**Report of the Portfolio Committee on Justice and Correctional Services on the draft Regulations, for approval, in terms of section 94(1) of the Legal Practice Act, 2014 (Act No. 28 of 2014), dated 15 March 2023**

The Portfolio Committee on Justice and Correctional Services, having considered the Regulations (elections), for approval, in terms of section 94(1) of the Legal Practice Act, 2014 (Act No. 28 of 2014), reports as follows:

1. Section 94(1) of the Legal Practice Act, 2014 (Act No. 28 of 2014) (“the Act), provides that the Minister may and, where required in the circumstances, must make regulations relating to several matters relating to the Act.
2. In terms of the section 94(3) of the Act, any regulation made must, before publication in the *Gazette*, be tabled in Parliament by the Minister for approval.
3. Specifically, section 94(1)(*c*) of the Act provides that the Minister must make regulations relating to, among others, a procedure for the election of legal practitioners to the Legal Practice Council (“the Council”) as contemplated in section 7(1)(*a*) of the Act.
4. Section 7 of the Act provides for the composition of the Council and section 7(1)(*a*) provides that the Council consists of 16 legal practitioners, elected in accordance with the procedure prescribed by the Minister.
5. Regulation 2 of the Regulations provides for the election procedure referred to in section 7(1)(*a*) of the Act but was drafted in a limited timeframe and was focused on the first election that was held in 2018. The process prescribed by Regulation 2 is currently only paper-based.
6. The Council requested amendments to Regulation 2. Amendment Regulations were tabled in 2021 but were subsequently withdrawn for technical reasons.
7. The proposed amendments are intended to ensure a smooth continuous transition from an existing Council to another, without an overlap in administrative functions, confusion and duplication of elected members. Provision is also made for the option of electronic voting.
8. The proposed amendments do not change the structure or policy of Regulation 2.

**Recommendation**

1. The Committee recommends that the National Assembly approve the draft Regulations submitted in terms of section 94(1) of the Legal Practice Act, 2014 (Act No. 28 of 2014).

**Report to be considered.**