PRESIDENT'S OFFICE

No. 1050.
19 July 1995

NO. 33 OF 1995: ADMISSION OF LEGAL PRACTITIONERS AMENDMENT ACT, 1995.

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

GENERAL EXPLANATORY NOTE:

** ** Words in between two asterisks indicate omissions from existing enactments.

<< >> Words between two pointed brackets indicate insertions in existing enactments.

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 IO 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 I of Act 73 of 1965, section 16 of Act 29 of 1974, section I of Act 39 of 1977, section I of Act 60 of 1984, section I 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 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

(ii) has satisfied all the requirements for a degree or degrees of a university in a country which has been designated by the Minister, after consultation with the General Council of the Bar of South Africa, by notice in the Gazette, and in respect of which a university in the Republic with a faculty of law has certified that the syllabus and standard of instruction are equal or superior to those required for the degree of baccalaureus legum of a university in the Republic**: Provided that-

(aa) the syllabus for the said degree or one of the said degrees requires that the person concerned shall pass not less than one course in the Afrikaans language and not less than one course in the English language; or

(bb) such person 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 a university in the Republic for a baccalaureus degree**;",

Amendment of section 7 of Act 74 of 1964, as amended by section 2 of Act 73 of 1965, section 2 of Act 60 of 1984 and section 3 of Act 55 of 1994

2. Section 7 of the Admission of Advocates Act, 1964, is hereby amended by the deletion in subsection (1) of paragraph (b).

Amendment of section 15 of Act 53 of 1979, as substituted by section 7 of Act 108 of 1984 and amended by section 11 of Act 87 of 1989 and section 14 of Act 115 of 1993

3. Section 15 of the Attorneys Act, 1979. is hereby amended(a) by the insertion in subsection (1) after subparagraph (ivA) of paragraph (b) of the word "and";

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

Amendment of section 81 of Act 53 of 1979, as amended by section 5 of Act 76 of 1980, section 4 of Act 60 of 1982, section 4 of Act 56 of 1983, section 7 of Act 80 of 1985, section 29 of Act 87 of 1989 and section 20 of Act 115 of 1993

4. Section St of the Attorneys Act, 1979, is hereby amended by the deletion in subsection (1) of paragraph (i).

Amendment of section 3 of Act 74 of 1964 (Transkei), as amended by section 6 of Act 55 of 1994

5. Section 3 of the Admission of Advocates Act, 1964, applicable in the area of the former Republic of Transkei, is hereby amended by the substitution in subsection (2) for paragraph (a) of the following paragraph:

"(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 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**;".

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 amendedby 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 baccal reus 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 I 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 baccala reus 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 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)

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)

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)

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)

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)

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.