

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO**

**QUALIFICATION OF LEGAL
PRACTITIONERS AMENDMENT
BILL**

[B 83—97]

(As agreed to by the Portfolio Committee on Justice (National Assembly))

[B 83A—97]

REPUBLIEK VAN SUID-AFRIKA

**PORTEFEULJEKOMITEE - AMENDEMENTE
OP**

**WYSIGINGSWETSONTWERP OP
DIE KWALIFIKASIE VAN
REGSPRAKTISYNS**

[W 83-97]

(Soos goedgekeur deur die Portefeuljekomitee oor Justisie (Nasionale Vergadering))

[W 83A—97]

ISBN 0621 27478 X

AMENDMENTS AGREED TO

QUALIFICATION OF LEGAL PRACTITIONERS AMENDMENT BILL [B 83–97]

CLAUSE 6

1. On page 6, in line 28, to omit “Black Administration Act, 1927, Amendment Act, 1929” and to substitute:

[Black Administration Act, 1927, Amendment Act, 1929] Administration Amendment Act, 1929

CLAUSE 11

Clause rejected.

NEW CLAUSE

1. That the following be a new Clause to follow Clause 10:

Transitional provisions

11. (1) Any person who at the commencement of this Act—
 (a) has satisfied the requirements for the degree of *baccalaureus procurationis*; or
 (b) was registered as a student at any university in the Republic with a view to obtaining the degree of *baccalaureus procurationis* and has satisfied the requirements for the said degree on or before 31 December 2004,
 shall for the purposes of sections 2(1)(a), 2A, 4A(b)(ii), 11(3), 13(3) and 15(1)(b)(iii)(aa) of the Attorneys Act, 1979 (Act No. 53 of 1979), as amended by this Act, be deemed to have satisfied the requirements of the degree referred to in paragraph (a) of section 2(1) of that Act.

(2) Any candidate attorney who at the commencement of this Act— “

(a) has satisfied the requirements for the degree of *baccalaureus procurationis*; or
 (b) was registered as a student at any university in the Republic with a view to obtaining the degree of *baccalaureus procurationis* and provided that he or she has satisfied the requirements for the said degree on or before 31 December 2004.

shall be entitled to appear in any court, other than any division of the High Court, a court of the regional division established under section 2 of the Magistrates’ Courts Act, 1944 (Act No. 32 of 1944), or a Divorce Court established under section 10 of the Administration Amendment Act, 1929 (Act No. 9 of 1929), and before any board, tribunal or similar institution in which his or her principal is entitled to appear, instead of or on behalf of such principal, who shall be entitled to charge the fees for such appearances as if he or she himself or herself had appeared.

(3) Nothing in this Act contained shall prejudice any right or privilege, including the right to appear in or before any court of law, tribunal or other body, vested in any person who at the commencement of this Act—

(a) was duly admitted and enrolled—

(i) as an attorney in terms of the Attorneys Act, 1979 (Act No. 53 of 1979); or

(ii) as an advocate in terms of the Admission of Advocates Act, 1964 (Act No. 74 of 1964); or

(b) enjoyed such right or privilege on account of being in possession of any qualification in law, whether prescribed by law or not.

(4) Any provision contained in any other law which is inconsistent with the provisions of section 3 of the Admission of Advocates Act, 1964, or sections 2, 2A, 4, 4A, 8.11, 13 and 15 of the Attorneys Act, 1979, as amended by this Act, shall be deemed to be amended to the extent of the inconsistency thereof.

(5) Every university in the Republic with a faculty of law, shall take all reasonable steps so as to ensure that students are able to register for the degree referred to in section 3(2)(u)(i) of the Admission of Advocates Act, 1964, and section 2(1)(a) of the Attorneys Act, 1979, at that university on or before 31 December 1998.