (3) (a) Indien die doen van stappe of die oplegging van 'n straf vir 'n bepaalde tydperk ingevolge subartikel (2) uitgestel is, en indien die betrokke raad by afloop van daardie tydperk oortuig is dat die betrokke persoon alle toepaslike voorwaardes wesentlik nagekom het, deel daardie raad bedoelde persoon mee dat geen stappe ten opsigte van hom gedoen sal word nie of dat geen straf hom opgelê gaan word nie.
- (b) Indien die betaling van 'n boete of 'n gedeelte daarvan deur 'n raad vir 'n bepaalde tydperk ingevolge subartikel (2) uitgestel is, en indien die betrokke raad by afloop van daardie tydperk oortuig is dat die betrokke persoon alle toepaslike voorwaardes wesentlik nagekom het, deel daardie raad bedoelde persoon mee dat die betaling van daardie boete of daardie gedeelte daarvan nie afgedwing gaan word nie.
- (4) 'n Boete by 'n ondersoek ingevolge hierdie artikel opgelê en die koste deur die raad in verband met so 'n ondersoek opgelê, kan verhaal word by wyse van geregtelike proses in die landdroshof van die distrik waarin die kantoor van die betrokke orde geleë is.
- (5) 'n Raad kan in die mate en op die wyse wat voorgeskryf word inligting met betrekking tot 'n ondersoek deur hom ingevolge artikel 17 ingestel, publiseer.
- (6) Die bepalinge van hierdie artikel raak nie die bevoegdheid van—
- (a) 'n orde om ingevolge die bepalinge van die Toelatingswet aansoek te doen om die skorsing in sy praktyk of die skraping van die rol van 'n praktisyn teen wie 'n ondersoek ingevolge hierdie Wet ingestel word of is

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this Act in respect of the conduct which forms or formed the subject matter of such enquiry;

- (b) a competent court, at the instance of the society concerned, to suspend any practitioner from practice or to strike him from the roll.

Offences.

19. (1) Any person who has been summoned under section 17 who—

- (a) fails, without sufficient cause, to attend at the time and place specified in the summons, or to remain in attendance until excused from further attendance by the person presiding at the enquiry;
- (b) refuses to take the oath or make an affirmation when required by the person presiding at the enquiry to do so;
- (c) fails, without sufficient cause, to produce any book, document, record or thing which he has in terms of section 17 (2) been required to produce;
- (d) fails, without sufficient cause, to answer fully and satisfactorily to the best of his knowledge and belief any question lawfully put to him,

shall be guilty of an offence and on conviction liable to a fine not exceeding R100.

(2) Any person who at an enquiry referred to in section 17 gives false evidence after having been sworn or after having made an affirmation, shall be guilty of an offence and on conviction liable to the penalties prescribed by the law in respect of perjury.

Appeal against finding of council.

20. (1) A person who has been found guilty in terms of section 18 may within a period of thirty days of the date of the council's decision appeal to a competent court against that finding by lodging with the registrar of that court a notice of appeal setting out in full his grounds of appeal.

(2) A person who appeals in terms of subsection (1) shall when lodging such notice of appeal deposit with the registrar concerned an amount of R200 as security for the costs of the appeal and shall on the same day deliver or send to the secretary of the society concerned a copy of the notice of appeal.

(3) The secretary of the society concerned shall within a period of thirty days of the date upon which he received the notice of appeal referred to in subsection (1), send to the registrar referred to in that subsection in respect of the enquiry concerned—

- (a) three copies of the record referred to in section 17 (3);
- (b) the documentary evidence admitted at the enquiry;
- (c) a statement of the finding of the council which held the enquiry and the reasons for such finding;
- (d) any observations which such council may wish to make.

(4) An appeal in terms of subsection (1) shall be prosecuted as if it were an appeal from a judgment of a magistrate's court in a civil matter, and all rules applicable to such last-mentioned appeal in respect of the hearing thereof shall *mutatis mutandis* apply to an appeal under this section.

(5) The court hearing an appeal under this section shall—

- (a) confirm the finding appealed against; or
- (b) set that finding, and the punishment imposed in respect thereof, aside; or
- (c) confirm that finding, but set that punishment aside, and impose in its place such punishment as could have been imposed by the council concerned.

(6) If a person succeeds in his appeal in terms of this section, the costs of the enquiry shall not be recoverable by the council concerned and if such costs have already been recovered by that council, such costs shall be refunded.

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ten opsigte van die gedrag wat die onderwerp van bedoelde ondersoek uitmaak of uitgemaak het;

- (b) 'n bevoegde hof om, op aansoek van die betrokke orde, 'n praktisyn in sy praktyk te skors of hom van die rol te skrap nie.

19. (1) Iemand wat kragtens artikel 17 gedagvaar is wat— **Misdrywe.**

- (a) sonder voldoende rede versuim om op die tyd en plek in die dagvaarding bepaal, te verskyn, of om aanwesig te bly totdat die persoon wat by die ondersoek voorsit hom van verdere bywoning onthef;
- (b) weier om die eed af te lê of 'n bevestiging te maak wanneer hy deur die persoon wat by die ondersoek voorsit, aangesê word om dit te doen;
- (c) sonder voldoende rede versuim om 'n boek, dokument, oorkonde of saak oor te lê wat hy ingevolge artikel 17 (2) aangesê is om oor te lê;
- (d) sonder voldoende rede versuim om volledig en bevredigend na sy beste kennis en geloof te antwoord op 'n vraag wat wettiglik aan hom gestel is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R100.

(2) Iemand wat by 'n ondersoek in artikel 17 bedoel nadat hy beëdig is of 'n bevestiging gemaak het, valse getuienis aflê, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe wat deur die reg ten opsigte van meened voorgeskryf word.

20. (1) Iemand wat ingevolge artikel 18 skuldig bevind is, kan binne 'n tydperk van dertig dae vanaf die datum van die raad se beslissing teen daardie bevinding na 'n bevoegde hof appelleer deur by die griffier van daardie hof 'n kennisgewing van appèl in te dien waarin sy appèlgronde volledig uiteengesit word. **Appèl teen bevinding van raad.**

(2) Iemand wat ingevolge subartikel (1) appelleer, moet wanneer hy bedoelde kennisgewing van appèl indien, by die betrokke griffier 'n bedrag van R200 stort as sekuriteit vir die koste van die appèl en moet op dieselfde dag aan die sekretaris van die betrokke orde 'n afskrif van die kennisgewing van appèl besorg of stuur.

(3) Die sekretaris van die betrokke orde stuur binne 'n tydperk van dertig dae vanaf die datum waarop hy die kennisgewing van appèl in subartikel (1) bedoel, ontvang het aan die griffier in daardie subartikel bedoel ten opsigte van die betrokke ondersoek—

- (a) drie afskrifte van die notule in artikel 17 (3) vermeld;
- (b) die dokumentêre getuienis wat by die ondersoek toegelaat is;
- (c) 'n uiteensetting van die bevinding van die raad wat die ondersoek gehou het en die redes vir daardie bevinding;
- (d) enige opmerkings wat daardie raad wil maak.

(4) 'n Appèl ingevolge subartikel (1) word voortgesit asof dit 'n appèl is teen 'n vonnis van 'n landdroshof in 'n siviele saak, en alle reëls wat op laasgenoemde appèl ten opsigte van sy verhoor van toepassing is, is *mutatis mutandis* op 'n appèl kragtens hierdie artikel van toepassing.

(5) Die hof wat 'n appèl kragtens hierdie artikel verhoor, moet—

- (a) die bevinding waarteen geappelleer word, bekragtig; of
- (b) daardie bevinding, en die straf wat ten opsigte daarvan opgelê is, tersyde stel; of
- (c) daardie bevinding bekragtig, maar daardie straf tersyde stel en in die plek daarvan die straf oplê wat deur die betrokke raad opgelê sou kon word.

(6) Indien iemand in sy appèl ingevolge hierdie artikel slaag, is die koste van die ondersoek nie deur die betrokke raad verhaalbaar nie en indien bedoelde koste reeds deur daardie raad verhaal is, word daardie koste terugbetaal.

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Rules.

21. (1) A council may subject to the provisions of subsections (2) and (3) make rules, which shall be binding within the province of its society, as to—

- (a) conduct which on the part of any practitioner or articulated clerk shall constitute unprofessional or dishonourable or unworthy conduct;
- (b) service under articles of clerkship and the circumstances under and the conditions on which articles of clerkship may be cancelled by the council;
- (c) the conditions relating to conduct and activities on which persons other than practitioners may be employed by practitioners to assist them in their practices;
- (d) the appointment by the council of persons as honorary members of its society, the rights and privileges of such honorary members and the termination of their membership;
- (e) any matter not provided for in this section which by this Act is required or permitted to be prescribed; and
- (f) generally, all matters which the council considers it necessary or expedient to prescribe in order that the purposes of this Act may be achieved.

(2) Any rule referred to in subsection (1) shall be made with the approval of the Chief Justice of South Africa and, if the Chief Justice is of the opinion that the interests of the public would be adversely affected by the provisions of any such rule, with the approval of the State President.

(3) A council shall not submit any draft rule to the Chief Justice of South Africa unless—

- (a) if the draft rule is submitted by the council of—
 - (i) The Law Society of the Cape of Good Hope;
 - (ii) The Law Society of the Orange Free State;
 - (iii) The Natal Law Society; or
 - (iv) The Law Society of South West Africa,
 such draft rule has been approved by the majority of the members of the society concerned present or represented at a general meeting of that society; and
- (b) the council has consulted with the Judge President of every provincial division in the province of its society and with the Chief Justice of every High Court in such province.

(4) Rules made under subsection (1) shall come into operation on the date of publication of such rules in the *Gazette* or on a subsequent date fixed in the notice of publication.

(5) Any assessment of fees in terms of a rule contemplated in section 15 (h) shall be subject to review in all respects as if it were a determination by such officer of a provincial division or High Court as is charged with the taxation of fees and charges.

(6) In this section "High Court" means—

- (a) the High Court constituted in terms of the provisions of section 50 (1) of the Transkei Constitution Act, 1963 (Act No. 48 of 1963);
- (b) any High Court constituted in terms of section 17I of the Development of Self-government for Native Nations in South West Africa Act, 1968 (Act No. 54 of 1968), or section 34 (1) of the Bantu Homelands Constitution Act, 1971 (Act No. 21 of 1971).

Limitation of liability.

22. No action for damages shall lie against any society, council, member of a council, official or employee of any society or any person with whom a council has concluded any agree-

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21. (1) 'n Raad kan behoudens die bepalings van subartikels Reëls.
(2) en (3) reëls uitvaardig, wat in die provinsie van sy orde van krag is, betreffende—

- (a) gedrag van die kant van 'n praktisyn of klerk onder leerkontrak wat onprofessionele of oneerbare of on-betaamlike gedrag uitmaak;
- (b) diens onder 'n leerkontrak en die omstandighede waar- onder en die voorwaardes waarop 'n leerkontrak deur die raad ingetrek kan word;
- (c) die voorwaardes met betrekking tot gedrag en werk- saamhede waarop ander persone as praktisyns deur praktisyns in diens geneem kan word om hulle in hul praktyke by te staan;
- (d) die aanstelling deur die raad van persone as ere-lede van sy orde, die regte en voorregte van bedoelde ere- lede en die beëindiging van hul lidmaatskap;
- (e) enige aangeleentheid waarvoor nie in hierdie artikel voorsiening gemaak word nie en wat ingevolge hierdie Wet voorgeskryf moet of kan word; en
- (f) oor die algemeen, alle aangeleenthede wat die raad dit nodig of dienstig ag om voor te skryf ten einde die oogmerke van hierdie Wet te verwesenlik.

(2) 'n Reël in subartikel (1) bedoel, word uitgevaardig met die goedkeuring van die Hoofregter van Suid-Afrika en, indien die Hoofregter van oordeel is dat die belange van die publiek deur die bepalings van so 'n reël nadelig geraak sou kan word, met die goedkeuring van die Staatspresident.

(3) 'n Raad lê nie 'n konsepreël aan die Hoofregter van Suid-Afrika voor nie tensy—

- (a) indien die konsepreël voorgelê word deur die raad van—
 - (i) Die Wetsgenootskap van die Kaap die Goeie Hoop;
 - (ii) Die Prokureursorde van die Oranje-Vrystaat;
 - (iii) Die Natalse Wetsgenootskap; of
 - (iv) Die Prokureursorde van Suidwes-Afrika;
 daardie konsepreël deur die meerderheid van die lede van die betrokke orde, op 'n algemene vergadering van daardie orde aanwesig of verteenwoordig, goedge- keur is; en
- (b) die raad oorleg gepleeg het met die Regter-president van elke provinsiale afdeling in die provinsie van sy orde en met die Hoofregter van elke Hoërhof in daardie provinsie.

(4) Reëls kragtens subartikel (1) uitgevaardig, tree in werking op die datum van publikasie van daardie reëls in die *Staatskoerant* of op 'n latere datum in die kennisgewing van publikasie bepaal.

(5) 'n Berekening van gelde ingevolge 'n reël in artikel 15 (h) beoog, is onderworpe aan hersiening in alle opsigte asof dit 'n vasstelling is van daardie beampte van 'n provinsiale afdeling of Hoërhof wat met die taksering van gelde en vorderings belas is.

(6) In hierdie artikel beteken „Hoërhof”—

- (a) die Hoërhof ingestel ingevolge die bepalings van artikel 50 (1) van die Transkeise Grondwet, 1963 (Wet No. 48 van 1963);
- (b) enige Hoërhof ingestel ingevolge artikel 171 van die Wet op die Ontwikkeling van Self-bestuur vir Na- turellevolke in Suidwes-Afrika, 1968 (Wet No. 54 van 1968), of artikel 34 (1) van die Grondwet van die Bantoetuislande, 1971 (Wet No. 21 van 1971).

22. Geen aksie vir skadevergoeding word ingestel teen 'n Beperking op aan- orde, raad, lid van 'n raad, beampte of werknemer van 'n orde spreeklikheid. of iemand met wie 'n raad 'n ooreenkoms in artikel 5 (g) (ii)

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ment referred to in section 5 (g) (ii), in respect of anything done in good faith in terms of this Act.

Application of Act to territory.

23. This Act and any amendment thereof shall apply also in the territory, including the Eastern Caprivi Zipfel.

Repeal of laws and savings.

24. (1) Subject to the provisions of subsection (2), the laws set out in the Schedule are hereby repealed to the extent set out in the fourth column thereof.

(2) (a) Any rule, bye-law or regulation made under any provision of a law repealed by subsection (1) shall be deemed to be a rule made under the corresponding provision of this Act, and any provision of any law so repealed prescribing or otherwise dealing with any matter which in terms of this Act may be prescribed shall notwithstanding the repeal of such law be deemed to be a rule made in terms of this Act.

(b) Any person who at the commencement of this Act is a member of a council shall, subject to the provisions of section 8 (2), continue to hold office as such member for the unexpired portion of his period of office.

(c) Any notice, prohibition, order, direction, approval, authority, return, certificate, document or appointment made, issued or given, and any other thing done under any provision of any law repealed by this Act, shall unless inconsistent with the provisions of this Act be deemed to have been made, issued, given or done under this Act.

Short title.

25. This Act shall be called the Law Societies' Act, 1975.

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bedoel, aangegaan het, ten opsigte van enigiets te goeder trouw ingevolge die bepalinge van hierdie Wet gedoen nie.

23. Hierdie Wet en 'n wysiging daarvan is ook in die gebied, met inbegrip van die Oostelike Caprivi Zipfel, van toepassing.

Toepassing van
Wet op gebied.

24. (1) Behoudens die bepalinge van subartikel (2), word die wette in die Bylae vermeld hierby herroep in die mate in die vierde kolom daarvan uiteengesit.

Herroeping van
wette en voor-
behoude.

- (2) (a) 'n Reël, bywet, verordening of regulasie uitgevaardig kragtens 'n bepaling van 'n wet wat deur subartikel (1) herroep word, word geag 'n reël te wees wat kragtens die ooreenstemmende bepaling van hierdie Wet uitgevaardig is, en enige bepaling van 'n wet aldus herroep wat enige aangeleentheid wat ingevolge hierdie Wet voorgeskryf kan word, voorskryf of op 'n ander wyse daarvoor handel, word ondanks die herroeping van bedoelde wet geag 'n reël te wees wat ingevolge hierdie Wet uitgevaardig is.
- (b) Iemand wat by die inwerkingtreding van hierdie Wet 'n lid is van 'n raad hou, onderworpe aan die bepalinge van artikel 8 (2), aan om sy amp as sodanige lid te bekleed vir die onverstreke gedeelte van sy ampstermyn.
- (c) 'n Kennisgewing, verbod, bevel, lasgewing, goedkeuring, magtiging, opgawe, sertifikaat, dokument of aanstelling gedoen, uitgereik of gegee, en enigiets anders verrig kragtens 'n bepaling van 'n wet wat deur hierdie Wet herroep word, word, tensy dit onbestaanbaar is met die bepalinge van hierdie Wet, geag kragtens hierdie Wet gedoen, uitgereik, gegee of verrig te wees.

25. Hierdie Wet heet die Wet op Prokureursordes, 1975.

Kort titel.

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Schedule

LAWS REPEALED

Where in force	No. and year of law	Title	Extent of repeal
Cape of Good Hope	Act No. 20 of 1916	Law Society (Cape of Good Hope) Private Act, 1916	The whole
Natal	Act No. 10 of 1907	Incorporated Law Society of Natal Act, 1907	The whole
Natal	Act No. 36 of 1945	Incorporated Law Society of Natal Amendment (Private) Act, 1945	The whole
Orange Free State	Act No. 9 of 1903	The Incorporated Law Society Ordinance, 1903	The whole
Orange Free State	Act No. 22 of 1929	Incorporated Law Society of the Orange Free State Amendment (Private) Act, 1929	The whole
Orange Free State	Act No. 6 of 1942	Incorporated Law Society of the Orange Free State Further Amendment (Private) Act, 1942	The whole
Orange Free State	Act No. 9 of 1949	Incorporated Law Society of the Orange Free State Further Amendment (Private) Act, 1949	The whole
Transvaal	Ordinance No. 1 (Private) of 1905	Constitution of the Incorporated Law Society of the Transvaal Ordinance, 1905	The whole
South West Africa	Proclamation No. 32 of 1921	Law Society (South West Africa) Private Proclamation, 1921	The whole
South West Africa	Ordinance No. 30 of 1961	Law Society (South West Africa) Amendment Ordinance 1961	The whole
South West Africa	Ordinance No. 21 of 1966	Attorneys, Notaries and Conveyancers Admission Amendment Ordinance, 1966	The whole
Republic	Act No. 26 of 1965	Attorneys, Notaries and Conveyancers Admission Amendment Act, 1965	Sections 20 to 32
Republic	Act No. 29 of 1974	General Law Amendment Act, 1974	Sections 1 to 8

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Bylae

WETTE HERROEP

Waar van krag	No. en Jaar van Wet	Titel	In hoeverre herroep
Kaap die Goeie Hoop	Wet No. 20 van 1916	Wetsgenootskap (Kaap de Goede Hoop) Private Wet, 1916	Die geheel
Natal	Wet No. 10 van 1907	„Incorporated Law Society of Natal Act, 1907”	Die geheel
Natal	Wet No. 36 van 1945	Private Wysigingswet op die Ingelyfde Wetsgenootskap van Natal, 1945	Die geheel
Oranje-Vrystaat	Wet No. 9 van 1903	„The Incorporated Law Society Ordinance, 1903”	Die geheel
Oranje-Vrystaat	Wet No. 22 van 1929	Ingelyfde Wetsgenootskap van die Oranje Vrystaat Wysigings (Private) Wet, 1929	Die geheel
Oranje-Vrystaat	Wet No. 6 van 1942	Ingelyfde Wetsgenootskap van die Oranje-Vrystaat Verdere Wysigings (Private) Wet, 1942	Die geheel
Oranje-Vrystaat	Wet No. 9 van 1949	Verdere (Private) Wysigingswet op die Ingelyfde Wetsgenootskap van die Oranje-Vrystaat, 1949	Die geheel
Transvaal	Ordonnansie No. 1 (Privaat) van 1905	„Constitution of the Incorporated Law Society of the Transvaal Ordinance, 1905”	Die geheel
Suidwes-Afrika	Proklamasie No. 32 van 1921	„Law Society (South West Africa) Private Proclamation, 1921”	Die geheel
Suidwes-Afrika	Ordonnansie No. 30 van 1961	Wysigingsordonnansie 1961 op die „Law Society (South West Africa) Proclamation”	Die geheel
Suidwes-Afrika	Ordonnansie No. 21 van 1966	Wysigingsordonnansie op die Toelating van Prokureurs, Notarisse en Transportbesorgers 1966	Die geheel
Republiek	Wet No. 26 van 1965	Wysigingswet op die Toelating van Prokureurs, Notarisse en Transportbesorgers, 1965	Artikels 20 tot 32
Republiek	Wet No. 29 van 1974	Algemene Regswysigingswet, 1974	Artikels 1 tot 8

