

Legal Practice Bill signed

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PRETORIA: President Jacob Zuma has signed the Legal Practice Bill into law after many years of discussions, negotiations and concessions.



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The Presidency on Tuesday, 23 September, said the Act will see all lawyers - advocates and attorneys - fall under a single regulatory body, which is the South African Legal Practice Council (SALPC).

"SALPC will be assisted by Provincial Councils in its daily operations," said the Presidency.

The Act has been in the making for over a decade, dating back to the time of the late Dullah Omar, South Africa's first democratic Minister of Justice.

The Presidency said SALPC will consist mostly of legal practitioners, but also of other important role-players, whose expertise and experience will enhance the objects of the regulatory body.

"While there is a single regulatory body, the Legal Practice Act allows for advocates and attorneys to continue in their respective areas of specialisation. While advocates and attorneys are different in some respects, they are similar in many others," the Presidency said.

It added that the council, when carrying out its regulatory function, will bear in mind and recognise differences and similarities, where appropriate.

The Presidency said legal practitioners [officers of the courts] will continue to be admitted as such by the courts, and the courts will continue to remove them from practice should it be necessary.

"The council will also play a crucial role in the professional conduct of legal practitioners and develop a single code of

conduct that applies to all lawyers," the Presidency said.

Features of the Act

The Act states that disciplinary bodies that adjudicate on cases of alleged misconduct will be open and transparent and will consist not only of lawyers, but also lay persons.

It also states that a Legal Services Ombud is established, whose mandate it is to protect and promote the public interest in relation to the rendering of legal services and to ensure the fair, efficient and effective investigation of complaints against allegations of misconduct by legal practitioners.

"While the assent by the President to this Act marks a huge milestone in our history, its full implementation can only be realised after the National Forum on the Legal Profession established in Chapter 10, has completed its mandate, for which a period of three years has been given," the Presidency said.

"The mandate of this Forum is to put systems and procedures in place for the full implementation of the legislation. It is trusted that the deliberations of the Forum will facilitate consensus on the remaining issues that are still required to be dealt with as set out in the Act."

The Presidency said the lengthy deliberations before and during passage of the Bill [now ACT] through Parliament, have ensured that all of its many provisions have been thoroughly considered, with the view to ensuring a legal profession that is not only transformed but is also independent and geared to promoting the values underpinning the Constitution and upholding the rule of law.

"The transformation of the legal profession, like the transformation of the judiciary and our court system, is crucial for our young constitutional democracy.

"Transformation of the legal profession is a constitutional imperative. The legal profession constitutes part of the judicial machinery that provides services aimed at promoting access to justice," the Presidency added.

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