

Committee Summary?
14 02 25
Security

Legal Practice Bill: Negotiating Mandates

[B20B-2012]

Province	Vote
Eastern Cape	Yes
Free State	Yes
Gauteng	
KZN	Abstains
Limpopo	Yes
Mpumalanga	Yes
Northern Cape	Yes
North West	Yes
Western Cape	No

<p>Chapter 1: Definitions, Application and Purpose of the Act</p>	<p>1. Clause 1: Definition of "Advocate," "Attorney" and "Conveyancer"</p> <p>Submission: advocate, attorney and Conveyancer</p> <p>Although the Bill clearly does not seek to fuse the nature of the profession of an Advocate with that of an Attorney or <i>vice versa</i> the above definitions seem to inadvertently fuse the two professions and accordingly must be reviewed.</p> <p>Under Clause 4 of the Bill, by establishing the Legal Practice's Council the Bill inadvertently tampers with the independence of the legal profession as will further be explained below. It is a fact that the independence of the legal profession in turn, is a pre requisite for the independence of our judiciary in our young democracy.</p>	<p>EC</p>
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<p>Free State</p>	<p>It is proposed that the definition of "advocate" be amended to read as follows: "means a legal practitioner practising as a sole practitioner on a referral basis and without a Fidelity Fund certificate";</p> <p>Clause 3 ought to include a sub-clause reading as follows:</p> <p><i>"protect and promote the independence of the legal profession";</i></p> <p>Section 3(b)(viii)</p> <p>"A system that will establish, promote and facilitate easy access by the public to any fee structures or guidelines that may be put in place by the Council pursuant to the provisions of this Act."</p>	
<p>KZN</p>	<p>"Advocate" Clauses 1 and 34</p> <p>It is proposed that the definition of "advocate" be amended to read as follows:</p> <p>"means a legal practitioner practising as a sole practitioner on a referral basis and without a Fidelity Fund certificate";</p> <p>Alternatively-</p> <p>"means a legal practitioner who was duly admitted and enrolled in terms of the Admission of Advocates Act, 1964, or who is admitted, enrolled and registered as such under this Act"</p> <p>It is proposed that the definition of "attorney" be amended to read as follows:</p> <p>"attorney" means a legal practitioner who was duly admitted and enrolled in terms of the Attorneys Act, 1979, or who is admitted, enrolled and registered as such under this Act"</p>	

“Legal Profession”

It is proposed that a definition of **“legal profession”** be inserted in clause 1 and that it reads as follows:
“means the attorneys profession and the advocates profession”

Clause 3 – Purpose of the Act

1. Consistent with the long title of the Bill, Clause 3 ought to include a sub-clause reading as follows:
“(h) protect and promote the independence of the legal profession”.

Clause 3(b) – Access to Justice

We recommend the following wording:

“ Broaden access to [justice] affordable legal services by putting in place - ... (list specific mechanisms/objectives by which this would be achieved)

Clause 3(b)(i)

(a) Delete the current clause 3(b)(i) and insert the following:

“structures to determine reasonable fees chargeable by legal practitioners for legal services rendered and the provision of pro bono work.”

The proposed wording will comply with the object of the Council provided for in clause 5(b) which is to
“ensure that fees charged by legal practitioners for legal services rendered are reasonable and promote access to legal services, thereby enhancing access to justice”.

(b) Clause 3(b)(ii) – It is unrealistic and not in the public interest to expect of candidate legal practitioners to render community service. They are occupied by their full training programme and have not reached the level of competence required to render legal services.

(c) Insert the following clauses:

Clause 3(b)(iv)

“A system in terms of which a legal practitioner is obliged to enter into a written costs agreement with a client, disclosing the proposed hourly rates for actual time spent, an estimate of the total number of hours to be spent and all other contractual terms of govern the relationship, prior to providing services. If a fixed fee is prescribed in terms of this Act or any other Act, the costs agreement must reflect that.”

Clause 3(b)(v)

A provision in the Code of Conduct that it is permissible for legal practitioners to advertise their services and rates in any manner, provided that it complies with the guidelines or rules of the Advertising Standards Authority of South Africa or any other applicable law:

Clause 3(b)(vi)

A system that will facilitate the registration and regulation of alternative structures through which legal services may be dispensed:

	<p><u>Section 3(b)(vii)</u></p> <p><u>"A system that will establish, promote and facilitate easy access by the public to any fee structures or guidelines that may be put in place by the Council pursuant to the provisions of this Act."</u></p> <p>Clause 3(c)</p> <p>We agree with an independent legal profession in the sense of it being able to represent whoever they choose to, whoever the opponent, without interference or prejudice to privileged attorney/client communications, provided that it is underpinned by an independent judiciary and Constitutional safeguards. We do not believe that a level of independence that equates to near total autonomy to practice a profession, is required in the public interest. Perhaps the term "independence" should be defined.</p>	
	<p>On page 7, after line 26, to insert the definition of "legal advisor" to read as: <u>"legal advisor" means a person who is in full-time employment of any organ of state, enrolled as such in terms of section 24 and 30 of this Act.</u></p> <p>On page 7, after line 39, to insert "organ of State" to read as follows:</p> <p><u>"organ of State" means-</u></p> <ul style="list-style-type: none"> (a) <u>Any department of state or administration in the national, provincial or local</u> (b) <u>Any other functionary or institution sphere of government; or</u> 	Mpumalanga

<p>EC</p>	<p>Clause 5 : Objects of the Bill</p> <p>Although it is stated clearly in under Clause 5 that the bill seeks amongst others to promote public interest our view is that the Bill also seeks to promote the interests of the legal profession. We therefore propose that it must be added under this clause that the Bill also seeks to promote "the interests of the legal profession" due to the fact that the interest of the public is integral to that of the legal profession and vice versa.</p> <p>Clause 7: Composition of the Council</p> <p>Clause 7 (1) (b) This clause is vague due to the fact that there is no clarity as to who may nominate or designate these teachers of law to serve on the Council. We submit that this must be reconstructed as follows-</p> <p>"Two teachers of law, one being a dean of the faculty of law at a University within the</p>	<p>Chapter 2: South African Legal Practice Council</p>
	<p>(i) Exercising a power or performing a function in terms of the Constitution or a provincial constitution; or</p> <p>(ii) Exercising a public power or performing a public function in terms of any legislation.</p> <p>But does not include a court or a judicial officer.</p> <p>On page 7, after line 56, to insert "State advocate" and "State attorney", to read as follows:</p> <p>"State advocate" means a person who has been admitted as an advocate of the High Court of South Africa, who is in the full-time employment of any organ of state as a legal advisor or appointed by the National Prosecuting Authority of South Africa in terms of the National Prosecuting Act, 1998 (Act No.32 of 1998)</p> <p>"State attorney" means an attorney who is in full-time employment of any organ of state as a legal advisor or appointed in terms of the State Attorneys Act, 1957 (Act No. 56 of 1957)</p>	

	<p>Republic, and the other being a teacher of law at a University in the Republic designated by teachers of law at South African Universities” We make reference to Section 178 (1) (g) of the Constitution of the Republic of South Africa Act 108 of 1996 where a similar construction is used for nominations of persons to serve on the Judicial Service Commission.</p> <p>2. Clause 17: Decision of the Council</p> <p>Clause 17(1) provides that the majority of members of the Council constitutes a quorum at any meeting of the Council. We suggest that this clause be amended to read as follows-</p> <p>“ A majority view of the members present at a meeting of the Council constitutes a decision of the council” This amendment will also be in line with Clause 20 (9) (d) of the Bill where a similar construction is used.</p>	
	<p>Clause 5(g) – that the word “<i>determine</i>” at the beginning of that clause, be replaced with the word “<i>monitor</i>”;</p> <p>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;</p> <p>The State may not be involved in the governance and management of the profession.</p>	Free State
	<p>Clause 5:</p> <p>As per clause 5 of the Bill, but with the following amendments:</p> <p>(i) Clause5(g) – delete the word [determine]” at the beginning of that clause and replace it with <u>monitor</u>.</p> <p>(ii) Clause 5(k) – make provision for the protection of the interests and independence of the</p>	KZN

profession by inserting immediately after the words "the administration of justice", the words the interest and independence of the legal professions.

As per clause 6 of the Bill with the following amendments:

(i) **Clause 6(1)(b)(i)** – delete the word **[develop]** at the beginning of that clause and replace it with monitor the development of.

(ii) **Clause 6(4)** – the only funding to be raised by the Council by way of fees and charges are to be for the fulfilment of its functions. The two Chambers and the Regional Councils are to be funded as set out below.

(iii) **Clause 6(5)(a)** – the meaning of "conduct visits" ought to be clarified. It ought to be restricted to local educational institutions.

(iv) **Clause 6(5)(d)** – delete.

(v) **Clause 6(5)(e)** – delete the word **[determination]** and replace with monitor.

Insert the following proposed amendments

Part 3

23A Objects of Chambers

(1) **The objects of the Chamber of Attorneys are to—**

(i) co-ordinate the management and governance of attorneys in accordance with the provisions

of this Act;

(ii) determine, in consultation with the Legal Practice Council, and enforce appropriate standards

of professional practice for attorneys and ethical conduct of attorneys;

- (iii) provide, in consultation with the Legal Practice Council, high standards of legal education and training for attorneys;
- (iv) co-operate with the Legal Practice Council to enable the latter to fulfil its duties and functions.

(2) The objects of the Chamber of Advocates are to:

- (i) co-ordinate the management and governance of advocates in accordance with the provisions of this Act;
- (ii) determine, in consultation with the Legal Practice Council, and enforce appropriate standards of professional practice for advocates and ethical conduct of advocates;
- (iii) provide, in consultation with the Legal Practice Council, high standards of legal education and training for advocates;
- (iv) co-operate with the Legal Practice Council to enable the latter to fulfil its duties and functions.

(3) Powers, Duties and Functions of Chambers

- (a) The Chambers may, and where required in the circumstances, must, do all that is necessary or expedient to achieve their objects referred to above.
- (b) The Chamber of Attorneys will be funded by the Provincial Councils of Attorneys and the Chamber of Attorneys may determine the sum of the contributions to be made by the Provincial Councils of Attorneys from time to time.
- (c) The Chamber of Advocates will be funded by the Provincial Councils of Advocates and the Chamber of Advocates may determine the sum of the contributions to be made by the Provincial Councils of

Advocates from time to time.

(d) Consequential amendments need to be effected to the Bill where necessary in order to provide for the Chamber's Attorneys and Advocates, and their powers and functions.

Clause 7-Composition of the Council

The Bill, in accordance with the Constitution, provides for the continuation of the two professions.

Clause 7(1)(a) envisages the appointment of 16 legal practitioners, comprising 10 practising attorneys and 6 practising advocates. Provision ought to be made for 20 legal practitioners and equal representation of attorneys and advocates, namely 10 practising advocates elected by practising advocates and 10 attorneys elected by attorneys.

In this context **Clauses 7(1)(b), 7(1)(c), 7(1)(d) and 7(1)(e)** ought to be deleted as they constitute an infringement of the independence of the legal profession. Once appointed to the Council its members should act independently (and should be perceived to act independently) and in the best interests of the profession and the public and not as delegates or representatives of any sectoral interests.

The further proposal is that provision be made for at least two persons, appointed by the legal expenses insurance sector, to be included as members of Council.

A recommendation proposes the following insertion to the Section:

Clause 7(1)(f)

	<p><u>"Two persons nominated by the legal expenses insurance sector, after consultation with the National Consumer Commissioner."</u></p> <p>Clause 14 - Dissolution of Council</p> <p>Clause 14 empowers the Minister to be involved in the dissolution of the Council if the Minister loses confidence in the ability of the Council to perform its functions effectively and efficiently. This provision ought to be deleted as it constitutes an infringement of the independence of the profession.</p> <p>Clause 17 - Decisions of Council</p> <p>Clause 17 – advocates ought to have a veto right in respect of matters peculiar to advocates.</p>	
	<p>Clause 6(5)(i) We submit that the Minister's decision must be made <u>in consultation with the Legal Practice Council (LPC)</u> and must give regard to the views of the Competition Commission and the professional bodies of other professions, if the MDP is to involve another profession.</p> <p>Clause 6(1)(b)(iv) be aligned with Clause 6(2)(e)</p> <p>Clause 6(4)(b): The council should determine the costs of the Fidelity Fund certificates in consultation with the Board.</p> <p>Clause 7(1)(b): Section to be amended as follows: "one teacher of law or legal academic designated by teachers of law at South African universities"</p> <p>Clause 17(1): To be amended as follows: "A majority of the members <u>present at a meeting</u> of the Council constitutes a decision of the Council.</p>	Limpopo

Northern Cape	<p>Clause 7: the Committee suggests that this clause include a sub-clause that states that female legal practitioners be proportionally represented in the Council to effect transformation in the profession, the bar and the bench.</p> <p>Clause 7(1)(b): that the Bill include that the teachers of law have the appropriate qualifications.</p>	Chapter 3: Regulation of
Mpumalanga	<p>Clause 14: Dissolution of Council</p> <p>On page 14, clause 14(3)-(4), insert and delete some words, as follows:</p> <p>(3) [if] After receiving the recommendations from the Ombud as contemplated in subsection (2), the Minister must. [still has concerns in the ability of the Council to perform its functions effectively and efficiently, and the Minister is of the view that] if it is in the best interests of the administration of justice that the Council be dissolved, dissolve the Council. The or she must, in order to do so, approach the High Court with an application for an order dissolving the Council, together with any terms or conditions that the court deems appropriate.]</p> <p>(4) (a) If the Minister dissolves the Council [pursuant to a court order contemplated in subsection (3),] he or she [the Minister] must, having regard to the provisions of section 7, appoint an interim Council, consisting of at least seven persons. [and give effect to any conditions or terms contained in the court order.]</p> <p>(b) The interim Council must be appointed within 21 days after the dissolution of the Council and must be appointed for a period determined by the Minister [or the court], which period may not exceed six months.</p> <p>(c) The majority of the seven members of the interim Council must be legal practitioners, in line with the composition stipulated in section 7(1).</p>	Chapter 3: Regulation of
Free State	<p>Clause 29 – that the words “Community Service”, be clearly defined in the Bill.</p>	Chapter 3: Regulation of

<p>Legal Practitioners and Candidate Legal Practitioners</p>	<p>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.</p>	
	<p>Clause 24- Admission and enrolment</p> <p>Clause 24(2)(d) Consequently it is proposed that, in addition to service on the Council, service be effected on the Provincial Council for Attorneys (in the event of an application for admission as an attorney) or the Provincial Council for Advocates (in the event of an application for admission as an advocate) in the area of jurisdiction of the court where the application is launched.</p> <p>Clause 25 – Right of appearance of legal practitioners and candidate legal practitioners</p> <p>It is proposed that the expression “candidate attorney” must be substituted by “candidate legal practitioner” which appears in the present sub-clause (5).</p> <p>Clause 26 - Vocational Training</p> <p>Clause 26(1)(b)– due to falsification of foreign degree certificates courts, in certain instances, have refused to admit persons who allegedly had a law degree obtained in a foreign country and recognised by the South African Qualifications Authority. This provision therefore ought to be reconsidered.</p> <p>Clause 26(1)(c) empowers the Minister to prescribe the practical vocational training requirements. This is inimical to the principle of independence of the professions. It should be left to the professions.</p> <p>Clause 29 - Community Service:</p> <p>It is suggested that a new clause be introduced along the following lines:</p>	<p>KZN</p>

"1. All advocates and all attorneys must undertake and perform pro bono service as determined by the

Legal Practice Council.

2. Taking into account the differences between attorneys and advocates, the Council must

formulate, adopt and publish requirements for pro bono service which requirements must:-

(i) Contain a definition of pro bono service which definition must take into account that

the essential purpose of pro bono service is for practitioners to deliver legal services

for no remuneration to the indigent who do not have to pay for the services in order to

facilitate access to justice;

(ii) prescribe time periods that legal practitioners are obliged to perform pro bono work;

(iii) describe the classes of work that qualify as pro bono work;

(iv) prescribe procedures whereby legal practitioners have to report on the pro bono work

that they performed;

(v) describe circumstances that will excuse or exempt legal practitioners from performing

pro bono work;

(vi) prescribe sanctions should a legal practitioner fail to perform pro bono work or to

report as required."

(i) In the second place, the community service as contemplated in the Bill is vague, contradictory

and impractical to implement. It is suggested that clause 29 should simply be an enabling

provision and that the particulars of the system be determined by the Legal Professional Council.

Clause 33 – Authority to render legal services

Clause 33 (1) grants authority to a Legal Practitioner to render legal services "provided that such individual

is admitted and enrolled."

Clause 34 – Forms of legal practice

Clause 34(1) provides that that an Attorney may render legal services upon receipt of a request "directly" by members of the public for that service.

The phrase "directly", needs clarification. If it means that a member of the public may not appoint an agent to deal with an attorney on his/her behalf, we do not support it.

(a) We suggest the following amendment :

34(1)(a) "...upon receipt of a request directly from a member of the public or any person duly appointed by that member of the public; or

34(1)(b) " any communication between such a person and his/her duly appointed agent, as well as the communication between the appointed agent and the appointed legal practitioner, are privileged communications, as provided for in the relevant legislation." Alternatively,

Clause 34(9)

If our recommendation for 2 persons from the legal expenses insurance to serve on the Council is not acceptable, we recommend that the Bill must allow for any juristic entity to conduct an incorporated legal practice, regardless of ownership and control.

Clause 34(7)(c)

In the context of a corporation, it is not appropriate to refer to "*partners*".

We suggest the following amendment :

Clause 34(7)(c)

Those shareholders or directors of an incorporated legal practice who are legal practitioners, are liable

<p>Mpumalanga</p>	<p>Clause 34: Forms of legal practice</p> <p>Clause 35(8): Clients should be allowed to waive this requirement in writing. inserted. Clause 35(7): The words "to the best of his/her ability, in the light of the then available information" should be Clause 35(3): the phrase "on his/her own initiative" should be deleted. after consultation. Furthermore, the regulation should be published in the Government Gazette. Clause 24(3): The Minister's determination should also be done in consultation with the LPC, rather than Limpopo</p>	
	<p>34(7)(c)(i). Clause 34(7)(c)(ii) This clause should be deleted. Except for vicarious liability and negligence, it is not in line with existing laws to hold anyone other than the perpetrator, liable for the latter's criminal acts. Clause 35 – Fee structure of legal practitioners, juristic entities and justice centres The ability of the Council to determine fee structures within the vague parameters in clause 5(b), of what is reasonable and will promote access to legal services, has to be read with this clause. There are shortcomings that we do not believe will address some of the principal reasons for the unaffordable and uncertain nature of legal fees. They are : a) Lack of competition (on price and otherwise), for legal services. b) The sometimes arbitrary nature of charging for legal services by individual legal practitioners. It is proposed that the Minister should not be involved in the determination of a fee structure for legal practitioners. It is a diminution of the independence of the profession.</p>	

jointly and severally with the corporation, for ... then follows the remainder of the wording of clause

	<p>On page 22, clause 34(5)(e), delete the following words, to read as: An attorney in the full-time employment of [the] any organ of State as a state attorney [or the South African Human Rights Commission].</p> <p>On page 22, clause 34(6)(d), delete the following words, to read as: As an advocate in the full-time employment of [the] any organ of State as a state advocate [or the South African Human Rights Commission].</p>	
	<p>Clause 26(1)(c): that the Minister in consultation with the Council prescribes the practical vocational training requirements for a candidate legal practitioner.</p> <p>Clause 29(1): that the Minister in consultation with the Council prescribe the requirements for community service.</p>	Northern Cape
	<p>Clause 33:Clarify this provision by including the word “practicing” which will mean that he/she must have a Fidelity Fund certificate</p>	North West
<p>Chapter 4: Professional Conduct and Establishment of Disciplinary Bodies</p>	<p>Clause 40: Proceedings after disciplinary hearings and sanctions</p> <p>The power of disciplinary Committees in terms of Clause 40 (3) (a) (i) to order the legal practitioner to pay compensation to a complaint is misplaced and in our view must be removed as the reimbursement of persons who suffer pecuniary loss at the hands of legal practitioners is covered under Clause 55</p> <p>Clause 40 (3) (a) (iii) The disciplinary committee must not be given the power or authority to suspend the legal practitioner from practice as such sanction constitute a drastic step the committee must recommend to the Council which may take any action as contemplated in Clause 40 (3) (iv) (aa) –(cc) therefore that authority to suspend the legal practitioner must be reserved for the court; and</p> <p>Clause 40 (3) (v i) In the same vein the disciplinary committee must not be given the power or authority to withdraw the fidelity fund certificate as this also constitutes a drastic step, the committee must recommend</p>	EC

	to Council and that right must reside with the Council.	
KZN	<p>Clause 36 – Code of Conduct</p> <p>We therefore recommend the following amendment, which highlights the crucial importance of the Council consisting of more persons from outside the legal profession:</p> <p><u>Clause 36(1)</u></p> <p>With the unanimous assent of all council members, the Council must develop, review and if necessary amend, a Code of Conduct that applies to.....</p> <p>If the above recommendation is not acceptable, we strongly recommend that the Code of Conduct should be approved by the Minister before taking effect. Alternatively—</p> <p>Clause 36 provides for a code of conduct to be developed by the Council. In accordance with the structure proposed above a code of conduct for attorneys ought to be developed by the Chamber of Attorneys after consultation with the Chamber of Advocates and a code of conduct for advocates ought to be developed by the Chamber of Advocates after consultation with the Chamber of Attorneys.</p>	
Limpopo	<p>Clause 39(9):Reference to the "superior court" in Section 39(9) should be referenced to the "High Court" to correspond with definitions.</p>	
Northern Cape	<p>Clauses 37-40 Establishment of Disciplinary Bodies</p> <p>The Standing Committee proposes that sections 37 to 40 be deleted and substituted with the following section:</p> <p>37(1) The Council must, in consultation with the South African Law Reform Commission develop a uniform disciplinary code to deal with all complaints of misconduct against legal practitioners,</p>	

	<p><u>candidate legal practitioners or juristic entities.</u></p> <p><u>The Minister must publish the uniform disciplinary code in the Gazette.</u></p>	
	<p>The practical implications of the implementation of Clause 35 of the bill in the context of small firms is a concern. In this instance reference was made to matters relating to divorce cases and conveyancing cases, whereby legal practitioners will have a challenge in giving verbal cost estimates to the client as required in terms of clause 35(7)</p> <p>Clause 39(9):Reference to the “superior court” in Section 39(9) should be referenced to the “High Court” to correspond with definitions.</p>	NW
Chapter 5: Legal Services Ombud	<p>Clause 50 (2): The Acting Ombudsman</p> <p>We are of the view that the person to be appointed in terms of Clause 50 (2) must be a former Judge and possesses the same attributes, competences, and qualification as the Ombudsman, as he or she will be exercising the same powers as the ombudsman.</p>	EC
	<p>Clause 50(2)</p> <p>Amend a typographical error “of a judge” line 28</p> <p>Chapter 5- Legal Services Ombud...</p> <p>Clause 47(1) - The Ombud ought to be appointed on the recommendation of the Council to preserve the independence of the profession.</p> <p>Clause 48 – Appointment of Legal Services Ombud</p>	KZN

	<p>It is submitted that it is in the public interest that the Ombud be independent and be seen as such, it is proposed that the Ombud be appointed by the Chief Justice</p> <p>Citizens are by law entitled to refuse to answer incriminating questions. Clause 48(4)(a) which makes it an offence to refuse to answer questions, is a serious and disturbing inroad into a citizen's right to silence. That provision should therefore be removed from the Bill.</p>	
Limpopo	<p>Clause 47, 49 and 50:</p> <p>The acting ombud must be a former judge and possess the same qualifications and competencies as the Ombud, as he or she will be exercising the same powers as the Ombud.</p> <p>Clause 47(1) that the President appoints the Legal Services Ombud in consultation with the Chief Justice. Clause 50(1) and (2) that the President must in consultation with the Chief Justice make the appointment of the acting Ombud.</p>	
Northern Cape	<p>Limitation of Liability of the Fund</p> <p>Clause 56 (1) (a) provides that the Fund is not liable in respect of any loss suffered by a family member or a member of the household of any Attorney or an Advocate referred to in Clause 34 (2) (b) who committed the theft. The term "members of the household" is not defined in the Bill its use is therefore somewhat vague. We propose that this expression be defined for clarity and completeness.</p>	Chapter 6: Legal Practitioner's Fidelity Fund
EC	<p>Clause 62: this provision is unclear and we suggest that the section be amended to read: "5 legal practitioners.....elected by the Council in accordance with the procedure determined in the rules, and in consultation with the Board".</p>	Chapter 7: Handling of Trust

Monies		
Chapter 8: General Provisions		
Chapter 9: Regulations and Rules	Clause 96(1)(c) be substituted with the following section Subject to subsection (3) two fit and proper persons with relevant [who in the opinion of the Minister, are fit and proper persons who have] knowledge of the legal profession, designated by the Minister.	Northern Cape
	A concern was raised regarding the power of the Minister regarding making of the regulations that seek to cap the fees that may be charged by the legal practitioners. Their motivation in this regard being that, it will drive the small law firms out of business.	NW
Chapter 10: National Forum and Transitional Provisions	Section 100 – The Chairperson and Deputy Chairperson of the National Forum should be legal practitioners.	Free State/ NW

