

## REINSTATEMENT OF ENROLMENT OF CERTAIN DECEASED LEGAL PRACTITIONERS ACT 32 OF 2002

[ASSENTED TO 28 OCTOBER 2002] [DATE OF COMMENCEMENT: 6 NOVEMBER 2002]

*(English text signed by the President)*

### ACT

**To provide for the reinstatement of the enrolment of certain deceased legal practitioners who were struck off the roll of advocates or attorneys as a result of their opposition to the previous political dispensation of apartheid or their assistance to persons who were opposed to the said apartheid dispensation; and to provide for matters connected therewith.**

#### Preamble

WHEREAS it is appropriate to honour the memory of those legal practitioners who made a contribution to the opposition to the previous political dispensation of apartheid, or who assisted persons who were so opposed, and who were struck off the roll on account of such opposition or assistance;

AND IN ORDER TO redress the injustices of the past by restoring the professional status of those legal practitioners who were so removed during the apartheid dispensation,

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows: -

## 1 Reinstatement on roll of advocates or attorneys

(1) Despite the provisions of the Admission of Advocates Act, 1964 ( Act 74 of 1964 ), and the Attorneys Act, 1979 ( Act 53 of 1979 ), the name of any deceased person who was removed from the roll of advocates or attorneys prior to 27 April 1994, may, upon application brought by a member of such deceased person's family or, after consultation with the deceased person's family, by-

- (a) the General Council of the Bar of South Africa;
- (b) the Bar Council concerned;
- (c) the Society of Advocates concerned;
- (d) the Law Society of South Africa;
- (e) the law society concerned; or
- (f) any other interested person,

to any High court, be reinstated to the roll of advocates or attorneys, as the case may be, if the court is satisfied that the conduct that led to that person's name being removed from the roll in question was directly related to that person's opposition to the previous political dispensation of apartheid and to bringing about political or constitutional change in the Republic, or to assisting persons who were likewise opposed to the said apartheid dispensation.

(2) If a High Court orders that the name of a person be reinstated as contemplated in subsection (1)-

- (a) to the roll of advocates, the registrar of the Court must forthwith forward a certified copy of that order to the Director-General: Justice and Constitutional Development, who must enter a reference to that order opposite the name of the person in question; or
- (b) to the roll of attorneys, the registrar of the Court must enter a reference to that order opposite the name of the person in question in the registers kept by him or her for that purpose and forward certified copies of that order to the registrars of the other High Courts and the registrars of deeds appointed in terms of the Deeds Registries Act, 1937 ( Act 47 of 1937 ), who, in turn, must enter a reference to that order opposite the name of the person in question in the registers kept by them for that purpose.

## 2 Names of reinstated persons to be submitted to Parliament

The Cabinet member responsible for the administration of justice must cause the name of any person who was reinstated to the roll of advocates or attorneys in terms of section 1 to be submitted to Parliament.

### **3 Short title**

This Act is called the Reinstatement of Enrolment of Certain Deceased Legal Practitioners Act, 2002.

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