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**ALGEMEEN • GENERAL**  
**TRANSVAAL**

DIE PROKUREURSORDE VAN TRANSVAAL

REËLS UITGEVAARDIG KAGTENS ARTIKEL 74 VAN DIE WET OP PROKUREURS (No. 53 VAN 1979).

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THE LAW SOCIETY OF THE TRANSVAAL

RULES MADE UNDER THE AUTHORITY OF SECTION 74 OF THE ATTORNEYS ACT  
(No. 53 OF 1979)

*Arrangement of rules*

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## DEEL I

## WOORDOMSKRYWING

1. In hierdie Reëls, tensy uit die samehang anders blyk, beteken—
- 1.1 "Algemene vergadering" 'n algemene vergadering van lede wat ooreenkomstig artikel 68 (a) van die Wet belê is; (1.8)
  - 1.2 "die Wet" die Wet op Prokureurs, 1979; (1.24)
  - 1.3 "firma"—
    - 1.3.1 'n vennootskap van praktsyns;
    - 1.3.2 'n alleenpraktsyn vir sy eie rekening;
    - 1.3.3 'n professionele maatskappy;
  - 1.4 wat in elke geval die praktyk van 'n praktsyn beoefen; (1.7)
  - 1.5 "Griffier" die Griffier van die Hof; (1.17)
  - 1.6 "Hof" die Transvaalse Proviniale Afdeling; (1.5)
  - 1.7 "hoofkantoor", met betrekking tot 'n praktiserende lid—
    - 1.6.1 die perseel waar en waarvandaan die praktyk van die firma waarvan hy die eienaar of 'n lid is of by wie hy in diens is, as 'n geheel geadministreer en beheer word, met inbegrip van sodanige persone in twee of meer geboue wat naby genoeg aan mekaar geleë is om hul administrasie as 'n enkele samegestelde eenheid moontlik te maak; en
    - 1.6.2 ook 'n perseel wat kragtens reël 2.1 of reël 2.4, na gelang van die geval, as sodanig verklaar of bepaal is; (1.11)
  - 1.8 "jaar" 'n jaar wat op 1 Julie begin en op 30 Junie eindig; (1.28)
  - 1.9 "lid" 'n lid van die orde kragtens artikel 57 van die Wet; (1.12)
  - 1.10 "orde" Die Prokureursorde van Transvaal; (1.20)
  - 1.11 "praktiserende lid" 'n praktsyn wat kragtens artikel 57 (1) van die Wet 'n lid is; (1.14)
  - 1.12 "President" die president van die orde of die persoon wat kragtens artikel 63 (4) van die Wet as sodanig waarnem; (1.15)
  - 1.13 "provinsie" die provinsie Transvaal; (1.17)
  - 1.14 "Raad" die raad van die orde; (1.5)
  - 1.15 "Rekeningboeke" die rekeningboeke en oorkondes wat 'n firma kragtens reël 68.1.1 verplig is om by te hou; (1.2)
  - 1.16 "rekenmeester" iemand wat kragtens die Wet op Openbare Rekenmeesters en Ouditeurs, 1951, as rekenmeester en ouditeur geregistreer is en wat praktiseer as openbare rekenmeester soos in daardie Wet omskryf; (1.1)
  - 1.17 "sekretaris" die sekretaris van die orde en ook 'n assistent-sekretaris van die orde; (1.19)
  - 1.18 "sirkel" 'n vereniging van lede wat kragtens artikel 69 (j) van die Wet gestig is; (1.4)
  - 1.19 "takkantoor", met betrekking tot 'n praktiserende lid, 'n kantoor waar of waarvandaan die firma waarvan hy die eienaar of 'n lid is of by wie hy in diens is, praktiseer, maar wat nie 'n hoofkantoor is nie; (1.3)
  - 1.20 "Trustbankrekening" ook alle trustrekeninge wat 'n firma kragtens artikel 78 (1) van die Wet hou; (1.23)
  - 1.21 "Trustbeleggingsrekening" ook alle rekenings wat 'n firma kragtens artikel 78 (2) van die Wet hou; (1.26)
  - 1.22 "trustgeld" geld wat gehou of ontvang word op rekening van enigiemand soos beoog in artikel 78 (1) van die Wet en ook die deposito's waarna verwys word in reël 69.3; (1.27)
  - 1.23 "trustkontant" kontant wat deur 'n firma in trust gehou word op 'n ander wyse as in 'n trustbankrekening of 'n trustbeleggingsrekening; (1.24)
  - 1.24 "trustkrediteur" 'n persoon vir wie se rekening geld gehou of ontvang word soos beoog in artikel 78 (1) van die Wet; (1.25)
  - 1.25 "verkiesing" 'n verkiesing van lede tot die raad in ooreenstemming met die tersaakklike bepalings van Deel IV van hierdie reëls; (1.8)
  - 1.26 "verklaarde lid" iemand wat, behoudens die bepalings van reël 7.2.1.2, kragtens artikel 57 (2) van die Wet tot lid verklaar is vir solank hy nie 'n praktiserende lid word nie; (1.7)

## PART I

## DEFINITIONS

1. In these Rules, unless the context otherwise indicates—
- 1.1 "Accountant" means a person who is registered as an accountant and auditor in terms of the Public Accountants and Auditors Act, 1951, and who practises as a public accountant as defined in that Act; (1.15)
  - 1.2 "Books of account" means the books and records which a firm is required to keep in terms of rule 68.1.1; (1.14)
  - 1.3 "Branch office", in relation to a practising member, means an office at or from which the firm of which he is the proprietor or a member or by which he is employed practises, but which is not a main office; (1.19)
  - 1.4 "Circle" means an association of members formed in terms of section 69 (j) of the Act; (1.17)
  - 1.5 "Council" means the council of the society; (1.13)
  - 1.6 "Court" means the Transvaal Provincial Division; (1.5)
  - 1.7 "Declared member" means, subject to rule 7.2.1.2., a person who has been declared a member in terms of section 57 (2) of the Act for so long as he does not become a practising member; (1.26)
  - 1.8 "Election" means an election of members to the Council in accordance with the relevant provisions of Part IV of these rules; (1.25)
  - 1.9 "Firm" means—
    - 1.9.1 a partnership of practitioners;
    - 1.9.2 a sole practitioner for his own account;
    - 1.9.3 a professional company;
  - 1.10 "General meeting" means a general meeting of members convened in accordance with section 68 (a) of the Act; (1.1)
  - 1.11 "Main office", in relation to a practising member—
    - 1.11.1 means the premises at and from which the practice of the firm of which he is the proprietor or a member or by which he is employed is as a whole administered and controlled, including such premises in two or more buildings situate in sufficiently close proximity to one another to allow the administration of those premises as a single composite entity; and—
    - 1.11.2 includes premises declared or determined as such in terms of rule 2.1 or rule 2.4 as the case may be. (1.6)
  - 1.12 "Member" means a member of the society in terms of section 57 of the Act; (1.8)
  - 1.13 "Place of abode" means the place at which a declared member ordinarily resides; (1.28)
  - 1.14 "Practising member" means a practitioner who is a member in terms of section 57 (1) of the Act; (1.10)
  - 1.15 "President" means the president of the society or the person acting as such in terms of section 63 (4) of the Act; (1.11)
  - 1.16 "Principal place of practice" means the place at which the main office of a practising member is situate, notwithstanding that he may habitually or temporarily practise at or from a branch office; provided that the principal place of practise of a member who is a member of more than one firm or who is the proprietor of one firm and a member of another or others shall be deemed to be the place of the main office of that one of those firms which has its main office closest to his residential address; (1.27)
  - 1.17 "Province" means the Province of the Transvaal; (1.12)
  - 1.18 "Registrar" means the Registrar of the Court; (1.4)
  - 1.19 "Secretary" means the secretary of the society and includes an assistant secretary of the society; (1.16)
  - 1.20 "Society" means the Law Society of the Transvaal; (1.9)
  - 1.21 "Special meeting" means a meeting of members convened in accordance with section 68 (b) of the Act; (1.18)
  - 1.22 "The Act" means the Attorneys Act, 1979; (1.2)
  - 1.23 "Trust Bank account" means and includes all trust accounts kept by a firm in terms of section 78 (1) of the Act; (1.20)
  - 1.24 "Trust cash" means any cash held in trust by a firm other than in a trust bank account or a trust investment account; (1.23)
  - 1.25 "trust creditor" means a person on whose account money is held or received as contemplated by section 78 (1) of the Act; (1.24)
  - 1.26 "trust investment account" means and includes all accounts kept by a firm in terms of section 78 (2) of the Act; (1.21)

1.27 "vernaamste setel van praktyk" die plek waar die hoofkantoor van 'n praktiserende lid geleë is al praktiseer sodanige lid ook gewoonlik of tydelik by of vanaf 'n takkantoor; met dien verstande dat die vernaamste setel van praktyk van 'n lid wat 'n lid is van meer as een firma of wat die eienaar is van een firma of ander firmas, geag sal word die plek van die hoofkantoor te wees van daardie een van sodanige firmas waarvan die hoofkantoor die naaste aan die woonadres van sodanige lid geleë is; (1.16)

1.28 "woonplek" die plek waar 'n verklaarde lid gewoonlik woon; (1.13)

en het ander uitdrukings wat in die Wet omskryf word, die onderskeie menings wat by artikel 1 van die Wet aan hulle geheg word, behalwe dat die woord "praktisyn" in Dele XII en XIII van hierdie reëls die betekenis het van 'n prokureur, notaris of transportbesorger wie se naam op die Rol van die Hof geplaas is, ongeag of hy 'n lid is al dan nie.

2.1 Indien 'n firma te eniger tyd sy praktyk as 'n geheel administreer en beheer vanuit persele in twee of meer geboue wat na die mening van die raad nie so 'n enkele samegestelde eenheid uitmaak as wat in die omskrywing van "hoofkantoor" in reël 1.6.1 bedoel word nie, kan die raad eis dat sodanige firma aan hom binne 'n tyd wat deur die raad bepaal word, skriftelik verklaar watter een of meer van daardie geboue wat na die mening van die raad so 'n eenheid uitmaak, die firma se hoofkantoor bevat, en daarna moet sodanige firma sy praktyk as 'n geheel vanuit die aldus verklaarde perseel administreer en beheer.

2.2 Die raad kan sodanige ondersoek, met inbegrip van 'n inspeksie van die betrokke perseel, instel as wat hy goed ag, en die betrokke lid moet aan die raad sodanige inligting verstrek en sodanige hulp verleen as wat die raad mag vereis om hom in staat te stel om kragtens reël 2.1 'n mening te vorm.

2.3 'n Verklaring wat kragtens reël 2.1 deur 'n lid gemaak is, bly van krag totdat hy—

2.3.1 sy hoofkantoor verskuif uit die perseel waarop die verklaring betrekking het; of

2.3.2 'n verklaring kragtens reël 2.1 maak ten opsigte van 'n ander perseel.

2.4 As 'n firma in gebreke bly om binne die tyd voorgeskryf deur die raad 'n verklaring kragtens reël 2.1 te maak, kan die raad by wyse van skriftelike kennisgewing aan die firma, bepaal watter een van die betrokke persele sy hoofkantoor uitmaak, en daarna is die oorblywende bepaling van hierdie reël 2 *mutatis mutandis* van toepassing asof daardie perseel deur die firma tot sodanig verklaar is.

## DEEL II

### LEDE

#### *Register van praktisyens en lede*

3.1 Elkeen wat as prokureur van die Hof toegelaat en ingeskryf of hertoegelaat en heringeskryf word of wie se naam op die Rol van die Hof geplaas of weer daarop geplaas is, moet binne 30 dae na die datum van sy toelating en inskrywing of van sy hertoelating en herinskrywing of na die datum waarop sy naam aldus op die Rol geplaas of weer op die Rol geplaas is, na gelang van die geval, by die sekretaris 'n opgawe indien en by die Griffier 'n duplikaat van sodanige opgawe indien, welke opgawe die volgende inligting moet bevat:

3.1.1 Sy volle naam, geboortedatum en woonadres;

3.1.2 of hy wel, al dan nie, praktiseer of op die punt staan om te begin praktiseer;

3.1.3 indien hy nie praktiseer nie, sy sakeadres en posadres en telefoonnummers, indien enige;

3.1.4 indien hy praktiseer, sy hoofkantoor se adres en posadres en telefoonnummers, indien enige;

3.1.5 of hy praktiseer—

3.1.5.1 vir eie rekening, en, indien wel, of hy op sy eie of in vennootskap (met opgawe van die volle name van sy vennote) of as lid van 'n professionele maatskappy (met opgawe van die volle name van sy mededirekteure) praktiseer; of

3.1.5.2 as 'n werknemer;

3.1.6 indien hy vir eie rekening praktiseer, die adres en posadres en telefoonnummers, indien enige, van elke takkantoor en van elke gebou waar en waarvandaan hy praktiseer;

3.1.7 die naam waaronder die firma waarvan hy die eienaar of 'n lid of by wie hy in diens is, praktiseer;

3.1.8 indien hy in diens is by iemand wat nie praktiseer nie, die aard van sy diens en die naam en sakeadres en posadres en telefoonnummers, indien enige, van sy werkgewer;

1.27 "trust money" means money held or received on account of any person as contemplated by section 78 (1) of the Act, including the deposits referred to in rule 69.3; (1.22)

1.28 "year" means a year commencing on the 1st July and terminating on the 30th June; (1.7)

and other expressions defined in the Act shall bear the respective meanings assigned to them by section 1 of the Act, save that in Parts XII and XIII of these rules the word "practitioner" shall mean any attorney, notary or conveyancer whose name has been placed on the Roll of the Court, whether or not he is a member.

2.1 If a firm at any time administers and controls its practice as a whole from premises in two or more buildings which do not, in the opinion of the council, constitute such a single composite entity as is contemplated in the definition of "main office" in rule 1.11.1 the council may require that firm to declare to it in writing, within a time stipulated by the council, which one, or more of those buildings as may, in the opinion of the council, constitute such an entity, contains or contain its main office, and thereafter that firm shall administer and control its practice as a whole from the premises so declared.

2.2 The council may make such enquiry, including inspection of the premises concerned, as it deems fit, and the member concerned shall furnish the council with such information and render such assistance as it may require, to enable it to form an opinion in terms of rule 2.1.

2.3 A declaration made by a member under rule 2.1 shall remain effective until such time as he—

2.3.1 moves his main office from the premises which are the subject of the declaration; or

2.3.2 makes a declaration in terms of rule 2.1 in respect of other premises.

2.4 Should a firm fail, within the time stipulated by the council, to make a declaration under rule 2.1, the council may by notice in writing to the firm determine which of the premises concerned constitute its main office, where-upon the remaining provisions of this rule 2 shall *mutatis mutandis* apply as though those premises had been so declared by the firm.

## PART II

### MEMBERS

#### *Register of practitioners and members*

3.1 Every person who is admitted and enrolled or readmitted and re-enrolled as an attorney of the Court or whose name has been placed or again placed on the Roll of the Court shall within 30 days after the date of his admission and enrolment or of his readmission and re-enrolment or after the date on which his name has been so placed or again placed on the Roll, as the case may be, lodge with the secretary a statement, and with the Registrar a duplicate of that statement, containing the following information:

3.1.1 His full name, date of birth and residential address;

3.1.2 whether or not he practises or is about to commence practice;

3.1.3 if he does not practise, his business address and postal address and telephone numbers, if any;

3.1.4 if he practises, the address of his main office and its postal address and telephone numbers, if any;

3.1.5 whether he conducts practice—

3.1.5.1 for his own account, and, if so, whether alone or in partnership (stating the full names of his partners) or as a member of a professional company (stating the full names of his co-directors); or

3.1.5.2 as an employee.

3.1.6 if he practises for his own account the address and postal address and telephone numbers, if any, of every branch office and of every building at and from which he practises;

3.1.7 the name under which the firm of which he is the proprietor or a member or by which he is employed conducts practice;

3.1.8 if he is employed by any person who does not practise, the nature of his employment and the name and business address and postal address and telephone numbers, if any, of his employer;

en hy moet binne 30 dae nadat enige van bovermelde besonderhede verander het, 'n opgawe van sodanige verandering by die sekretaris en 'n duplikaat van sodanige opgawe by die Griffier indien.

3.2 Die raad kan vereis dat die inligting in hierdie reël vermeld, ingedien moet word op 'n vorm soos deur die raad bepaal, maar niks in hierdie subreël onthef 'n lid van die plig om die bepaling van reël 3.1 na te kom nie.

4.1 Die sekretaris moet 'n register in sodanige vorm as wat die raad mag bepaal, byhou en hierin moet hy met betrekking tot elke betrokke persoon die inligting wat van tyd tot tyd ooreenkomsdig reël 3.1 by hom ingedien word, aanteken en moet hy aandui of sodanige persoon 'n lid is al dan nie en, indien wel 'n lid, of hy 'n praktiserende lid of 'n verklaarde lid is.

4.2 Die sekretaris moet ook in die register ten opsigte van elke betrokke persoon 'n aantekening maak—

4.2.1 van die datum van toelating en inskrywing, van daardie persoon en, waar van toepassing, van sy hertoelating en herinskrywing as prokureur, notaris of transportbesorger van die Hof, en, waar van toepassing, van die datum waarop sy naam op die Rol van die Hof geplaas of weer daarop geplaas is, en, waar van toepassing, van die datum waarop hy 'n praktiserende lid of 'n verklaarde lid, na gelang van die geval, geword het;

4.2.2 waar van toepassing, van die datum waarop sodanige persoon opgehou het om 'n praktiserende lid of 'n verklaarde lid, na gelang van die geval, te wees;

4.2.3 waar van toepassing, van die datum van sodanige persoon se skrapping van die rol van prokureurs, of notaris of transportbesorgers of van sy skorsing in sy praktyk en die tydperk van sodanige skorsing.

5.1 Die register in reël 4 vermeld, moet by die sekretariaat gehou word en gedurende gewone kantoorure gratis ter insae lê van enige lid, van die Sekretaris-generaal van die Vereniging van Prokureursordes van die Republiek of enige wat skriftelik deur hom daartoe gemagtig is, en van die sekretaris van enige ander prokureursorde in artikel 56 van die Wet vermeld of enige wat skriftelik deur hom daartoe gemagtig is, en die sekretaris kan aan enige van sodanige persone skriftelik en gratis sodanige inligting verstrek as wat hy uit gemelde register mag verlang.

5.2 Teen betaling van sodanige bedrag as wat deur die raad vasgestel mag word, kan die sekretaris aan enige ander persoon as diegene in reël 5.1 vermeld, 'n sertifikaat versaf waarin sommige van of al die volgende inligting uit die register, maar geen ander inligting nie, bevat word, naamlik—

5.2.1 die naam en adres van enige praktiserende lid;

5.2.2 die naam en sakeadres of, as geen sakeadres geregistreer is nie, die woonadres, van enige verklaarde lid;

5.2.3 of 'n lid opgehou het om te praktiseer of opgehou het om 'n verklaarde lid te wees, na gelang van die geval.

6.1 Die inligting in die register in reël 4 vermeld, word, behoudens enige klaarblyklike fout in 'n inskrywing, vir alle doeleindes as korrek beskou.

6.2 'n Mededeling of kennisgewing bedoel vir enige wie se naam in die register opgeteken is, moet, indien dit nie aan hom persoonlik aangelewer word nie, aan hom gepos word na die adres wat in die register opgeteken staan—

6.2.1 indien hy 'n praktiserende lid is, as die adres van sy hoofkantoor, of

6.2.2 indien hy 'n verklaarde lid is, as die adres van sy eie of, na gelang van die geval, sy werkewer se saak, indien dit aangegee is, of.

6.2.3 indien hy 'n verklaarde lid is wat nog 'n sakeadres nog die adres van 'n werkewer aangegee het, of indien hy iemand anders is wat nie praktiseer nie, as sy woonadres.

6.3 'n Aldus geposte mededeling of kennisgewing word geag behoorlik ontvang te gewees het op die tydstip waarop dit die geadresseerde persoon in die gewone loop van die pos sou bereik het.

#### *Verklaring van persone tot lede*

7.1 Wanneer hy iemand kragtens artikel 57 (2) van die Wet tot lid van die orde verklaar, moet die raad onder meer die volgende oorweging in aanmerking neem:

7.1.1 Die aard en duur van sy werk of die beroep, saak of ander nering wat hy uitoefen of bedryf of waarby hy betrokke is;

7.1.2 of hy buite die provinsie praktiseer of woon al dan nie;

and shall, within 30 days of any change taking place in any of the above particulars, lodge with the secretary a statement of such change and with the Registrar a duplicate of that statement.

3.2 The council may require that the information referred to in this rule shall be submitted on a form to be determined by the council, but nothing in this subrule contained shall relieve a member of the duty to comply with the requirements of rule 3.1.

4.1 The secretary shall keep a register, in such form as may be determined by the council, in which he shall maintain a record in relation to each person concerned, of the information lodged with him from time to time in accordance with rule 3.1 and indicating whether such person is a member or not and, if so, whether he is a practising member or a declared member.

4.2 The secretary shall also record in the register in relation to each person concerned—

4.2.1 the date of his admission and enrolment and, where applicable, of his readmission and re-enrolment as an attorney, notary or conveyancer of the Court and, where applicable, the date upon which his name was placed or was again placed on the Roll of the Court and, where applicable, the date upon which he became a practising member or a declared member as the case may be,

4.2.2 where applicable, the date upon which he ceased to be a practising member or a declared member, as the case may be,

4.2.3 where applicable, the date of his removal from the roll of attorneys or of notaries or of conveyancers or of his suspension from practice and the period of the suspension.

5.1 The register referred to in rule 4 shall be kept at the secretariat and shall, during ordinary business hours, be open for inspection, free of charge, by any member, by the Secretary General of the Association of Law Societies of the Republic or any person authorised by him in writing and by the secretary of any other law society referred to in section 56 of the Act or any person authorised by him in writing, and the secretary may furnish any of those persons in writing and free of charge with such information as he may require from the said register.

5.2 Upon payment of such fee as may be fixed by the council the secretary may furnish any person other than the persons referred to in rule 5.1 with a certificate containing some or all of the following information extracted from the register, but with no other information, namely:

5.2.1 The name and address of any practising member;

5.2.2 the name and business address, or where no business address is registered, the residential address, of any declared member;

5.2.3 whether a member has ceased practising or ceased to be a declared member, as the case may be.

6.1 The information appearing in the register referred to in rule 4 shall, in the absence of any manifest error in an entry, for all purposes be deemed to be correct.

6.2 A communication or notice intended for any person whose name is recorded in the register shall, if not delivered to him personally, be posted to him addressed to him at the address entered in the register—

6.2.1 if he is a practising member, as that of his main office, or

6.2.2 if he is a declared member, as that of his own, or, as the case may be, his employer's business, if disclosed, or

6.2.3 if he is a declared member who has disclosed neither a business address nor the address of an employer, or if he is any other person who does not practise, as his residential address;

6.3 A communication or notice so posted shall be deemed to have been duly and properly received at the time when it would have reached the person to whom it is addressed in the ordinary course of post.

#### *Declaration of persons as members*

7.1 In declaring a person to be a member of the society under section 57 (2) of the Act, the council shall have regard, *inter alia*, to the following considerations:

7.1.1 The nature and length of duration of his employment or of the profession, business or other occupation practised, conducted or engaged in by him;

7.1.2 whether or not he practises or resides outside the province.

7.1.3 waar die betrokke persoon aansoek doen om aldus tot lid verklaar te word, die redes wat hy ter ondersteuning van sy aansoek aanvoer;

7.1.4 indien hy in diens is, of sy werkgever sy toelating tot lidmaatskap ondersteun of teenstaan, en in iedere geval die redes vir die ondersteuning of teenstand aangevoer;

7.1.5 of hy na die mening van die raad deur die raad as 'n geskikte en gepaste persoon beskou word om in die provinsie te praktiseer.

#### 7.2 Elke sodanige verklaring is onderworpe aan—

##### 7.2.1 die voorwaarde dat die betrokke persoon—

7.2.1.1 voordat hy tot lid verklaar word en indien die raad dit vereis, die orde voorsien het van 'n skriftelike erkenning waarin hy erken dat hy bewus is daarvan dat hy gebonde is aan die reëls van die orde en die etiese kode van die beroep en dat, indien hy aldus verklaar word, hy gebonde sal wees aan die beslissings en bepalings van die raad;

7.2.1.2 ophou om 'n verklaarde lid te wees op die datum van 'n skriftelike kennisgewing aan hom deur die raad dat die raad op grond van 'n verandering in sy werk of sy beroep, saak of ander nering of omdat daar na die mening van die raad 'n wesenlike verandering ingetree het in die omstandighede waarop die raad sy besluit gegrond het om hom tot lid te verklaar, of omdat daardie besluit gegrond was op inligting wat na die oordeel van die raad foutief, vals of misleidend was, dit wenslik ag dat sy verklaarde lidmaatskap eindig;

7.2.2 sodanige verdere voorwaardes as wat die raad na goeddunke skriftelik ople wanneer hy hom tot lid verklaar;

7.2.3 die reg van die raad om van tyd tot tyd na goeddunke by wyse van skriftelike mededelings aan die betrokke lid sodanige voorwaardes op te lê as wat hy kragtens reël

7.2.2 kon opgelê het, of om voorwaardes van tevore opgelê aan te vul of andersins te wysig.

#### Inligting oor vraag of praktisyne in provinsie praktiseer

8. 'n Praktisyne wat daarop aanspraak maak dat hy in die provinsie praktiseer of wat prima facie deur die raad geag word aldus te praktiseer, moet aan die raad sodanige inligting verstrek as wat die raad redelikerwys mag vereis om te bepaal of hy 'n praktiserende lid is of nie.

#### Erelidmaatskap

9.1 By besluit waaraan elke lid van die raad sy goedkeuring skriftelik geheg het, kan die raad iemand wat nie lid van die orde is nie, as erelid van die orde aanstel, ongeag of hy 'n praktisyne is of voorheen was of nie.

9.2 'n Aldus aangestelde persoon bly 'n erelid van die orde solank dit die raad behaag en kan op uitnodiging van die raad vergaderings en ander byeenkomste van lede bywoon maar hy het nie die reg om anders as op uitnodiging of met die toestemming van die voorsitter aangehoor te word nie en hy kan nie op 'n vergadering van lede stem nie en hy is nie aanspreeklik vir die betaling van enige ledegeld, heffing, gelde of ander vordering nie en hy kan ook nie tot lid van die raad verkieks word nie.

9.3 Die Sekretaris moet die name en adresse van alle erelide aanteken in 'n afsonderlike en duidelike onderskeibare deel van die register in reël 4 vermeld.

#### DEEL III

#### LEDEVERGADERINGS

##### Algemene vergaderings

10. Die raad moet 'n algemene vergadering belê wat nie later nie as op 31 Desember van elke jaar gehou moet word.

11. 'n Kennisgewing van elke algemene vergadering moet elke jaar op of na 1 Julie en minstens 42 volle dae voor die datum van die vergadering deur die sekretaris aan elke lid gepos word en moet—

11.1 die datum, aanvangstyd en plek daarvan vermeld;

11.2 die sake wat daar verrig moet word, soos in reël 12 uiteengesit, vermeld;

11.3 indien 'n verkiesing vir die betrokke jaar gehou moet word, benoemings kragtens reël 31 versoek;

11.4 kennisgewing van spesiale sake kragtens reël 14 versoek; en

11.5 vermeld—

11.5.1 hoeveel gewone maandelikse vergaderings die raad die voorafgaande jaar gehou het;

11.5.2 hoeveel van daardie vergaderings bygewoon is deur elke raadslid wat toe raadslid was;

7.1.3 where application to be so declared a member is made by him, the reasons which he advances in support of his application;

7.1.4 whether, if he is employed, his employer supports or objects to his admission to membership and, in either case, the reasons advanced for the support or objection;

7.1.5 whether he would, in the opinion of the council, be a person whom the council would consider fit and proper to practise in the province.

#### 7.2 Every such declaration shall be conditional upon—

##### 7.2.1 the person concerned—

7.2.1.1 having, should the council so require, before being declared a member, furnished the society with his written acknowledgment that he is aware that he is bound by the rules of the society and the ethical code of the profession and that, in the event of his being so declared, he will be bound by the rulings and determinations of the Council;

7.2.1.2 ceasing to be a declared member upon the date of a written notice to him by the council that, because of a change of his employment or of his profession, business or other occupation, or because, in the opinion of the council, there has been a material alteration in the circumstances upon which the council based its decision to declare him a member or because that decision was based upon information which, in the judgment of the council, was erroneous, false or misleading, the council deems it desirable that his declared membership should cease;

7.2.2 such further conditions as the council may see fit to impose in writing in declaring him to be a member;

7.2.3 the right of the council from time to time, in its discretion, by means of written communications to the member concerned, to impose such conditions as it could have imposed in terms of rule 7.2.2, or to add to or otherwise vary any such conditions previously imposed.

#### Information as to whether practitioner practises in the province.

8. Any practitioner who claims or is considered prima facie by the council to be practising in the province shall furnish the council with such information as it may reasonably require to establish whether or not he is a practising member.

#### Honorary membership

9.1 The council may, by resolution to which every member of the council has signified his written approval, appoint as an honorary member of the society any person who is not a member of the society and whether or not he is or has formerly been a practitioner.

9.2 Any person so appointed shall remain an honorary member of the society during the pleasure of the council, and may, upon invitation by the council, attend meetings and other gatherings of members, but shall have no right of audience, save at the invitation or with the consent of the chairman, nor have a vote at any meeting of members and shall not be liable for the payment of any subscription, levy, fee or other charge, nor shall he be eligible for election to the council.

9.3 The secretary shall record in a separate and clearly distinguishable part of the register referred to in rule 4, the names and addresses of all honorary members.

#### PART III

#### MEETINGS OF MEMBERS

##### General meetings

10. The Council shall convene a general meeting to take place on a date not later than the 31st December in each year.

11. Notice of every general meeting shall be posted to every member by the secretary on or after the 1st July in each year and at least 42 clear days before the date of the meeting and shall—

11.1 state the date, the time of commencement and place thereof;

11.2 state the business to be transacted thereat as set forth in rule 12;

11.3 if an election is due to be held in the year concerned, call for nominations in terms of rule 31;

11.4 call for notices of special business in terms of rule 14; and

11.5 state—

11.5.1 the number of ordinary monthly meetings held by the council during the preceding year;

11.5.2 how many of those meetings each member of the council in office at the time attended;

11.5.3 sodanige kommentaar, indien enige, as wat die president mag gelas in gevalle wat na sy mening gepas is, aangaande die redes waarom enige lid van enige sodanige vergadering afwesig was.

12. Die sake wat op 'n algemene vergadering verrig moet word, is die volgende:

12.1 Die bekratiging van notules in reël 13.2 vermeld;

12.2 die oorweging en aanvaarding, met of sonder wysiging, van die presidentsverslag tesame met die orde se jaarlike finansiële state vir die voorafgaande jaar;

12.3 op die eerste algemene vergadering wat volg op 'n verkiesing, die aanhoor van die uitslag van sodanige verkiesing;

12.4 die aanstelling van die ouditeur of ouditeurs en die vasstelling van die bedrag van sy of hul vergoeding;

12.5 die oorweging en verrigting van enige saak waarvan die voorlegging aan die vergadering deur die raad dienstig geag word;

12.6 die oorweging en verrigting van enige spesiale saak waarvan behoorlik deur 'n lid kennis gegee is ooreenkomsdig die bepalings van reël 14.

13. Tensy dit deur die voorsitter gewysig word, is die procedure op 'n algemene vergadering soos volg:

13.1 Die voorsitterstoel moet ingeneem word soos by reël 27 voorgeskryf;

13.2 die notule van die vorige algemene vergadering en van alle tussenkomende spesiale vergaderings moet voorgelees word of, as die vergadering so besluit, as voorgelees beskou word en bekratig word;

13.3 die presidentsverslag moet dan oorweeg word saam met die orde se jaarlike finansiële state vir die voorafgaande jaar soos deur die ouditeur onderteken, en alle sake wat daaruit voortspruit is oop vir bespreking en aanvaarding met of sonder wysiging;

13.4 in 'n jaar waarin 'n verkiesing gehou is, moet die voorsitter daarna die name aankondig van die kandidate wat vir die volgende ampstermy tot lede van die raad verkies is;

13.5 benoemings vir die amp van ouditeur of ouditeurs moet deur die voorsitter gevra word en indien net een ouditeur of ouditeursfirma benoem word, moet dié tot aangestel verklaar word; anders moet die verkiesing van 'n ouditeur of ouditeursfirma plaasvind soos deur die voorsitter voorgeskryf word en daarna moet die aldus verkoose persoon of firma as ouditeur of ouditeurs aangestel word; en die besoldiging van die uitredende ouditeur of ouditeurs vir die afgelope audit moet deur die vergadering vasgestel word of, as die vergadering aldus besluit, aan die inkomende raad oorgelaat word vir vasstelling;

13.6 enige saak of aangeleentheid wat die raad dienstig geag het om te berde te bring, word dan bespreek en behandel of die mening van die vergadering word daaromtrent verkry;

13.7 na afhandeling van alle sake wat deur die raad voor-gelê is, moet spesiale sake waarvan behoorlik kennis gegee is en wat wettiglik op die vergadering behandel mag word, oorweeg en behandel word.

14.1 Kennis van enige spesiale saak wat deur 'n lid op 'n algemene vergadering geopper gaan word, moet minstens 28 volle dae voor die datum van die vergadering skriftelik aan die sekretaris gegee word.

14.2 Kennis van sodanige spesiale saak moet minstens 14 volle dae voor die datum van die vergadering deur die sekretaris aan elke lid gepos word.

14.3 Wanneer 'n lid kennis van 'n spesiale saak gegee het en sodanige saak in die sakelys van 'n algemene vergadering opgeneem is maar die lid deur wie die kennis gegee is nie op daardie vergadering teenwoordig is nie en ook nie die kennisgewing teruggetrek het nie, kan enige aanwesige lid dit met die toestemming van die voorsitter as sy eie aanvaar en dit voorstel asof die kennisgewing deur hom gegee is, maar by gebreke daarvan moet daardie saak van die sakelys geskrap word.

#### *Spesiale vergaderings*

15. Die raad kan spesiale vergaderings belê om op sodanige datums, tye en plekke gehou te word as wat hy bepaal.

16. Op skriftelike versoek van minstens 100 lede of 'n meerderheid van sirkels moet die raad 'n spesiale vergadering belê; elke sodanige versoek moet die sake vermeld wat op daardie vergadering behandel moet word, moet onderteken wees deur die lede of, na gelang van die geval, deur die voorsitters van die sirkels wat die versoek rig, en moet by die sekretaris ingedien word.

11.5.3 such comment, if any, as the president may direct in cases which are in his view appropriate as to the reasons for the absence of any member from any such meeting.

12. The business to be transacted at a general meeting shall be—

12.1 the confirmation of minutes referred to in rule 13.2;

12.2 the consideration and adoption with or without modification of the president's report together with the annual financial statements of the society for the preceding year;

12.3 at a general meeting first following an election, to receive the result of that election;

12.4 the appointment of the auditor or auditors and the fixing of the amount of his or their remuneration;

12.5 the consideration and transaction of any business which the council may deem expedient to submit to the meeting;

12.6 the consideration and transaction of any special business of which due notice as provided in rule 14 shall have been given by any member.

13. The procedure at a general meeting shall, unless varied by the chairman, be as follows:

13.1 The chair shall be taken as directed by rule 27;

13.2 the minutes of the preceding general meeting and of all intervening special meetings shall be read, or taken as read if the meeting so decides, and confirmed;

13.3 the president's report shall then be considered together with the annual financial statements of the society for the preceding year signed by the auditor and all matters arising therefrom shall be open for discussion and adoption with or without modification;

13.4 in a year in which an election has been held, the chairman shall then announce the names of the candidates elected as members of the council for the ensuing period of office;

13.5 nominations for the post of auditor or auditors shall be called for by the chairman and if only one auditor or firm of auditors be nominated, he or it shall be declared appointed; otherwise, the election of an auditor or firm of auditors shall take place in manner prescribed by the chairman and the person or firm so elected shall thereupon be appointed auditor or auditors; and the remuneration of the outgoing auditor or auditors for the past audit shall be fixed by the meeting or, if so decided by the meeting, left to the incoming council to fix;

13.6 any business or matter which the council may have deemed it expedient to introduce shall then be discussed and dealt with or the opinion of the meeting taken thereon;

13.7 after all the business submitted by the council has been dealt with, any special business of which notice has been duly given and which may be lawfully dealt with at the meeting shall be considered and dealt with.

14.1 Notice of any special business to be raised by any member at a general meeting shall be given to the secretary in writing at least 28 clear days before the date of the meeting;

14.2 notice of such special business shall be posted to each member by the secretary at least 14 clear days before the date of the meeting;

14.3 whenever a notice of special business has been given by a member and included as business to be transacted at a general meeting, and the member who gave the notice is not present at that meeting and has not withdrawn it, any member there 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, failing which, that business shall be removed from the agenda;

#### *Special meetings*

15. The council may on such dates and at such times and places as it may determine convene special meetings.

16. The council shall upon a requisition in writing made by not less than one hundred members or by a majority of circles convene a special meeting; every such requisition shall specify the business required to be dealt with at that meeting, shall be signed by the members or, as the case may be, by the chairman of the circles making the requisition and shall be lodged with the secretary.

17. Kennisgewings van elke spesiale vergadering moet minstens 14 volle dae voor die datum van die vergadering deur die sekretaris aan elke lid gepos word en moet die volgende vermeld, naamlik—

17.1 die datum, plek en aanvangstyd van die vergadering; en

17.2 die sake waarvoor die vergadering belê is:

Met dien verstande dat—

17.3 as die saak dringend is, waaroor die raad die alleenbeoordeelaar is, sodanige korter tyd kennis, as wat die raad bepaal, gegee mag word;

17.4 in die geval van 'n vergadering wat kragtens reël 16 versoek word, die vergadering belê moet word vir 'n datum hoogstens 30 volle dae na die indiening van die ondertekende versoek by die sekretaris en op sodanige tyd en op sodanige plek in Pretoria of Johannesburg gehou moet word as wat die president bepaal.

18. Geen ander sake as dié waarvoor 'n spesiale vergadering belê is, mag op sodanige vergadering behandel word nie.

*Bepalings van toepassing op alle ledevergaderings*

19. As daar op die dag wat vir die hou van 'n algemene vergadering of vir 'n spesiale vergadering bepaal is, op die bepaalde tyd vir die vergadering of binne 15 minute daarna nie 'n kworum teenwoordig is nie, mag geen sake behandel word nie, en—

19.1 indien dit 'n algemene vergadering is of 'n ander spesiale vergadering is as een wat kragtens reël 16 versoek is, word sodanige vergadering verdaag tot die ooreenstemmende tyd op die sewende dag daarna op dieselfde plek, en die lede wat dan persoonlik teenwoordig is, indien hulle minder as 15 is, maak 'n kworum uit; met dien verstande dat indien 'n dag tot wanneer so 'n vergadering verdaag word 'n openbarevakansiedag is, die vergadering verdaag word tot die ooreenstemmende tyd op dieselfde plek op die volgende werkdag wat nie 'n openbare vakansiedag, 'n Saterdag of 'n Sondag is nie;

19.2 indien sodanige vergadering 'n spesiale vergadering is wat ooreenkomsdig reël 16 versoek is en daar op die bepaalde tyd vir die vergadering of binne 15 minute daarna nie 'n kworum teenwoordig is nie, word die vergadering as ontbind beskou.

20. Tensy die president anders besluit, hoef geen kennis gegee te word van 'n vergadering wat ingevolge reël 19 verdaag is nie.

21. Enige ledevergadering waarop 'n kworum teenwoordig is, kan verdaag word tot sodanige tyd, datum en plek as wat op die vergadering besluit word.

22. Op 'n hervatte vergadering mag geen ander sake verryg word as dié wat op die verdaagde vergadering oorweeg kon word, maar nie afgehandel is nie.

23. Die volgende debats- en gedragsreëls moet op alle ledevergaderings nagekom word:

23.1 Behoudens die bepalings van hierdie reël 23 moet lede behoorlike en voldoende geleentheid gegee word om te praat oor enige onderwerp wat aan die orde is, maar geen lid sal sonder die verlof van die voorsitter, geregtig wees om anders as by wyse van verduideliking meer as eenmaal oor dieselfde onderwerp te praat nie; met dien verstande dat die voorsteller van 'n mosie toegelaat moet word om repliek te lewer en dat die debat of bespreking daarna gesluit sal wees;

23.2 die voorsteller van 'n oorspronklike mosie mag nie teen die duidelike gevoel van die vergadering, soos uitgespreek deur die voorsitter, langer as 15 minute praat nie; geen ander spreker nog die voorsteller in sy repliek mag teen sulke duidelike gevoel, soos voormeld uitgespreek, langer as 10 minute praat nie.

23.3 solank 'n oorspronklike mosie bespreek word, mag geen ander mosies as die volgende mosies van orde aanyaar word nie:

23.3.1 Om die mosie te wysig;

23.3.2 dat die vergadering verdaag word;

23.3.3 dat die bespreking verdaag word;

23.3.4 dat die saak nie nou in stemming gebring word nie;

23.3.5 dat die vergadering tot die volgende saak oorgaan;

23.4 'n wysiging—

23.4.1 moet betrekking hê op die mosie ten opsigte waarvan dit voorgestel word;

23.4.2 moet, indien die voorsitter dit vereis, op skrif gestel, deur die voorsteller onderteken, by die voorsitter ingelewer en deur laasgenoemde gelees word voordat dit voorgestel word;

17. Notice of every special meeting shall be posted to every member by the secretary at least 14 clear days before the date of the meeting and shall state—

17.1 the date and place and the time of commencement thereof; and

17.2 the business for which the meeting is convened: Provided that—

17.3 should it be a matter of urgency, as to which the council shall be the sole judge, such shorter period of notice as the council may determine may be given;

17.4 in the case of a meeting requisitioned under rule 16 the meeting shall be convened for a date not more than 30 clear days after the lodgement of the signed requisition with the secretary and shall be held at such time and at such place in Pretoria or Johannesburg as the president may determine.

18. No business other than that for which a special meeting has been convened may be dealt with at that meeting.

*Provisions common to all meetings of members*

19. If on the day appointed for the holding of a general meeting or of a special meeting there shall not be a quorum present at the time appointed for the meeting or within 15 minutes thereafter, no business shall be dealt with, and—

19.1 if that meeting be a general meeting or a special meeting other than one requisitioned under rule 16, it shall stand adjourned to the corresponding time on the seventh day thereafter at the same place and the members then personally present shall, if they be less than 15, nevertheless form a quorum; provided that if such day be a public holiday, the meeting shall stand adjourned to the corresponding time and the same place on the next succeeding business day not being a public holiday, a Saturday or a Sunday;

19.2 if that meeting be a special meeting requisitioned in accordance with Rule 16 and there be not a quorum present at the time appointed for that meeting or within 15 minutes thereafter, the meeting shall be considered dissolved.

20. Unless the chairman otherwise decides, no notice of any meeting adjourned as in rule 19 provided need be given.

21. Any meeting of members at which a quorum shall be present may be adjourned to such time, date and place as may be decided at the meeting.

22. No business shall be transacted at an adjourned meeting other than the business competent to the considered and uncompleted at the meeting which was adjourned.

23. The following rules of debate and conduct shall be observed at all meetings of members:

23.1 Subject to the provisions of this rule 23, members shall be given due and sufficient opportunity to speak on any subject under debate or discussion but no member shall be entitled, without the leave of the chairman, to speak more than once on the same subject, except by way of explanation; provided that the mover of any motion shall be allowed to speak in reply, after which the debate or discussion shall be closed;

23.2 the mover of an original motion shall not against the evident sense of the meeting, as expressed by the chairman, speak for more than 15 minutes; no other speaker shall, nor shall the mover in reply, as against such evident sense expressed as aforesaid, speak for more than 10 minutes;

23.3 while an original motion is under debate no further motion shall be received except the following motions of course:

23.3.1 To amend the motion;

23.3.2 that the meeting be adjourned,

23.3.3 that the debate be adjourned,

23.3.4 that the question be not now put,

23.3.5 that the meeting proceed to the next business,

23.4 an amendment shall—

23.4.1 be relevant to the motion on which it is moved;

23.4.2 if so required by the chairman, be reduced to writing, signed by the mover, handed to the chairman and read by him before being moved;

## 23.4.3 moet afgehandel word alvorens—

23.4.3.1 'n verdere wysiging voorgestel word;

23.4.3.2 met die oorspronklike mosie voortgegaan word;

23.4.4 indien aangeneem, bring mee dat die oorspronklike mosie, soos daardeur gewysig, die oorspronklike mosie word wat voor die vergadering dien en ten opsigte waarvan verdere wysigings voorgestel kan word;

23.4.5 word nie toegelaat as dit die oorspronklike mosie so verander dat dit werklik of in sy uitwerking 'n nuwe mosie word of as dit die oorspronklike mosie effekief kragteloos maak nie;

23.5 'n lid mag nie die wysiging van dieselfde mosie by meer as een geleenthed voorstel nie;

23.6 'n mosie dat die vergadering verdaag word—

23.6.1 kan te eniger tyd behalwe gedurende 'n toespraak deur 'n ander lid of terwyl daar gestem word, voorgestel word deur 'n lid wat nie reeds deelgeneem het aan die besprekking oor die saak wat dan voor die vergadering dien nie;

23.6.2 moet die datum, plek en tyd vir die hervatte vergadering bepaal;

23.6.3 moet, indien aangeneem, onmiddellik die verdagting van die vergadering meebring; met dien verstande dat, indien die voorsitter aldus gelas, ander sake as bestredre sake eers afgehandel word;

23.6.4 belet, indien dit nie aangeneem word nie, die aanvaarding van 'n ander dergelyke mosie binne 'n halfuur daarna;

23.6.5 mag nie in die loop van 'n enkele vergadering meer as een maal deur dieselfde lid voorgestel of gesecondeer word nie;

23.6.6 kan hoogstens vir vyf minute lank deur die voorsteller bespreek word, maar afgesien van formele sekondering mag die sekondant dit nie bespreek nie, en sodanige mosie kan ook nie verder bespreek word nie behalwe met betrekking tot wysiging van die tydperk van die verdagting of deur die lid wat die eerste op die been kom om dit teen te staan en wat dan hoogstens vir vyf minute mag praat;

23.6.7 en, wat gedurende die besprekking maar voor afhandeling van enige saak aangeneem word, gee die lid wat die verdagting voorgestel het die reg om op die hervatte vergadering die eerste oor daardie saak te praat;

23.7 'n mosie dat die besprekking verdaag word—

23.7.1 kan aan die einde van enige toespraak gedurende die besprekking voorgestel word deur 'n lid wat nie reeds aan die besprekking deelgeneem het nie;

23.7.2 bring mee, indien dit aangeneem word, dat die vergadering onmiddellik tot die volgende saak op die sakeslys oorgaan en dat die verdaagde besprekking, tensy anders besluit, op die volgende algemene vergadering hervat word;

23.7.3 gee die lid wat die verdagting voorgestel het, die reg om by die hervattung van die verdaagde besprekking eerste te praat;

23.7.4 belet, indien dit nie aangeneem word nie, die aanvaarding van 'n ander dergelyke mosie binne 'n halfuur daarna;

23.7.5 mag nie in die loop van dieselfde besprekking meer as een maal deur dieselfde lid voorgestel of gesecondeer word nie;

23.7.6 kan hoogstens vir vyf minute lank deur die voorsteller bespreek word, maar afgesien van formele sekondering mag die sekondant dit nie bespreek nie, en sodanige mosie kan ook nie verder bespreek word nie, behalwe met betrekking tot wysiging van die tydperk van verdagting of deur die lid wat die eerste op die been kom om dit teen te staan en wat dan hoogstens vyf minute mag praat;

23.8 'n mosie dat die saak nie nou in stemming gebring word nie—

23.8.1 kan aan die einde van enige toespraak gedurende besprekking van 'n oorspronklike mosie, maar nie van 'n wysiging daarvan nie, voorgestel word deur 'n lid wat nie reeds aan daardie besprekking deelgeneem het nie;

23.8.2 kan voorgestel word onmiddellik nadat 'n wysiging van die oorspronklike mosie voorgestel is maar voordat besprekking daarvan 'n aanvang geneem het en geniet voorrang bo sodanige wysiging;

23.8.3 moet deur die voorsitter na eie oordeel aanvaar of verwerp word en as dit verwerp word, kan 'n dergelyke mosie nie weer binne 'n halfuur daarna gedurende dieselfde besprekking voorgestel word nie;

23.8.4 mag nie gewysig word nie;

23.8.5 bring mee, indien dit nie aangeneem word nie, dat die oorspronklike mosie onmiddellik sonder verdere besprekking in stemming gebring moet word;

## 23.4.3 be disposed of before—

23.4.3.1 any subsequent amendment be moved;

23.4.3.2 the original motion be proceeded with;

23.4.4 if carried, cause the original motion as thereby amended to become the original motion before the meeting and to which any subsequent amendment may be moved;

23.4.5 not be permitted if it alters the original motion in such a way as to make it a new motion actually or in effect or effectively negates the original motion;

23.5 a member shall not be entitled to move the amendment of the same motion on more than one occasion;

23.6 a motion that the meeting be adjourned—

23.6.1 may, at any time except during the course of a speech by another member or while a vote is being taken, be moved by a member who has not already participated in the debate on the question then before the meeting;

23.6.2 shall provide for the date, place and time of the resumed meeting;

23.6.3 shall, if carried forthwith cause the meeting to be adjourned; provided that if so directed by the chairman, business other than opposed business shall first be disposed of;

23.6.4 shall, if not carried, prevent the acceptance of another such motion until half an hour thereafter;

23.6.5 may not be moved or seconded by the same member more than once during the course of one meeting;

23.6.6 may be spoken to by the mover for not longer than five minutes but shall not be spoken to by the seconder beyond formally seconding it and shall not be further discussed save in relation to any amendment to the period of the adjournment or by that member who first rises to speak in opposition to it and who may do so for not longer than five minutes;

23.6.7 shall, if carried during a debate on any question and before the conclusion thereof, entitle the member who moved the adjournment to speak first on that question at the adjourned meeting;

23.7 a motion that the debate be adjourned—

23.7.1 may, at the conclusion of any speech during the debate, be moved by a member who has not already participated in the debate;

23.7.2 shall, if carried, cause the meeting forthwith to proceed to the next business on the agenda and the adjourned debate, unless otherwise resolved, to be resumed at the next general meeting;

23.7.3 shall, at the resumption of the adjourned debate, entitle the member who moved the adjournment to speak first;

23.7.4 shall, if not carried, prevent the acceptance of another such motion until half an hour thereafter;

23.7.5 may not be moved or seconded by the same member more than once during the course of the same debate;

23.7.6 may be spoken to by the mover for not longer than five minutes but shall not be spoken to by the seconder beyond formally seconding it and shall not be further discussed save in relation to any amendment to the period of the adjournment or by that member who first rises to speak in opposition to it and who may do so for not longer than five minutes;

23.8 a motion that the question be not now put—

23.8.1 may, at the conclusion of any speech while an original motion, but not an amendment thereto, is under debate, be moved by a member who has not already participated in that debate;

23.8.2 may be moved immediately after an amendment to the original motion has been moved and before debate thereon has commenced and shall take precedence over such amendment;

23.8.3 shall be accepted or rejected by the chairman in his discretion and its rejection shall preclude the moving of another such motion during the same debate until half an hour thereafter;

23.8.4 may not be amended;

23.8.5 shall, if not carried, cause the original motion to be put to the vote forthwith without further discussion;

23.8.6 bring mee, indien dit aangeneem word, dat die oorspronklike mosie nie op daardie vergadering in stemming gebring mag word nie maar belet nie dat dit opnuut op 'n volgende vergadering voorgestel word nie;

23.8.7 word vervang deur 'n mosie dat die vergadering verdaag word;

23.8.8 verleen aan die voorsteller en enige ander lid elk 'n enkele spreekbeurt van hoogstens vyf minute, maar die voorsteller het ook die reg om vir hoogstens vyf minute lank repliek te lewer;

23.9 'n mosie dat die vergadering tot die volgende saak oorgaan—

23.9.1 is 'n onderbrekende mosie;

23.9.2 kan aan die einde van enige toespraak gedurende bespreking van 'n oorspronklike mosie of 'n wysiging daarvan voorgestel word deur 'n lid wat nie reeds aan daardie bespreking deelgeneem het nie;

23.9.3 moet deur die voorsitter na eie oordeel aanvaar of verworp word;

23.9.4 verleen nie aan die voorsteller of sekondant die reg om meer daaroor te sê nie as om dit net voor te stel of te sekondeer;

23.9.5 mag nie verder bespreek word nie, maar indien die voorsitter die mosie aanvaar, moet hy, waar van toe-passing, onmiddellik aan die voorsteller van die oorspronklike mosie die geleentheid bied om gebruik te maak van sy reg om op die bespreking van die oorspronklike mosie repliek te lewer, waarna die voorsitter die onderbrekende mosie onmiddellik in stemming moet bring;

23.9.6 bring mee, indien dit nie aangeneem word nie, dat die bespreking van die oorspronklike mosie of van die wysiging daarvan hervat word op die punt waar dit onderbreek is;

met dien verstande dat, indien die voorsteller van die oorspronklike mosie sy reg van replieklewering uitgeoefen het en verdere bespreking van die oorspronklike mosie plaasvind, die voorsteller daarvan die reg het om slegs op sodanige verdere bespreking repliek te lewer;

23.9.7 bring mee, indien dit nie aangeneem word nie, dat die voorsteller en sekondant daarvan nie weer gedurende dieselfde bespreking 'n ander dergelike mosie kan voorstellen of sekondeer nie en dat die voorsitter nie weer gedurende dieselfde bespreking binne 'n halfuur daarna 'n ander dergelike mosie deur 'n ander lid kan aanvaar nie;

23.9.8 bring mee, indien dit aangeneem word, dat die oorspronklike mosie, asook wysigings daarvan, indien enige, verval en dat dit geag word dat geen besluit daaroor geneem is nie;

23.10 'n mosie moet gesekondeer word alvorens dit op die vergadering in stemming gebring word;

23.11 die voorsitter kan die aandag van die vergadering vestig op aanhoudende ontoepaslikheid, langdradige herhaling, onbetaamlike taal of enige versteuring, van die orde deur 'n lid en kan sodanige lid gelas om sy toespraak te staak of om 'n opmerking terug te trek, en, in die geval van ernstige versteuring van die orde, uittarting of ernstige onbetaamlikheid, om die vergadering te verlaat.

23.12 Die beslissing van die voorsitter ten aansien van die toepassing of die vertolkning van ander saak voortspruitende uit of verbonde aan enige van die bepalings van hierdie reël 23, sal finaal en bindend wees.

24.1 Behalwe waar hierdie reëls anders bepaal, word oor alle sake wat op 'n algemene of 'n spesiale vergadering bespreek word, beslis deur 'n gewone meerderheid van lede wat of in eie persoon of ooreenkomsdig die bepalings van reël 25 by volmag stem.

24.2 Ten opsigte van alle sodanige sake het die voorsitter van die vergadering by 'n staking van stemme, benewens sy beraadslagende stem, ook 'n tweede of beslissende stem.

24.3 Stemming in eie persoon moet geskied deur die opsteek van hande; met dien verstande dat, indien die voorsitter aldus gelas of indien minstens 'n kwart van die lede wat in eie persoon aanwesig is, hulle na 'n versoek deur 'n lid, deur die opsteek van hande ten gunste van geheime stemming uitspreek, daar dan geheime stemming moet plaasvind op sodanige wyse as wat die voorsitter bepaal.

25.1 Op alle algemene en spesiale vergaderings kan in eie persoon of by volmag gestem word ( behalwe waar hierdie reëls anders bepaal).

25.2 Die gevoldmagtigde moet 'n lid wees en moet aangestel word in ooreenstemming met die vorm voorgeskryf in die Eerste Bylae van hierdie reëls, welke vorm in duplikaat voltooi en geteken moet word, en die stemme en handelinge van so 'n gevoldmagtigde is net so geldig en van krag asof dit deur die lid in eie persoon uitgebring of verrig is, en

23.8.6 shall, if carried, prevent the original motion from being put to the vote at that meeting but shall not prevent it from being moved a fresh at a subsequent meeting;

23.8.7 shall be superseded by a motion that the meeting be adjourned;

23.8.8 may be spoken to by the mover and by any other member once only for not longer than five minutes each save that the mover shall have the right to reply for not longer than five minutes;

23.9 a motion that the meeting proceed to the next business—

23.9.1 shall be an interrupting motion;

23.9.2 may, at the conclusion of any speech while an original motion or any amendment thereto is under debate, be moved by a member who has not already participated in that debate;

23.9.3 shall be accepted or rejected by the chairman in his discretion;

23.9.4 may not be spoken to by the mover or seconder beyond formally moving or seconding it;

23.9.5 may not be further discussed save that the chairman shall upon accepting the motion, immediately offer the mover of the original motion the opportunity where applicable of exercising his right to reply to the debate on the original motion, whereafter the chairman shall at once put the interrupting motion to the vote;

23.9.6 shall, if not carried, cause the debate on the original motion or on the amendment to be resumed at the point where it was interrupted, provided that, if the mover of the original motion has exercised his right of reply and there be further debate on the original motion, the mover thereof shall have the right of replying only to such further debate;

23.9.7 shall, if not carried, preclude the mover and seconder thereof from again moving or seconding another such motion during the same debate and the chairman from accepting another such motion by another member during the same debate until half an hour thereafter;

23.9.8 shall, if carried, cause the original motion together with amendments thereto, if any, to lapse and no decision in regard thereto shall be deemed to have been taken;

23.10 a motion shall be seconded before being put to the meeting;

23.11 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 order such member to discontinue his speech, or to withdraw a remark, and, in the case of aggravated breach of order, defiance or serious impropriety, to withdraw from the meeting.

23.12 The ruling of the chairman in regard to the application or the interpretation of or other matter arising out of or connected with any of the provisions of this rule 23, shall be final and binding.

24.1 Except where in these rules otherwise provided, all questions discussed at general or special meetings shall be decided by a simple majority of members voting either in person or by proxy as provided in rule 25.

24.2 In all such questions the chairman at the meeting shall, in the event of an equality of votes, have a second or casting vote in addition to his deliberative vote.

24.3 Voting in person shall be by way of show of hands; provided that if the chairman so directs or if a poll is, at the request of a member, favoured by show of hands of at least one fourth of the members present in person, the vote shall be taken by poll in such manner as the chairman shall direct.

25.1 At all general and special meetings votes may be given (except where otherwise in these rules provided) in person or by proxy.

25.2 The proxy holder shall be a member and shall be appointed according to the form prescribed in the First Schedule to these Rules, which shall be completed and signed in duplicate, and the votes and acts of such proxy holder shall be as valid and effectual as if made, done or given by the

elke sodanige volmag is net van krag vir die bepaalde vergadering waarvoor dit verstrekk is en vir enige verdaging daarvan.

25.3 Die volmagvorm moet die onderwerp meld waaroor die gevoldmagtigde moet stem en moet ook aandui hoe die gevoldmagtigde daaroor moet stem of dat hy na eie goeddunke daaroor mag stem.

25.4 Geen lid is geregtig om op 'n vergadering deur 'n gevoldmagtigde verteenwoordig te word nie indien—

25.4.1 as hy 'n praktiserende lid is, die kantoor waar hy gewoonlik praktiseer, ongeag of dit 'n hoofkantoor of 'n takkantoor is, of

25.4.2 as hy 'n verklaarde lid is, sy woonadres binne 'n straal van 50 kilometer van die plek van die vergadering geleë is.

25.5 Wanneer 'n mosie ten opsigte waarvan volmagstemme ooreenkomsdig reël 25.6 ingelewer is, ter stemming verwys word is die stemprosedure soos volg:

25.5.1 Die stemme van die lede wat in eie persoon vir en teen die mosie stem, moet eers getel word;

25.5.2 die stemme van die lede wat by volmag vir en teen die mosie stem, moet vervolgens getel word op die wyse soos in reël 25.5.5 uiteengesit;

25.5.3 by bepaling van die uitslag van die stemming moet die totale getal stemme wat ooreenkomsdig reëls 25.5.1 en 25.5.2 getel is, in aanmerking geneem word;

25.5.4 gevoldmagtiges wat by volmag stem, moet sodanige stem uitvoeren deur aan twee stemopnemers wat deur die voorzitter aangewys is uit die aanwesige lede en wat nie self die houers van volmagvorms is nie, die deur hul ondertekende duplike van hul volmagvorms te oorhandig waarop hulle, in die geval van mosies ten opsigte waarvan hulle opdrag ontvang het om na eie goeddunke te stem (met inbegrip van mosies van orde) onderaan geëndosseer het hoe hulle besluit het om te stem;

25.5.5 die stemopnemers moet elke duplike volmagvorm wat aldus aan hulle oorhandig is, nagaan en, nadat hulle hulself oortuig het dat die duplike vorm die datumstempel van die sekretariaat op het soos in reël 25.6.2 bepaal en dat die stem in elke geval volgens opdrag uitgebring is, moet hulle die getal volmagstemme wat vir en teen die mosie uitgebring is, tel en die uitslag aan die voorzitter rapporteer, wat hierdie getalle by die onderskeie getalle stemme wat vir en teen die mosie uitgebring is deur die lede wat in eie persoon gestem het, moet tel en die uitslag onmiddellik aan die vergadering moet bekend maak en sy aankondiging word, behoudens enige klaarblyklike fout, vir alle doeleindes as 'n juiste weerspieëeling van daardie uitslag aanvaar;

25.5.6 indien 'n stemming plaasgevind het oor 'n mosie van orde ten opsigte waarvan 'n gevoldmagtigde sy volmagstem uitgebring het en die oorspronklike mosie ten opsigte waarvan die gevoldmagtigde gemagtig is om by volmag te stem, daarna in stemming gebring word, moet die sekretaris die betrokke gevoldmagtigde se duplike van sy volmagvorm aan hom terugbesorg sodat hy sy volmagstem oor die oorspronklike mosie kan uitbring.

25.6.1 Albei getekende afskrifte van die volmagvorm moet by die sekretaris ingedien word ten minste 24 uur voor die bepaalde tyd vir die aanvang van die vergadering waarop dit bedoel word om ingevolge die volmag op te tree.

25.6.2 Die sekretaris moet homself dan daarvan oortuig dat elke sodanige afskrif aan hierdie reëls voldoen en behoorlik voltooi is, en daarna moet hy die sekretariaat se datumstempel op elke afskrif aanbring as bewys dat aan hierdie reëls voldoen is in verband daarmee.

25.6.3 Die sekretaris moet sorg dra dat alle oorspronklikes en duplike van volmagvorms waarop die sekretariaat se stempel soos voormeld verskyn, ten minste een uur voor die aanvangsystd van die vergadering by die vergaderplek beskikbaar en onder sy sorg is en moet op versoek aan 'n gevoldmagtigde nadat die sekretaris hom as sodanig geïdentifiseer het, sy duplike van die volmagvorm, aldus gestempel, aan hom oorhandig.

25.7 Geen volmagstem mag erken word as daarmee nie gehandel en dit nie uitgebring is ooreenkomsdig die bepalings van hierdie reël nie.

25.8 Geen lid is geregtig om by volmag te stem oor 'n raadslid se ontslag uit sy amp kragtens reël 46 of oor enige saak waardeur 'n lid persoonlik geraak word nie.

26.1 Notule van die verrigtinge van elke ledevergadering moet gehou word deur die sekretaris of, as hy afwesig is, deur iemand anders wat op daardie vergadering vir die doel deur die voorzitter aangewys word, en 'n redelike weergawe van sodanige notule moet in 'n notuleboek wat vir daardie

member in person, and every such proxy shall only continue in force for the particular meeting for which it was given, and for any adjournment thereof.

25.3 The proxy form shall contain a statement of the subject on which the holder thereof is to vote and also in what manner the holder is to vote in respect thereof or whether he may vote thereon as he thinks fit.

25.4 No member shall be entitled to be represented at a meeting by proxy if—

25.4.1 being a practising member, the office, whether it be a main or a branch office, at which he habitually practices; or

25.4.2 being a declared member, his residential address, is situated within a radius of 50 kilometres of the place of the meeting.

25.5 Whenever a motion in respect whereof proxy votes have been lodged in accordance with rule 25.6 is put to the vote, the voting procedure shall be as follows:

25.5.1 The votes of those members who vote in person both for and against the motion shall first be counted;

25.5.2 the votes of those members who vote by proxy both for and against the motion shall next be counted in the manner set forth under rule 25.5.5;

25.5.3 the total number of votes counted in accordance with rules 25.5.1 and 25.5.2 shall be taken into account in determining the result of the voting;

25.5.4 proxy holders who exercise a vote by proxy shall do so by handing to two scrutineers, appointed by the chairman from among the members present who do not themselves hold proxy forms, the duplicates signed by them of their proxy forms on which they shall have endorsed at the foot in the case of those motions where they have been instructed to vote as they think fit (including motions of course) the manner in which they have elected to vote;

25.5.5 the scrutineers shall scrutinise each duplicate proxy form so handed to them and, having satisfied themselves that the duplicate form bears the date stamp of the secretariat as in rule 25.6.2 provided and that the vote has in each case been cast as authorised, shall count the number of proxy votes cast both for and against the motion and shall report the result to the chairman who shall add them to the respective number of votes cast both for and against the motion by the members who voted in person and shall forthwith announce the result of the voting to the meeting and his announcement shall in the absence of manifest error for all purposes be taken as correctly reflecting that result;

25.5.6 if after a vote has been taken on a motion of course on which a proxy has cast his proxy vote, the original motion, in respect of which the proxy holder has been authorised to vote by proxy, is put to the vote, the secretary shall return his duplicate proxy form to the proxy holder concerned to enable him to cast his proxy vote on the original motion.

25.6.1 Both signed copies of the proxy form shall be lodged with the secretary not less than 24 hours prior to the time fixed for the commencement of the meeting at which the proxy is intended to be acted upon.

25.6.2 The secretary shall thereupon satisfy himself that each such copy complies with these rules and has been duly completed and shall then place the date stamp of the secretariat upon each copy as evidence that these rules have been complied with in relation thereto.

25.6.3 The secretary shall ensure that all original and duplicate copies of proxy forms bearing the stamp of the secretariat as aforesaid are available at the place of the meeting and under his charge at least one hour before the time of commencement of the meeting, and shall hand to a proxy holder on request, and having identified him as such proxy holder, his duplicate copy of the proxy form so stamped.

25.7 No proxy vote shall be recognised which is not dealt with and cast in accordance with the provisions of this rule.

25.8 No member shall be entitled to vote by proxy in case of the question of the removal from office of a member of the council in terms of rule 46 or on any question directly affecting any member personally.

26.1 Minutes of the proceedings of every meeting of members shall be kept by the secretary or, in the event of his absence, by any other person appointed for the occasion by the chairman at that meeting, a fair copy of which minutes shall be entered in a minute book to be kept for that purpose

doel gehou word, opgeteken word en, na die aanbring van enige nodige verbetering, op die eersvolgende vergadering van die raad deur die voorstuur as korrek geteken word.

26.2 Sodanige notule moet by die sekretariaat beskikbaar gehou word vir kosteloze besigtiging deur enige lid op verzoek.

27. Op alle ledevergaderings moet die president, indien teenwoordig, en, indien hy nie teenwoordig is nie, die vise-president, en, in die afwesigheid van beide die president en die vise-president, 'n lid van die raad aangewys deur die aanwesige lede van die raad, en, in die afwesigheid van die president, die vise-president en al die raadslede, 'n lid van die orde wat op die vergadering gekies moet word, as voorstuur optree; met dien verstande dat die lid wat by die aanvang van 'n algemene vergadering die voorstuurstel inneem as president of vise-president, aanhou om as voorstuur op te tree solank as wat hy op daardie vergadering teenwoordig is al sou hy ook in die loop van daardie vergadering ophou president of vise-president of raadslid te wees.

#### *Kworum vir ledevergaderings*

28. Behoudens die bepalings van reël 19.1, is die kworum vir 'n algemene of spesiale vergadering 15 lede wat by die aanvang van die vergadering persoonlik aanwesig is.

#### *Sake wat spesiale goedkeuring van lede vereis*

29.1 Die vervreemding of beswaring met 'n verband van enige onroerende goed van die orde, die aanstelling van die ouditeure van die Orde en vasstelling deur die raad, van enige subskripsies, geld, heffings of ander vorderings betaalbaar aan die Orde deur sy lede is onderworpe aan die goedkeuring van 'n gewone meerderheid van lede wat aanwesig is of wat verteenwoordig word op 'n algemene vergadering of op 'n spesiale vergadering wat vir een of meer van daardie doel-eindes behel is.

29.2 Oor sake vermeld in reël 29.1 het die voorstuur van die vergadering geen tweede of beslissende stem nie.

### DEEL IV

#### DIE RAAD

##### *Getal raadslede en wanneer verkiesings gehou moet word*

30.1 Die raad bestaan uit 12 persone wat lede is.

30.2 'n Verkiesing moet op die wyse soos voorgeskryf in hierdie reëls gehou word in die jaar eersvolgende op die jaar waarin hierdie reëls uitgevaardig word en in elke derde jaar na die jaar waarin die eerste sodanige verkiesing gehou is.

##### *Hoe raadslede verkies word*

31.1 Nadat die kennisgewing van die algemene vergadering ooreenkomsdig reël 11 uitgestuur is in 'n jaar waarin 'n verkiesing gehou moet word, kan enige twee lede op die hierin voorgeskrewe wyse enige ander lid of lede as hulself vir die dan komende ampstermyne as lid of lede van die raad benoem vir die volgende ampstermyne.

31.2 Al sodanige benoemings moet met die handtekening van die twee benoemende lede geskied in 'n dokument wat elke daarin benoemde persoon as volg identifiseer, naamlik—

31.2.1 indien hy 'n praktiserende lid is, deur—

31.2.1.1 sy naam;

31.2.1.2 die naam van die firma waarvan hy die eienaar of 'n lid of by wie hy in diens is, en met vermelding of hy die eienaar of 'n lid of 'n werknemer van daardie firma is; en

31.2.1.3 die adres waar hy sy vernaamste setel van praktyk het; of

31.2.2 indien hy 'n verklaarde lid is, deur—

31.2.2.1 sy naam;

31.2.2.2 die aard van sy werk, beroep, saak of ander nering, indien enige;

31.2.2.3 sy eie sakeadres of, as hy in diens is, die naam en sakeadres van sy werkgever; en

31.2.2.4 die adres van sy woonplek;

en waarop daar oor die handtekening van elke benoemde, of oor die handtekening van 'n ander lid wat deur die benoemde persoon behoorlik skriftelik gemagtig is, geëndosseer is dat sodanige benoemde die benoeming aanvaar en bevestig dat die daarin verstrekte inligting oor homself korrek is.

31.3 Benoemings moet ten minste 28 volle dae voor die datum van die betrokke algemene vergadering by die sekretaris ingedien word.

and shall, subject to any necessary correction having been made, be signed as correct by the chairman at the first succeeding meeting of the council.

26.2 Such minutes shall be held available at the secretariat for inspection, free of charge, by any member on request.

27. At all meetings of members the president, if he shall be present, and if not, then the vice-president, and in the absence of the president and the vice-president, then a member of the council nominated by the members of the council there present, and in the absence of the president, vice-president and all the members of the council, then a member of the society, to be elected at the meeting, shall preside as chairman; provided that the member who takes the chair as president or vice-president at the commencement of a general meeting shall continue to act as chairman for so long as he is present at that meeting, notwithstanding that he may during the course of that meeting cease to be president or vice-president or a member of the council.

#### *Quorum at meetings of members*

28. Subject to rule 19.1, the quorum at a general or special meeting shall be 15 members personally present at the commencement of the meeting.

#### *Matters requiring special approval of members*

29.1 The alienation or mortgaging of any immovable property of the society, the appointment of its auditors and the fixing by the council of any subscription, fees, levies or other charges payable to the society by members shall be subject to the approval of a simple majority of the members who are present or represented at a general meeting or at a special meeting convened for one or more of those purposes.

29.2 On questions referred to in rule 29.1 the chairman at the meeting shall not have a second or casting vote.

### PART IV

#### THE COUNCIL

##### *Number of council members and when elections to be held*

30.1 The council shall consist of 12 persons being members.

30.2 An election shall be held in the manner in these rules prescribed in the year first following upon the year in which these rules are promulgated and in every third year after the year in which the first such election is held.

##### *Manner of election of members of the council*

31.1 After the issue of the notice of the general meeting in accordance with rule 11 in a year in which an election is due to be held, any two members may, in the manner herein prescribed, nominate any member or members, other than themselves, as a member or members of the council for the then ensuing period of office.

31.2 All such nominations shall be made over the signature of the two nominating members in a document which shall identify each nominee named therein—

31.2.1 where he is a practising member, by—

31.2.1.1 his name;

31.2.1.2 the name of the firm of which he is the proprietor or a member or by which he is employed stating also whether he is the proprietor or a member of or is employed by that firm; and

31.2.1.3 the address of his principal place of practice; or

31.2.2 where he is a declared member, by

31.2.2.1 his name;

31.2.2.2 the nature of his employment, profession, business or other occupation, if any;

31.2.2.3 his own business address or, where he is employed, the name and business address of his employer; and

31.2.2.4 the address of his place of abode;

and on which shall be endorsed, over the signature of each nominee named therein, or over the signature of some other member duly authorised thereto in writing by the nominee, the acceptance of nomination by that nominee and his confirmation of the correctness of the information concerning himself given therein.

31.3 Nominations shall be lodged with the secretary at least 28 clear days before the date of the general meeting concerned.

31.4 'n Benoeming wat nie wesenlik aan die bepalings van hierdie reël voldoen nie of wat nie binne die voorgeskrewe tyd by die sekretaris ingedien word nie, word nie erken nie.

31.5 Ongeag enige bepaling van hierdie reël word 'n dienende raadslid outomaties geag vir die volgende ampstermyn as raadslid benoem te wees en moet hy gevolglik vir alle doeleindes ingevolge hierdie reëls as 'n behoorlik benoemde kandidaat ingesluit word, tensy hy die sekretaris ten minste 28 volle dae voor die datum van die betrokke algemene vergadering skriftelik in kennis gestel het dat hy nie vir herverkiesing beskikbaar is nie.

32.1 Indien nie meer kandidate benoem word as die getal wat verkies moet word nie, word die benoemde kandidate behoudens reëls 32.2 en 32.3 geag verkies te wees.

32.2 Indien nege of minder kandidate benoem is, moet die sekretaris onmiddellik op sodanige wyse as wat die president gelas, alle lede versoek om binne sewe dae addisionele kandidate te benoem. Indien aan die einde van daardie tydperk steeds slegs nege of minder benoemings ontvang is, moet die benoemde kandidate hul amp as inkomende raad aanvaar en dan daartoe oorgaan om soveel addisionele raadslede te koöpteer as wat nodig is om die getal raadslede op 12 te staan te bring.

32.3 Indien 10 of 11 kandidate benoem is, moet die aldus benoemde kandidate amp as inkomende raad aanvaar en dan die addisionele raadslid of -lede koöpteer wat nodig is om die getal raadslede op 12 te staan te bring.

33. Indien meer kandidate benoem is as die getal wat verkies moet word, moet die sekretaris binne 10 dae na die laaste dag waarop benoemings ooreenkomsdig reël 31.3 ingedien moet word, die volgende aan elke lid pos, naamlik—

33.1 'n koevert waarop die sekretaris se adres en die woord "stemdokumente" gedruk is;

33.2 'n kleiner koevert met die woord "stembrief" daarop gedruk;

33.3 'n gedrukte verklaring in sodanige vorm as wat die raad gelas en wat geskikte ruimtes bevat vir—

33.3.1 die van en voorname van die lid wat stem;

33.3.1.1 indien hy 'n praktiserende lid is, die adres van sy hoofkantoor;

33.3.1.2 indien hy 'n verklaarde lid is, sy eie sakeadres of, na gelang van die geval, die naam en sakeadres van sy werkgever, of, indien hy geen beroep of werk het nie, sy woonadres;

33.3.2 die datum waarop hy dit onderteken en oor sy handtekening;

33.3.3 'n verklaring deur hom bokant sy handtekening dat hy nie reeds in die betrokke verkiesing gestem het nie;

33.4 'n stembrief in sodanige vorm as wat die raad gelas en bevattende—

33.4.1 die name van die benoemde kandidate in alfabetiese volgorde;

33.4.2 die naam van die landdrostdistrik waarin elke kandidaat—

33.4.2.1 indien hy 'n praktiserende lid is, sy vernaamste praktyksplek het;

33.4.2.2 indien hy 'n verklaarde lid is, sy woonplek het;

33.4.3 in die geval van elke kandidaat wat lid is van die dan dienende raad, 'n sterretjie teenoor sy naam;

33.4.4 in die geval van elke kandidaat wat nie lid van die dan dienende raad is nie, 'n opgawe teenoor sy naam—

33.4.4.1 indien hy 'n praktiserende lid is, van die naam van die firma waarvan hy die eienaar of 'n lid is of waar hy in diens is, of indien hy 'n lid is van meer as een firma of die eienaar van een firma en 'n lid van 'n ander firma of firmas is, van die naam van elke sodanige firma;

33.4.4.2 indien hy 'n verklaarde lid is, van die aard van sy beroep, saak of ander nering of, as hy in diens is, van die naam van sy werkgever en die aard van sy werk;

33.4.5 teenoor 'n sterretjie onderaan die stembrief 'n verklaring dat elke kandidaat wie se naam teenoor 'n sterretjie verskyn, 'n lid van die dan dienende raad is; en nijs meer nie;

31.4 Any nomination which does not substantially comply with the provisions of this rule or which is not lodged with the secretary within the time prescribed shall not be recognised.

31.5 Notwithstanding anything in this rule contained, any member of the council then in office shall be deemed automatically to have been nominated as a member of the council for the then ensuing period of office and shall accordingly be included as a duly nominated candidate for all purposes under these rules, unless he shall, at least 28 clear days before the date of the general meeting concerned, have notified the secretary in writing that he is not available for re-election.

32.1 If no greater number of candidates be nominated than the number to be elected, the candidates nominated shall, subject to rules 32.2 and 32.3, be deemed elected.

32.2 If the number of candidates nominated shall be nine or less, the secretary shall immediately in such manner as directed by the president, call on all members for additional nominations to be made within seven days. If at the end of that period the total number of nominations received remains nine or less, the candidates nominated shall take office as the incoming council and shall thereupon proceed to co-opt the number of additional members of council required to bring its membership to 12.

32.3 If the number of candidates nominated shall be 10 or 11, the candidates so nominated shall take office as the incoming council and shall thereupon co-opt the additional member or members of council required to bring its membership to 12.

33. If the number of candidates nominated exceeds the number to be elected, the secretary shall within 10 days after the last day upon which nominations are required to be lodged in terms of rule 31.3 post to each member—

33.1 an envelope on which the secretary's address is printed together with the words "voting papers";

33.2 a smaller envelope on which is printed the words "ballot paper";

33.3 a printed declaration in such form as the council may direct containing appropriate spaces for—

33.3.1 the surname and forenames of the voting member;

33.3.1.1 where he is a practising member, the address of his main office;

33.3.1.2 where he is a declared member, his own business address or, as the case may be, the name and business address of his employer, or, if he has no occupation or employment, his residential address.

33.3.2 the date of signature by him and his signature, and

33.3.3 a declaration by him above his signature that he has not already voted in the election concerned;

33.4 a ballot paper in such form as the council may direct containing—

33.4.1 the names in alphabetical order of the nominated candidates;

33.4.2 the magisterial district within which each candidate has—

33.4.2.1 where he is a practising member, his principal place of practice;

33.4.2.2 where he is a declared member, his place of abode;

33.4.3 in the case of each candidate who is a member of the council then in office, an asterisk placed opposite his name;

33.4.4 in the case of each candidate who is not a member of the council then in office, a statement opposite his name—

33.4.4.1 where he is a practising member, of the name of the firm of which he is the proprietor or a member or by which he is employed or, if he is a member of more than one firm or the proprietor of one firm and a member of another or others, the name of every such firm;

33.4.4.2 where he is a declared member, of the nature of his profession, business or other occupation or, if he is employed, of the name of his employer and the nature of his employment.

33.4.5 at the foot of the paper a statement opposite an asterisk that each candidate whose name appears opposite an asterisk is a member of the council then in office; and nothing more;

33.5 'n brief in sodanige vorm as wat die raad gelas en waarin die lid versoek word om, indien hy sy stem wil uitbring—

33.5.1 op die bygaande stembrief die naam van elke kandidaat vir wie hy nie wil stem nie, deur te haal maar om hoogstens 12 en minstens agt name ondeurgehaal te laat, en om geen ander merk of verandering op die stembrief aan te bring nie;

33.5.2 daarna die stembrief in die koevert gemerk "stembrief" te plaas;

33.5.3 die koevert met die stembrief daarin toe te plak;

33.5.4 die verklaringsvorm te voltooi en te onderteken;

33.5.5 die voltooide en ondertekende verklaringsvorm en die koevert wat die stembrief bevat in die koevert gemerk "stemdokumente" te plaas en dié toe te plak;

33.5.6 die koevert gemerk "stemdokumente" met sy inhoud aan die sekretaris te stuur sodat dit hom ten minste sewe volle dae voor die datum van die algemene vergadering bereik;

en wat—

33.5.7 die waarskuwing bevat dat die stembrief nietig sal wees indien meer as 12 of minder as agt name ondeurgehaal daarop gelaat word of indien daarop 'n ander merk of verandering aangebring word as die deurhaal van die name van die kandidate vir wie die lid nie wil stem nie of indien die verklaringsvorm nie behoorlik deur die lid voltooi of onderteken word nie; en

33.5.8 'n verwysing na die bepalings van reël 38 bevat.

34. Elke lid wat in die betrokke verkiesing wil stem, moet die prosedure voorgeskryf in reël 33.5 nakom en as hy dit nie doen nie of as die sekretaris nie sy stemdokumente binne die tydperk voorgeskryf in reël 33.5.6 ontvang nie, word sy stemme nie erken nie.

35.1 Binne 10 dae na die laaste dag waarop benoemings ooreenkomsdig reël 31.3 ingedien moet word, moet die president skriftelik oor sy handtekening 'n lid as skeidsregter aanstel om die pligte te vervul wat by hierdie reëls aan die skeidsregter toegewys word. Die skeidsregter mag nie 'n kandidaat vir verkiesing wees of 'n lid wees wat 'n kandidaat benoem het nie.

35.2 Elke dag waarop die sekretaris koeverte ontvang wat "stemdokumente" gemerk is en wat aan hom gestuur is, of, as dit nie op daardie dag doenlik is nie, so spoedig doenlik daarna, moet die sekretaris elke sodanige koevert in die teenwoordigheid van die skeidsregter oopmaak en die inhoud daarvan uithaal. Die sekretaris en die skeidsregter moet dan saam elke verklaring nagaan, die inligting daarin met die sekretaris se stukke kontroleer vir sover dit nodig mag blyk, en hulself vergewis dat die verklaring behoorlik deur die lid voltooi en onderteken is, by gebreke waarvan dit as ongeldig beskou moet word. As die sekretaris en die skeidsregter met mekaar verskil oor die geldigheid of ongeldigheid van 'n verklaringsvorm geld die sienswyse van die skeidsregter en is sy beslissing in die saak finaal. As 'n verklaringsvorm ongeldig bevind word, moet die skeidsregter die rede vir die ongeldigheid daarvan op sodanige vorm endosseer en dit onderteken.

35.3 Die sekretaris moet ten opsigte van elke verklaringsvorm wat geldig bevind word, die bygaande koevert gemerk "stembrief" in die teenwoordigheid van die skeidsregter ongeopen deur 'n gleuf in 'n stembus plaas waarvan die ontwerp en konstruksie deur die raad goedgekeur is en wat vooraf veilig deur die president gesluit en verseël is en waarvan die president die sleutel moet hou tot die dag na die laaste dag waarop stemdokumente die sekretaris ooreenkomsdig reël 33.5.6 moet bereik. Nadat hy die laaste van sulke behoorlik ontvangane koeverte in die stembus geplaas het, moet die sekretaris die gleuf in die teenwoordigheid van die skeidsregter veilig verseël. Op die dag na voormalde laaste dag moet die president die sleutel aan die sekretaris oorhandig. Die sekretaris moet die stembus, wat soos voormeld gesluit en verseël is, veilig bewaar en moet dit onmiddellik nadat hy die sleutel van die president ontvang het, in daardie toestand saam met sy sleutel aan die stemponemers oorhandig wat ooreenkomsdig reël 37 aangestel is.

36. 'n Koevert gemerk "stembrief" wat vergesel is van 'n verklaringsvorm wat ongeldig bevind is, moet nie in die stembus geplaas word nie, maar die sekretaris moet elke sodanige koevert gemerk "stembrief" ongeopen, saam met sy bygaande verklaringsvorm wat deur die skeidsregter ooreenkomsdig subreël 35.2 geëndosseer is, in die teenwoordigheid van

33.5 a letter in such form as the council may direct requesting the member, if he wishes to record his vote, to—

33.5.1 strike out on the accompanying ballot paper the name of each candidate for whom he does not intend to vote but so as to leave uncancelled not more than 12 nor less than eight names and to make no other mark or alteration on the ballot paper;

33.5.2 place the ballot paper thereafter in the envelope marked "ballot paper";

33.5.3 seal the envelope containing the ballot paper;

33.5.4 complete and sign the form of declaration;

33.5.5 place the completed and signed declaration form, together with the envelope containing the ballot paper in and seal the envelope marked "voting papers";

33.5.6 despatch the envelope marked "voting papers" with its contents to the secretary so as to reach him at least seven clear days before the date of the general meeting;

and containing—

33.5.7 the warning that if more than 12 or less than eight names are left uncancelled on the ballot paper, or if any mark or alteration is made on the ballot paper other than the striking out of the names of the candidates for whom the member does not intend to vote, or if the form of declaration is not duly completed and signed by the member, the ballot paper will be void; and

33.5.8 a reference to the provisions of rule 38.

34. Each member intending to vote in the election concerned shall comply with the procedure prescribed in rule 33.5 failing which, or failing receipt by the secretary of the member's voting papers within the period prescribed in rule 33.5.6 his votes shall not be recognised.

35.1 Within 10 days after the last day on which nominations are required to be lodged in terms of rule 31.3, the president shall, in writing over his signature, appoint a member as referee for the purpose of performing the duties assigned to the referee under these rules. The referee shall not be a candidate for office of a member who has nominated a candidate.

35.2 On each day on which envelopes marked "voting papers" despatched to him are received by the secretary, or, if not practicable on that day, as soon as practicable thereafter, the secretary shall, in the presence of the referee, open each such envelope and shall remove its contents. The secretary and the referee shall then together examine each declaration form, shall verify, to such extent as may appear necessary, the information contained therein against the records of the secretary and shall satisfy themselves that the declaration form has been duly completed and signed by the member, failing which it shall be regarded as invalid. In the event of disagreement between the secretary and the referee as to the validity or invalidity of any form of declaration, the view of the referee shall prevail and his judgment in the matter shall be final. The referee shall, over his signature, endorse each form of declaration found to be invalid with the reason for its invalidity.

35.3 The secretary shall, in the presence of the referee, in respect of each declaration form found to be valid, place its accompanying envelope marked "ballot paper" unopened, through a slot in a ballot box of a design and construction approved by the council, which shall have been securely locked and sealed in advance by the president and of which the president shall retain the key until the day following the last day upon which voting papers are required to reach the secretary in terms of rule 33.5.6 After placing the last of such envelopes duly received in the ballot box the secretary shall, in the presence of the referee, securely seal the slot. Upon the day following the aforesaid last day the president shall hand the key to the secretary. The secretary shall securely retain the ballot box, locked and sealed as aforesaid and shall, immediately after receipt of the key from the president, deliver the ballot box in that condition, together with its key, to the scrutineers appointed as in rule 37 provided.

36. Any envelope marked "ballot paper" which is accompanied by a form of declaration which has been found to be invalid shall not be placed in the ballot box, but the secretary shall, in the presence of the referee, replace in the envelope marked "voting papers" in which it was received, each such envelope marked "ballot paper" unopened, together with its

die skeidsregter terugplaas in die koevert gemerk "stemdokumente" waarin dit ontvang is, moet al daardie dokumente veilig verséel op 'n wyse goedgekeur deur die raad en moet hulle afsonderlik bewaar vir 'n tydperk van drie maande na die dag waarop die algemene vergadering gehou is, waarna hy hulle almal moet vernietig. Die sekretaris moet afsonderlik aantekening hou van die getal verklarings en kouerte wat aldus deur hom bewaar word en die skeidsregter moet daar die inligting onmiddellik skriftelik onder sy hand aan die president oordra, met vermeiding ook van die redes waarom die verklaringsvorm ongeldig is.

37. Voor of op die laaste dag waarop stemdokumente die sekretaris ooreenkomsdig reëls 33.5.6 moet bereik, moet die president minstens twee lede wat nie kandidate vir verkiezing is of kandidate benoem het nie en van wie nie een die lid is wat kragtens hierdie reëls as skeidsregter aangestel is nie, skriftelik oor sy handtekening aanstel as stemopnemers om die stembriewe wat in die stembus geplaas is, na te gaan en die ontvange stemme te tel. Nadat die stemopnemers die stembus ontvang het, moet hulle die seël breek, die stembus oopmaak en sy inhoud verwijder. Hulle moet dan elke koevert gemerk "stembrief" oopmaak, die stembrief wat daarin is, uithaal en nagaan en hulself van die geldigheid daarvan ooreenkomsdig hierdie reëls oortuig of, as hulle nie aldus oortuig is nie, dit verwerp nadat hulle die redes vir die verwerping agterop oor hulle handtekening geëndosseer het. Daarna moet hulle die stemme op die oorblywende stembriewe tel en die uitslag opteken. Vervolgens moet hulle al die stembriewe, met inbegrip van dié wat verwerp is, in die stembus terugplaas en die stembus sluit en herseël.

38. Behoudens reëls 38.4 en 38.5 is die verkose kandidate soos volg:

38.1 Hoogstens vyf van diegene onder die kwalifiserende kandidate wat in dalende volgorde die meeste stemme ontvang en wat—

38.1.1 in die geval van praktiserende lede, hul vernaamste setels van praktyk; en

38.1.2 in die geval van verklaarde lede, hul woonplekke; in die landdrosdistrikte van Johannesburg en Randburg het;

38.2 hoogstens drie van diegene onder die kwalifiserende kandidate wat in dalende volgorde die meeste stemme ontvang en wat—

38.2.1 in die geval van praktiserende lede, hul vernaamste setels van praktyk; en

38.2.2 in die geval van verklaarde lede, hul woonplekke; in die landdrosdistrikte van Pretoria en Wonderboom het;

38.3 hoogstens vier van diegene onder die kwalifiserende kandidate wat in dalende volgorde die meeste stemme ontvang en wat—

38.3.1 in die geval van praktiserende lede, hul vernaamste setels van praktyk; en

38.3.2 in die geval van verklaarde lede, hul woonplekke; elders het as in enige van die landdrosdistrikte vermeld in reëls 38.1 en 38.2;

38.4 as daar minder as vyf kwalifiserende kandidate in die groep vermeld in reël 38.1 of minder as drie kwalifiserende kandidate in die groep vermeld in reël 38.2 of minder as vier kwalifiserende kandidate in die groep vermeld in reël 38.3 is, word sodanige ander kwalifiserende kandidate wat onder al die oorblywende kandidate in dalende volgorde die meeste stemme ontvang, verkies om die tekort aan te vul en die totale getal raadslede op 12 te staan te bring; met dien verstande dat geen kandidaat wat minder as 150 stemme ontvang vir verkiesing as raadslid kwalifiseer nie;

38.5 indien 'n staking van stemme tussen twee of meer kandidate dit onbeslis laat watter een van daardie kandidate verkies is, moet die vraag van watter een van hulle as verkose geag moet word, uitgemaak word deur loting deur die stemopnemers op die wyse uiteengesit in reël 38.6;

38.6 loting moet geskied deur die naam van elkeen van die kandidate met ewevel stemme in 'n bepaalde groep op 'n afsonderlike strokies papier te skryf, al die strokies vir daardie groep toe te vou en dan in 'n houer te plaas sodat hulle nie vir die stemopnemers sigbaar is nie en dan die houer deeglik te skud ten einde die inhoud deurmekaar te maak. Daarna moet, in die geval van 'n staking van stemme vir een plek, een van die strokies papier deur een van die stemopnemers uit die houer geneem word, en die kandidaat wie se naam daarop verskyn, word geag verkies te wees. In die geval van 'n staking van stemme vir meer as een plek moet net soveel strokies as die getal plekke waarvoor daar 'n staking van stemme is, deur een van die stemop-

accompanying form of declaration endorsed by the referee as in rule 35.2 provided, shall securely seal all those documents in manner approved by the council and shall separately retain them for a period of three months after the day of the holding of the general meeting and shall thereupon destroy all of them. The secretary shall keep a separate record of the number of declarations and envelopes thus retain by him and the referee shall report that information forthwith to the president in writing over his signature, stating also the reasons for the invalidity of the declaration forms.

37. Prior to or on the last day upon which voting papers are required to reach the secretary in terms of rule 33.5.6, the president shall, in writing over his signature, appoint as scrutineers for the purpose of examining the ballot papers placed in the ballot box and counting the votes received, not less than two members, not being candidates for office or members who have nominated candidates, and none of whom shall be the member appointed as referee under these rules. Upon receipt by the scrutineers of the ballot box they shall break the seal, open the ballot box and remove its contents. They shall then open each of the envelopes marked "ballot" paper", remove the ballot paper therein contained, examine the ballot paper and satisfy themselves of its validity in accordance with these rules, or, if not so satisfied, reject the ballot paper having endorsed on its reverse side over their signatures the reason for its rejection. They shall then count the votes recorded in the remaining ballot papers and record the result. Thereafter they shall replace all the ballot papers, including those rejected, in the ballot box and shall lock and reseal it.

38. Subject to rules 38.4 and 38.5 the candidates elected to office shall be the following:

38.1 Those, being not more than five in number, who receive the greatest number of votes in diminishing order among those of the qualifying candidates who have—

38.1.1 where they are practising members, their principal places of practice; and

38.1.2 where they are declared members, their places of abode;

in the Magisterial Districts of Johannesburg and Randburg;

38.2 those, being not more than three in number, who receive the greatest number of votes in diminishing order among those of the qualifying candidates who have—

38.2.1 where they are practising members, their principal places of practise; and

38.2.2 where they are declared members, their places of abode;

in the Magisterial Districts of Pretoria and Wonderboom;

38.3 those, being not more than four in number, who receive the greatest number of votes in diminishing order among those of the qualifying candidates who have—

38.3.1 where they are practising members, their principal places of practice; and

38.3.2 where they are declared members, their places of abode;

elsewhere than in any of the magisterial districts mentioned in rules 38.1 and 38.2;

38.4 if there are less than five qualifying candidates in the group referred to in rule 38.1 or less than three qualifying candidates in the group referred to in rule 38.2 or less than four qualifying candidates in the group referred to in rule 38.3 those other qualifying candidates who receive the greatest number of votes in diminishing order among all the remaining candidates shall be elected to make up the deficiency so as to bring the total membership of the council to 12; provided that no candidate who receives less than 150 votes shall qualify for election to the council;

38.5 in the event of a tie between two or more candidates having the result of leaving undecided which of those candidates is elected, the question as to which of them shall be deemed elected shall be determined immediately by lot drawn by the scrutineers in the manner in rule 38.6 described;

38.6 the manner in which the lot shall be drawn shall be by recording the names of each of the tying candidates in a particular group on a separate slip of paper, folding and then placing all the slips of that group in a container so that they are not visible to the scrutineers and thoroughly shaking the container so as to shuffle its contents. Thereupon, in the case where one place has been tied for, one of the slips of paper shall be withdrawn from the container by one of the scrutineers and the candidate whose name appears shall be deemed elected. In the case where more than one place has been tied for, the number of slips equivalent to the number of places tied for shall be withdrawn separately

nemers afsonderlik en agtereenvolgens uit die houer geneem word en die kandidate wie se name op sodanige strokies verskyn, word geag verkieë te wees;

38.7 wanneer die uitdrukking "kwalifiserende kandidaat" in hierdie reël gebruik word, beteken dit 'n kandidaat wat 150 of meer stemme ontvang.

39. Nadat die stemopnemers die stemme nagegaan het, moet hulle onmiddellik skriftelik aan die president verslag doen van die uitslag van die verkiesing. Die verslag moet deur hulle almal onderteken word en die volgende besonderhede bevat:

- 39.1 Die totale getal stembriewe deur hulle ontvang;
- 39.2 die getal stembriewe verwerp en die redes vir verwering;
- 39.3 die totale getal stemme ten gunste van elke kandidaat;
- 39.4 die uitslag van enige lotting ingevolge reël 38.5;
- 39.5 die name van diegene wat behoorlik verkieë is.

40. Nadat hy die verslag van die stemopnemers ontvang het, moet die president elke kandidaat van die uitslag van die verkiesing in kennis laat stel.

41. Die verslag van die stemopnemers is, ongeag enige onreelmatigheid of formele gebrek, afdoende wat die uitslag van die verkiesing betref.

42. Nadat die stemopnemers die stemme nagegaan het, moet hulle die stembus wat die ondersoekte stembriewe bevat en wat gesluit is soos by reël 37 bepaal, saam met sy sleutel aan die Sekretaris terugbesorg. Die Sekretaris moet die stembus in daardie toestand veilig bewaar vir 'n tydperk van drie maande na die dag waarop die algemene vergadering gehou is en daarna moet hy die seël breek, die stembus oopsluit en die inhoud daaruit verwijder en vernietig. Hy moet dan ook al die geldige verklaringsvorms vernietig wat hy ontvang het.

43. 'n Lid wat met die oog daarop om as raadslid verkieë te word of om sy vooruitsigte op verkiesing te bevorder, stemme werf of 'n beweegmiddel of hulp aanbied of sy eie kandidatuur op enige ander wyse bevorder of deel het aan die bevordering daarvan afgesien van benoeming te aanvaar of aan te duï dat hy bereid is om benoeming te aanvaar, is aan onprofessionele gedrag skuldig en kan, indien hy verkieë word, by skuldigbevinding, ongeag enige straf wat hom opgelyê word, deur die raad op 'n spesiale vergadering wat vir oorweging van sy ontslag belê is, summer van sy amp onthef word sonder dat hy eers die procedure volg wat in reël 46, voorgeskryf word; met dien verstande dat die kworum vir so 'n vergadering agt raadslede, met uitsluiting van die lid wie se ontslag oorweeg moet word, is wat van die lid wie se ontslag oorweeg moet word, is wat by die aanvang van die vergadering teenwoordig is.

#### Ampstermy van raadslede

44.1 'n Lid van die raad aanvaar sy amp as sodanig onmiddellik nadat die uitslag van die verkiesing waarin hy verkieë is, deur die eerste algemene vergadering na sodanige verkiesing aangehoor is, en beklee sy amp, behoudens reël 45, tot die uitslag van die volgende verkiesing deur die betrokke algemene vergadering aangehoor is.

44.2 'n Lid van die raad wat sy amp as sodanig beklee op die datum waarop hierdie reëls uitgevaardig word, word geag ooreenkomsdig hierdie reëls verkies te wees en gaan, behoudens reël 45, voort om sy amp te beklee totdat die betrokke algemene vergadering die uitslag aangehoor het van die eerste verkiesing kragtens reël 30.2.

#### Ampsontruiming deur 'n raadslid

45.1 'n Lid van die raad moet sy amp ontruim—

45.1.1 as hy—

45.1.1.1 by wyse van skriftelike kennisgewing aan die sekretaris bedank;

45.1.1.2 ophou om lid van die orde te wees;

45.1.1.3 deur die hof in sy praktyk geskors word;

45.1.1.4 deur die raad kragtens reël 43 of reël 46 van sy amp onthef word;

45.1.1.5 sy boedel oorgee of as sy boedel finaal gesekweester word;

45.1.1.6 swaksinnig word;

45.1.1.7 sonder verlof van die raad of 'n ander rede wat vir die raad aanneemlik is, vir drie agtereenvolgende kalendermaande van die vergaderings van die raad afwesig is;

45.1.2 gedurende enige tydperk waarvoor hy deur die raad in sy amp geskorsk is.

45.2 'n Besluit van die raad waarby sodanige lid se amp vakant verklaar word, is afdoende vir sover dit die vakature en die redes daarvoor betref.

and consecutively from the container by one of the scrutineers and the candidates whose names appear thereon shall be deemed elected;

38.7 the term "qualifying candidate" when used in this rule 38 means a candidate who receives 150 votes or more.

39. Upon completion of their scrutiny the scrutineers shall immediately report the result of the election in writing to the president. The report shall be signed by all of them and shall contain the following particulars:

39.1 The total number of ballot papers received by them;

39.2 the number of ballot papers rejected and the grounds of rejection;

39.3 the total number of votes in favour of each candidate;

39.4 the result of any lot drawn in terms of rule 38.5;

39.5 the names of those who are duly elected.

40. The president shall, on receipt of the report of the scrutineers, cause each candidate to be advised of the result of the election;

41. The report of the scrutineers shall be conclusive as to the effect of the election, notwithstanding any irregularity or informality.

42. The scrutineers, having completed their scrutiny, shall return the ballot box containing the examined ballot papers and locked in accordance with rule 37 to the secretary, together with its key. The secretary shall securely retain the ballot box in that condition for a period of three months after the day of the holding of the general meeting and shall thereupon break the seal, unlock the box, empty it of its contents and destroy all of them. He shall then also destroy all the valid declaration forms received by him.

43. A member who, with the object of gaining election to the council, or of advancing his prospects of election, canvasses for votes, or offers any inducement or assistance, or in any other way promotes or is a party to the promotion of his own candidature, other than by accepting or indicating that he is prepared to accept nomination, shall be guilty of unprofessional conduct, and may, if elected, and on being found guilty, and notwithstanding any punishment imposed on him, be summarily removed from office by the council at a special meeting convened for the purpose of considering his removal, and without first following the procedure prescribed in rule 46; provided that the quorum at any such meeting shall be eight members of the council, exclusive of the member whose removal is to be considered, present at the commencement of the meeting.

#### Period of office of members of council

44.1 A member of the council shall take office as such immediately after the result of the election at which he is elected has been received by the general meeting first following that election and shall, subject to rule 45, hold office until the reception of the result of the next election by the general meeting concerned.

44.2 A member of the council who holds office as such at the date of promulgation of these rules shall be deemed to have been elected in accordance with these rules and shall, subject to rule 45, continue to hold office until the reception by the general meeting concerned of the result of the first of the elections held in terms of rule 30.2.

#### Vacation of office by member of council

45.1 A member of the council shall vacate his office—

45.1.1 if he—

45.1.1.1 resigns by notice in writing to the secretary;

45.1.1.2 ceases to be a member of the society;

45.1.1.3 is suspended from practice by the court;

45.1.1.4 is removed from office by the council in terms of rule 43 or rule 46;

45.1.1.5 surrenders his estate or if his estate is finally sequestrated as insolvent;

45.1.1.6 becomes of unsound mind;

45.1.1.7 is absent, without the leave of or for other cause acceptable to the council, from the meetings of the council for a period of three consecutive calendar months;

45.1.2 during any period for which he may be suspended from office by the council.

45.2 A resolution of the council declaring such member's office vacated shall be conclusive as to the fact and grounds of vacation.

*Skorsing en ampsontheffing van 'n raadslid*

46.1 Die raad kan op 'n spesiale vergadering van die raad wat belê is om die skorsing van 'n raadslid te oorweeg, sodanige raadslid in sy amp skors om enige rede, uitgesonderd 'n oortreding van reël 43, wat na sy mening sodanige raadslid se ampsontheffing sou regverdig; met dien verstande dat—

46.1.1 die kworum vir so 'n vergadering agt raadslede, met uitsluiting van die lid wie se skorsing oorweeg moet word, is wat by die aanvang van die vergadering teenwoordig is;

46.1.2 die raad 'n spesiale vergadering van lede vir 'n datum binne 'n maand na sy besluit tot skorsing van die betrokke lid moet belê ten einde 'n voorstel deur die raad dat die raad die geskorste lid van sy amp van raadslid onthef, te oorweeg en daarna te bekratig of te verwerp;

46.1.3 indien sodanige voorstel deur die spesiale vergadering van lede verworp word, die betrokke lid se skorsing onmiddellik eindig.

46.2 Die raad moet 'n raadslid wat deur hom geskors en wie se voorgestelde ampsontheffing ooreenkomsdig reël 46.1.2 deur die orde bekratig is, van sy amp onthef.

*Tydelike aanstellings as raadslede*

47. Wanneer hy iemand as raadslid aanstel—

47.1 om 'n vakature te vul wat veroorsaak is deur 'n raadslid wat sy amp kragtens artikel 62 (2) van die Wet ontruim het; of

47.2 om waar te neem in die plek van 'n raadslid wat kragtens artikel 62 (3) van die Wet geskors is; of

47.3 wat deur hom kragtens reël 32.2 of reël 32.3 te koöpteer;

moet die raad sorg dra dat die volgende indeling van raadslede gehandhaaf word, naamlik—

47.4 vyf lede wat hul vernaamste setels van praktyk of hul woonplekke, na gelang van die geval, in die landdrosdistrikte het wat in reël 38.1 genoem word;

47.5 drie lede wat sodanige setels van praktyk of woonplekke in die landdrosdistrikte het wat in reël 38.2 genoem word; en

47.6 vier lede wat sodanige setels van praktyk of woonplekke elders het.

*Raadsvergaderings*

48.1 Raadsvergaderings moet vir sover dit na die mening van die raad doenlik is, minstens een maal in elke kalendermaand op sodanige datums, om sodanige tye en op sodanige plekke gehou word as wat van tyd tot tyd deur die raad, of anders deur die president, bepaal word, en moet deur die raad by geleentheid van sy vorige vergadering of, as die raad dit nie doen nie, deur die president belê word; met dien verstande dat die president 'n vergadering van die raad te eniger tyd *mero motu* kan belê op sodanige wyse as wat hy bepaal; voorts met dien verstande dat die sekretaris, indien hy skriftelik deur minstens drie lede van die raad daartoe versoek word, onmiddellik, by wyse van minstens sewe en hoogstens 14 dae se skriftelike kennisgewing, 'n spesiale raadsvergadering vir sodanige tyd en plek as wat hy bepaal, moet belê met vermelding in die kennisgewing van die sake vir oorweging.

48.2 Wanneer hy 'n vergadering *mero motu* belê, kan die president in gevalle wat na sy mening dringend genoeg is, op sodanige wyse as wat hy goedvind, net aan daardie raadslede kennis gee wat op daardie tydstip geredelik bereikbaar is; met dien verstande dat op so 'n vergadering geen besluit geneem mag word nie tensy 'n kworum teenwoordig en die besluit eenparig is.

48.3.1 'n Besluit wat nie 'n skriftelike besluit is nie en wat op voorstel van die president geneem is oor 'n aangeleenthed wat na sy oordeel dringend genoeg is, is net so geldig en van krag asof dit op 'n behoorlik belegde en gehoue raadsvergadering geneem is, al is dit ook nie op 'n raadsvergadering geneem nie maar wel by wyse van sodanige kommunikasiemiddels as wat die president goedvind, en indien alle geredelik bereikbare raadslede geraadpleeg is en die meerderheid van alle dan dienende raadslede hul instemming daaroe betuig het.

48.3.2 Elke sodanige besluit moet so spoedig doenlik daarna op skrif gestel word en sodanige stuk word geag die notule van 'n vergadering te wees, moet opgeteken word in die notuleboek in reël 50 vermeld, en daarna moet kennis geneem word op die eersvolgende raadsvergadering.

49. Behalwe waar hierdie reëls anders bepaal, is drie raadslede 'n kworum.

*Suspension and removal of member of council*

46.1 The council may at a special meeting of the council convened for the purpose of considering his suspension suspend a member of the council from office for any reason, other than a contravention of rule 43, which it considers would justify his removal from office; provided that—

46.1.1 the quorum at such meeting shall be eight members of the council, exclusive of the member whose suspension is to be considered, present at the commencement of the meeting;

46.1.2 the council shall convene a special meeting of members to be held within one month of its resolution suspending the member concerned, for the purpose of considering and thereafter confirming or rejecting a proposal by the council that the council remove the suspended member from office as a member of the council;

46.1.3 if such proposal is rejected by the special meeting of members, the suspension from office of the member concerned shall thereupon immediately terminate.

46.2 The council shall remove from office any member of the council whom it has suspended from office and whose proposed removal from office has been confirmed by the society in accordance with rule 46.1.2.

*Temporary appointments as members of the council*

47. In making an appointment to the council—

47.1 to fill a vacancy caused by the vacation of office by a member of the council in terms of section 62 (2) of the Act; or

47.2 to act in the place of a suspended member of the council in terms of section 62 (3) of the Act; or

47.3 by co-optation in terms of rule 32.2 or rule 32.3; the council shall ensure that the allocation of seats on the council is maintained at—

47.4 five members who have their principal places of practice or their places of abode, as the case may be, in the magisterial districts mentioned in rule 38.1;

47.5 three members who have such places of practice or places of abode in the magisterial districts mentioned in rule 38.2; and

47.6 four members who have such places of practice or places of abode elsewhere.

*Meetings of the council*

48.1 Meetings of the council shall, so far as practicable in the opinion of the council, be held at least once in each calendar month on such dates and at such times and places as may from time to time be determined by the council or, otherwise, by the president, and shall be convened by the council at its preceding meeting or, should the council fail to do so, by the president; provided that the president may at any time *mero motu* convene a meeting of the council in such manner as he shall determine; provided further that the secretary shall forthwith, if requested in writing so to do by not less than three members of the council, convene a special meeting of the council at such time and place as he may determine by not less than seven nor more than 14 days' notice in writing stating the business to be considered.

48.2 When convening a meeting *mero motu*, the president may, in cases which are, in his judgment, of sufficient urgency, give notice, in such manner as he thinks fit, only to those members of the council who are readily accessible at the time, provided that no decision shall be taken at such a meeting unless a quorum be present and the decision be unanimous.

48.3.1 A resolution, other than a written resolution, taken on the motion of the president on a matter which is, in his opinion, of sufficient urgency, shall, though not taken at a meeting of the council but by such other means of communication as the president may deem fit to employ, if all those members of the council who are readily accessible have been consulted and if the majority of all members of the council who are then in office have expressed their assent, be as valid and effectual as if it had been passed at a meeting of the council duly convened and held.

48.3.2 Every such resolution shall as soon as possible thereafter be recorded in writing and such record shall be deemed to be a minute of a meeting, shall be entered in the minute book referred to in rule 50 and shall be noted by the next following meeting of the council.

49. Save where otherwise provided in these rules, three members of the council shall form a quorum.

50. Notule van elke raadsvergadering moet gehou word in 'n notuleboek wat deur die sekretaris gehou word en op elke gewone maandelikse vergadering van die raad moet die notule van die vorige gewone maandelikse vergadering en van alle vergaderings wat sedertdien gehou is, voorgelees of, indien die raad aldus besluit, as voorgelees beskou word, en sodanige notule moet, behoudens enige nodige verbetering, deur die voorzitter geteken word as 'n juiste weergawe van die verrigtinge van die betrokke vergadering of vergaderings.

51. Geen besluit wat op 'n raadsvergadering geneem is mag op 'n latere vergadering herroep word nie tensy in die kennisgewing van die vergadering kennis gegee is van die voorname om sodanige herroeping voor te stel; met dien verstande dat die raad van sodanige kennisgewing kan afsien indien elke dan dienende lid van die raad op die raadsvergadering waarop die voorgestelde herroeping oorweeg staan te word, teenwoordig is en toestem dat van kennisgewing afgewien en die mosie voorgestel word.

52. Behoudens die bepalings van die Wet en van hierdie reëls kan die raad regulasies vir sy vergaderings en verrigtinge en vir die aanstelling en reëling van die verrigtinge van sy komitees uitvaardig, wysig en herroep.

#### *Verlyding van dokumente*

53. Enige akte of ander dokument wat die raad besluit om te verly moet, tensy die raad anders besluit, deur die president en die sekretaris geteken word.

#### DEEL V

##### BEAMPTES

###### *Verkiesing van president en vise-president*

54. 'n President en 'n vise-president soos bedoel in artikel 63 (1) van die Wet, moet jaarliks, in daardie volgorde, op die dag waarop die algemene vergadering gehou word verkies word—

54.1 in 'n jaar waarin 'n verkiesing gehou is, deur die lede van die nuwe raad so spoedig doenlik nadat die algemene vergadering die uitslag van daardie verkiesing aangehou het;

54.2 in elke ander jaar, deur die dan dienende lede van die raad op 'n geleë tyd nadat die voorzitter bepaal is kragtens reël 27.

###### *Ampstermyne van president en vise-president*

55.1 Behoudens die bepalings van subartikels (2), (3) en (4) van artikel 63 van die Wet beklee 'n president en vise-president sy amp vandat hy as sodanig verkies is tot die volgende verkiesing van 'n president en vise-president kragtens reël 54.

55.2 Die dienende president en die dienende vise-president op die datum waarop hierdie reëls uitgevaardig word bly elkeen, behoudens die bepalings van subartikels (2), (3) en (4) van artikel 63 van die Wet, in sy amp as sodanig aan tot die eerste verkiesing van 'n president en 'n vise-president, onderskeidelik, kragtens reël 54.

55.3 'n Uittredende president en 'n uittredende vise-president is elkeen herkiesbaar tot die onderskeie ampte.

###### *Sekretaris*

56. Benewens die funksies en pligte aan hom toegewys by die Wet, hierdie reëls of enige ander wet moet die sekretaris sodanige funksies en pligte van algemene of spesiale aard vervul as wat deur die raad aan hom toegewys word.

#### DEEL VI

##### SIRKELS—GELDELIKE HULP

57. Die raad kan ten opsigte van die redelike uitgawes van 'n sirkel sodanige bedrae bydrae as wat hy van tyd tot tyd bepaal en die betrokke sirkel moet, wanneer hy deur die raad daarom versoek word, sodanige besonderhede aan die raad verstrek as wat laasgenoemde mag verlang ten einde sodanige bepaling te doen.

#### DEEL VII

##### LEERKONTRAKTE EN KLERKE ONDER LEERKONTRAK

58. Leerkontrakte moet wesenlik in die vorm wees soos in die Tweede Bylae van hierdie reëls uiteengesit. Die raad is geregtig om 'n leerkontrak wat vir registrasie aan hom voorgelê word, te verwerp as dit na sy mening nie aan die Wet of hierdie reëls voldoen nie of onbehoorlike of laakkbare bepaling bevat.

50. Minutes shall be kept in a minute book to be maintained by the secretary of every meeting of the council and at each ordinary monthly meeting of the council the minutes of the previous ordinary monthly meeting and of all meetings held since shall be read, or if so resolved by the council, taken as read, and shall, subject to any necessary correction, be signed by the chairman as being a correct record of the proceedings of the meeting or meetings concerned.

51. No resolution passed at any meeting of the council shall be rescinded at any subsequent meeting unless notice of the intention to propose such rescission shall have been given in the notice of the meeting; provided that such notice may be dispensed with by the council if, at its meeting at which the proposed rescission is to be considered, every member of the council then in office is present and agrees to waive notice and to the motion being moved.

52. Subject to the provisions of the Act and of these rules, the council may make, vary and rescind regulations for its meetings and proceedings and for the appointment and regulation of the proceedings of its committees.

###### *Execution of documents*

53. Any deed or other document which the council resolves to execute shall, unless otherwise directed by the council, be signed by the president and the secretary.

#### PART V

##### OFFICERS

###### *Election of president and vice-president*

54. A president and a vice-president as contemplated by section 63 (1) of the Act shall, in that order, be elected annually on the day on which the general meeting is held—

54.1 in a year in which an election has been held, by the members of the incoming council as soon as may be practicable after the receipt by the general meeting of the result of that election;

54.2 in each other year, by the members of the council then in office at a convenient time after the chair has been taken in terms of rule 27.

###### *Periods of office of president and vice-president*

55.1 Subject to subsections (2), (3) and (4) of section 63 of the Act, a president and a vice-president shall hold office from the time of his election as such until the next election of the president and the vice-president in terms of rule 54.

55.2 The president and the vice-president in office at the date of promulgation of these rules shall each continue, subject to subsections (2), (3) and (4) of section 63 of the Act, to hold office as such until the first election of a president and a vice-president respectively in terms of rule 54.

55.3 A retiring president and a retiring vice-president shall each be eligible for re-election to those respective offices.

###### *Secretary*

56. The secretary shall, in addition to the duties and functions assigned to him under the Act, these rules or any other law, perform such functions and duties as may be assigned to him by the council whether of a general or particular nature.

#### PART VI

##### CIRCLES—FINANCIAL AID

57. The council may contribute towards the reasonable expenses of a circle such amounts as it may from time to time determine and the circle concerned shall, whenever called upon to do so by the council, furnish the council with such particulars as it may require to enable such determination to be made.

#### PART VII

##### ARTICLES OF CLERKSHIP AND ARTICLED CLERKS

58. Articles of clerkship shall be substantially in the form set out in the Second Schedule to these rules. 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 Act or these rules or which contain any improper or objectionable provisions.

59.1 In enige geval wat onder sy aandag kom en waar hy na behoorlike ondersoek daarvan oortuig is dat die prinsipaal-klerkverhouding tussen 'n lid en sy kerk onder leerkontrak vernietig is of dermate verswak het dat dit onwaarskynlik is dat die kerk onder leerkontrak toereikende opleiding onder leiding van daardie lid sal ontvang, kan die raad daardie lid en daardie kerk onder leerkontrak gelas.

59.1.1 om binne 'n tydperk vermeld deur die raad, behoorlike pogings aan te wend om 'n ander lid te vind wat in staat en gewillig is om daardie kerk kragtens 'n leerkontrak in diens te neem;

59.1.2 om voor of onmiddellik na verstryking van daardie tydperk aan die sekretaris skriftelik verslag te doen van die naam van sodanige ander lid, indien een gevind is, of, indien by verstryking van daardie tydperk geen so 'n lid gevind is nie, om onmiddellik skriftelik aan die sekretaris verslag te doen oor die pogings aangewend en die redes vir die mislukking van sodanige pogings om so 'n ander lid te vind;

59.1.3 om, indien so 'n ander lid gevind is, binne 'n tydperk vermeld deur die raad behoorlike oordrag van die leerkontrak aan sodanige lid te bewerkstellig.

59.2 Indien die sekretaris 'n negatiewe verslag ingevolge reël 59.1.2 ontvang, kan hy, mits hy daarvan oortuig is dat redelike pogings aangewend is om so 'n ander lid te vind, 'n redelike verlenging van eersvermelde tydperk toestaan, na verstryking waarvan die betrokke lid en die kerk onder leerkontrak 'n verdere verslag soos in reël 59.1.2 vermeld, aan hom moet lever.

59.3 Die sekretaris moet onmiddellik aan die president die ontvangs en inhoud van 'n verslag wat ingevolge hierdie reël 59 deur hom ontvang is, rapporteer, met vermelding of hy 'n verlenging van eersvermelde tydperk toegestaan het of nie, en, indien wel, met welke tydperk, en ook moet hy dit aan die president rapporteer as daar na verstryking van eersvermelde tydperk of enige verlenging daarvan geen verslag van die lid of kerk onder leerkontrak ontvang is nie.

59.4 Indien geen sodanige ander lid binne eersvermelde tydperk of 'n verlenging daarvan gevind word nie, kan die raad die leerkontrak kanselleer indien hy na verdere behoorlike ondersoek daarvan oortuig is dat voormalige vernietiging of verswakking van die verhouding nie reggestel is nie.

59.5 'n Lid en 'n kerk onder leerkontrak wat sonder voldoende rede versuim om aan die bepalings van hierdie reël of aan 'n bevel van die raad ingevolge daarvan uitvoering te gee, is aan onprofessionele gedrag skuldig.

60. 'n Lid wat, hetsy by wyse van ooreenkoms met sy kerk onder leerkontrak of andersins, 'n leerkontrak kanselleer, of met betrekking tot wie 'n leerkontrak waartoe hy 'n party is, andersins tot 'n einde kom, moet die sekretaris binne 30 dae na die kanselliasie of ander beëindiging skriftelik van daardie feit in kennis stel, met vermelding van die redes vir die kanselliasie of ander beëindiging. Waar 'n leerkontrak regmatiglik op hierdie wyse op by 'n hofbevel of 'n bevel van die raad gekanselleer word op 'n ander wyse regmagliklik tot 'n einde kom, maar in geen ander geval nie, moet die sekretaris die feit en aard van die kanselliasie of ander beëindiging endosseer op die duplikaatoorspronklike van die leerkontrak wat deur hom gehou word.

61.1 'n Kerk onder leerkontrak is geregtig om vir minstens vier en hoogstens agt uur per week van sy kantoorpligte vrygestel te word ten einde universiteits- of ander klasse ter kwalifisering vir die beroep by te woon.

61.2 'n Kerk onder leerkontrak wat van sy kantoorpligte vrygestel is ten einde sodanige klasse by te woon, moet tot bevrediging van sy prinsipaal bewys lever dat hy minstens driekwart van sodanige klasse bygewoon het.

62.1 Geen lid mag sy kerk onder leerkontrak toelaat om namens hom in 'n hof of voor 'n raad, regbank of soortgelyke liggaam soos in artikel 8 (1) van die Wet bedoel, te verskyn nie tensy en Alvorens hy homself vergewis het dat die kerk diehouer is van 'n sertifikaat wat kragtens artikel 8 (3) of artikel 86 (2) (d) (ii) van die Wet uitgereik is.

62.2 Geen kerk onder leerkontrak mag aldus verskyn as hy nie diehouer van so 'n sertifikaat is nie.

63. 'n Lid moet die sekretaris skriftelik in kennis stel van enige aan hom bekende voorneme van sy kerk onder leerkontrak om langer as 30 agtereenvolgende werksdae van sy kantoor afwesig te wees.

59.1 In any case which comes to its notice in which the council is satisfied, after due enquiry, that the principal-clerk relationship between a member and his articled clerk has broken down or deteriorated to such extent that the articled clerk is unlikely to receive adequate training under the direction of that member, the council may order that member and that articled clerk—

59.1.1 to make due endeavour within a period stated by the council to find another member who is able and willing to take that articled clerk into service under articles of clerkship;

59.1.2 before or immediately after the end of that period to report to the secretary in writing the name of such other member, if found, or, if no such member has at the end of that period been found, to report immediately to the secretary in writing on the endeavours made and the reasons for failing to find such other member;

59.1.3 in the event of such other member being found, to effect due cession of the articles of clerkship to that other member within a period stated by the council.

59.2 In the event of the secretary receiving a negative report under rule 59.1.2 he may, if satisfied that reasonable endeavours were made to find such other member, grant a reasonable extension of the first-mentioned period, at the end of which the member concerned and the articled clerk shall make a further such report to him as in rule 59.1.2 referred to.

59.3 The secretary shall immediately report to the president the fact of receipt and the contents of any report received by him under this rule 59 and whether, and for what period, or not he has granted an extension of the first-mentioned period, and shall also report to the president the fact of non-receipt after the first-mentioned period or any extension thereof of any report from the member or the articled clerk.

59.4 If no such other member is found within the first-mentioned period or any extension thereof, the council may, if satisfied after further due enquiry that the aforesaid breakdown or deterioration of relationship has not been remedied, cancel the articles of clerkship.

59.5 Any member and any articled clerk who fails, without sufficient cause, to comply with the provisions of this rule or with any order of the council made in terms thereof shall be guilty of unprofessional conduct.

60. A member who, whether by agreement with his articled clerk or otherwise, cancels articles of clerkship or in relation to whom articles to which he is a party otherwise terminate, shall, within 30 days of the cancellation or other termination, notify the secretary in writing of that fact furnishing the reasons for the cancellation or other termination. Where articles are lawfully cancelled in this manner or by order of the court or by order of the council or otherwise lawfully terminate, but not otherwise, the secretary shall endorse the fact and nature of the cancellation or other termination upon the duplicate original of the articles of clerkship kept by him.

61.1 An articled clerk shall be entitled to be released from office duties for not less than four nor more than eight hours per week in order to attend university or other classes for the purpose of qualifying for the profession.

61.2 An articled clerk who has been released from office duties in order to attend such classes shall furnish proof to the satisfaction of his principal that he has attended at least three-fourths of such classes.

62.1 No member shall permit his articled clerk to appear on his behalf in any court or before any board, tribunal or similar body contemplated in section 8 (1) of the Act unless and until he shall have satisfied himself that the clerk is in possession of a certificate issued under section 8 (3) or section 86 (2) (d) (ii) of the Act.

62.2 No articled clerk shall so appear unless he is in possession of such a certificate.

63. A member shall notify the secretary in writing of any intended absence, of which he is aware, of his articled clerk, from his office for a period of more than 30 consecutive working days.

## DEEL VIII

PRESIDENT SE JAARVERSLAG, ORDE SE FINAN-  
SIELE STATE EN OUDITEURING

64. Die raad moet behoorlik rekening laat hou van die orde se inkomste en uitgawe en van sy bate en laste, en die rekeninge moet jaarliks op die laaste dag van die jaar afgesluit word, waarna die jaarlike finansiële state vir daardie jaar vir voorlegging aan die volgende algemene vergadering opgestel moet word.

65. Ten minste sewe volle dae voor elke algemene vergadering moet die president se verslag, tesame met die orde se jaarlike finansiële state ten opsigte van die voorafgaande jaar wat behoorlik deur die ouditeur of ouditeurs onderteken is, vir lede by die sekretariaat ter insae lê en 'n afskrif daarvan moet aan elke lid gepos word.

66. Daar moet een ouditeur, wat 'n rekenmeester is, of 'n firma ouditeurs, wat rekenmeesters is, wees en dié moet op elke algemene vergadering aangestel word. Sodanige ouditeur of firma bly in sy amp tot dat sy opvolger op die volgende algemene vergadering aangestel is, en die uittredende ouditeur of firma kan weer aangestel word. Die uittredende ouditeur of firma word geag aan in sy amp te bly tot die sluiting van die algemene vergadering waarop sy dienstermyne verstryk of, indien sy opvolger om die een of ander rede nie op sodanige vergadering aangestel word nie, totdat sy opvolger wel aangestel is.

67. Indien die amp van ouditeur vakant raak, moet sodanige vakature deur die raad gevul word en beklee die aldus aangestelde ouditeur of ouditeursfirma die amp vir die res van die dienstermyne waarvoor sy voorganger aangestel was.

## DEEL IX

## REKENINGHOUDING

## Rekeninghouding oor die algemeen

## 68.1 Rekeningboeke.

68.1.1 Elke firma hou rekeningboeke en oorkondes by wat aan algemeen aanvaarde rekeningkundige praktyk voldoen en wat 'n volledige en juiste weergawe bevat van al die firma se finansiële transaksies behalwe slegs dié wat nie met sy praktyk in verband staan nie, en wat op maklik waarneembare wyse tussen trustrekening- en besigheidsrekeningtransaksies onderskei.

68.1.2 By bepaling van wat bedoel word met "algemeen aanvaarde rekeningkundige praktyk" word onder meer gelet op beslissings van die raad wat aan lede bekendgemaak is.

68.1.3 Elke firma hou en bewaar al sodanige boeke en oorkondes—

68.1.3.1 vir minstens vyf jaar vanaf die datum van die laaste inskrywing daarin;

68.1.3.2 behalwe wanneer hulle kragtens wettige magtiging daarvandaan verwyder word, nêrens anders nie as by sy hoofkantoor of 'n takkantoor, maar in laasgenoemde geval alleen vir sover hulle betrekking het op enige deel van sy praktyk wat by sodanige takkantoor uitgeoefen word.

## 68.2 Balanseer van boeke.

Rekeningboeke word geag nie behoorlik ooreenkomsdig reël 68.1 bygehou te wees nie as hulle onder meer langer as 'n maand nie opgeskryf is nie of as hulle nie gebalanseer is nie binne drie maande na elke datum waarop lysse soos in reël 69.9 vermeld opgestel moet word.

## 68.3 Verrekening aan kliënte.

## 'n Firma—

68.3.1 lever binne 'n redelike tyd na afhandeling of vroeër beëindiging van 'n mandaat, aan sy kliënt 'n geskrewe staat waarin met redelike duidelikheid 'n uiteensetting gegee word van—

68.3.1.1 besonderhede van alle bedrae deur hom in verband met die betrokke aangeleentheid ontvang, tesame met gepaste en toereikende aantekeninge daarby;

68.3.1.2 besonderhede van alle uitgawes of uitbetalings deur hom in verband met die aangeleentheid aangegaan of gemaak;

68.3.1.3 gelde en ander vorderings wat teen die kliënt in rekening gebring of gehef is en, waar gelde ooreengekome gelde verteenvoerdig, 'n verklaring dat sodanige gelde op ooreengekom is met vermelding van die ooreengekome bedrag;

68.3.1.4 die bedrag verskuldig aan of deur die kliënt;

68.3.2 betaal, tensy anders gelas, enige bedrag wat aan sy kliënt verskuldig is, binne 'n redelike tyd.

## PART VIII

PRESIDENT'S ANNUAL REPORT, SOCIETY'S  
FINANCIAL STATEMENTS AND AUDIT

64. 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, and the accounts shall be closed annually on the last day of the year, whereafter the annual financial statements for that year shall be prepared for submission to the next general meeting.

65. At least seven clear days before every general meeting the president's report together with the annual financial statements of the society duly signed by the auditor or auditors in respect of the preceding year shall lie for inspection of members at the secretariat and a copy thereof shall be posted to each member.

66. There shall be one auditor, who shall be an accountant, or a firm of auditors who shall be accountants, and who shall be appointed at each general meeting. He or it shall remain in office until the appointment of his or its successor at the next succeeding general meeting, the retiring auditor or firm being eligible for reappointment. The outgoing auditor or firm shall be deemed to continue in office until the close of the general meeting at which his or its period of office terminates, or if for any cause his or its successor shall not be appointed at such meeting, then until the appointment of his or its successor.

67. If any vacancy should arise in the office of auditor, such vacancy shall be filled by the council and the auditor or firm of auditors so appointed shall hold office for the remainder of the period of office for which his or its predecessor was appointed.

## PART IX

## ACCOUNTING

## Accounting in general

## 68.1 Books of account.

68.1.1 Every firm shall keep books of account and records in accordance with generally accepted accounting practice containing a full and accurate record of all the firm's financial transactions, excluding only such matters as have no relation to its practice, and distinguishing in readily discernible manner between trust account and business account transactions.

68.1.2 In determining what is meant by "generally accepted accounting practice" regard shall be had *inter alia* to any rulings of the council published to members.

68.1.3 Every firm shall retain and preserve all such books and records—

68.1.3.1 for at least five years from the date of the last entry recorded therein;

68.1.3.2 save when removed therefrom under lawful authority, at no place other than its main office or a branch office, but, in the latter case, only in so far as they relate to any part of its practice conducted at that branch office.

## 68.2 Balancing of books.

Books of account shall be deemed not to have been kept in accordance with rule 68.1 if *inter alia* they have not been written up for more than one month or if they have not been balanced within three months after each date on which lists referred to in rule 69.9 are to be extracted.

## 68.3 Accounting to clients.

## A firm shall—

68.3.1 within a reasonable time after the performance or earlier termination of any mandate, deliver to a client a written statement setting out with reasonable clarity—

68.3.1.1 details of all amounts received by it in connection with the matter concerned, with appropriate and adequate explanatory narrative;

68.3.1.2 particulars of all disbursements or payments made by it in connection with the matter;

68.3.1.3 fees and other charges charged to or raised against the client and, where any fee represents an agreed fee, a statement that such fee was agreed and the amount so agreed;

68.3.1.4 the amount due to or by the client;

68.3.2 unless otherwise instructed, pay any amount due to a client within a reasonable time;

**68.4 Betalings aan ander praktisys en aan mediese en ander deskundiges.**

68.4.1 'n Firma betaal 'n ander regspaktsyn wat te enige plek binne of buite die Republiek praktiseer, se redelike gelde en uitgawes ten opsigte van werk wat deur die firma aan sodanige regspaktsyn toevertrou is, binne 'n redelike tyd, tensy—

68.4.1.1 hy, toe hy die aanvanklike opdrag in verband met sodanige werk gegee het, sodanige praktisyn meege-deel het dat hy homself nie vir die betaling van sodanige gelde en uitgawes aanspreeklik hou nie; of

68.4.1.2 betaling teruggehou word om 'n rede wat die raad goed en voldoende ag.

68.4.2 Die bepalings van reël 68.4.1 geld *mutatis mutandis* ten opsigte van 'n mediese praktisyn of ander deskundige wie se dienste 'deur' 'n firma verkyf of wat deur 'n firma geraadpleeg word.

*Trustrekeninge en trustgeld*

**69.1 Gereelde en stiptelike deposito's en betalings.**

'n Firma—

69.1.1 deponeer alle geld wat hy op rekening van iemand ontvang, gereeld en stiptelik in sy trustbankrekening op die datum van die ontvangs daarvan of op die eerste bankdag na die ontvangs daarvan waarop redelikerwys verwag kan word dat dit gebank sal word;

69.1.2 betaal sodanige geld stiptelik wanneer dit verskuldig is, aan die persoon wat daarop geregtig is.

**69.2 Bekendmaking van trustrekenings.**

Elke lid wat kragtens artikel 42 (1) van die Wet aansoek doen om 'n getroudheidswaarborgsertifikaat, stel die sekretaris, wanneer hy aldus aansoek moet doen, skriftelik in kennis van die getal afsonderlike trustbankrekeninge en trustbeleggingsrekeninge wat gehou word deur die firma waarvan hy die eienaar of 'n lid is, die takke van die bankinstellings en bouverenigings waar hulle gehou word, en van die nommer, indien enige, van elke sodanige rekening, en vir die doeleindes van artikel 42 (3) (a) van die Wet bekhou die sekretaris die vereistes van hierdie reël as vereistes van die orde.

**69.3 Deposito's van persone is trustgeld.**

Die uitdrukking "trustgeld" beteken ook 'n bedrag deur iemand aan 'n firma betaal vir of ten opsigte van enige uitgawes (met inbegrip van advokaatsgelde) wat deur die firma vir daardie persoon aangegaan is of sal word, of vir of ten opsigte van die gelde wat aan die firma deur daardie persoon verskuldig is of sal word, en sodanige bedrag is en bly trustgeld, en tot tyd en wyl die betrokke uitgawe werkelik deur die firma betaal of die betrokke gelde regmatiglik deur hom gedebiteer is, na gelang van die geval, hou en bly hou die firma, ongeag enige inskrywing in sy rekeningboeke, en handel hy met, sodanige geld slegs soos deur artikel 78 van die Wet toegelaat word.

**69.4 Stiptelike debitering van geldie en uitgawes.**

'n Firma bring 'n ooreenstemmende debetinskrywing in sy rekeningboeke aan voordat binne 'n redelike tyd nadat hy betaling vorder van geldie aan hom verskuldig of van uitgawes deur hom aangegaan.

**69.5 Oordrag na besigheidsrekening.**

Onttrekkings van trust beleggingsrekening en debiete geposte word voordat oordragte gemaak word na 'n besigheidsrekening van trustbankrekenings.

69.5.1 Enige bedrag deur 'n firma onttrek van 'n trustbeleggingsrekening word onmiddellik deur die firma inbetaal in 'n trustbankrekening van daardie firma.

69.5.2 Enige bedrag wat deur 'n firma geëis word as verskuldig aan hom en onttrekbaar van 'n trustbankrekening van daardie firma, word nie so onttrek nie totdat die ooreenstemmende debet-inskrywing daargestel is in die rekeningsboeke nie, en dit word dan inbetaal tot krediet van sy besigheidsbankrekening.

**69.6 "Kontanttjeks" en toondertjeks mag nie op trustbankrekening getrek word nie.**

Geen firma trek die volgende tjeks op 'n trustbankrekening nie:

69.6.1 'n Tjek wat aan "kontant of toonder" of "kontant of order" betaalbaar is of wat 'n ander aanduiding bevat wat nie voorgee om 'n bepaalde begunstigde aan te wys nie;

69.6.2 'n tjek wat betaalbaar is aan toonder of anders as aan, of aan die order van, 'n begunstigde wat uitdruklik daarin aangewys word.

**68.4 Payment to other practitioners and to medical and other experts.**

68.4.1 A firm shall, within a reasonable time, pay the reasonable fees and disbursements of another legal practitioner practising anywhere within or outside the Republic in respect of work entrusted to such practitioner by the firm unless—

68.4.1.1 at the time of giving initial instructions in regard to such work it advised such practitioner that it did not hold itself responsible for the payment of such fees and disbursements; or

68.4.1.2 payment is being withheld for a reason which the council deems good and sufficient.

68.4.2 The provisions of rule 68.4.1 shall apply *mutatis mutandis* in respect of any medical practitioner or other expert engaged or consulted by a firm.

*Trust accounts and trust money*

**69.1 Regular and prompt deposits and payments.**

A firm shall—

69.1.1 regularly and promptly on the date of its receipt, or the first banking day following its receipt on which it might reasonably be expected that it would be banked, deposit in its trust bank account all money received by it on account of any person;

69.1.2 promptly when due pay such money over to the person entitled thereto.

**69.2 Notification of trust accounts.**

Every member who is required to apply for a Fidelity Fund Certificate under section 42 (1) of the Act shall, whenever making such application, notify the secretary in writing of the number of separate trust bank accounts and trust investment accounts which the firm of which he is the proprietor or a member keeps, the branches of the banking institutions and building societies at which they are kept and the number, if any, of each such account and, for the purposes of section 42 (3) (a) of the Act, the secretary shall regard the requirements of this rule as requirements of the society.

**69.3 Deposits by persons are trust money.**

There shall be included within the meaning of the expression "trust money" any amount paid by any person to a firm for or on account of any disbursements (including council's fees) incurred or to be incurred by the firm for that person or for the fees incurred or to be incurred by the firm for that person and such amount shall be and continue to be trust money and shall be and continue to be held and dealt with by the firm only as permitted by section 78 of the Act, irrespective of any entry made in the books of account of the firm, until the relevant disbursement has actually been made by the firm or the relevant fee lawfully debited by it, as the case may be.

**69.4 Prompt debiting of fees and disbursements.**

A firm shall, either before or within a reasonable time after claiming payment of any fee due to or disbursement made by it, pass a corresponding debit entry in its books of account.

**69.5 Withdrawals from trust investment account and debits to be passed before transfers to business account from trust bank account.**

69.5.1 Any amount withdrawn by a firm from a trust investment account shall promptly be deposited by it in a trust bank account of that firm.

69.5.2 Any amount claimed by a firm as being due to it and as being withdrawable from a trust bank account of that firm shall not be so withdrawn until the corresponding debit entry has been passed in its books of account, and it shall then be deposited to the credit of its business bank account.

**69.6 "Cash" and bearer cheques not to be drawn on trust banking account.**

No firm shall draw upon a trust bank account:

69.6.1 Any cheque made payable to "cash or bearer" or "cash or order" or giving any other indication which does not purport to designate a specific payee;

69.6.2 any cheque made payable to bearer or otherwise than to or to the order of a payee specifically designated therein.

69.7 Trustsaldo's mag nie trustgeld oorskry nie en trustrekening mag nie in debiet wees nie.

69.7.1 Die totaal van die trustsaldo's aangetoon in die trustrekening in die grootboeke van 'n firma mag op geen datum die totaal van die geld in sy trustbankrekening en trustbeleggingsrekening en van sy trustkontant oorskry nie.

69.7.2 Geen firma laat toe dat enige sodanige trustrekening in debiet is nie.

69.8 Behoorlike stelsel vir oordragte van trust- na besigheidsrekening.

Elke firma gebruik en handhaaf 'n stelsel wat verseker dat die bepalings van hierdie reël 69 nie oortree word nie wanneer bedrae van sy trustbankrekening na sy besigheidsbankrekening oorgedra word.

#### 69.9 Opstel van lysste van trustkrediteure.

69.9.1 Elke firma stel met tussenposes van hoogstens drie kalendermaande, in duidelik leesbare vorm, 'n lys op van bedrae wat enige persoon, wat daarin by naam geïdentifiseer word, tot sy krediet het ten opsigte van alle geld wat sodanige firma op rekening van sodanige persoon hou of ontvang het, en ten einde nakoming van reël 69.7 te kontroleer, stel hy die totaal van sodanige lys vas en vergelyk hy vermelde totaal met die batige totaal van die firma se trustbankrekening, trustbeleggingsrekening en bedrae wat deur hom as trustkontant gehou word.

69.9.2 Die saldo wat ten opsigte van elke sodanige rekening in die lys opgeneem is, word ook op die een of ander permanente, opvallende en duidelike wyse aangeteken in die grootboekrekening waaruit daardie saldo verkry is.

69.9.3 Elke sodanige lys vorm deel van die boeke en oorkondes van die firma wat gehou en bewaar word ooreenkomsdig reël 68.1.3.

#### Verslae deur rekenmeesters

##### 70.1 Aanstelling van rekenmeester.

Elke firma stel een maal elke kalenderjaar, of op sodanige ander tye as wat die raad vereis op eie oökoste 'n rekenmeester aan, namens en as verteenwoordiger van die raad om die pligte wat by hierdie reël 70 aan hom opgedra word te vervul.

70.2 Rekenmeester se insae in oorkondes en firma se plig om behulpsaam te wees.

##### 'n Firma—

70.2.1 Verleen aan 'n rekenmeester wat ingevolge hierdie reël 70 aangestel is, insae in sodanige van die firma se oorkondes as wat hy nodig ag om vir die vervulling van sy pligte ingevolge hierdie reël, te ondersoek;

70.2.2 Verleen aan die rekenmeester enige magtiging wat nodig mag wees om hom in staat te stel om sodanige inligting, sertifikate of ander bewys te verkry as wat hy redeklikerwys mag benodig vir sodanige doeleindes;

##### 70.3 Pligte van rekenmeester.

Elke rekenmeester wat ooreenkomsdig hierdie reël 70 aanstelling aanvaar het—

70.3.1 Lewer binne ses maande na die jaarlikse afsluiting van die betrokke firma se rekeningboeke, of op sodanige ander tye as wat die raad vereis, aan die raad 'n verslag wat in die vorm van die Derde Bylae van hierdie Reëls moet wees, en aan die firma 'n afskrif van sodanige verslag;

70.3.2 Rapporteer onverwyld regstreeks skriftelik aan die raad indien, te eniger tyd gedurende die vervulling van sy taak en pligte ingevolge hierdie reël—

70.3.2.1 Dit onder sy aandag kom dat die totaal van die saldo's wat ten opsigte van trustrekening in die grootboeke van die firma aangetoon word, op enige datum die totaal van die geld in sy trustbankrekening, sy trustbeleggingsrekening en sy trustkontant oorskry;

70.3.2.2 Wesenlike navrae wat die rekenmeester aan die firma in verband met dié se rekeningboeke of oorkondes gerig het, nie tot sy bevrediging behandel is nie;

70.3.2.3 Nie tot sy bevrediging voldoen is nie aan 'n redelike versoek deur hom om insae in die oorkondes van die firma of om 'n magtiging waarna in reël 70.3.2 verwys word;

69.7 Trust balances not to exceed trust money and trust accounts not to be in debit.

69.7.1 The total of the trust balances shown on the trust accounts in the ledgers of any firm shall not at any date exceed the total amount of the money in its trust bank accounts, trust investment accounts and trust cash.

69.7.2 No firm shall permit any such trust account to be in debit.

69.8 Proper system of transfers from trust to business account.

Each firm shall employ and maintain a system to ensure that, when transferring amounts from its trust bank account to its business bank account, the requirements of this rule 69 are not infringed.

#### 69.9 Extracts of lists of trust creditors.

69.9.1 Every firm shall extract, at intervals of not more than three calendar months, in a clearly legible manner, a list of amounts then standing to the credit of any person, who shall be identified therein by name, in respect of all money held or received by it on account of such person and shall total such list and compare the said total with the total of the balance standing to the credit of the firm's trust bank accounts, trust investment accounts and amounts held by it as trust cash, in order to control compliance with rule 69.7.

69.9.2 The balance listed in respect of each such account shall also be noted in some permanent, prominent and clear manner in the ledger account from which that balance was extracted.

69.9.3 Each such list shall be part of the books and records of the firm to be retained and preserved as in rule 68.1.3 provided.

#### Reports by accountants

##### 70.1 Appointment of accountant.

Every firm shall at its expense once in each calendar year, or at such other times as the council may require, appoint an accountant to act on behalf of and as the representative of the council to discharge the duties assigned to him in terms of this rule 70;

70.2 Accountant's access to records and firm's duty to assist.

##### A firm shall—

70.2.1 Allow an accountant appointed under this rule 70 access to such of its records as he may deem it necessary to examine for the purposes of discharging his duties under this rule;

70.2.2 Furnish the accountant with any authority which may be required to enable him to obtain such information, certificates or other evidence as he may reasonably require for such purposes.

##### 70.3 Duties of accountant.

Every Accountant who has accepted an appointment in terms of this rule 70 shall—

70.3.1 Within six months of the annual closing of the books of account of the firm concerned, or at such other times as the council may require, furnish the council with a report which shall be in the form of the Third Schedule to these Rules, and furnish the firm with a copy thereof;

70.3.2 Without delay, report in writing directly to the council if, at any time during the discharge of his function and duties under this rule—

70.3.2.1 It comes to his notice that at any date the total of the balances shown on trust accounts in the ledgers of the firm exceeded the total amount of the funds in its trust bank accounts, its trust investment accounts and its trust cash;

70.3.2.2 Any material queries concerning its books of account or records which he has raised with the firm have not been dealt with to his satisfaction;

70.3.2.3 Any reasonable request made by him for access to its records or for an authority referred to in rule 70.2.2, has not been met to his satisfaction;

70.3.3 die vorm voorgeskryf by reël 70.3.1 word alleen van die sekretaris verkry, wat dit op versoek uitrek aan 'n firma of aan 'n rekenmeester wat ingevolge hierdie reël 70 aangestel is.

#### 70.4 Firma se plig om uitreiking van verslag te verseker.

Elke firma sien toe dat 'n verslag wat ooreenkomsdig reël 70.3.1 deur 'n rekenmeester gelewer word, binne op die vereiste tyd aldus gelewer word; met dien verstande dat die raad op skriftelike aansoek deur 'n firma in verband met 'n bepaalde verslag, sodanige firma se versuim om aan hierdie vereiste te voldoen, na goeddunke en op sodanige voorwaardes as wat hy mag bepaal, kan kondoneer.

### DEEL X

#### ALGEMENE PRAKTYK

##### Takkantore

71. Geen lid mag 'n takkantoor hê of bly behou nie tensy dit te alle tye wanneer aldaar praktyk uitgeoefen word, onder die effektiewe toesig is van 'n lid wat, indien hy nie eersvermelde lid self of 'n venoot van daardie lid is nie, 'n werknemer van daardie lid is wat vir die doel skriftelik deur die raad goedgekeur is; met dien verstande dat die raad se oordeel oor die vraag of 'n takkantoor te eniger tyd onder sodanige effektiewe toesig is al dan nie, bindend is en, indien sy oordeel negatief is, is die raad geregtig om eersvermelde lid te gelas om sy versuim onmiddellik reg te stel of anders daardie kantoor as 'n takkantoor te sluit.

##### Professionele onafhanklikheid

72. 'n Lid bewaar sy professionele onafhanklikheid.

72.1 Sonder dat die algemene omvang van hierdie reël daardeur ingekort word—

72.1.1 staan hy te alle tye tot sy kliënt in die verhouding van 'n onafhanklike aannemer en ontvang hy, behoudens reël 72.2, nie vir professionele dienste vergoeding of reël om daarvoor vergoeding te ontvang nie, teen 'n bedrag anders as die professionele gelde wat by wet of kragtens 'n beslissing van die raad voorgeskryf is of wat gewoonlik gevorder of, behoudens reël 86.1 en reël 89.24, met betrekking tot 'n bepaalde mandaat op ooreengekom word;

72.1.2 voer hy nie 'n konsultasie met 'n kliënt elders as in sy kantoor nie, behalwe waar die omstandighede dit redelikwys vereis of wenslik maak dat dit elders gevoer word.

72.2 Dit is nie strydig met reël 72.1.1 nie om met 'n kliënt te reël vir bindgelde of om van 'n kliënt bindgelde te ontvang as teenprestasie vir sy aanstelling as sodanige kliënt se algemene prokureur of vir sy aanstelling ten opsigte van 'n spesiale saak wat ingewikkeld is en na verwagting lank sal duur; met dien verstande dat die lid ten opsigte van die professionele dienste wat hy aan sodanige kliënt lewer, boonop ook die voorgeskrewe of gebruiklike of ooreengekome gelde vorder.

##### Opstel en taksasie van kosterekeninge

73.1 Behoudens die reg van 'n party tot die betrokke saak om teenwoordig te wees, laat 'n firma nie toe nie dat die taksasie van 'n kosterekkening bygewoon word deur enige ander persoon as 'n persoon in reël 73.2 vermeld.

73.2 Die taksasie van 'n kosterekkening word, indien bygewoon, bygewoon deur die lid wat die rekening voorle of ten behoeve van wie die rekening voorgelê word, of deur sy venoot of heetlydse werknemer wat 'n lid is of 'n klerk onder leerkontrak is wat geregtig is om te verskyn ingevolge artikel 8 (1) van die Wet, of deur sy korrespondent of sy korrespondent se heetlydse werknemer wat 'n lid is of 'n klerk onder leerkontrak soos voormeld, welke persoon in elke geval met die onderwerp van die taksasie vertrou is; met dien verstande dat eersvermelde lid of sy korrespondent, na gelang van die geval, volle verantwoordelikheid vir die inhoud van die rekening wat voorgelê word en vir die taksasie aanvaar.

##### Professionele maatskappye

74.1 Elke lid van 'n professionele maatskappy wat in die provinsie praktiseer of 'n geregistreerde kantoor in die provinsie het, is verplig—

74.1.1 om toe te sien dat die Griffier en die sekretaris skriftelik in kennis gestel word—

74.1.1.1 in die geval van sodanige maatskappye wat voor die afkondiging van hierdie reëls geïnkorporeer is en wat dit nie alreeds gedoen het nie, binne 30 dae na die datum van hul afkondiging of, in ander gevalle, binne 30

70.3.3 the form as prescribed under rule 70.3.1 shall be obtained only from the secretary who shall issue it on request to any firm or to any accountant appointed in terms of this rule 70.

#### 70.4 Firm's duty to ensure report issued.

Every firm shall ensure that any report to be furnished by an accountant in terms of rule 70.3.1 is so furnished within or at the required time; provided that the council may, in its discretion and on such conditions as it may stipulate, on written application by a firm relating to a particular report, condone a failure by that firm to comply with this requirement.

### PART X

#### GENERAL PRACTICE

##### Branch offices

71. No member shall have or retain any branch office unless it is at all times when practice is being conducted there under the effective supervision of a member who, if he is not the first-mentioned member himself or a partner of that member, shall be an employee of that member who has been approved for the purpose by the council in writing; provided that the opinion of the council as to whether or not a branch office is at any time under such effective supervision shall be binding and shall, if negative, entitle the council to order the first-mentioned member immediately to rectify his default or otherwise to close that office as a branch office.

##### Professional independence

72. A member shall preserve his professional independence.

72.1 Without derogating from the generality of this rule, he shall—

72.1.1 at all times preserve the relationship of an independent contractor with his client and, subject to rule 72.2, shall not arrange for nor receive remuneration for professional services other than at the professional fee prescribe by law or by ruling of the council or customarily chargeable or, subject to rule 86.1 and rule 89.24, agreed in regard to a specific mandate;

72.1.2 not hold a consultation with a client elsewhere than in his office, save where the circumstances reasonably require or render it desirable that it be held elsewhere.

72.2 Arranging with a client for or receiving from a client a retainer fee as consideration for his appointment as the general attorney of that client or for his retention in respect of a special matter of complexity and anticipated long duration shall not be a contravention of rule 72.1.1, provided that, in addition thereto, the member charges the prescribed or customary or agreed fee in respect of professional services rendered to that client.

##### Drawing and taxation of bills of costs

73.1 Subject to the right of a party to the matter concerned to be present, a firm shall not permit the taxation of a bill of costs to be attended by any person other than a person referred to in rule 73.2.

73.2 The taxation of a bill of costs shall, where attended, be attended by the member presenting the bill or on whose behalf the bill is presented or by his partner or full-time employee, being a member or an articled clerk entitled to appear in terms of section 8 (1) of the Act, or by his correspondent or correspondent's full-time employee, being a member or an articled clerk as aforesaid and being, in each case, a person familiar with the subject matter of the taxation; provided that the first-mentioned member or his correspondent, as the case may be, shall assume full responsibility for the content of the bill submitted and for the taxation.

##### Professional companies

74.1 It shall be the obligation of every member of a professional company which practises in the province or which has a registered office situated in the province—

74.1.1 to ensure that the Registrar and the secretary are notified in writing—

74.1.1.1 in the case of such companies which were incorporated before the promulgation of these rules and which have not yet done so, within 30 days of the date

dae na die datum waarop die maatskappy sodanige geregistreerde kantoor regstreer, of die datum waarop hy aldus begin praktiseer, welke datum ookal die vroegste een van die twee datums is, van—

74.1.1.1.1 die naam van die maatskappy, die registrasienummer daarvan en die datum van inkorporasie en die adres van sy geregistreerde kantoor;

74.1.1.1.2 die volle naam, geboortedatum en woon-, sake- en posadres van elke lid van die maatskappy;

74.1.1.1.3 die adres van elke setel van praktyk binne die Republiek waar die maatskappy praktiseer of waarby enige belang het, asook van die posadresse en telefoonnummers wat gebruik word in verband met die praktyk wat by elke sodanige plek beoefen word;

74.1.1.1.4 enige ander inligting wat die raad van tyd tot tyd vereis;

74.1.1.2 van enige verandering met betrekking tot enige inligting wat ooreenkomsdig reël 74.1.1 verstrek is binne 30 dae nadat sodanige verandering plaasgevind het;

74.1.2 om, wanneer dit vereis word, die raad in verband met sodanige maatskappy te voorsien van notarieel gewaarmerkte afskrifte van die akte van oprigting en statute, sertikaat van inkorporasie en sertikaat om met besigheid te begin, tesame met notarieel gewaarmerkte afskrifte van alle wysings wat tot op die datum van sodanige verskafing aan enige van voormalde stukke aangebring is.

74.2 Die sekretaris teken die inligting wat ooreenkomsdig reël 74.1.1 verstrek is, op in 'n afsonderlike deel van die register wat ingevolge reël 4 gehou word, en bring daarby gepaste kruisverwysings aan in verband met die ander inligting daarin oor die betrokke lid en oor die plek waar dokumente wat ingevolge reël 74.1.2 deur daardie lid verskaf is, gelasseeer is.

#### *Voordoen as spesialispraktisyn*

75. Behoudens die bepalings van hierdie reëls en enige ander regsbepaling kan 'n lid hom slegs op sodanige wyse en onderworpe aan sodanige voorwaarde as wat die raad van tyd tot tyd bepaal, voordoen as 'n persoon wat in 'n sekere vertakkings van die reg spesialiseer, en die beslissing oor 'n gepaste tydstip om aldus te bepaal, berus uitsluitlik by die raad.

#### *Praktisyns wat ophou praktiseer en ontbinding van geabandoneerde praktyke*

76.1 Alvorens 'n praktisyn wat in die provinsie vir sy eie rekening praktiseer of gepraktiseer het aansoek doen vir die verwydering van sy naam van die rol van die Hof—

76.1.1 stel hy die raad skriftelik daarvan in kennis;

76.1.2 voorsien hy die raad, tensy hy deur die raad daarvan vrygestel is, van 'n sertikaat deur 'n rekenmeester deur die raad goedgekeur, of van sodanige ander bewys as wat die raad mag vereis, dat behoorlike voorsiening gemaak is vir die verantwoording-doening, oorname of beskerming van alle trustgeld;

76.1.3 stel hy die raad, by wyse van eedsverklaring of andersins soos die raad mag vereis, tevrede dat—

76.1.3.1 alle verpligte teenoor kliënte nagekom is of behoorlik oorgedra is met sodanige toestemmings as wat nodig mag wees;

76.1.3.2 aan alle ander vereistes voldoen is wat die raad nodig ag vir die beskerming van trustgeld of ander bates wat in trust gehou word, die afhandeling van onvoltooide werk, die beantwoording van navrae en, in die algemeen, vir die ordelike ontbinding van sy praktyk of voormalige praktyk;

76.1.4 vermeld hy in sy aansoek dat hy voldoen het aan die bepalings van hierdie reël 76.1.

76.2 Alvorens of so spoedig doenlik nadat 'n praktisyn wat in die provinsie vir eie rekening praktiseer of gepraktiseer het, vrywillig ophou om te praktiseer vir enige rede behalwe 'n rede ooreenkomsdig reël 76.1, voldoen hy aan die bepalings van reël 76.1, met uitsondering van die bepalings van paragraaf 4 daarvan, en stel hy daarna die sekretaris in kennis van enige verandering van sy sake-, pos- en woonadres vir 'n tydperk van drie jaar vanaf die datum waarop hy ophou om te praktiseer of vir solank sy naam op die rol van die Hof bly, welke tydperk ookal die kortste is.

76.3 Sonder om afbreuk te doen aan die bepalings van reëls 76.1 en 76.2, indien 'n praktisyn wat as enigste eienaar van 'n praktyk in die provinsie gepraktiseer het, om enige rede hoegenaamd opgehou het om te praktiseer sonder dat hy na die mening van die sekretaris toereikende reëlings vir die voortsetting of ontbinding van sy praktyk of vir die

of their promulgation, or, in other cases, within 30 days of the date when the company registers such registered office or the date when it so commences practice, whichever of the two dates is the earlier, of—

74.1.1.1.1 the name of the company, its registration number and the date of its incorporation and the address of its registered office;

74.1.1.1.2 the full names, dates of birth, residential business and postal addresses of every member of the company;

74.1.1.1.3 the address of every place of practice within the Republic where the company practises or in which it shall have any interest, with the postal addresses and telephone numbers used in connection with the practice carried on at each such place;

74.1.1.1.4 any other information which the council may from time to time require;

74.1.1.2 of any change in any of the information given in terms of rule 74.1.1 within 30 days of such change taking place;

74.1.2 to supply the council, whenever so required, with notarially certified copies of the memorandum and articles of association, certificate of incorporation and certificate to commence business relating to such company together with notarially certified copies of all amendments made to any of the foregoing to the date of such supply.

74.2 The secretary shall enter the information furnished under rule 74.1.1 in a separate part of the register kept under rule 4, suitably cross-referenced in relation to the other information therein relating to the member concerned and to the place where documents supplied by that member under rule 74.1.2 are filed.

#### *Holding out as specialist practitioner*

75. Subject to the provisions of these rules and of any other law, a member may hold himself out as specialising in any branch of the law only in such manner and subject to such conditions as the council may from time to time determine, the council being the sole judge as to the appropriate time at which to make any such determination.

#### *Practitioners who cease to practice and winding up of abandoned practices*

76.1 Before applying for the removal of his name from the Roll of the Court a practitioner, who practises or has practised for his own account in the Province, shall—

76.1.1 advise the council in writing of that fact;

76.1.2 unless exempted by the council, furnish the council with a certificate by an accountant approved by the council, or such other proof as the council may require, that proper provision has been made for the liquidation, taking over or protection of all trust money;

76.1.3 satisfy the council by affidavit or otherwise, as the council may require, that—

76.1.3.1 all obligations to clients have been discharged or duly assigned with such consents as may be necessary;

76.1.3.2 any other requirements which the council deems necessary for the protection of trust money or other assets held in trust, the completion of work on hand, the handling of queries and, in general, the orderly winding up of his practice or former practice, have been met;

76.1.4 state in his application that he has complied with the provisions of this rule 76.1.

76.2 Before or as soon as may be after ceasing voluntarily to practise for any reason other than pursuant to rule 76.1 a practitioner, who practises or has practised for his own account in the Province, shall comply with the provisions of rule 76.1 other than those of paragraph 4 thereof and shall thereafter inform the secretary in writing of any changes in his business, postal and residential addresses for a period of three years from the date of his ceasing to practise or for so long as his name remains upon the Roll of the Court, whichever period is the shorter.

76.3 Without derogating from the provisions of rules 76.1 and 76.2, should a practitioner who practised as the sole proprietor of a practice in the Province for any reason whatsoever have ceased so to practise without having, in the view of the secretary, made adequate arrangements for the

beskerming van sy of sy kliënte se sake of eiendom getref het, kan enige ander firma, op versoek en onder leiding van die sekretaris sodanige stappe doen as wat nodig mag wees om te verzeker dat sodanige praktyk redelik spoedig ontbind word, onderworpe aan enige reg wat sodanige ander firma mag besit om die redelike onkoste van sodanige ontbinding of ander vergoeding, van sodanige praktisyen of van sy boedel of 'n ander bron te verhaal.

#### *Belegging van fondse deur lede namens persone*

77.1.1 Geen lid mag namens 'n persoon fondse anders as in ooreenstemming met daardie persoon se skriftelike opdrag belê nie en waar enigiemand anders na sy wete 'n belang by daardie fondse het of mag hé, mag hy dit ook nie sonder elke sodanige ander persoon se skriftelike toestemming belê nie.

77.1.2 Die skriftelike opdrag waarna verwys word in reël 77.1 moet aanwysings insluit van die persoon of persone aan wie die inkomste verdien op die belegging moet toekom en wanneer en hoe dit betaal moet word en moet 'n erkenning deur die persoon wat die opdragte gee, insluit dat hy daarvan bewus is dat die fondse, wanneer aldus belê, nie trustgeld sal wees soos voorsien deur artikel 78 van die Wet nie.

77.1.3 'n Skriftelike toestemming waarna verwys word in reël 77.1 moet 'n erkenning deur die persoon wat die toestemming gee insluit dat hy daarvan bewus is dat die fondse, wanneer aldus belê, nie trustgeld sal wees soos voorsien deur artikel 78 van die Wet nie.

#### *77.2 Sodanige skriftelike opdrag en toestemmings—*

77.2.1 moet verkry word deur die betrokke lid voordat die belegging gemaak word, behalwe dat, in gevalle van dringendheid, hy dit so spoedig moontlik daarna mag verkry en hy moet onmiddellik by die maak van die belegging die betrokke persone skriftelik versoek om hom daarvan te voorsien, terwyl hy in elke versoek die wyse en vorm van die belegging uiteensit asook sy vertolking van die persone aan wie die inkomste moet toekom en wanneer en hoe dit betaal moet word, en die erkenning vereis ingevolge reël 77.1.2 of reël 77.1.3 uiteensit;

77.2.2 kan ingelyf word in 'n skriftelike kontrak waar toe die persoon wat die opdrag gee en elke persoon wat 'n ooreenstemmende toestemming gee partye is.

77.3 As sodanige skriftelike opdrag en toestemmings nie binne een maand na sodanige versoek ontvang word nie, moet hy die sekretaris onmiddellik skriftelik daarvan in kennis stel en terselfdertyd afskrifte van al sy tersaaklike ver soeke aan hom verskaf.

#### *Praktyk in assosiasie met ander regspraktisyens*

78.1 'n Lid wat in assosiasie wil praktiseer met iemand (in hierdie reël die "deelgenoot" genoem) wat buite die Republiek as regspraktisyen praktiseer, moet skriftelik by die raad verlof aanvra om dit te doen en mag dit by ontstening van sodanige verlof nie begin doen of behoudens regte wat onmiddellik voor die datum van uitvaardiging van hierdie reëls bestaan het, aanhou doen nie.

78.2 By oorweging van so 'n aansoek moet die raad onder meer die volgende oorwegings in aanmerking neem:

78.2.1 Of hy daarvan oortuig is dat daar in die land waar in die deelgenoot praktiseer, 'n fonds bestaan wat na die mening van die raad 'n gesonde en doeltreffende fonds en die gelyke van die aard is van die Getrouheidswaarborgfonds vir Prokureurs, Notarisse en Transportbesorgers in artikel 25 van die Wet vermeld;

78.2.2 of hy daarvan oortuig is dat die deelgenoot behoorlik deur sodanige fonds gedek is en dat, indien die reëls, konstitusie of ander oprigtingsdokument van daardie fonds bepaal dat regspraktisyens wie se getrouheid deur hom gewaarborg word, die houers moet wees van 'n sertifikaat om te praktiseer, 'n lidmaatskapsertifikaat of 'n ander dergelike dokument, die deelgenoot die houer is van so 'n sertifikaat of ander dokument wat nog geldig is.

78.3 Indien hy nie oortuig is soos by reël 78.2.1 of 78.2.2 bepaal nie, moet die raad sodanige verlof weier, maar hierdie reël doen nie afbreuk aan die raad se reg om sodanige verlof op enige ander grond wat hy goed vind, te weier al is hy ook aldus oortuig nie.

78.4 Alvorens hy sodanige verlof toestaan, moet die raad onder meer daarvan oortuig wees dat—

78.4.1 die deelgenoot in wettige praktyk staan in die land waar hy praktiseer en daar in sy beroep van goeie naam en faam is;

continuance or winding up of his practice or for the protection of his or his clients' affairs or property, any firm may, at the request and under the direction of the secretary, take such steps as may appear necessary to ensure that such practice is wound up with reasonable expedition, subject to any right which such firm may have to recover the reasonable expenses of such winding up or other compensation from such practitioner or from his estate or from any other source.

#### *Investment of funds by members on behalf of persons*

77.1.1 No member shall invest any funds on behalf of any person otherwise than in accordance with the written instructions of that person nor shall he, where any other person to his knowledge has or may have an interest in those funds, do so without the written consent of every such other person.

77.1.2 The written instructions referred to in rule 77.1.1 shall include directions as to the person or persons to whom the income earned by the investment is to accrue and when and how it shall be paid and shall incorporate an acknowledgement by the person giving the instructions that he is aware that the funds, when so invested, will not be trust money as contemplated by section 78 of the Act.

77.1.3 A written consent referred to in rule 77.1.1 shall incorporate an acknowledgement by the person giving the consent that he is aware that the funds, when so invested, will not be trust money as contemplated by Section 78 of the Act.

#### *77.2 Such written instructions and consents—*

77.2.1 shall be obtained by the member concerned before the investment is made, save that, in cases of urgency, he may obtain them as soon as possible thereafter and shall forthwith upon making the investment in writing request the persons concerned to furnish him therewith, detailing in each request the manner and form of investment and his understanding as to the persons to whom the income is to accrue and when and how it is to be paid, and setting out the acknowledgement required in accordance with rule 77.1.2 or rule 77.1.3;

77.2.2 may be incorporated in a written contract to which the person giving the instructions and every person giving a corresponding consent are parties.

77.3 Failing receipt of such written instructions and consents within one month of any such request he shall forthwith notify the secretary in writing and at the same time furnish him with copies of all his relevant letters of request,

#### *Practice in association with other lawyers*

78.1 A member wishing to practise in association with any person (in this rule called the associate) who carries on the practice of a lawyer outside the Republic shall make written application to the council for permission to do so and shall not, in the absence of such permission, commence or, subject to any rights existing immediately prior to the date on which these rules are promulgated, continue to do so.

78.2 In considering such an application the council shall have regard, *inter alia*, to the following considerations:

78.2.1 Whether it is satisfied that there is in existence in the country in which the associate practises a fund, which is, in the opinion of the council, a sound and effective fund, equivalent to or of the nature of the Attorneys, Notaries and Conveyancers Fidelity Guarantee Fund, referred to in section 25 of the Act;

78.2.2 whether it is satisfied that the associate is effectively covered by such fund and that, if the rules, constitution or other founding or governing instrument of that fund provide for a practising certificate, certificate of membership or other similar document to be held by lawyers whose fidelity it guarantees, the associate holds such currently valid certificate or other document.

78.3 If not satisfied in terms of rule 78.2.1 or 78.2.2 the council shall refuse such permission but this rule shall not derogate from the council's right to refuse such permission, even if so satisfied, on any other ground which it deems fit.

78.4 Before granting such permission the council shall be satisfied, *inter alia*, that—

78.4.1 the associate is in lawful practice in the country in which he practises and in good standing in his profession there;

78.4.2 gedragstandaarde wat na die mening van die raad van voldoende hoë peil is, gehandhaaf word in die land waar die deelgenoot praktiseer;

78.4.3 van die deelgenoot vereis word om die etiese standaarde en reëls na te kom van 'n gepaste prokureursorde, believereniging of ander dergelike liggaam wat jurisdisie oor die deelgenoot het.

78.5 'n Lid aan wie sodanige verlof toegestaan word, moet—

78.5.1 die raad onmiddellik in kennis stel as die omstandighede wat in reël 78.2.1 of 78.2.2 bedoel word, te eniger tyd ophou om te bestaan;

78.5.2 telkens wanneer hy om 'n getrouheidswaarborgsertifikaat aansoek doen, terselfdertyd aan die sekretaris 'n sertifikaat onder sy handtekening verskaf tot dien effekte dat daardie omstandighede en die omstandighede bedoel in reël 78.4.1 nog steeds bestaan, en vir die doeleindes van artikel 42 (3) (a) van die Wet moet die sekretaris die vereistes van hierdie reël 78.5.2 as vereistes van die orde beskou.

78.6 Die raad moet sodanige verlof intrek as dit onder sy aandag kom dat enige van die omstandighede wat in reël 78.2.1 of 78.2.2 of reël 78.4 bedoel word, opgehou het om in verband daarvan te bestaan, of dat die lid aan wie dit toegestaan is, opgehou het om te praktiseer of in sy praktyk geskors is of verbied is om in die provinsie te praktiseer, en kan sodanige verlof intrek as dit onder sy aandag kom dat die betrokke deelgenoot of die lid aan wie dit toegestaan is, skuldig was aan onprofessionele of oneerbare of onbetaamlike gedrag wat na die mening van die raad ernstig genoeg is om dit onwenslik te maak dat die praktyk in assosiasie voortgesit word.

78.7 Terwyl die lid die houer van sodanige verlof is, moet hy die naam en praktyksplek van sy deelgenoot en die feit dat in assosiasie gepraktiseer word, op sy briefhoofde, professionele kaartjies en ander skryfbehoeftes openbaar en mag hy behoudens die reg of enige professionele reëls van die betrokke ander land toelaat dat dergelike inligting in verband met die lid op die briefhoofde, professionele kaartjies en ander skryfbehoeftes van sy deelgenoot openbaar gemaak word.

78.8.1 'n Lid mag nie in assosiasie praktiseer nie met 'n praktyk wat binne die Republiek maar buite die provinsie praktiseer tensy sodanige praktysyn—

78.8.1.1 op die rol van die Hof ingeskryf is;

78.8.1.2 die houer is van 'n geldige getrouheidswaarborgsertifikaat.

78.8.2 Die bepalings van reël 78.7 is *mutatis mutandis* van toepassing op sodanige praktyk in assosiasie.

78.9 Vir die doeleindes van hierdie reël, met uitsondering van reël 78.8.2, dek die uitdrukking "praktyk in assosiasie" en "in assosiasie praktiseer" ook 'n praktyk of praktiseer in vennootskap of as lede van 'n professionele maatskappy.

#### *Indiensneming van ongekwalificeerde klerke deur lede*

79.1 Vir die doeleindes van hierdie reël beteken die woord "klerk" iemand wat nie 'n ander lid of 'n klerk onder leerkontrak is nie en wat in diens van 'n lid is of wat 'n lid van voorname is om in diens te neem om regwerk in die loop van sodanige lid se praktyk te verrig, en beteken "regswerk" oorspronklike werk van 'n aard wat 'n praktysyn bevoeg en geregtig is om in die loop van sy praktyk te doen.

79.2 'n Klerk moet met betrekking tot die regwerk wat hy in die loop van sy diens by 'n lid verrig, onder die regstreekse toesig van daardie lid of sy vennoot wees.

79.3 'n Lid of, na gelang van die geval, enige lid van 'n firma wat 'n klerk in diens het, moet toesien dat die klerk met betrekking tot die praktyk van sodanige lid elke reël van professionele gedrag naom waarvan nakoming deur die lid self vereis is verweg word.

79.4 Gedrag van die kant van 'n klerk met betrekking tot die praktyk van sy werkgewer wat, indien dit deur 'n lid verrig sou word, na die oordeel van die raad na behoorlike ondersoek onprofessioneel of oneerbaar of onbetaamlik sou wees, verleen aan die raad die reg om, benewens dissiplinêre stappe wat hy geregtig is om teen 'n lid vermeld in reël 79.3 te doen, sodanige lid of die firma waarvan hy lid is, te gelas om daardie klerk se diens so spoedig te beëindig as wat dit regtens gedoen kan word.

79.5 Geen lid wat daarvan kennis dra dat 'n voormalige klerk se diens as klerk ingevolge reël 79.4 beëindig is, mag sodanige voormalige klerk sonder die voorafverkreege skrifte-like toestemming van die raad in enige hoedanigheid hoegeenaamd in diens neem of hou nie.

78.4.2 standards of conduct which are, in the opinion of the council, sufficiently high are observed in the country in which the associate practises;

78.4.3 the associate is required to observe the ethical standards and rules of an appropriate law society, bar association or other similar body having jurisdiction over the associate.

78.5 A member to whom such permission is granted shall—

78.5.1 forthwith notify the council if the circumstances contemplated under rule 78.2.1 or 78.2.2 at any time cease to exist;

78.5.2 whenever applying for a fidelity fund certificate at the same time furnish the secretary with a certificate signed by him that those circumstances and the circumstances contemplated under rule 78.4.1 still exist, and for purposes of section 42 (3) (a) of the Act the secretary shall regard the requirements of this rule 78.5.2 as requirements of the society.

78.6 The council shall withdraw such permission if it comes to its notice that any of the circumstances contemplated under rule 78.2.1 or 78.2.2 or rule 78.4 have ceased to exist in relation thereto or that the member to whom it was granted has ceased to practise or has been suspended from practise or forbidden to practise in the province and may withdraw such permission if it comes to its notice that the associate concerned or the member to whom it was granted has been guilty of any unprofessional or dishonourable or unworthy conduct which is, in the opinion of the council, of a sufficiently serious nature to render it undesirable that the practice in association should continue.

78.7 While holding such permission the member shall disclose on his letterheads, professional cards and other stationery the name and place of practice of his associate and the fact of the practice in association, and may, subject to the law or any professional rules of the other country concerned, allow similar information relating to the member to be disclosed on the letterheads, professional cards and other stationery of his associate.

78.8.1 A member may not practise in association with a practitioner who practices within the Republic but outside the province unless that practitioner—

78.8.1.1 is enrolled in the Court;

78.8.1.2 holds a valid Fidelity Fund certificate.

78.8.2 The provisions of rule 78.7 shall apply *mutatis mutandis* to such practice in association.

78.9 For purposes of this rule, other than rule 78.8.2, the expressions "practice in association" and "practise in association" include practice or practise in partnership or as members of a professional company.

#### *Employment by members of unqualified clerks*

79.1 For purposes of this rule the term "clerk" means any person other than another member or an articled clerk, who is employed by a member or whom a member intends to employ for purposes of doing legal work in the course of the conduct of that member's practice, and "legal work" means original work of a kind which a practitioner is qualified and entitled to do in the course of his practice.

79.2 A clerk shall, in relation to the legal work which he does in the course of his employment by a member, be under the direct supervision of that member or of his partner.

79.3 A member or, as the case may be, any member of a firm, who or which employs a clerk, shall be responsible for the observance by the clerk in relation to the practice of that member, of every rule of professional conduct which the member himself would be required or expected to observe.

79.4 Conduct on the part of the clerk, in relation to the practice of his employer, which would if perpetrated by a member, be in the judgment of the council after due enquiry, unprofessional or dishonourable or unworthy conduct, shall entitle the council, in addition to any disciplinary action which it may be entitled to take against any member referred to in rule 79.3, to order that member or the firm of which he is a member, to terminate the employment of that clerk as soon as that may lawfully be done.

79.5 No member to whose knowledge a former clerk has had his employment as a clerk terminated under rule 79.4, may employ or continue to employ that former clerk in any capacity whatsoever without the written permission of the council being first obtained.

79.6 Die sekretaris moet in 'n afsonderlike deel van die register wat ingevolge reël 4 bygehou word, 'n lys hou van die name van alle voormalige klerke wie se diens ingevolge reël 79.4 beëindig is en hierby moet daar gepaste kruisverwysings verskaf word met betrekking tot ander inligting daarin oor die lid of lede by wie of by wie se firma waarvan hulle lede was, die voormalige klerk in diens was.

79.7 Behoudens regte wat onmiddellik voor die datum van uitvaardiging van hierdie reëls bestaan het, en tensy die raad skriftelik anders toelaat mag geen lid 'n klerk in diens neem ingevolge 'n dienskontrak wat nie deur die werkewer met kennisgewing van 'n maand of minder opgesê kan word nie.

## DEEL XI

### PROFESSIONELE GELDE, TARIEWE EN TOELAES

#### Berekening van gelde vir ander werk as hofwerk

80.1 Die raad of 'n komitee wat deur die raad, vir die doel aangestel is, kan op versoek van 'n persoon of lid die gelde bereken wat deur sodanige persoon aan 'n lid betaalbaar is ten opsigte van ander werk as hofwerk wat deur die lid in sy hoedanigheid van praktisyn ten behoeve van sodanige persoon gedoen is; met dien verstande dat die raad of die komitee nie gelde bereken in gevalle waar 'n staatsamptenaar gemagtig is om dit te doen of waar die betrokke werk reeds deur 'n statutêre tarief gedeck word nie.

80.2 Ten einde aan die betrokke lid 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 al sodanige gelde toelaat as wat vir hom redelik skyn te gewees het vir die verrigting van die betrokke werk en moet hy by sodanige berekening die volgende in aansmerking neem:

80.2.1 Die hoeveelheid en belangrikheid van die werk wat gedaan is;

80.2.2 die ingewikkeldheid van die aangeleentheid of die moeilikhedsgraad of nuutheid van die werk of die vraagstukke wat geopper is;

80.2.3 die kundigheid, arbeid, gespesialiseerde kennis en verantwoordelikheid daarby betrokke aan die kant van die lid;

80.2.4 die getal en belangrikheid van die dokumente wat opgestel of deurgelees is, sonder om noodwendig op die lengte daarvan te let;

80.2.5 die plek waar en omstandighede waarin die dienste of 'n deel daarvan gelewer is;

80.2.6 die tyd deur die lid daarvan bestee;

80.2.7 waar geld of eiendom betrokke is, die bedrag of waarde daarvan;

80.2.8 die belangrikheid van die aangeleentheid vir die kliënt;

80.2.9 die gehalte van die werk wat gedoen is;

80.2.10 die ervaring of senioriteit van die lid;

80.2.11 enige tarief van gelde wat deur die orde goedgekeur is met die uitsluitlike doel om as riglyn vir lede te dien;

80.2.12 enige tarief van gelde wat deur die raad ooreenkomsdig die bepalings van artikel 69 (d) van die Wet voorgeskryf is; en

of die gelde meegebring of verhoog is deur oorversigtigheid, nalatigheid of 'n fout aan die kant van die lid.

80.3 By die berekening van 'n lid se gelde kan die raad of die komitee, na gelang van die geval, die voorlegging vereis van sodanige boeke, dokumente, stukke, rekenings, of ander inligting as wat na sy mening nodig is om hom in staat te stel om na behore te beslis oor enige aangeleentheid wat by sodanige berekening ter sprake kom.

80.4.1 Die raad of die komitee, na gelang van die geval, mag nie tot die berekening van die gelde oorgaan nie tensy die sekretaris aan beide die betrokke lid en die persoon wat vir betaling van die gelde aanspreeklik is, behoorlik per vooruitbetaalde geregistreerde pos daarvan kennis gegee het, met vermelding van die tyd en plek van sodanige berekening en van die feit 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 lid en sodanige persoon skriftelik toegestem het tot berekening in hul afwesigheid.

80.4.2 By die berekening moet die raad of die komitee, na gelang van die geval, die lid en sodanige persoon toelaat om hul vertoë en argumente of mondeling of skriftelik voor te lê.

80.4.3 Nadat hy sodanige vertoë en argumente ontvang het, is die raad of die komitee, na gelang van die geval, geregtig om sy beslissing voor te behou.

79.6 The secretary shall maintain in a separate part of the register kept under rule 4 a list of the names of all former clerks whose employment has been terminated under rule 79.4, suitably cross-referenced in relation to the other information therein relating to the member or members by whom or by whose firm of which they were members the former clerk was employed.

79.7 Subject to rights existing immediately prior to the date on which these rules are promulgated, no member may employ a clerk under a contract of employment which cannot, unless the council otherwise permits in writing, be terminated by the employer on notice of one month or less.

## PART XI

### PROFESSIONAL FEES, TARIFFS AND ALLOWANCES

#### *Assessment of fees for non-litigious work*

80.1 It shall be competent for the council or any committee appointed by the council for that purpose, at the request of any person or member, to assess the fees payable by such person to a member in respect of the performance on behalf of such person of any work other than litigious work by the member in his capacity as a practitioner; 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.

80.2 With a view to affording the member concerned 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:

80.2.1 The amount and importance of the work done;

80.2.2 the complexity of the matter or the difficulty or novelty of the work or the questions raised;

80.2.3 the skill, labour, specialised knowledge and responsibility involved on the part of the member;

80.2.4 the number and importance of the documents prepared or perused, without necessarily having regard to length;

80.2.5 the place where and circumstances in which the services or any part thereof were rendered;

80.2.6 the time expended by the member;

80.2.7 where money or property is involved, its amount or value;

80.2.8 the importance of the matter to the client;

80.2.9 the quality of the work done;

80.2.10 the experience or seniority of the member;

80.2.11 any tariff of fees approved by the society for the sole purpose of serving as a guide to members;

80.2.12 any tariff of fees prescribed by the council in accordance with the provisions of section 69 (d) of the Act; and whether the fees have been incurred or increased through overcaution, negligence or mistake on the part of the member.

80.3 At the assessment of any member's fees, the council or the committee, as the case may be, may call for the production of such books, documents, papers, accounts or other information as in its opinion are necessary to enable it properly to determine any matter arising upon such assessment.

80.4.1 The council or the committee, as the case may be, shall not proceed to the assessment of the fees unless the secretary has duly given notice by prepaid registered post to both the member concerned 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 member and such person have consented in writing to assessment in their absence.

80.4.2 At the assessment the council or the committee, as the case may be, shall permit the member and such person to submit their representations and arguments either orally or in writing.

80.4.3 After receiving such representations and arguments, the council or the committee, as the case may be, shall be entitled to reserve its decision.

80.4.4 Sodra die raad of die komitee, na gelang van die geval, tot 'n beslissing geraak het, moet hy aan beide die lid en sodanige persoon of per hand of per vooruitbetaalde geregistreerde pos 'n afskrif lever van die geldelys wat voorgelê is vir berekening, met die allocatur van die raad of die komitee, na gelang van die geval, behoorlik onder handtekening van die sekretaris daarop geëndosseer.

80.4.5 Behoudens die bepalings van artikel 74 (5) van die Wet word die gelde wat ingevolge die allocatur vasgestel is, geag redelike gelde te wees wat vir die gelewerde dienste aan die lid betaalbaar is.

80.5 Die raad of die komitee, na gelang van die geval, is geregtig om te eniger tyd na eie oordeel in buitengewone of uitsonderlike gevalle van enige van die bepalings van reël 80.2 af te wyk waar strenge nakoming van sodanige bepalings onbillik sou wees.

80.6 Hierdie reël is nie van toepassing op enige werk gedoen ooreenkomsdig 'n opdrag wat voor 18 November 1977 deur 'n lid aanvaar is nie, ongeag of die werk werklik voor of na vermelde datum gedoen word.

#### *Invorderingsgelde*

81.1.1 Behoudens die bepalings van reëls 81.3 en 81.5 moet 'n lid aan wie 'n gelikwiede geldelike eis vir invordering oorhandig word vanweë versuum deur 'n skuldenaar, benevens enige professionele gelde (bv. vorderings vir verrigtinge in 'n gereghof) ook die volgende invorderingsgelde vorder:

81.1.1.1 (a) Opdraggelde van—

- (i) R3 vir eise van R1 tot R200;
- (ii) R4,50 vir eise oor R200 tot R400;
- (iii) R6 vir eise oor R400;

(b) R1,50 vir elke noodsaklike brief of telegram wat geskryf of ontvang word en vir elke noodsaklike opwagting;

(c) R2 vir elke noodsaklike samespreking met 'n skuldenaar;

81.1.1.2 Invorderingskommissie teen 10 persent van die ingevorderde bedrag, onderworpe aan 'n maksimum bedrag van R50 vir elke betaling of paaiemnt; met dien verstande dat, waar 'n lid of ingevolge 'n wet of kontraktuele verpligting kommissie op die skuldenaar verhaal, hy sy kliënt daarmee moet krediteer tot 'n bedrag gelyk aan, maar nie meer nie as, die invorderingskommissie waarmee sy kliënt gedebiteer is.

81.1.2 Die vorderings gemeld in reël 81.1.1 en 81.1.2 moet slegs gedoen word vir professionele dienste wat gelewer word in gevallen waarvoor geen tarief kragtens enige ander wet voorgeskryf is nie.

81.2 Vir die doeleindes van hierdie reël beteken die uitdrukking "ingevorderde bedrag" ook 'n bedrag wat nadat die eis vir invordering aan die lid oorhandig is, deur of ten behoeve van 'n skuldenaar regstreeks aan die kliënt betaal word, hetsy in kontant of in enige ander vorm of by wyse van skuldverhuwing of by wyse van skuldvergelyking.

81.3 Waar die invorderingskommissie wat 'n lid in verband met 'n enkele aangeleenthed kan vorder, meer as R150 is, kan hy ongeag die bepalings van reël 81.1.2 sy invorderingskommissie prysgee of verminder in die mate waarin dit die bedrag van R150 te bove gaan.

81.4.1 In die geval van finaleverhaal of terugneming van roerende goed ingevolge 'n huurookkontrak, 'n opskortende verkoopkontrak, 'n huurkontrak of enige ander kontrak van dergelyke aard moet 'n lid behoudens die bepalings van reël 81.4.3 benevens professionele gelde ook invorderingskommissie vorder wat ooreenkomsdig die bepalings van reëls 81.1.2 en 81.3 op die waarde van die aldus verhaalde of teruggenome roerende goed bereken moet word.

81.4.2 Die waarde in reël 81.4.1 vermeld is die waarde wat deur 'n gereghof in 'n finale uitspraak of deur 'n waardeerdeer op die roerende goed gestel is.

81.4.3 Waar die totale onvereffende bedrae verskuldig kragtens die ooreenkoms minder is as die waarde van die herwonne of teruggenome roerende goed of waar geen waarde deur diehof of deur 'n waardeerdeer op sodanige roerende goed gestel is nie, moet die invorderingskommissie op die totale onvereffende bedrae bereken word en nie op die waarde van die roerende goed nie.

81.5 Die raad kan op die skriftelike aansoek van 'n lid, dog alleen in buitengewone omstandighede, sodanige lid magtig om van die bepalings van hierdie reël af te wyk; met dien verstande dat dit nie gelde sal magtig wat daardie in hierdie reël voorgeskryf, oorskry nie.

80.4.4 As soon as the council or the committee, as the case may be, has arrived at its decision, it shall deliver to both the member 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.

80.4.5 Subject to the provisions of section 74 (5) of the Act the fees determined in terms of the allocatur shall be deemed to be a reasonable fee payable to the member for the services rendered.

80.5 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 of rule 80.2, in extraordinary or exceptional cases, where strict adherence to such provisions would be inequitable.

80.6 This rule shall not apply to any work done pursuant to a mandate accepted by a member prior to the 18 November 1977, whether or not the work is actually done before or after the said date.

#### *Collection charges*

81.1.1 Subject to the provisions of rules 81.3 and 81.5, a member 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 a court of law), charge the following collection charges:

81.1.1.1 (a) Instruction charges of—

- (i) R3 for claims of R1 to R200;
- (ii) R4,50 for claims over R200 to R400;
- (iii) R6 for claims over R400;

(b) R1,50 for each necessary letter or telegram written or received and for each necessary attendance;

(c) R2 for each necessary consultation with a debtor;

81.1.1.2 Collection commission at the rate of 10 per cent on the amount collected, subject to a maximum amount of R50 for each payment or instalment, provided that where the member recovers commission from the debtor, either in terms of any law or in terms of a contractual obligation, he shall credit his client therewith to the extent of but not exceeding the collection commission debited to his client.

81.1.2 The charges set out in rule 81.1.1 and 81.1.2 shall be made only in respect of professional services rendered in cases where no tariff is prescribed by any other law.

81.2 For the purposes of this rule the expression "amount collected" shall 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 member for collection.

81.3 Where the collection commission chargeable by a member in any one matter exceeds the amount of R150 he may, notwithstanding the provisions of rule 81.1.2, waive or reduce his collection commission charges to the extent that they exceed the amount of R150.

81.4.1 In the case of final recovery or repossession of movables in terms of a hire purchase agreement, a suspensive sale agreement, a lease or any other contract of a like nature, a member shall, subject to the provisions of rule 81.4.3, in addition to any professional fees, charge collection commission, calculated in accordance with the provisions of rules 81.1.1.2 and 81.3 on the value of the movables so recovered or reposessed.

81.4.2 The value referred to in rule 81.4.1 shall be the value fixed on the movables by a court of law at a final judgment or the value fixed on the movables by an appraiser.

81.4.3 Where the total unpaid amounts owing under the agreement are less than the value of the movables recovered or reposessed or no value has been fixed on such movables by the court or by an appraiser the collection commission shall be calculated on the total unpaid amounts and not on the value of the movables.

81.5 The council may on the written application of a member, but only in exceptional circumstances, authorise such member to depart from the provisions of this rule; provided that it shall not authorise charges in excess of those in this rule prescribed.

*Toelaes*

82. Geen lid mag enige gedeelte hoegenaamd van sy professionele vergoeding oormaak aan of deel of verdeel met 'n ander persoon wat nie 'n praktiserende praktisyne in die Republiek of 'n regsspraktisyne buite die Republiek is nie, hetsover wyse van vennootskap, kommissie of korting of op enige ander wyse.

83. Behalwe waar by wet of in verband met 'n tarief van gelde of by 'n beslissing van die raad anders bepaal word, mag die aandeel in sy gelde wat 'n lid geregtig is om toe te staan aan 'n praktiserende praktisyne in die Republiek met wie hy sake mag doen, of aan 'n regsspraktisyne buite die Republiek met wie hy sake mag doen, nie regstreeks of onregstreeks meer wees nie as een-derde van die gelde gevorder vir die bepaalde handeling wat verrig is deur die lid wat die aandeel toestaan.

84. 'n Akte, dokument of geskrif wat geteken of geattesteer is deur 'n praktisyne in sodanige hoedanigheid word geag deur hom voorberei en opgestel te wees en alle gelde in rekening gebring vir of in verband met die voorbereiding, opstel of verlyding van so 'n akte, dokument of geskrif word beskou as gelde deur hom binne die bedoeling van reëls 82 en 83 verdien; met dien verstande dat waar 'n siviele prosesstuk wat in 'n landdroshof of 'n kommissarishof gebruik word of van toepassing is deur 'n praktisyne vir uitbreking, betekenis van indiening in daardie hof, gestuur word aan 'n lid wat binne die regssgebied van so 'n hof praktiseer, laasgenoemde lid geregtig is om die toepaslike gelde te vorder.

*Verbod op sekere reëlings om tariewe vas te stel of om werk uit te sluit of te beperk*

85. Behalwe waar hulle almal lede van dieselfde firma is, mag twee of meer lede nie ooreenkome nie om gebonde te wees aan 'n tarief of minimum skaal van gelde soos deur hulle bepaal, of om die verrigting van enige soort professionele werk deur hulle uit te sluit of enigsins te beperk.

*Raad nie verplig om ooreengekome gelde te erken nie en kan terugbetaaling van sekere oorbetalings gelas*

86.1 Dit is nie vir die raad verbode nie om die redelikheid te bepaal van gelde waaroer ooreengekom is of waaroer voor-gegee word ooreengekom te wees deur 'n lid en deur iemand anders wat vir die betaling daarvan aanspreeklik is of wat voor-gegee word vir die betaling daarvan aanspreeklik te wees.

86.2 Die raad kan 'n lid gelas om aan die betrokke persoon enige bedrag terug te betaal waarmee die bedrag wat aan of vir rekening van sodanige lid betaal is, die bedrag oorskry wat bevind word verskuldig te wees wanneer gelde wat deur die lid gevorder is, ooreenkombig reël 80 getaksseer of bereken word, en die lid moet enige sodanige opdrag uitvoer.

*Geheime en ongemagigde kommissies verbode*

87. Behoudens artikel 83 (6) van die Wet en die bepalings van reëls 82 en 83 mag 'n lid nie in verband met enige opdrag wat deur hom aanvaar is, inwillig of reël om enige kommissie, gelde of ander beloning te ontvang van te deel met enige agent of ander derde party nie as hy nie sy kliënt skriftelik van sodanige ooreenkoms, reëling, ontvangs of deling in kennis gestel het en van sodanige kliënt skriftelik toestemming daartoe en dat hy sodanige beloning vir eie rekening kan behou, ontvang het nie.

*Regshulpaaangeleenthede*

88. 'n Firma mag nie in 'n saak wat na hom verwys is deur die Regshulpraad, wat kragtens die Wet op Regshulp, 1969, daargestel is, hetsover vir homself of vir iemand anders regstreeks of onregstreeks uit enige bron enige groter uitgawes, gelde of beloning ontvang of probeer verhaal as die uitgawes, gelde of belonings wat deur vermelde Raad in sodanige saak goedgekeur is nie.

**DEEL XII****GEDRAG**

89. Onprofessionele of oneerbare of onbetaamlike gedrag aan die kant van 'n praktisyne sluit onder meer die volgende handelinge en nalate in:

89.1 Werwing van werk van professionele aard;

89.2 die deel van 'n kantoor met iemand wat nie 'n praktiserende lid of in diens van 'n praktiserende lid in die loop van sy praktyk is nie of die okkupering van 'n kantoor wat regstreeks verbind is met 'n kantoor deur so iemand ge-okkuper; met dien verstande dat die raad in die geval van 'n persoon wat voorheen 'n praktiserende lid was sodanig deel of okkupering kan toelaat onderhewig aan sodanige voorwaardes as wat die raad mag voorskryf;

*Allowances*

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

83. Save where otherwise provided by law or in relation to any tariff of fees or by ruling of the council, the allowance on his fees which a member shall be entitled to make to a practising practitioner in the Republic with whom he may do business, or to a legal practitioner outside the Republic with whom he may do business, shall not either directly or indirectly exceed one-third of the fees charged on the particular business transacted by the member making the allowance.

84. Any deed, document, or writing signed or attested by a practitioner, in his capacity as such, shall be considered to have been prepared and drawn by him, and all fees charged in connection with, or relating to, the preparation, drawing or execution of any such deed, document or writing, shall be considered fees earned by him within the meaning of rules 82 and 83; provided that in regard to civil process used or applicable in a Magistrate's Court or a Commissioner's Court, forwarded by a practitioner to a member practising within the area of jurisdiction of such a court for purposes of issuing or service or filing in that court, the latter member shall be entitled to charge the relevant fee.

*Certain arrangements to fix tariffs or exclude or limit work prohibited*

85. Save where they are all members of the same firm no two or more members may agree to be bound by any tariff or minimum rates of fees determined by them nor to exclude or place any limitation upon the performance by them of any class of professional work.

*Council not bound to recognise agreed fee and may order refund of certain overpayments*

86.1 The council shall not be precluded from determining the reasonableness of a fee agreed or purportedly agreed by a member and any other person liable or purportedly liable for its payment.

86.2 The council may order a member to refund to the person concerned any excess paid to or on account of the member over and above the amount found to be due on taxation or assessment in terms of rule 80 of any fee charged by the member and the member shall comply with such an order.

*Secret and unauthorised commissions prohibited*

87. Subject to section 83 (6) of the Act and to the provisions of rules 82 and 83, a member shall not, in connection with any mandate which he has accepted, agree or arrange to receive from or share with any agent or other third party any commission, fee or other reward, without having disclosed such agreement, arrangement, receipt or sharing to his client in writing and without having received his client's written consent thereto and to the retention by him for his own account of such reward.

*Legal aid matters*

88. A firm shall not receive or attempt to recover, directly or indirectly, from any source, whether for itself or any other person, in a matter referred to it by the Legal Aid Board, established under the Legal Aid Act, 1969, any disbursement, fee or reward in excess of the disbursements, fees or rewards approved by the said Board in such matter.

**PART XII****CONDUT**

89. Unprofessional or dishonourable or unworthy conduct on the part of a practitioner shall include, *inter alia*, the following acts and omissions:

89.1 Touting for work of a professional nature;

89.2 the sharing of offices with or the occupation of offices having direct communication with any office occupied by any person who is not a practising member or in the employ of a practising member in the course of his practice; save that the council may, in the case of a person who formerly was a practising member, permit such sharing or occupation subject to such conditions as it may impose;

89.3 op enige wyse regstreeks of onregstreeks 'n ongekwalfiseerde persoon te help, toe te laat of in staat te stel om enige geld te vorder, te verhaal of te ontvang of om enige vergoeding te verkry vir of ten opsigte van of in verband met die opstel of verlyding van 'n dokument of die verrigting van enige professionele werk wat alleen 'n praktisyn regtens bevoeg is om op te stel, te teken, te verly, te attesteer of the verrig, of op enige wyse enige reëling, ooreenkoms of verstandhouding hoegenaamd oogluikend toe te laat ingevolge waarvan enige sodanige geldte of vergoeding deur so 'n ongekwalfiseerde persoon gevorder, verhaal of ontvang word of moet word;

89.4 'n groter aandeel toe te staan of te ontvang as die maksimum aandeel wat 'n lid kragtens reël 83 toegelaat word om toe te staan;

89.5 versuim om ten opsigte van alle finansiële transaksies in verband met die praktyk van die firma waarvan hy die eienaar of 'n lid is, rekeningboeke en oorkondes ooreenkomsdig hierdie reëls of ooreenkomsdig ander regsvereistes by te hou;

89.6 versuim om sodanige rekeningboeke en oorkondes te alle tye te hou en te bewaar soos by reël 68.1.3 bepaal;

89.7 sonder regmatige verskoning die uitbetaling van trustgeld na behoorlike oprraging te vertraag;

89.8 wanbetaling, na aanmaning, van subskripsie of enige geldte, heffing of ander vordering wat aan die orde betaalbaar is;

89.9 regstreeks of onregstreeks van iemand enige bedrag geld te aanvaar in verband waarmee ooreengekom is of die bedoeling is dat dit aangewend moet word vir betaling of gedeeltelike betaling vir dienste wat later gelewer of uitgawes wat later aangegaan sal word in geval 'n toekomstige handeling of versuim die grondslag is van 'n strafregtelike aanklaging teen die persoon deur of ten behoeve van wie sodanige betalg gemaak is;

89.10 versuim om 'n kwitansie vir ontvange geld uit te reik en dit, op versoek, aan die persoon wat die betaling maak, te oorhandig of andersins te lewer;

89.11 enige oortreding van die bepalings van die Wet of van hierdie reëls—

89.12.1 in verband met 'n saak waarby hy belang het, met inbegrip van 'n eiendomsagentskap en afslaersaak, op 'n wyse te adverteer of kliënte te probeer werf wat na die mening van die raad vir 'n praktisyn onbetaamlik is of daarop bereken is om die waardigheid of aansien van die professie te verlaag of daarop bereken is om professionele werk te werf;

89.12.2 advertering deur 'n sakeonderneming waarby 'n praktisyn belang het, word as advertering deur hom beskou tensy hy bewys dat hy sodanige advertensie nie gemagtig het en dit nie kon verhoed het nie;

89.13 onder 'n ander naam of firmanaam te praktiseer as een wat net bestaan uit die naam of name van enige van die vorige of huidige lede van die firma waarvan hy die eienaar of 'n lid is, of van personele wat vir eie rekening of in vennootskap of as professionele maatskappy 'n praktyk gevoer het wat redelikerwys as voorganger van die firma beskou kan word; met dien verstande dat—

89.13.1 die woorde "en kompanjie", "en deelgenote" en "en vennote" of enige afkorting daarvan behoudens die bepalings van artikel 23 (1) (c) van die Wet en reël 78 alleen by die naam van die firma ingesluit mag word solank die firma twee of meer lede het;

89.13.2 die naam van 'n voormalige lid wat van die rol geskrap is, onder geen omstandighede solank hy geskrap bly, die naam of deel van die naam waaronder 'n praktyk gevoer word, mag uitmaak nie;

89.13.3 'n lid wat onmiddellik voor die datum van uitvaardiging van hierdie reëls anders as ooreenkomsdig hierdie reël 89.13 gepraktiseer het, nie geag word reël 89.13 te oortree het nie as hy vir 'n tydperk van hoogstens ses maande na daardie datum aanhou om aldus te praktiseer;

89.14 gebruik te maak van enige skryfbehoeftes of drukwerk van enige aard wat na die mening van die raad nie by die waardigheid, aansien en status van die beroep past nie;

89.15 versuim om behoorlike aandag aan die sake van sy kliënte te gee;

89.16 versuim om toereikende toesig oor sy personeel te hou;

89.17 sy praktyk te abandoneer sonder om sy kliënte vooraf kennis te gee en sonder om met hulle reëlings te tref betrekende die afhandeling van hul sake of die versorging van hul eiendom wat in sy besit of onder sy beheer is;

89.3 in any way directly or indirectly assisting, allowing or enabling an unqualified person to charge, recover or receive any fee or derive any remuneration for or 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 whereby any such fee or remuneration is or shall be charged, recovered or received by any such unqualified person;

89.4 the giving of or receiving an allowance in excess of the maximum allowance which a member is permitted to make in terms of rule 83;

89.5 the failure to keep books of account and records in rules or otherwise in accordance with law, in respect of all the financial transactions relating to the practice of the firm of which he is the proprietor or a member;

89.6 the failure at all times to retain and preserve such books of account and records as required by rule 68.1.3;

89.7 without lawful excuse delaying the payment of trust money after due demand;

89.8 non-payment after demand of any subscription or any fee, levy or other charge payable to the society;

89.9 accepting from any person directly or indirectly any sum of money which it is agreed or intended should be used as payment or part payment for services to be rendered or for disbursements to be made in the future in the event of any future act or omission forming the basis of any criminal charge against the person by or for whose benefit such payment was made;

89.10 failure to issue and, on request, to hand over or otherwise deliver to the person making payment, a receipt for any money received;

89.11 any contravention of the provisions of the Act or of these rules—

89.12.1 advertising or canvassing in relation to any business in which he has an interest, including estate agency and auctioneering in any way which is in the opinion of the council unbecoming a practitioner or calculated to lower the dignity or standing of the profession, or calculated to attract professional work;

89.12.2 advertising by any business in which a practitioner has an interest shall be deemed to be advertising by him unless he proves that he did not authorise such advertisement and that he could not have prevented it;

89.13 practising under any style or name other than one which consists solely of the name or names of any of the past or present members of the firm of which he is the proprietor or a member, or of persons who conducted, for their own account or in partnership or as a professional company, any practice which may reasonably be regarded as a predecessor of the firm; provided that—

89.13.1 subject to section 23 (1) (c) of the Act and rule 78, the words "and company", "and associates" and "and partners", or any contraction thereof, may be included in the name of the firm only during such time as there shall be two or more members of the firm;

89.13.2 the name of any former member who has been struck off the roll shall in no circumstances while he remains struck off form the name or part of the name under which a practice is conducted;

89.13.3 any member who practices otherwise than in accordance with this rule 89.13 immediately before the date of promulgation of these rules shall be deemed not to have contravened this rule 89.13 should he continue so to practise for a period not exceeding six months after that date;

89.14 making use of any stationery or printed material of any description which in the opinion of the council does not befit the dignity, prestige and status of the profession;

89.15 neglecting to give proper attention to the affairs of his clients;

89.16 failing adequately to supervise his staff;

89.17 abandoning his practice without previous notice to his clients and without arranging with them for the dispatch of their business or the care of their property in his possession or under his control;

89.18 afwyking van 'n verdeling van geld soos by wet of by beslissing van die raad bepaal;

89.19 versuum om sy naam en die name van al sy vennote of, waar hy lid van 'n professionele maatskappy is, die name van al dié se direkteure op die briefhoofde van sy praktyk te vermeld;

89.20 op die briefhoofde van sy praktyk—

89.20.1 die naam van 'n praktisyen in sy diens te vermeld sonder om daarop deur middel van die woorde "konsultant" of "deelgenoot" of "professionele assistent" of "bygestaan deur" duidelik aan te toon nie dat sodanige praktisyen nie 'n venoot van hom of 'n medelid is van 'n professionele maatskappy waarvan hysel lid is nie; met dien verstande dat die woorde "konsultant" alleen gebruik mag word waar die praktisyen op wie dit betrekking het, voorheen die enigste eienaar van of 'n venoot of lid van 'n professionele maatskappy in daardie praktyk of die onmiddellike voorganger daarvan was;

89.20.2 die naam te vermeld van—

89.20.2.1 'n praktisyen wat binne die Republiek praktiseer, of

89.20.2.2 iemand wat buite die Republiek as regspraktisyen praktiseer,

en met wie hy in assosiasie praktiseer in 'n ander vorm as dié van venoot of werkneemster of medelid van 'n professionele maatskappy, sonder om deur gebruik van die woorde "in assosiasie met" duidelik daarop aan te toon dat dit die geval is;

89.20.3 die naam te vermeld van iemand anders as 'n persoon in reël 89.19, 89.20.1 of 89.20.2 vermeld of 'n persoon wat hy in sy praktyk in diens het as kantoorbestuurder, interne rekenmeester of boekhouer; met dien verstande dat die naam van iemand wat aldus in diens is, vergesel gaan van die beskrywing van die hoedanigheid waarin hy in diens is en nie digby die naam van iemand vermeld in reël 89.19, 89.20.1 of 89.20.2 geplaas word nie;

89.21 versuum om sonder voldoende rede in eie persoon of in die persoon van 'n venoot of werkneemster, wat 'n lid of 'n klerk onder leerkontrak of 'n klerk soos omskryf vir die doeleindes van reël 79 is, teenwoordig te wees gedurende die verhoor van 'n saak waarin hy die prokureur is;

89.22 versuum, na die mening van die raad, om sy verpligte ingevolge 'n leerkontrak waarby hy 'n party is, na te kom;

89.23 versuum om binne redelike tyd korrespondensie of 'n ander mededeling wat redelikerwys 'n antwoord of ander reaksie vereis, te beantwoord of paslik daarmee te handel;

89.24 'n kliënt met die heffing van fooie te uitoorlê;

89.25 versuum om aan 'n opdrag, vereiste of versoek van die raad of 'n versoek van die sekretaris te voldoen;

89.26 werk waarvan die verrigting by wet vir 'n prokureur, notaris of transportbesorger voorbehou is, na iemand te verwys wat by wet verbied word om sulke werk te doen, of so 'n persoon te help of met hom saam te werk in verband met die verrigting van sodanige werk deur sodanige persoon;

89.27 op te tree vir of in samewerking met 'n organisasie of persoon wat nie 'n praktiserende praktisyen of 'n assessor handelende in opdrag van 'n geregistreerde assuransiesmaatskappy is nie en wie se sake geheel en al of gedeeltelik daarin bestaan omiese voortspruitende uit sterfgevalle of persoonlike besering in te stel, te ondersteun of voort te sit en wat opdragte werf om sulke eise in te stel, te ondersteun of voort te sit of wat enige betaling, geskenk of voordeel ten opsigte daarvan ontvang;

89.28 met betrekking tot 'n eis vermeld in reël 89.27 wetens op te tree vir iemand wat deur so 'n organisasie of persoon aan hom voorgestel of na hom verwys is;

89.29 versuum om, alvorens opdrag ten opsigte van 'n eis vermeld in reël 89.27 te aanvaar, redelike navraag te doen ten einde vas te stel of aanvaarding van sodanige opdrag 'n oortreding van reël 89.27 of 89.28 tot gevolg sal hê.

90. 'n Praktisyen wat vir iemand in reël 89.28 vermeld opgetree het terwyl hy na die mening van die raad behoort te geweet het dat die organisasie of persoon wat sodanige persoon aan hom voorgestel of na hom verwys het, 'n organisasie of persoon is wat in reël 89.27 vermeld word, word geag nie die bepalings van reël 89.28 na te gekom het nie.

91.1 By die toepassing van reël 89 beteken die uitdrukking "werwing van werk van professionele aard" ook die volgende:

91.1.1 aanvaarding van vergoeding vir professionele werk of die inwilliging of aanbieding om vergoeding vir professionele werk te aanvaar teen minder as die tarief van geld wat by wet of regulasie of reël bepaal is; of

89.18 departing from an apportionment of fees laid down by law or by ruling of the council;

89.19 failing to disclose his name and the names of all his partners or, where he is a member of professional company, the names of all its directors on the letterheads of his practice;

89.20 disclosing in the letterheads of his practice—

89.20.1 the name of any practitioner employed by him without clearly indicating thereon by means of the words, "consultant" or "associate" or "professional assistant" or "assisted by" that such practitioner is not a partner of his nor a co-member of a professional company of which he is a member; provided that the word "consultant" shall be used only where the practitioner to whom it refers has been a former sole proprietor of or partner or member of a professional company in that practice or its direct predecessor;

89.20.2 the name of—

89.20.2.1 any practitioner, who practises anywhere within the Republic; or

89.20.2.2 person who carries on the practice of a lawyer outside the Republic,

with whom he practises in association other than as a partner or employee or co-member of a professional company, without clearly indicating thereon by means of the use of the words "in association with" that such is the case;

89.20.3 the name of any person other than a person referred to in rules 89.19, 89.20.1 or 89.20.2 or a person who is employed by him in his practice as an office manager, internal accountant or bookkeeper; provided that the name of a person so employed is accompanied by the description of the capacity in which he is employed and is not placed in close conjunction with the name of any person referred to in rules 89.19, 89.20.1 or 89.20.2;

89.21 failure, without sufficient reason, to be in attendance during a consultation with counsel or at court during the hearing of a matter in which he is the attorney of record in person or through a partner or employee, being a member or articled clerk or a clerk as defined for the purposes of rule 79;

89.22 failure, in the opinion of the council, to perform his obligations in terms of Articles of Clerkship to which he is a party;

89.23 failure to answer or appropriately to deal with within a reasonable time any correspondence or other communication which reasonably requires a reply or other response;

89.24 overreaching a client;

89.25 failure to comply with an order, requirement or request of the council or a request of the secretary;

89.26 referring work, the performance of which is reserved by law to an attorney, notary or conveyancer, to any person prohibited by law from performing such work, or assisting or co-operating with any such person in relation to the performance of such work by that person;

89.27 acting for or in association with any organisation or person, not being a practising practitioner or an assessor acting on the instructions of a registered insurance company, whose business or part of whose business it 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;

89.28 with regard to a claim referred to in rule 89.27 knowingly acting for any person introduced or referred to him by any such organisation or person;

89.29 failing to make reasonable enquiry before accepting instructions in respect of a claim referred to in rule 89.27 for the purpose of ascertaining whether the acceptance of such instructions will involve a contravention of rules 89.27 or 89.28.

90. A practitioner who has acted for a person referred to in rule 89.28 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 rule 89.27 shall be deemed not to have complied with the provisions of rule 89.28.

91.1 For purposes of rule 89 the expression "touting for work of a professional nature" includes:

91.1.1 accepting or agreeing to accept or offering to accept remuneration for professional work at less than the tariffs of fees fixed by statute or regulation or rule; or

91.1.1.2 deur sy gedrag regstreeks of onregstreeks voor te gee of toe te laat dat voorgegee word dat hy gevwingig is om professionele werk teen minder as sodanige tarief te doen, tensy hy bewys dat hy dit nie gedoen het met die doel om werk van besigheid te lok nie;

91.1.2 op 'n wyse te adverteer wat die publiek uitnooi om professionele werk aan hom toe te vertrou of waardeur hy voorgee dat hy of sy firma bereid of bevoeg is om sulke werk te doen;

91.1.3 te bewerkstellig of toe te laat dat sy naam of die naam van 'n firma waarby hy belang het, in 'n advertensie van 'n kliënt (uitgesonderd 'n prospektus of 'n verklaring, omsendbrief of kennisgewing uitgereik ooreenkomsdig die wette of regulasies betreffende maatskappye of die regulasies of vereistes van 'n aandeelbeurs, of 'n verslag of kennisgewing aan aandeelhouers van 'n maatskappy of die lede van 'n instelling waarvoor 'n praktisyen in sodanige hoedanighed optree, of sodanige ander dokument as wat die raad goedkeur) verskyn en waarin aangedui word dat hy of sy firma as sodanige kliënt of 'n ander persoon of maatskappy se prokureur, notaris of transportbesorger aangestel is;

91.1.4.1 sy naam in te voeg of toe te laat dat sy naam ingevoeg word in 'n adresboek tensy—

91.1.4.1.1 sodanige adresboek toeganklik is vir alle praktisyens wat in die provinsie praktyseer;

91.1.4.1.2 die tarief per plasing in sodanige adresboek nie meer is nie as R75 indien dit in die Republiek gepubliseer word of nie meer as R150 nie as dit buite die Republiek gepubliseer word, of nie meer is nie as sodanige ander onderskeie bedrae as wat hierna van tyd tot tyd deur die raad bepaal word;

91.1.4.2 sy naam in ander druk as die gewone druk in 'n telefoon- of ander gids of lys van regspaktyens te laat opneem of toe te laat dat dit aldus opgeneem word of dit te laat opneem of toe te laat dat dit opgeneem word op 'n wyse wat dit opvallend maak;

91.1.5 enige ander kwalifikasie as die volgende wat deur hom gehou word, op sy briefhoofde, professionele kaartjies of ander skryfbehoeftes van enige aard te vermeld of toe te laat dat dit vermeld word, naamlik—

91.1.5.1.1 'n universiteitsgraad;

91.1.5.1.2 'n universiteitsdiploma wat die houer daarvan, onderhewig aan die nakoming van die Wet, op toelating as prokureur geregtig sou maak;

met dien verstaande dat niks in die aanwysing of afgekorte aanwysing van die graad of diploma, op 'n gespesialiseerde kwalifikasie in enige vertakking van die reg dui of kan dui nie;

91.1.5.2 die woorde "prokureur", "notaris", "transportbesorger", "patentprokureur", "patentagent", "handelsmerkagent" of "boedelbereddaar";

91.1.6 die name van enige van sy kliënte of enige aantelling deur hom gehou, anders as dié van vrederechter, beëdigde waardeerdeerder of adjunk-balju op sy briefhoofde, professionele kaartjies of ander skryfbehoeftes van enige aard, te vermeld of toe te laat dat dit vermeld word;

91.1.7 in die gewone pers onder of oor sy naam artikels oor regsonderwerp te publiseer, 'n gehoor oor 'n regsonderwerp toe te spreek of, hetsy regstreeks of in 'n verfilmde, bandopname, geduplicateerde of ander uitsendvorm, oor die radio of beeldradio uit te saai of op 'n ander wyse met die publiek of 'n deel daarvan oor 'n regsonderwerp te kommunikeer sonder die voorafgaande verlof van die raad;

91.1.8 aan 'n openbare amptenaar of openbare kantoor, hetsy by wyse van formele aanbieding of andersins, 'n skenkking in enige vorm te doen, behalwe op versoek of deur bemiddeling van of kragtens magtiging deur 'n sirkel waarvan hy lid is of kragtens magtiging deur die raad;

91.2 Ongeag enige bepaling van reël 91.1 word 'n praktisyen nie geag aan werwing van werk skuldig te wees nie indien hy—

91.2.1 naamplate of kantortekens van redelike grootte en met letters van hoogstens tien sentimeter hoog, en van 'n vorm of ontwerp en op sodanige wyse as wat na die mening van die raad nie vir 'n praktisyen onbehoorlik is nie, aan deure of mure van sy kantoorperseel vasheg of daarop skilder;

91.2.2 wanneer hy namens 'n kliënt optree, in die *Staatskoerant* of ander nodige nuusblad 'n advertensie, wat by wet vereis word, plaas en aandui dat hy namens daardie kliënt optree.

91.1.1.2 by his conduct directly or indirectly holding himself out or allowing himself to be held out as being prepared to do professional work at less than such tariff,

unless he proves that he did not do so with the object of attracting work or business;

91.1.2 advertising in any manner in which the public is invited to entrust professional work to him or in which he holds himself or his firm out as being prepared or qualified to do such work;

91.1.3 procuring or allowing the appearance of his name or that of any firm in which he has an interest in any client's advertisement (other than a prospectus or any statement, circular or notification issued in accordance with the laws or regulations relating to companies or the regulations or requirements of a stock exchange, or any report or notice to shareholders of a company or the members of an institution for which a practitioner acts in such capacity, or such other document as the council may approve), indicating that he or his firm holds the appointment of attorney, notary or conveyancer to such client or any other person or company;

91.1.4.1 inserting his name or allowing his name to be inserted in any directory unless—

91.1.4.1.1 such directory is open to all practitioners practising in the Province;

91.1.4.1.2 the charge per insertion in such directory, if published in the Republic, does not exceed the sum of R75 or if published outside the Republic, does not exceed the sum of R150 or other respective sums as may from time to time hereafter be determined by the council;

91.1.4.2 inserting or allowing his name to be inserted in any telephone or other directory or law list in type other than ordinary type or inserting it or allowing it to be inserted in such manner as to give it prominence;

91.1.5 inserting or allowing to be inserted on his letterheads, professional cards or other stationery of any description, any qualifications he may hold other than—

91.1.5.1.1 a university degree;

91.1.5.1.2 a university diploma which would, subject to compliance with the Act, entitle its holder to admission as an attorney;

provided that nothing in the designation or abbreviated designation of the degree or diploma connotes or is capable of connoting a specialised qualification in any branch of law;

91.1.5.2 the words "Attorney", "Notary", "Conveyancer", "Patent Attorney", "Patent Agent", "Trade Mark Agent" or "Administrator of Estates";

91.1.6 inserting or allowing to be inserted on his letterheads, professional cards, or other stationery of any description the names of any of his clients or any appointments he may hold other than that of justice of the peace, sworn appraiser or deputy-sheriff;

91.1.7 publishing under or over his name in the lay press any articles on legal subjects, addressing any audience on a legal subject or, whether directly or in any filmed, taped, duplicated, or other transmitted form, broadcasting on radio or television or otherwise communicating with the public or a section thereof on a legal subject, without the previous permission of the council;

91.1.8 making a donation in any form, whether by way of a formal presentation or otherwise, to a public official or public office otherwise than at the request or through the medium or under the authority of a circle of which he is a member or under the authority of the council;

91.2 notwithstanding anything in rule 91.1 a practitioner shall not be deemed to be guilty of touting if he—

91.2.1 affixes to or paints on doors or walls of his office premises nameplates or office signs of reasonable size and with lettering not exceeding ten centimetres in height and such form or design as are not, and in such manner as is not, in the opinion of the council, unbecoming a practitioner;

91.2.2 when acting for any client, insert in the *Government Gazette* or other necessary newspaper any advertisement required by law and indicates that he is acting on behalf of that client.

92. Onprofessionele of oneerbare of onbetaamlike gedrag aan die kant van 'n klerk onder leerkontrak sluit in enige gedrag wat onprofessioneel, oneerbaar of onbetaamlik sou wees indien dit deur 'n praktisyne verrig sou word.

### DEEL XIII

#### DISSIPLINÈRE STAPPE

93. Die raad het dissiplinêre bevoegdheid oor alle praktisyne ongeag waar die gedrag wat werklik of na bewering onprofessionele of oneerbaar of onbetaamlik is, verrig is.

94.1 Die raad oorweeg enige klage wat ingedien word deur of namens iemand wat homself veronreg ag deur enige beweerde onprofessionele of oneerbare of onbetaamlike gedrag van die kant van 'n praktisyne, ongeag of sodanige gedrag voor of na die uitvaardiging van hierdie reëls begaan is.

94.2 Die raad kan sy bevoegdhede kragtens hierdie reëls uit eie beweging uitoefen al is daar ook geen klages nie, en in sodanige geval is die bepalings van reël 95 *mutatis mutandis* van toepassing.

94.3 Behalwe waar die raad anders besluit, moet 'n klage in skrif wees en in die vorm van 'n eedsverklaring wat die handelinge waaroor gekla word in besonderhede uiteenset en word dit by die sekretaris ingedien.

94.4 Die raad kan eis dat 'n klaer by eedsverklaring verdere besonderhede oor enige aspek van die klage verstrek.

94.5 Die raad is nie verplig om die bron van 'n klage openbaar te maak nie.

95. Na ontvangs van 'n klage kan die raad—

95.1 sodanige klage afwys en die klaer dienooreenkomsdig in kennis stel indien hy van mening is dat dit nie 'n prima facie saak van onprofessionele of oneerbare of onbetaamlike gedrag openbaar nie of indien die klaer nagelaat of geweier het om aan die raad se eise kragtens hierdie reëls te voldoen;

95.2 indien hy van mening is dat 'n prima facie saak van onprofessionele of oneerbare of onbetaamlike gedrag aan die kant van die betrokke praktisyne uitgemaak is—

95.2.1 aan die praktisyne besonderhede van die klage verskaf, hom versoek om sy verduideliking in antwoord op die klage skriftelik binne sodanige tyd as wat die raad gelas, aan die raad te verstrek en eis dat sodanige verduideliking deur 'n eedsverklaring bevestig word; of

95.2.2 die praktisyne te eniger tyd, ongeag of hy (die raad) ook ingevolge reël 95.2.1 opgetree het of daarna ook aldus optree, aansé om op sodanige tyd en plek as wat die raad bepaal, te verskyn ten einde die saak te verduidelik of toe te lig of te besprek;

95.3 die klage afwys en die klaer en die praktisyne dienooreenkomsdig in kennis stel indien hy na oorweging van die klage en die praktisyne se verduideliking in antwoord daarop of toelighting van die saak van mening is dat geen prima facie saak van onprofessionele of oneerbare of onbetaamlike gedrag uitgemaak is nie;

95.4 die klaer en die praktisyne skriftelik van sy beslissing in kennis stel en aan die praktisyne 'n skriftelike waarskuwing uitrek indien hy na oorweging van die klage en die praktisyne se verduideliking in antwoord daarvan oortuig is dat die klage geregtigdig maar van nietige aard is;

95.5 indien hy na oorweging van die klage en die praktisyne se verduideliking in antwoord daarvan, of by ontstentenis of gebreke van sodanige verduideliking, van mening is dat 'n prima facie saak van onprofessionele of oneerbare of onbetaamlike gedrag uitgemaak is, die betrokke praktisyne met minstens 10 dae kennisgewing aansé om op sodanige tyd en plek as wat die raad bepaal, te verskyn sodat verdere onderzoek ingevolge artikel 71 van die Wet gehou kan word, en in sodanige geval kan die raad 'n lid, ongeag of hy ook 'n lid van die raad is, of die sekretaris aanstel om die ondervraging waar te neem.

96. In die loop van verrigtinge wat ingevolge reël 95.5 plaasvind gee die raad die betrokke praktisyne 'n geleenthed om getuenis wat by die onderwerp van die ondersoek ter sake is, aan te voer en om sodanige ander tersaakklike vertoe te rig as wat hy verlang.

97. Op enige stadium in die loop van die ondersoek wan-neer dit vir die raad voorkom dat daar prima facie getuenis is wat een of meer aanklage van onprofessionele of oneerbare of onbetaamlike gedrag regverdig en die betrokke praktisyne dan voor die raad teenwoordig is, kan die raad die

92. Unprofessional or dishonourable or unworthy conduct on the part of an articled clerk shall include any conduct which would be unprofessional, dishonourable or unworthy had it been perpetrated by a practitioner.

### PART XIII

#### DISCIPLINARY PROCEEDINGS

93. The council shall have disciplinary jurisdiction over all practitioners no matter where the conduct which is, or allegedly is, unprofessional or dishonourable or unworthy is perpetrated.

94.1 The council shall consider any complaint made by or on behalf of any person feeling aggrieved by reason of any alleged unprofessional or dishonourable or unworthy conduct on the part of any practitioner, whether such conduct took place before or after the promulgation of these rules.

94.2 The council may, of its own motion, exercise its powers under these rules notwithstanding the absence of any complaint, in which event the provisions of rule 95 shall *mutatis mutandis* apply.

94.3 Save where the council otherwise decides a complaint shall be in writing and in the form of an affidavit, setting out in detail the acts complained of and shall be lodged with the secretary.

94.4 The council may require a complainant to provide on affidavit further particulars on any aspect of the complaint.

94.5 The council shall not be obliged to disclose the source of a complaint.

95. Upon receipt of a complaint, the council may—

95.1 where it is of the opinion that the complaint does not disclose a prima facie case of unprofessional or dishonourable or unworthy conduct or where a complainant has neglected or refused to comply with the requirements of the council under these rules, dismiss the complaint and inform the complainant accordingly;

95.2 where it is of the opinion that a prima facie case of unprofessional or dishonourable or unworthy conduct on the part of the practitioner concerned has been made out—

95.2.1 furnish the practitioner with particulars of the complaint and call upon him to furnish the council in writing within such time as the council may direct, with his explanation in answer to the complaint, and may require such explanation to be verified by affidavit; or

95.2.2 at any time and whether or not it has also proceeded or also thereafter proceeds under rule 95.2.1, call upon him to appear at such time and place as it may determine to explain or elucidate or discuss the matter;

95.3 when, upon a consideration of the complaint and the practitioner's explanation in answer thereto or elucidation of the matter, it is of the opinion that no prima facie case of unprofessional or dishonourable or unworthy conduct has been made out, dismiss the complaint and notify the complainant and the practitioner accordingly;

95.4 when, upon the consideration of the complaint and the practitioner's explanation in answer thereto, it is satisfied that the complaint is justified but of a trivial nature, inform the complainant and the practitioner in writing of its decision and may issue a written warning to the practitioner;

95.5 when, upon a consideration of the complaint and the practitioner's explanation in answer thereto or in the absence of or failing such explanation, it is of the opinion that a prima facie case of unprofessional or dishonourable or unworthy conduct has been made out call upon the practitioner concerned on not less than 10 days notice to appear at such time and place as the council may determine in order that further enquiry under section 71 of the Act may be conducted, in which event it may appoint a member, whether or not he is also a member of the council, or the secretary to conduct the examination.

96. During the course of proceedings conducted under rule 95.5 the council shall afford the practitioner concerned an opportunity of adducing evidence relevant to the subject matter of the enquiry and of making such other relevant representations as he may wish.

97. At any stage during the course of an enquiry when it appears to the council that there is prima facie evidence justifying a charge or charges of unprofessional or dishonourable or unworthy conduct and the practitioner concerned is then present before the council, it may inform the practitioner

praktisyn daarvan in kennis stel en van hom verneem of hy onmiddellik aangekla wil word en die saak summier wil laat afhandel, en, indien hy inwillig, kan die raad dan die saak summier afhandel, maar, as hy nie inwillig nie, word die ondersoek verdaag tot sodanige tyd en plek as wat die raad bepaal, wanneer dit dan ooreenkomsdig die bepalings van hierdie reëls voortgesit en afgehandel word.

98.1 Indien die praktisyn aan die einde van 'n ondersoek skuldig bevind word kragtens artikel 72 (1) van die Wet en die praktisyn kragtens artikel 72 (1) (a) (iii) van die Wet beveel word om die koste te betaal wat die raad in verband met sodanige ondersoek opgeloop het, word die koste bereken ooreenkomsdig die Hooggergshooftarief van toepassing op siviele gedinge.

98.2 Sonder dat daardeur afbreuk gedoen word aan die omvang van so 'n bevel tot betaling van koste, sluit sodanige koste die volgende in:

98.2.1 Die koste van die opname, oorskrywing en maak van afskrifte van enige oorkonde;

98.2.2 die koste opgeloop deur die raad ten opsigte van die persoon wat aangestel is om die ondervraging waar te neem en van die rekenmeester of rekenmeesters van ander persoon wat aangestel is om ondersoek te stel na en verslag te doen oor die praktisyn se rekeningboeke, en van enige wat deur die raad aangestel is om ondersoek in te stel na en verslag te doen oor enige ander dokument of oorkonde of ding wat op die praktisyn se praktyk of voormalige praktyk betrekking het;

98.2.3 die koste van verkryging van die aanwesigheid van getuies en hul getuigelde, met inbegrip van dié van die klaer.

98.3 Met die toestemming van die president kan die betrokke praktisyn deur die sekretaris van afskrifte van die oorkonde van die ondersoek of van uittreksels daaruit voorsien word teen betaling, deur die praktisyn, van die koste om dit te maak, soos bereken ooreenkomsdig vermelde tarief.

99. Na afloop van 'n ondersoek word die klaer en die praktisyn van die bevinding in kennis gestel, en as die bevinding 'n skuldigbevinding is, word net die praktisyn van die opgelegde straf in kennis gestel, tensy die raad in laasgenoemde gevval anders besluit.

100. Behoudens die bepalings van hierdie reëls bepaal die persoon wat by 'n ondersoek voorsit, die procedure waaralangs die ondersoek gehou word.

101. As 'n ondersoek gehou word voor 'n komitee wat deur die raad ingevolge artikel 67 van die Wet aangestel is en dit vir die komitee op enige stadium in die loop van sy ondersoek voorkom of die getuenis wat hy dan voor hom het waarskynlik regverdiging bied vir 'n aansoek deur die orde ooreenkomsdig die Wet vir die skorsing van die praktisyn in sy praktyk of vir sy verwydering van die rol, verwys die komitee die saak na die raad en stel die praktisyn dienooreenkomsdig in kennis, en dan kan die raad self die ondersoek voortsit en afhandel of die ondersoek of enige aspek daarvan na die komitee terugverwys.

102. Behoudens die bepalings van die Wet is die bepalings van hierdie Deel XIII *mutatis mutandis* van toepassing ten opsigte van 'n klerk onder leerkontrak na wie se beweerde gedrag ondersoek ingestel word; met dien verstande dat—

102.1 die raad die lid by wie die klerk onder leerkontrak dien, kan aansé om skriftelik oor enige aspek van die saak aan die raad verslag te doen of om in enige stadium van die ondersoek aanwesig te wees en daar onder meer oor die saak sodanige mondelinge verslag te lewer of sodanige verduideliking te verstrek as wat die raad wenslik ag;

102.2 indien die ondersoek ingestel word deur 'n komitee wat ingevolge artikel 67 van die Wet deur die raad aangestel is en dit vir die komitee op enige stadium in die loop van sy ondersoek voorkom of die getuenis wat hy dan voor hom het, dit waarskynlik sou regverdig dat die leerkontrak opgeskort of beëindig word, die komitee die saak na die raad moet verwys en die klerk onder leerkontrak en die lid by wie hy dien dienooreenkomsdig in kennis moet stel, en dan kan die raad self die ondersoek voortsit en afhandel of die ondersoek of enige aspek daarvan na die komitee terugverwys.

103.1 Vir die algemene inligting van lede of van die publiek of van albei kan die raad inligting oor 'n ondersoek kragtens artikel 71 van die Wet, op sodanige wyse en in sodanige mate as wat hy goedvind, publiseer of die publikasie daarvan toelaat of reëlings daarvoor te tref.

thereof and ask him whether he wishes to be charged forthwith and have the matter summarily disposed of and, if he assents, the council may therupon dispose summarily of the matter, but, if he does not assent, the enquiry shall be adjourned to such time and place as the council may determine when it shall be continued and concluded as in these rules provided.

98.1 If at the conclusion of an enquiry the practitioner is found guilty in terms of section 72 (1) of the Act and an order is made that the practitioner is to pay the costs incurred by the council in connection with such an enquiry in terms of section 72 (1) (a) (iii) costs shall be calculated in accordance with the Supreme Court tariff applicable to civil litigation.

98.2 Without derogating from the generality of any such order for the payment of costs, such costs shall include—

98.2.1 the costs of recording, transcribing and preparing copies of any record;

98.2.2 the costs incurred by the council in respect of the person appointed to conduct the examination and the accountant or accountants or other person appointed to investigate and report on the practitioner's books of account and of any person appointed by the council to investigate and report on any other documents or records or things relating to the practitioner's practice or former practice;

98.2.3 the costs of procuring the attendance of witnesses and their witness fees, including those of the complainant.

98.3 With the consent of the president the practitioner concerned may be furnished by the secretary with copies of the record of the enquiry or extracts therefrom against payment by him of the cost of the making thereof calculated according to the said tariff.

99. At the conclusion of an enquiry the complainant and the practitioner shall be informed of the verdict and, if the verdict is one of guilty, the practitioner alone of the punishment imposed, unless in the latter case, the council otherwise decides.

100. Subject to the provisions of these rules, the person presiding at the enquiry shall determine the procedure according to which the enquiry shall be conducted.

101. Should an enquiry be held before a committee appointed by the council in terms of section 67 of the Act and it appears to the committee at any stage during the course of its enquiry that the evidence then before it is likely to warrant an application by the society in terms of the Act for suspension from practice or the striking from the roll of the practitioner, the committee shall refer the matter to the council and inform the practitioner accordingly and the council may then itself continue and conclude the enquiry or may refer it or any aspect thereof back to the committee.

102. Subject to the provisions of the Act, the provisions of this Part XIII shall apply *mutatis mutandis* in respect of an articled clerk whose alleged conduct is being enquired into; provided that—

102.1 the council may require the member with whom the articled clerk is serving articles to report in writing to the council on any aspect of the matter or to attend during any stage of the enquiry and, there, *inter alia*, to make such verbal report or give such explanation relating to the matter as the council may deem fit;

102.2 if the enquiry is held by a committee appointed by the council under section 67 of the Act and it appears to the committee at any stage during the course of its enquiry that the evidence then before it is likely to warrant the suspension or cancellation of the articles of clerkship, the committee shall refer the matter to the council and inform the articled clerk and the member with whom he is serving articles accordingly and the council may then itself continue and conclude the enquiry or may refer it or any aspect thereof back to the committee;

103.1 The council may, for the general information of members or of the public or of both, in such manner and to such extent as it may deem fit, publish or allow or arrange for the publication of information relating to an enquiry under section 71 of the Act.

103.2 Geen individu en geen groep individue en geen regspersoon of ander vereniging wat na die mening van die raad nie by die onderwerp van 'n ondersoek belang het nie, is op inligting oor sodanige ondersoek geregtig nie.

#### DEEL XIV

##### SUBSKRIPSIES, GELDE, HEFFINGS-EN ANDER VORDERINGS BETAALBAAR AAN DIE ORDE

###### *Jaarlikse subskripsie en ander vorderings betaalbaar aan die orde*

104.1 Elke lid moet aan die orde 'n jaarlikse subskripsie en sodanige gelde, heffings of ander vorderings op sodanige tyd en van sodanige bedrae betaal as wat die raad met die goedkeuring van die orde, soos op 'n algemene of spesiale vergadering ooreenkomsdig artikel 60 (2) van die Wet verleen, van tyd tot tyd mag vasstel.

104.2 Tot tyd en wyl anders bepaal word, is die bedrag van die jaarlikse subskripsie en van sodanige geld, heffing of ander vordering, indien enige, die bedrag wat onmiddellik voor die uitvaardiging van hierdie reëls betaalbaar was en is dit betaalbaar op die tyd soos toe bepaal was, en die bedrag en tyd vir die betaling daarvan word geag aldus vasgestel te wees.

###### *Agerstallige subskripsies*

105. Indien 'n lid in gebreke bly om 'n subskripsie of enige geld, heffing of ander vordering te betaal binne 'n maand nadat dit verskuldig word, moet die sekretaris sy aandag per brief op daardie feit vestig, en as die agterstallige subskripsie of ander geld, heffing of vordering nie binne sewe dae na die datum van sodanige brief of binne sodanige verdere tyd as wat die raad toelaat, betaal word nie, kan stappe vir die verhaal daarvan teen hom gedoen word.

106. Geen lid wie se jaarlikse subskripsie langer as drie maande agterstallig is, is geregtig om op 'n algemene of spesiale vergadering van lede teenwoordig te wees of om by volmag daarop te stem nie.

#### DEEL XV

##### LIEFDADIGHEIDSFONDS

107. Die raad kan 'n afsonderlike fonds bekend as die Liefdadigheidsfonds van die Prokureurorde van Transvaal en in hierdie deel "die Fonds" genoem, in stand hou en beheer. Die Liefdadigheidsfonds wat onmiddellik voor die uitvaardiging van hierdie reëls deur die orde in stand gehou is, word geag die Fonds te wees solank die raad dit in stand hou.

108. Die raad moet die Fonds krediteer met—

108.1 die bedrag wat op die datum van uitvaardiging van hierdie reëls in die boeke van die orde weerspieël word as batige saldo van die Liefdadigheidsfonds wat onmiddellik voor die uitvaardiging van hierdie reëls deur die orde in stand gehou is;

108.2 alle subskripsies, gelde, heffings en ander vorderings en alle skenkings en ander betalings aan die Fonds wat van enige ontvang word.

109. Behoudens enige wet kan die raad van tyd tot tyd lede of ander persone nader om by wyse van jaarlikse bedrae, enkelbedrae of op enige ander wyse skenkings aan die Fonds te doen.

110. Met die goedkeuring van die orde, soos verleen op 'n algemene of spesiale vergadering ooreenkomsdig artikel 60 (2) van die Wet, kan die raad subskripsies, gelde, heffings of ander vorderings vasstel wat by ontvangs aan die Fonds toegedeel moet word.

111. Die raad moet na eie oordeel by wyse van skenking, toelae, jaargeld of andersins uit die bates van die Fonds hulp verleen aan behoeftige lede en voormalige lede en klerke onder leerkontrak en voormalige klerke onder leerkontrak en hul eggenotes en ander afhanklikes, en aan behoeftige nagelate gades en afhanklikes van lede of voormalige lede of klerke onder leerkontrak of voormalige klerk onder leerkontrak watoorlede is.

103.2 No individual and no group of individuals, and no body corporate or other association, not having, in the opinion of the council, an interest in the subject matter of an enquiry, shall be entitled to information relating to it.

#### PART XIV

##### SUBSCRIPTIONS, FEES, LEVIES AND OTHER CHARGES PAYABLE TO THE SOCIETY

###### *Annual subscription and other charges payable to the society*

104.1 Each member shall pay to the society an annual subscription and such fees, levies or other charges at such time and at such amounts as may from time to time be fixed by the council with the approval of the society given at a general or special meeting in terms of section 60 (2) of the Act.

104.2 Until otherwise determined, the annual subscription and such fee, levy or other charge, if any, shall be the amount which was payable, and it shall be payable at the time as determined, immediately before promulgation of these rules, and the amount and time for payment thereof shall be deemed to have been so fixed.

###### *Arrear subscriptions*

105. If any member fails to pay a subscription or any fee, levy or other charge within one month after it has become due, the secretary shall, by letter, draw his attention to the fact, and if the subscription or fee, levy or other charge in arrear is not paid within seven days from the date of such letter or within such further time as the council may allow, proceedings for the recovery thereof may be taken against him.

106. No member whose annual subscription is in arrear for more than three months shall be entitled to be present at any general or special meeting of members or to vote thereat by proxy.

#### PART XV

##### BENEVOLENT FUND

107. The council may maintain and control a separate fund to be known as the Benevolent Fund of the Law Society of the Transvaal, in this Part referred to as "the Fund". The Benevolent Fund maintained by the society immediately before the promulgation of these rules shall be deemed to constitute the Fund, for so long as the council maintains it.

108. The council shall credit to the Fund—

108.1 the balance which at the date of promulgation of these rules stands to the credit in the books of the society of the Benevolent Fund maintained by the society immediately before the promulgation of these rules;

108.2 all subscriptions, fees, levies and other charges and all donations and other payments to the Fund received from any person;

109. Subject to any law, the council may from time to time solicit donations to the Fund from members or other persons by way of annual contributions, lump sum payments or in any other manner.

110. The council may, with the approval of the society given at a general or a special meeting in terms of section 60 (2) of the Act, fix subscriptions, fees, levies or other charges to be allocated to the Fund as received.

111. The council shall in its discretion assist from the assets of the Fund by way of donation, grant, annuity or otherwise, necessitous members and former members and articled clerks and former articled clerks and their wives and other dependants, and necessitous surviving spouses and dependants of members or former members or articled clerks or former articled clerks who have died.

## 112. Die raad kan bepaal—

112.1 in watter vorm en op watter wyse om hulp uit die Fonds aansoek gedoen moet word;

112.2 op watter voorwaardes sulke hulp verleen word.

## DEEL XVI

### DIVERSE BEPALINGS

#### *Sekretariaat*

113. Die administratiewe hoofkantoor van die orde staan bekend as sy sekretariaat en word in sodanige perseel gehuisves as wat die raad van tyd tot tyd bepaal.

#### *Bank- en bouverenigingrekeninge*

114.1 Die sekretaris laat alle geld wat aan die orde betaal word, so spoedig doenlik na die ontvangs daarvan inbetaal in sodanige rekeninge by een of meer bankinstelling vermeld in artikel 68 (e) van die Wet as wat die raad van tyd tot tyd bepaal.

114.2 Die sekretaris ontrek van tyd tot tyd in ooreenstemming met die aanwysings van die raad of van 'n komitee wat deur die raad vir die doel aangestel is, geld uit 'n rekening vermeld in reël 114.1 en deponeer dit in aangewese rekeninge by een of meer aangewese bouverenigings vermeld in artikel 68 (e) van die Wet.

114.3 Alle tjeës getrek op 'n bankrekening gehou ooreenkomsdig reël 114.1 word geteken deur, en alle ontrekkings van geld uit 'n spaar-, deposito- of ander beleggingsrekening by 'n bankinstelling of uit 'n bouverenigingrekening gehou ooreenkomsdig reël 114.2 geskied oor die handtekening van die sekretaris en een lid van die raad of, as die poste van sekretaris en assistent-sekretaris vakant is of nog die sekretaris nog 'n assistent-sekretaris geredelik beskikbaar is oor die handtekening van enige twee lede van die raad.

#### *Opskorting of wysiging van die toepassing van sekere reëls*

115. Die raad kan op sodanige wyse as wat hy bepaal en onderworpe aan sodanige voorwaardes en voorskrifte as wat hy goedvind, enige van die reëls in Dele IX, X en XII in hul geheel of gedeeltelik opskort of die toepassing van enige van die reëls daarin wysig ten opsigte van—

##### 115.1 verklaarde lede;

115.2 praktyens terwyl hulle in diens is van of optree ter bevordering van of behulpsaam is met die funksionering van 'n liggaaam wat deur die raad erken word as 'n regskliniek vir studente, 'n regshulpliggaaam of ander dergelyke organisasie van openbare aard wat regsdienste in die openbare belang lewer.

#### *Reëls herroep*

##### 116. Die volgende reëls word herroep:

116.1 Die reëls soos by die Prokureursorde van Transvaal se Kennisgewing, No. 2 van 1976, in *Staatskoerant* 5242 gedateer 6 Augustus 1976 uitgevaardig;

116.2 die reël soos by die Prokureursorde van Transvaal se Kennisgewing, No. 1 van 1977, in *Gouvermentskennisgewing* R. 115, gedateer 28 Januarie 1977 uitgevaardig;

116.3 die reël soos by *Gouvermentskennisgewing* R. 2366, gedateer 18 November 1977, uitgevaardig;

116.4 al die bepalings van die "Constitution of the Incorporated Law Society of the Transvaal Ordinance, 1905" wat kragtens artikel 86 (3) van die Wet gelees saam met artikel 24 (2) (a) van die Wet op Prokureursordes, 1975 [herroep kragtens artikel 86 (1) van die Wet] geag word reëls te wees kragtens die Wet;

116.5 alle bepalings van die "By-laws and Regulations of the Incorporated Law Society of the Transvaal" opgestel kragtens die "Constitution of the Incorporated Law Society of the Transvaal Ordinance, 1905" wat nie voorheen herroep is nie.

#### *Datum van inwerkingtreding*

117. Hierdie reëls tree in werking op die 10de dag na die datum van hul uitvaardiging.

## 112. The council may determine—

112.1 the form and manner of application for assistance from the Fund;

112.2 the conditions upon which any such assistance is given.

## PART XVI

### MISCELLANEOUS

#### *Secretariat*

113. The administrative headquarters of the society shall be known as its secretariat and shall be housed in such premises as the council may from time to time determine.

#### *Banking and building society accounts*

114.1 The secretary shall cause all money paid to the society to be placed as soon as practicable after their receipt in such accounts as the council may from time to time determine with a banking institution or banking institutions referred to in section 68 (e) of the Act.

114.2 From time to time and in accordance with the directions of the council or of any committee appointed by it for the purpose, the secretary shall withdraw money from any account referred to in rule 114.1 and shall deposit such money in specified accounts with a specified building society or specified building societies referred to in section 68 (e) of the Act.

114.3 All cheques drawn on any banking account kept in terms of rule 114.1 shall be signed by, and all money withdrawn from any savings, deposit or other investment account with any banking institution or from any building society account kept in terms of rule 114.2 shall be so withdrawn upon the signatures of the secretary and one member of the council or, at times when there are vacancies in the offices of secretary and assistant secretary or neither the secretary nor an assistant secretary is readily available, by or upon the signatures of any two members of the council.

#### *Suspension or modification of operation of certain rules*

115. The council may, in such manner as it may determine and subject to such conditions and directions as it may deem fit, suspend in whole or in part or modify the operation of any of the rules in Parts IX, X or XII in respect of—

##### 115.1 declared members;

115.2 any practitioners while employed by or acting to promote or assist in the functioning of any body recognised by the council as a students legal clinic, legal aid body or other similar organisation of a public nature which renders legal services in the public interest.

#### *Rules rescinded*

##### 116. The following rules are rescinded:

116.1 The rules promulgated under Notice of the Law Society of the Transvaal, No. 2 of 1976, in *Government Gazette* 5242, dated 6 August 1976.

116.2 The rule promulgated under Notice of the Law Society of the Transvaal, No. 1 of 1977, in *Government Notice* R. 115, dated 28 January 1977.

116.3 The rule promulgated under *Government Notice* R. 2366, dated the 18 November 1977.

116.4 All the provisions of the Constitution of the Incorporated Law Society of the Transvaal Ordinance, 1905, which are deemed, under section 86 (3) of the Act read with section 24 (2) (a) of the Law Societies' Act, 1975 [repealed by section 86 (1) of the Act] to be rules made in terms of the Act.

116.5 All provisions not previously rescinded of the By-laws and Regulations of the Incorporated Law Society of the Transvaal framed in terms of the Constitution of the Incorporated Law Society of the Transvaal Ordinance, 1905.

#### *Date of commencement*

117. These rules shall come into operation on the 10th day after the date of their promulgation.

## EERSTE BYLAE

## VOLMAGVORM

(Moet in tweevoud ingevul word)

Ek,  
'n praktiserende/verklaarde \*lid van die Prokureursorde van Transvaal en met die kantoor waar ek gewoonlik praktiseer, geleë te †.....  
stel.....  
van.....  
'n lid van die Prokureursorde van Transvaal, hierby aan as my gevoldmagtigde om op 'n vergadering van lede van die Prokureursorde van Transvaal wat op die.....dag van.....19..... gehou sal word, of op enige verdagting daarvan, oor die volgende onderwerpe en op die volgende wyse vir my en in my naam te stem—

	Vir	Teen	Na sy goedvindie
Mosie dat.....			
Mosie dat.....			
Mosie dat.....			

(Dui opdragte aan gevoldmagtigde aan met 'n kruisie in die betrokke ruimte)

\* Skrap wat nie van toepassing is nie.

† Moet net deur praktiserende lede ingevul word.

Ek magtig ook my gevoldmagtigde om oor enige mosie van orde wat met die betrokke oorspronklike mosie verband hou, te stem soos hy die beste ag ten einde my wil, soos hierbo opgedra, te verwesenlik.

GETEKEN op hede die.....dag van.....19.....

## Handtekening

Gevoldmagtigde se endossement ooreenkomsdig reël 25.5.4 ter aanduiding van sy keuse waar hy gemagtig is om oor 'n onderwerp na goedvindie te stem of oor 'n mosie van orde:

Vir	Teen
Mosie dat.....	
Mosie dat.....	
Mosie dat.....	

(Gevoldmagtigde moet sy keuse met 'n kruisie in die betrokke ruimte aandui).

Handtekening van gevoldmagtigde

TWEDE BYLAE  
VORM VAN LEERKONTRAK

LEERKONTRAK gesluit en aangegaan te.....  
op hede die.....dag van.....19..... deur en tussen.....

'n prokureur van die Transvaliese Proviniale Afdeling van die Hooggereghof van Suid-Afrika

(later hierin die prinsipaal genoem)  
en

gebore op.....

(later hierin die klerk genoem)

ingevalle waarvan—

1. die klerk homself verbind en onderneem—

- 1.1 om die prinsipaal met ingang van die datum hiervan vir agtereenvolgende jare lank ywerig, eerlik, behoorlik en in vertroue in sy beroep van prokureur in die provinsie Transvaal te dien;
- 1.2 om te alle tye uitvoering te gee aan alle regmatige opdragte wat aan hom gegee word deur die prinsipaal of enige van sy vennote of enige wat deur die prinsipaal of enige van sy vennote oor die klerk gestel is;
- 1.3 om nie sonder die prinsipaal se voorafgaande toestemming uit die prinsipaal se diens weg te bly nie;
- 1.4 om hom nie sonder die skriftelike toestemming van sy prinsipaal en die raad van die Prokureursorde van Transvaal met enige ander sake hoegenaamd as dié van die klerk besig te hou nie;

2. die prinsipaal onderneem dat—

- 2.1 hy sy bes sal doen om die klerk die praktyk en beroep van prokureur te leer en hom daarin te onderrig;
- 2.2 mits die klerk sy leertyd behoorlik uitgedien het en na die mening van sy prinsipaal 'n geskikte en gepaste persoon is om toegelaat te word, hy sy bes sal probeer om die klerk se toelating as prokureur van die Transvaliese Proviniale Afdeling van die Hooggereghof van Suid-Afrika te bewerkstellig;
- 3. as die prinsipaal sy praktyk in Transvaal staak, is hy daarna nie deur hierdie leerkontrak gebonde nie maar moet hy hierdie leerkontrak op versoek van die klerk oordra aan 'n prokureur wat in die genoemde provinsie praktiseer;

4. as die klerk—

4.1 nie sy leertyd behoorlik ooreenkomsig hierdie leerkontrak uitdien nie;

4.2 enige bepaling van hierdie leerkontrak oortree; of

4.3 skuldig is aan enige wangedrag;

is die prinsipaal geregtig om—

4.3.1 hierdie leerkontrak te kanselleer; en

4.3.2 die klerk uit sy diens te ontslaan.

Ten bewyse waarvan die partye hierdie kontrak te op voormalde dag in voormalde maand en jaar in die teenwoordigheid van die ondergetekende getuies geteken het.

Getuies:

1.....

Prinsipaal

Klerk

2.....

\*Ouer of voog

\* Waar die klerk 'n minderjarige is.

### DERDE BYLAE

#### VORM VAN VERSLAG DEUR REKENMEESTER

Ingevolge reël 70 van die Reëls van Die Prokureursorde van Transvaal

L.W.—Moet net van die sekretaris verkry word soos by reël 70.3.3 vereis.

Die Raad  
Die Prokureursorde van Transvaal  
Posbus 1493  
Pretoria  
0001

#### VERSLAG OOREENKOMSTIG REËL 70 VAN DIE REËLS VAN DIE ORDE

1. Ek/ons het 'n ondersoek ooreenkomsig reël 70 van die reëls van u Orde gedoen van die oorkondes van die firma.....

(naam van firma).....

waarvan die hoofkantoor geleë is te.....

(volledige straatadres).....

en die takkantore geleë is te.....

(volledige straatadres van takkantore).

2. My/ons ondersoek dek die periode van.....maande waartydens die firma gepraktiseer het of sedert die einde van die periode wat gedeck is deur die laaste soortgelyke vorige verslag, welke periode ten einde geloop het op die laaste dag van.....19..... ("die betrokke datum").

3. Ek/ons doen verslag dat, behoudens die voorbehoude soos hieronder in die lys uiteengesit:

(a) Ek/ons die rekeningboeke, bankstate en die boekhoustelsel wat deur die firma gebruik word in die mate as wat ek/ons nodig geag het, ondersoek het en het op grond van my/ons ondersoek en die inligting en verduidelikings wat ek/ons ontvang het, is ek/ons daarvan oortuig dat die firma ten opsigte van die tydperk tot die betrokke datum voldoen het aan die volgende bepalings van Wet 53 van 1979 en die volgende reëls van u Orde, waarvan ons die bepalings voor ondertekening van hierdie verslag nagegaan het—

- (i) subartikels (1), (3) en (4) van artikel 78 van die Wet;
- (ii) reëls 68.1.1, 69.1, 69.8, 69.9.1, 69.9.2 en 70.2.

(b) Op.....synde die datum van my/ons laaste inspeksie, was die boeke skynbaar opgeskryf tot.....en was hulle laas gebalanseer op.....

(c) Ek/ons die lys van trustsaldo's soos in trustrekeninge in die grootboeke van die firma aangetoon op die betrokke datum en ook op minstens een ander datum deur my/ons gekies gedurende die verslagtydperk, naamlik.....met die onderskeie grootboekrekeninge vergelyk het en—

- (i) op elkeen van hierdie datums het die firma aan die bepalings van reël 69.7 voldoen;
- (ii) nadat ek/ons die firma se bankstaat vir sodanige tydperk na elkeen van sodanige datums as wat ons in die lig van die omstandighede nodig geag het (synde minstens 'n week), nagegaan het, het dit nie geblyk dat enige verhandelbare dokumente wat op die trustbankrekening gedelegeer is, onteer is nie behalwe in omstandighede wat ek/ons as bevredigend geag het.

4. 'n Afskrif van hierdie verslag word vandaag aan die firma gestuur.

5. Op navraag is ek/ons meegedeel dat die volgende veranderinge in die samestelling van die firma plaasgevind het gedurende die verslagtydperk, naamlik:

(Indien daar nie verandering was nie, voeg in GEEN.)

6. (Indien hierdie paragraaf nie toepaslik is nie, haal deur en kwalifiseer hieronder)

Ek/ons is meegedeel dat 'n afsonderlike boekhoustelsel vir boedels en trusts gebruik word maar ek/ons het geen stuk of dokument in verband daarmee nagegaan nie; behalwe:

(Indien daar nie is nie, meld GEEN.)

## LYS VAN VOORBEHOUDE

(Indien die ruimte onvoldoende is, kan hierdie lys voortgesit word op 'n briefhoof van die rekenmeester, wat hierby aangeheg en deur die rekenmeester geteken moet word.)

Meld asseblief indien daar GEEN voorbehoude is nie.

Naam van rekenmeester/s.....

Handtekening van rekenmeester/s.....

Adres van rekenmeester/s.....

Telefoonnummer van rekenmeester/s.....

Datum van ondertekening.....

FIRST SCHEDULE  
PROXY FORM  
(To be completed in duplicate)

I,.....  
being a practising/declared\* member of the Law Society of the Transvaal, having the office at which I habitually practise at†.....  
hereby appoint.....  
being a member of the Law Society of the Transvaal, of.....  
as my proxy to vote for me and in my name at a meeting of members of the Law Society of the Transvaal, to be held on the.....  
.....day of.....19....., or at any adjournment thereof on the following subjects and in  
the following manner:

In favour of	Against	As he thinks fit
.....	.....	.....
.....	.....	.....
.....	.....	.....

Motion to.....

Motion to.....

Motion to.....

(Indicate instructions to proxy by means of a cross in relevant space.)

\* Delete whichever is not applicable.

† To be completed only by practising members.

further authorise my proxy to vote in such manner as he may deem best fitted to achieve my will as above instructed on any motion of course relating to the original motion concerned.

SIGNED this.....day of.....19.....

Signature

Proxy's endorsement in terms of rule 25.5.4. indicating his election where he is authorised to vote on a subject as he thinks fit or on a motion of course:

In favour of	Against
.....	.....
.....	.....
.....	.....

Motion to.....

Motion to.....

Motion to.....

(Proxy to indicate election by means of a cross in relevant space.)

Proxy holder's signature

SECOND SCHEDULE  
FORM OF ARTICLES OF CLERKSHIP

ARTICLES OF CLERKSHIP made and entered into at.....  
on this.....day of.....19....., by and between.....

an attorney of the Transvaal Provincial Division.....of the Supreme Court of South Africa.....  
(hereinafter referred to as the principal).....and.....  
born on.....(hereinafter referred to as the clerk) in terms of which—

1. the clerk binds himself and undertakes—

1.1. to serve the principal diligently, honestly, properly and confidentially in his profession as an attorney in the Transvaal Province for.....consecutive years from the date hereof;

1.2. to execute, at all times, all lawful instructions given to him by the principal or any of his partners or any person placed in authority over the clerk by the principal or any of his partners;

1.3. not to absent himself from his employment by the principal without the principal's prior consent;

1.4. not to engage in any business whatsoever other than that of the clerk without the written consent of his principal and the Council of the Law Society of the Transvaal;

2. the principal undertakes that—  
 2.1 he will use his best efforts to teach and instruct the clerk in the practice and profession of an attorney;  
 2.2 provided that the clerk has served his period of articles properly and is in his Principal's opinion a fit and proper person for admission, he will use his best efforts to procure the admission of the clerk as an attorney of the Transvaal Provincial Division of the Supreme Court of South Africa;  
 3. should the principal discontinue his practice in the Transvaal he shall not thereafter be bound by these articles but shall, if requested by the clerk, cede these articles to an attorney practising in the said province;  
 4. should the clerk—  
 4.1 not serve his period of articles properly in terms of these articles;  
 4.2 commit a breach of any of these articles; or  
 4.3 be guilty of any misconduct, then the principal will be entitled to—  
 4.3.1 cancel these articles; and  
 4.3.2 dismiss the clerk from his employment.

In witness whereof the parties have hereunto set their hands at.....on the day, month and year aforementioned, in the presence of the undersigned witnesses.

As witnesses:

1..... Principal  
 2..... Clerk  
 ..... \*Parent or guardian

\* Where the clerk is a minor.

**THIRD SCHEDULE**  
**FORM OF REPORT BY ACCOUNTANT**  
*In terms of rule 70 of the Rules of the Law Society of the Transvaal*

*Note.—To be obtained only from the secretary as required by rule 70.3.3.*

The Council  
 Law Society of the Transvaal  
 P.O. Box 1493  
 Pretoria  
 0001

**REPORT IN TERMS OF RULE 70 OF THE RULES OF THE SOCIETY**

1. I/We have carried out an examination under rule 70 of the rules of your society of the records of the firm (name of firm).....whose main office address is (full street address).....and whose branch offices are at (full street addresses of branch offices).....

2. My/Our examination covers a period of.....months during which the firm has been in practice or since the end of the period covered by the most recent similar previous report, which period ended on the last day of.....19.....('the relevant date').

3. I/We report hereunder that, subject to the qualifications set out in the schedule following this report:

(a) I/We have examined the books of account, bank statements and system of bookkeeping employed by the firm to the extent, I/we considered necessary and, based on my/our examination and the information and explanations I/we have received, I am/we are satisfied that, in respect of the period up to the relevant date, the firm complied with the following provisions of Act 53 of 1979, and the following rules of your society, to the provisions of which I/we have referred prior to signing this report:

- (i) Subsections (1), (3) and (4) of section 78 of the Act;  
 (ii) rules 68.1.1, 69.1, 69.8, 69.9.1, 69.9.2 and 70.2.

(b) On....., being the date of my/our last inspection, the books appeared to have been written up to.....and to have been last balanced on.....

(c) I/We have compared the list of trust balances shown on trust accounts in the ledgers of the firm with the respective ledger accounts at the relevant date and also at at least one other date selected by me/us during the period under review, namely.....and—

- (i) on each of such dates the firm was in compliance with the provisions of rule 69.7;

(ii) after examining the bank statement of the firm for such period as I/we deemed necessary (being not less than one week) in the light of the circumstances, following each of such dates, it was not revealed that any negotiable instruments which had been deposited in the trust bank account had not been met otherwise than in circumstances which I/we considered satisfactory.

4. A copy of this report is today being sent to the firm.

5. On enquiry made I was/we were informed that the following changes in the composition of the firm occurred during the period covered by this report, namely:

.....(If none, state NIL.)

6. (If this paragraph not applicable, delete and qualify below):

I/we have been informed that a separate system of accounting for estates and trusts is maintained, but have not examined any record or document relating thereto other than:

.....(If none, state NIL.)

**SCHEDULE OF QUALIFICATIONS**

(If space is insufficient, this schedule may be continued in a schedule on the Accountant/s letterhead to be attached and signed by the Accountant/s.)

If NIL please state.

Name of accountant/s.....

Signature of accountant/s.....

Accountant/s address.....

Accountant/s telephone number.....

Date of signature.....

Gedruk deur en verkrygbaar by die Staatsdrukker,  
Bosmanstraat, Privaatsak X85, Pretoria, 0001

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