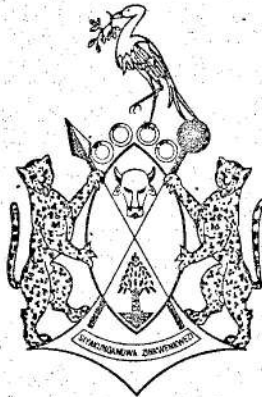


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**REPUBLIC OF
CISKEI**

**GOVERNMENT
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DEPARTMENT OF JUSTICE, POLICE AND PRISONS

GOVERNMENT NOTICE NO. 6

**IT IS HEREBY NOTIFIED THAT THE PRESIDENT HAS
ASSENTED TO THE FOLLOWING ACT WHICH IS HEREBY
PUBLISHED FOR GENERAL INFORMATION:—**

ADMISSION OF ADVOCATES AMENDMENT ACT, 1985

ACT NO. 32 OF 1985

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ADMISSION OF ADVOCATES ACT, 1985

ACT

To amend the Admission of Advocates Act, 1964.

(English text signed by the President. Assented to on 13 January 1986)

BE IT ENACTED by the National Assembly of the Republic of Ciskei, as follows:—

*Amendment
of section
1 of Act 74
of 1964.*

1. Section 1 of the Admission of Advocates Act, 1964 (hereinafter in this Act referred to as the principal Act) is hereby amended —
 - (a) by the insertion after the definition of "advocate" of the following definition:
" 'citizen' means a citizen of the Republic and includes a South African citizen;";
 - (b) by the deletion of the definition of "division";
 - (c) by the insertion after the definition of "enrolled" of the following definition:
" 'general division' means the general division of the Supreme Court and includes a court of that division;";
 - (d) by the substitution for the definition of "Republic" of the following definition:
" 'Republic' means the Republic of Ciskei;";
 - (e) by the substitution for the definition of "rules" of the following definition:
" 'rules' means the rules of court of the Supreme Court;";
 - (f) by the substitution for the definition of "Supreme Court" of the following definition:
" 'Supreme Court' means the Supreme Court of Ciskei established by section 53(1) of the Republic of Ciskei Constitution Act, 1981 (Act 20 of 1981);";
 - (g) by the insertion after the definition of "Supreme Court" of the following definition:
" 'university' means the University of Fort Hare established by section 2 of the University of Fort Hare Act, 1969 (Act 40 of 1969) and includes any university in the Republic of South Africa or elsewhere whose requirements for the degrees mentioned in section 3 of this Act (except as regards the Afrikaans and Latin languages) are, within the meaning of section 29 of the said University of Fort Hare Act, 1969, equivalent to or higher than the requirements prescribed for such degrees of the University of Fort Hare;"; and
 - (h) by the deletion of the definition of "the Territory".

*Substitution
of section 3
of Act 74 of
1964, as amended
by section 1 of
Act 73 of 1965,
section 16 of
Act 29 of 1974
and section 1 of
Act 39 of 1977.*

2. The following section is hereby substituted for section 3 of the principal Act:
*"Admission
of persons
to practise
as advocates.*
3. (1) Subject to the provisions of any other law, the general division shall admit to practise and authorize to be enrolled as an advocate any person who upon application made by him satisfies the court —
 - (a) that he is above the age of twenty-one years and is a fit and proper person to be so admitted and authorized;
 - (b) that he is duly qualified;
 - (c) that he is a citizen or that he has been lawfully admitted to the Republic for permanent residence therein and is ordinarily resident in the Republic; and
 - (d) in the case of any person who has at any time been admitted to practise as an attorney in any court in the Republic or elsewhere, that his name has been removed from the roll of attorneys on his own application.
- (2) The following persons shall for the purposes of paragraph (b) of subsection (1) be deemed to be duly qualified, namely any person who —
 - (a) has satisfied all the requirements for the degree of *baccalaureus legum* at a university after pursuing a course of study for that degree of not less than five years and who has passed not less than one course in the English language prescribed or recognized by a university for a *baccalaureus* degree; or
 - (b) after he has satisfied the requirements for the degree of bachelor other than the degree of *baccalaureus legum* of a university or, after he has been admitted to the status of such degree by a university, has satisfied all the requirements for the degree of *baccalaureus legum* of a university after pursuing courses of study for such degrees of not less than five years in the aggregate and who has passed not less than one course in the English language prescribed or recognised by a university for a *baccalaureus* degree.
- (3) The provisions of paragraph (d) of subsection (1) shall not apply to any person employed in the office of the State Attorney.

ADMISSION OF ADVOCATES AMENDMENT ACT, 1985

(4) Any person who is admitted and authorized to practise and to be enrolled as an advocate in terms of subsection (1) shall be enrolled as an advocate on the roll of advocates."

Amendment of section 4 of Act 74 of 1964.

3. Section 4 of the principal Act is hereby amended —
- (a) by the substitution in subsection (1) for the words "the roll of advocates of any division" of the words "any roll of advocates"; and
 - (b) by the deletion of subsection (2).

Amendment of section 5 of Act 74 of 1964.

4. Section 5 of the principal Act is hereby amended by the substitution in subsection (1) for the words "any division" of the words "the general division".

Amendment of section 7 of Act 74 of 1964.

5. Section 7 of the principal Act is hereby amended —
- (a) by the substitution in that part of subsection (1) preceding paragraph (a) for the words "any division" of the words "the general division";
 - (b) by the deletion in subparagraph (i) of paragraph (a) of subsection (1) of the words "South African";
 - (c) by the substitution for subparagraph (ii) of paragraph (a) of subsection (1) of the following subparagraph:

"(ii) in the case of a person who is not a citizen, if he has failed to obtain a certificate of naturalization as a citizen of the Republic within a period of six years from the date on which he was admitted to the Republic for permanent residence therein or within such further period as a court of the general division may for good cause allow, whether before or after the expiration of the said period; or";
 - (d) by the deletion of paragraph (b) of subsection (1); and
 - (e) by the substitution for subsection (2) of the following subsection:

"(2) Subject to the provisions of any other law, an application under paragraph (a), (b), (c) or (d) of subsection (1) for the suspension of any person from practice as an advocate or for the striking off of the name of any person from the roll of advocates may be made by the General Council of the Bar of South Africa or any Bar Council or Society of Advocates and also by the State Attorney."

Amendment of section 8 of Act 74 of 1964.

6. Section 8 of the principal Act is hereby amended by the substitution in subsection (2) for the word "division" of the word "court".

Amendment of section 8A of Act 74 of 1964, as inserted by section 1 of Act 25 of 1979.

7. Section 8A of the principal Act is hereby amended by the substitution for the words "State President", wherever they occur, of the word "President".

Amendment of section 10 of Act 74 of 1964.

8. Section 10 of the principal Act is hereby amended by the substitution for the words "any division" of the words "a division of the Supreme Court".

Substitution of section 11 of Act 74 of 1964.

9. The following section is hereby substituted for section 11 of the principal Act:
- "Rules. 11. The power of the Chief Justice to make rules under section 58 of the Republic of Ciskei Constitution Act, 1981 shall be deemed to include the power to make rules for giving effect to the provisions of this Act."

Repeal of section 12 of Act 74 of 1964.

10. Section 12 of the principal Act is hereby repealed.

Amendment of section 13 of Act 74 of 1964.

11. Section 13 of the principal Act is hereby amended by the deletion of subsection (2).

ADMISSION OF ADVOCATES AMENDMENT ACT, 1985

*Amendment of
long title of
Act 74 of 1964.*

12. The long title of the principal Act is hereby amended by the substitution for the words "South Africa" of the word "Ciskei".

*Substitution
of certain
expression in
Act 74 of 1964.*

13. Subject to the foregoing provisions of this Act the principal Act is hereby amended by the substitution for the words "Secretary for Justice", wherever they occur, of the words "Director-General: Department of Justice".

Short title.

14. This Act shall be called the Admission of Advocates Amendment Act, 1985.

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