



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

TDA

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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No. 1050.

19 July 1995

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

No. 33 of 1995: Admission of Legal Practitioners Amendment Act, 1995.

No. 1050.

19 Julie 1995

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

No. 33 van 1995: Wysigingswet op die Toelating van Regs-praktisyens, 1995.

PRESIDENT'S OFFICE

KANTOOR VAN DIE PRESIDENT

No. 1050. 19 July 1995

No. 1050.

19 Julie 1995

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with a solid line indicate insertions in existing enactments.

GOVERNMENT GAZETTE**ACT**

To amend the Admission of Advocates Act, 1964, the Attorneys Act, 1979, the Admission of Advocates Act, 1964, of the former Transkei, the Attorneys, Notaries and Conveyancers Admission Act, 1934, of the former Transkei, the Admission of Advocates Act, 1964, of the former Bophuthatswana, the Attorneys, Notaries and Conveyancers Act, 1984, of the former Bophuthatswana, the Admission of Advocates Act, 1964, of the former Venda, the Attorneys Act, 1987, of the former Venda, the Admission of Advocates Act, 1964, of the former Ciskei and the Attorneys Act, 1979, of the former Ciskei so as to abolish the requirement that applicants for admission as advocates or attorneys must have passed examinations in the Afrikaans and English languages; and to provide for matters connected therewith.

(Afrikaans text signed by the President.)
(Assented to 10 July 1995.)

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment 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, section 1 of Act 39 of 1977, section 1 of Act 60 of 1984, section 1 of Act 17 of 1987, section 2 of Act 106 of 1991 and section 2 of Act 55 of 1994

1. Section 3 of the Admission of Advocates Act, 1964, is hereby amended by the substitution in subsection (2) for paragraph (a) of the following paragraph:

“(a) Any person who—

(i) (aa) has satisfied all the requirements for the degree of *baccalaureus legum* of any university in the Republic after completing a period of

study of not less than five years for that degree; or

(bb) after he or she has satisfied all the requirements for the degree of

bachelor other than the degree of *baccalaureus legum*, of any

university in the Republic or after he or she has been admitted to the

status of any such degree by any such university, has satisfied all the

requirements for the degree of *baccalaureus legum* of any such

university after completing a period of study for such degrees of not

less than five years in the aggregate[, and who has passed not less

ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woerde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.
- Woerde met 'n volstreep daaronder, dui invloegings in bestaande verordenings aan.

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WET

Tot wysiging van die Wet op die Toelating van Advokate, 1964, die Wet op Prokureurs, 1979, die "Admission of Advocates Act," 1964, van die voormalige Transkei, die "Attorneys, Notaries and Conveyancers Admission Act," 1934, van die voormalige Transkei, die Wet op die Toelating van Advokate, 1964, van die voormalige Bophuthatswana, die Wet op Prokureurs, Notaris en Transportborsers, 1984, van die voormalige Bophuthatswana, die "Admission of Advocates Act," 1964, van die voormalige Venda, die "Attorneys Act," 1987, van die voormalige Venda, die "Admission of Advocates Act," 1964, van die voormalige Ciskei en die "Attorneys Act," 1979, van die voormalige Ciskei, ten einde die vereiste af te skaf dat aansoekers om toelating as advokate of prokureurs in eksamens in die Afrikaanse en Engelse tale moes geslaag het; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die President geteken.)

(Goedgekeur op 10 Julie 1995.)

DAAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:

Wysiging van artikel 3 van Wet 74 van 1964, soos gewysig deur artikel 1 van Wet 73 van 1965, artikel 16 van Wet 29 van 1974, artikel 1 van Wet 39 van 1977, artikel 5 1 van Wet 60 van 1984, artikel 1 van Wet 17 van 1987, artikel 2 van Wet 106 van 1991 en artikel 2 van Wet 55 van 1994

1. Artikel 3 van die Wet op die Toelating van Advokate, 1964, word hierby gewysig deur in subartikel (2) paragraaf (a) deur die volgende paragraaf te vervang:
- "(a) 'n Persoon wat
- 10 (i) (aa) aan al die vereistes vir die graad *baccalaureus legum* van 'n universiteit in die Republiek voldoen het nadat hy of sy tot die status van so 'n *baccalaureus*-graad deur so 'n universiteit toegelaat is, aan al die vereistes vir die graad *baccalaureus legum* van so 'n universiteit voldoen het nadat hy of sy 'n studietylperk vir daardie grade van minstens vyf jaar in die geheel voltooi het; en wat in minstens
- 15 (bb) nadat hy of sy aan al die vereistes vir 'n ander *baccalaureus*-graad as die graad *baccalaureus legum* van 'n universiteit in die Republiek voldoen het of nadat hy of sy tot die status van so 'n *baccalaureus*-graad deur so 'n universiteit toegelaat is, aan al die vereistes vir die graad *baccalaureus legum* van so 'n universiteit voldoen het nadat hy of sy 'n studietylperk vir daardie grade van minstens vyf jaar in die geheel voltooi het; en wat in minstens
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- een kursus in die Afrikaanse taal en minstens een kursus in die Engelse taal wat deur so 'n universiteit vir 'n *baccalaureus*-graad voorgeskryf of erken word, geslaag het]; of
- (ii) voldoen het aan al die vereistes vir 'n graad of grade van 'n universiteit in 'n land wat die Minister, na oorleg met die Algemene Balieraad van Suid-Afrika, by kennisgewing in die *Staatskoerant* aangewys het, en ten opsigte waarvan 'n universiteit in die Republiek met 'n regsfakulteit gesertifiseer het dat die leerplan en standaard van opleiding gelyk is aan, of hoër is as, dié wat vir die graad *baccalaureus legum* van 'n universiteit in die Republiek vereis word[: **Met dien verstande dat—**
- (aa) die leerplan vir genoemde graad of een van genoemde grade vereis dat die betrokke persoon in minstens een kursus in die Afrikaanse taal en minstens een kursus in die Engelse taal moet slaag; of
- (bb) die betrokke persoon in minstens een kursus in die Afrikaanse taal en minstens een kursus in die Engelse taal wat deur 'n universiteit in die Republiek vir 'n *baccalaureus*-graad voorgeskryf of erken word, geslaag het];”.

Wysiging van artikel 7 van Wet 74 van 1964, soos gewysig deur artikel 2 van Wet 73 van 1965, artikel 2 van Wet 60 van 1984 en artikel 3 van Wet 55 van 1994

2. Artikel 7 van die Wet op die Toelating van Advokate, 1964, word hierby gewysig deur in subartikel (1) paragraaf (b) te skrap.

Wysiging van artikel 15 van Wet 53 van 1979, soos vervang deur artikel 7 van Wet 108 van 1984 en gewysig deur artikel 11 van Wet 87 van 1989 en artikel 14 van Wet 115 van 1993

3. Artikel 15 van die Wet op Prokureurs, 1979, word hierby gewysig—
 (a) deur in subartikel (1) na subparagraaf (ivA) van paragraaf (b) die woord “en” in te voeg; en
 (b) deur in subartikel (1) subparagraaf (v) van paragraaf (b) te skrap.

Wysiging van artikel 81 van Wet 53 van 1979, soos gewysig deur artikel 5 van Wet 76 van 1980, artikel 4 van Wet 60 van 1982, artikel 4 van Wet 56 van 1983, artikel 7 van Wet 80 van 1985, artikel 29 van Wet 87 van 1989 en artikel 20 van Wet 115 van 1993

4. Artikel 81 van die Wet op Prokureurs, 1979, word hierby gewysig deur in subartikel (1) paragraaf (i) te skrap.

Wysiging van artikel 3 van Wet 74 van 1964 (Transkei), soos gewysig deur artikel 6 van Wet 55 van 1994

5. Artikel 3 van die “Admission of Advocates Act,” 1964, wat in die gebied van die voormalige Republiek van Transkei van toepassing is, word hierby gewysig deur in subartikel (2) paragraaf (a) deur die volgende paragraaf te vervang:

- “(a) Any person who—
 (i) has satisfied all the requirements for the degree of *baccalaureus legum* of any university in the Republic[**, the Republic of South Africa**] or any other country designated by the Minister by notice in the *Gazette*, 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 such university for a *baccalaureus* degree]; or
 (ii) after he or she has satisfied all the requirements for the degree of bachelor other than the degree of *baccalaureus legum*, of any university in the Republic[**, the Republic of South Africa**] or any other country designated by the Minister by notice in the *Gazette*, or after he or she has been admitted to the status of any such degree by any such university, has satisfied all the requirements for the degree of *baccalaureus legum* of any such university after pursuing courses of study for

less than five years in the aggregate [and who has passed not less than one course in the English language prescribed or recognized by such university for a *baccalaureus* degree];”.

Amendment of section 10 of Act 23 of 1934 (Transkei), as amended by section 1 of Act 14 of 1980 (Transkei)

6. Section 10 of the Attorneys, Notaries and Conveyancers Admission Act, 1934, applicable in the area of the former Republic of Transkei, is hereby amended by the deletion of paragraph (c).

Amendment of section 3 of Act 74 of 1964 (Bophuthatswana), as amended by section 2 of Act 9 of 1987 (Bophuthatswana) and section 6 of Act 55 of 1994

7. Section 3 of the Admission of Advocates Act, 1964, applicable in the area of the former Republic of Bophuthatswana, is hereby amended—

- (a) by the substitution in subsection (2) for subparagraphs (i) and (ii) of paragraph (a) of the following subparagraphs:

“(i) has satisfied all the requirements for the degree of *baccalaureus legum* of any university in the Republic 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 Afrikaans language and not less than one course in the English language as prescribed or recognized by such university for a *baccalaureus* degree]; or

(ii) after he or she has satisfied all the requirements for a *baccalaureus* degree other than the degree of *baccalaureus legum*, of any university in the Republic, or after he or she has been admitted to the status of any such degree by any such university, has satisfied all the requirements for the degree of *baccalaureus legum* of any such 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 Afrikaans language and not less than one course in the English language as prescribed or recognized by such university for a *baccalaureus* degree];”;

- (b) by the deletion in subsection (2) of the proviso to subparagraph (iii) of paragraph (a); and

- (c) by the deletion in subsection (2) of the provisos to paragraph (a).

Amendment of section 16 of Act 29 of 1984 (Bophuthatswana), as amended by section 1 of Act 21 of 1986 (Bophuthatswana) and section 4 of Act 12 of 1991 (Bophuthatswana)

8. Section 16 of the Attorneys, Notaries and Conveyancers Act, 1984, applicable in the area of the former Republic of Bophuthatswana, is hereby amended—

- (a) by the deletion in subsection (1) of paragraph (f); and

- (b) by the insertion in subsection (1) after paragraph (g) of the word “and”.

Amendment of section 3 of Act 74 of 1964 (Venda), as amended by Proclamation 1 of 1992 (Venda) and section 6 of Act 55 of 1994

9. Section 3 of the Admission of Advocates Act, 1964, applicable in the area of the former Republic of Venda, is hereby amended—

- (a) by the substitution in subsection (2) for item (bb) of subparagraph (i) of paragraph (a) of the following item:

“(bb) after he or she has satisfied all the requirements for the degree of bachelor other than the degree of *baccalaureus legum*, of any university in the Republic [or the Republic of South Africa] or after he or she has been admitted to the status of any such degree by any such university, has satisfied all the requirements for the degree of *baccalaureus legum* of any such university after completing a period 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 Afrikaans language and not less than one course

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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 recognized by such university for a *baccalaureus* degree];”.

Wysiging van artikel 10 van Wet 23 van 1934 (Transkei), soos gewysig deur artikel 5 1 van Wet 14 van 1980 (Transkei)

6. Artikel 10 van die “Attorneys, Notaries and Conveyancers Admission Act”, 1934, wat in die gebied van die voormalige Republiek van Transkei van toepassing is, word hierby gewysig deur paragraaf (c) te skrap.

Wysiging van artikel 3 van Wet 74 van 1964 (Bophuthatswana), soos gewysig deur 10 artikel 2 van Wet 9 van 1987 (Bophuthatswana) en artikel 6 van Wet 55 van 1994

7. Artikel 3 van die Wet op die Toelating van Advokate, 1964, wat in die gebied van die voormalige Republiek van Bophuthatswana van toepassing is, word hierby gewysig—

(a) deur in subartikel (2) subparagraphe (i) en (ii) van paragraaf (a) deur die volgende subparagraphe te vervang:

“(i) voldoen het aan al die vereistes vir die graad *baccalaureus legum* van 'n universiteit in die Republiek nadat hy of sy vir daardie graad 'n studiekursus van minstens vyf jaar gevvolg het[, en wat geslaag het in minstens een kursus in die Afrikaanse taal en minstens een kursus in die Engelse taal wat deur so 'n Universiteit vir 'n *baccalaureus*-graad voorgeskryf of erken word]; of

(ii) nadat hy of sy voldoen het aan al die vereistes vir 'n *baccalaureus*-graad, ander dan die graad *baccalaureus legum*, van 'n universiteit in die Republiek, of, nadat hy of sy tot die status van so 'n *baccalaureus*-graad deur so 'n universiteit toegelaat is, voldoen het aan al die vereistes vir die graad *baccalaureus legum* van so 'n universiteit nadat hy of sy studiekursusse vir sodanige grade vir minstens vyf jaar in die geheel gevvolg het [en wat geslaag het in minstens een kursus in die Afrikaanse taal en minstens een kursus in die Engelse taal wat deur so 'n universiteit vir 'n *baccalaureus*-graad voorgeskryf of erken word];”;

(b) deur in subartikel (2) die voorbehoudsbepaling by subparagraph (iii) van paragraaf (a) te skrap; en

(c) deur in subartikel (2) die voorbehoudsbepalings by paragraaf (a) te skrap.

Wysiging van artikel 16 van Wet 29 van 1984 (Bophuthatswana), soos gewysig deur artikel 1 van Wet 21 van 1986 (Bophuthatswana) en artikel 4 van Wet 12 van 1991 (Bophuthatswana)

8. Artikel 16 van die Wet op Prokureurs, Notarisse en Transportbesorgers, 1984, wat in die gebied van die voormalige Republiek van Bophuthatswana van toepassing is, word hierby gewysig—

(a) deur in subartikel (1) paragraaf (f) te skrap; en

(b) deur in subartikel (1) na paragraaf (g) die woord “en” in te voeg.

Wysiging van artikel 3 van Wet 74 van 1964 (Venda), soos gewysig deur Proklamasie 1 van 1992 (Venda) en artikel 6 van Wet 55 van 1994

9. Artikel 3 van die “Admission of Advocates Act,” 1964, wat in die gebied van die voormalige Republiek van Venda van toepassing is, word hierby gewysig—

(a) deur in subartikel (2) item (bb) van subparagraph (i) van paragraaf (a) deur die volgende item te vervang:

“(bb) after he or she has satisfied all the requirements for the degree of bachelor other than the degree of *baccalaureus legum*, of any university in the Republic [or the Republic of South Africa] or after he or she has been admitted to the status of any such degree by any such university, has satisfied all the requirements for the degree of *baccalaureus legum* of any such university after completing a period of study for such degrees of not less than five years in the aggregate[, and who

and other documents in the English language prescribed or recognized by such university for a *baccalaureus* degree]; or"; and

(b) by the deletion in subsection (2) of the proviso to subparagraph (ii) of paragraph (a).

Amendment of section 15 of Act 42 of 1987 (Venda)

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10. Section 15 of the Attorneys Act, 1987, applicable in the area of the former Republic of Venda, is hereby amended—

(a) by the insertion in subsection (1) after subparagraph (iv) of paragraph (b) of the word "and"; and

(b) by the deletion in subsection(1) of subparagraph (v) of paragraph (b).

Amendment of section 80 of Act 42 of 1987 (Venda)

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11. Section 80 of the Attorneys Act, 1987, applicable in the area of the former Republic of Venda, is hereby amended by the deletion in subsection (1) of paragraph (h).

Amendment of section 3 of Act 74 of 1964 (Ciskei), as amended by section 2 of Act 32 of 1985 (Ciskei) and section 2 of Decree 8 of 1991 (Ciskei)

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12. Section 3 of the Admission of Advocates Act, 1964, applicable in the area of the former Republic of Ciskei, is hereby amended by the deletion in paragraphs (a) and (b) of subsection (2) of the expression "and who has passed not less than one course in the English language prescribed or recognized by a university for a *baccalaureus* degree".

Amendment of section 15 of Act 53 of 1979 (Ciskei), as substituted by section 11 of Decree 10 of 1993 (Ciskei)

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13. Section 15 of the Attorneys Act, 1979, applicable in the area of the former Republic of Ciskei, is hereby amended by the deletion in subsection (1) of subparagraph (v) of paragraph (b).

Amendment of section 81 of Act 53 of 1979 (Ciskei), as amended by section 29 of Decree 10 of 1993 (Ciskei)

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14. Section 81 of the Attorneys Act, 1979, applicable in the area of the former Republic of Ciskei, is hereby amended by the deletion in subsection (1) of paragraph (i).

Short title

15. This Act shall be called the Admission of Legal Practitioners Amendment Act, 1995.

30

- has passed not less than one course in the Afrikaans language and not less than one course in the English language prescribed or recognized by such university for a *baccalaureus* degree]; or"; en**
- 5 (b) deur in subartikel (2) die voorbehoudsbepaling by subparagraaf (ii) van paragraaf (a) te skrap.

Wysiging van artikel 15 van Wet 42 van 1987 (Venda)

- 10 **10. Artikel 15 van die "Attorneys Act," 1987, wat in die gebied van die voormalige Republiek van Venda van toepassing is, word hierby gewysig—**
- (a) deur in subartikel (1) na subparagraaf (iv) van paragraaf (b) die woord "and" in te voeg; en
- (b) deur in subartikel (1) subparagraaf (v) van paragraaf (b) te skrap.

Wysiging van artikel 80 van Wet 42 van 1987 (Venda)

- 15 **11. Artikel 80 van die " Attorneys Act," 1987, wat in die gebied van die voormalige Republiek van Venda van toepassing is, word hierby gewysig deur in subartikel (1) paragraaf (h) te skrap.**

Wysiging van artikel 3 van Wet 74 van 1964 (Ciskei), soos gewysig deur artikel 2 van Wet 32 van 1985 (Ciskei) en artikel 2 van Dekreet 8 van 1991 (Ciskei)

- 20 **12. Artikel 3 van die "Admission of Advocates Act," 1964, wat in die gebied van die voormalige Republiek van Ciskei van toepassing is, word hierby gewysig deur in paragrawe (a) en (b) van subartikel (2) die uitdrukking "and who has passed not less than one course in the English language prescribed or recognized by a university for a *baccalareus* degree" te skrap.**

Wysiging van artikel 15 van Wet 53 van 1979 (Ciskei), soos vervang deur artikel 11 van Dekreet 10 van 1993 (Ciskei)

- 25 **13. Artikel 15 van die "Attorneys Act," 1979, wat in die gebied van die voormalige Republiek van Ciskei van toepassing is, word hierby gewysig deur in subartikel (1) subparagraaf (v) van paragraaf (b) te skrap.**

Wysiging van artikel 81 van Wet 53 van 1979 (Ciskei) soos gewysig deur artikel 29 van Dekreet 10 van 1993 (Ciskei)

- 30 **14. Artikel 81 van die "Attorneys Act," 1979, wat in die gebied van die voormalige Republiek van Ciskei van toepassing is, word hierby gewysig deur in subartikel (1) paragraaf (i) te skrap.**

Kort titel

- 15. Hierdie Wet heet die Wysigingswet op die Toelating van Regspraktisyens, 1995.**



