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FREE STATE LEGISLATURE

**PORTFOLIO COMMITTEE ON COOPERATIVE GOVERNANCE, TRADITIONAL
AFFAIRS & HUMAN SETTLEMENTS**

Negotiating Mandate

TO: Chairperson of the Select Committee on Security & Constitutional Development

NAME OF BILL: Legal Practice Bill

NUMBER OF BILL: B20B-2012

DATE OF DELIBERATION: 11 February 2014

INPUTS FROM THE LEGISLATURE:

The Portfolio Committee on Cooperative Governance, Traditional Affairs & Human Settlements as designated by the Free State Legislature proposes the following amendments on the Bill:

- The Attorneys Fidelity Fund is not a juristic person (not a legal person) but is merely a Fund which is held in trust and administered by a Board of Control;
- The State may not be involved in the governance and management of the profession;
- It is proposed that the definition of "advocate" be amended to read as follows: *"means a legal practitioner practicing as a sole practitioner on a referral basis and without a Fidelity Fund certificate"*;

- Clause 3 ought to include a sub-clause reading as follows:
"protect and promote the independence of the legal profession";
- Clause 5(g) - that the word "determine" at the beginning of that clause, be replaced with the word "monitor";
- Clause 29 - that the words "Community service", be clearly defined in the Bill;
- Variation on prescribed fees - impractical to regulate attorney costs on that basis;
- Attorneys who run estate agent practice are exempted from the Fidelity Fund and provision should be made for the protection of their clients;
- Section 64(2)(e) - the LSSA submits that a committee member should be allowed to be a member of the Board of the Fund and
- Section 100 - The Chairperson and Deputy Chairperson of the National Forum should be legal practitioners.

The Free State delegates to vote in favour of the Bill.



MR CJ VAN ROOYEN
ACTING CHAIRPERSON OF PORTFOLIO COMMITTEE ON COOPERATIVE GOVERNANCE,
TRADITIONAL AFFAIRS & HUMAN SETTLEMENTS
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