
GOVERNMENT NOTICES • GOEWERMENSKENNISGEWINGS

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 3882

25 August 2023

LEGAL PRACTICE ACT, 2014**AMENDMENT OF REGULATIONS MADE UNDER SECTION 94(1)**

The Minister of Justice and Correctional Services has, in terms of section 94(1)(j), read with section 29, of the Legal Practice Act, 2014 (Act No. 28 of 2014), made the Regulations set out in the Schedule.

SCHEDULE**Definitions**

1. In this Schedule any word or expression to which a meaning has been assigned in the Act bears the meaning so assigned to it and, unless the context otherwise indicates—

"the Regulations" means the regulations published under Government Notice No. R. 1183 of 29 October 2018.

Amendment of classification of Regulations

2. The Classification of the Regulations is hereby amended by—

- (a) the insertion after item 4 of the following items:
“4A. Rendering of community service by candidate legal practitioners
4B. Rendering of community service by practising legal practitioners”; and
- (b) the addition after item 7 of the following items:
“Annexure C: Certificate for Purposes of Community Service by Candidate Legal Practitioner
Annexure D: Certificate for Purposes of Community Service by Legal Practitioner”.

Insertion of regulations 4A and 4B

3. The Regulations are hereby amended by the insertion after regulation 4 of the following regulations:

“Rendering of community service by candidate legal practitioners

4A. (1) (a) For purposes of this regulation “community service” means—

- (i) the provision of free legal services by a candidate legal practitioner through structures as contemplated in section 29(2) of the Act; and
- (ii) the provision of legal services at no fee or at a reduced fee to individuals, groups or organisations seeking to secure or protect civil rights, civil liberties or public rights or to charitable, religious, civic, community and educational organisations in matters, in furtherance of the organisational purposes, where the payment of standard legal fees would cause hardship; and

(b) “*Pro bono* services” means legal services by a candidate legal practitioner of a quality equal to that afforded to paying clients, at no fee or expectation of compensation from the client, and principally to benefit poor, underprivileged or marginalised persons or communities or the organisations that assist them.

(2) A candidate legal practitioner must render community service for at least eight hours per annum.

(3) A person who commences to serve as a candidate legal practitioner during the course of a calendar year must perform community service for a pro rata number of hours applicable annually.

(4) The periods of service referred to in subregulations (2) and (3) may be intermittent or continuous.

(5) Any extra hours of community service rendered in a calendar year may be carried forward as credits for the next calendar year.

(6) Any *pro bono* services rendered by a candidate legal practitioner will be recognised as community service.

(7) A candidate attorney who renders community service must be supervised by their principal or a person so directed by the principal, and a pupil who renders community service must be supervised by their engaging advocate or a person so directed by the engaging advocate.

(8) Professional standards, as provided for in the code of conduct and the rules will be applicable to community service rendered by a candidate legal practitioner and non-compliance with the provisions of this regulation must be dealt with by the Council in accordance with the rules.

(9) A candidate legal practitioner must, after completion of their period of practical vocational training, submit to the Council one or more certificates, which substantially correspond to Annexure C to these Regulations, signed by their principal or engaging advocate, as the case may be, confirming that such community service has been rendered.

Rendering of community service by practising legal practitioners

4B. (1) (a) For purposes of this regulation “community service” means—

- (i) the provision of free legal services by a practising legal practitioner through structures as contemplated in section 29(2) of the Act; and
- (ii) the provision of legal services at no fee or at a reduced fee to individuals, groups or organisations seeking to secure or protect civil rights, civil liberties or public rights or to charitable, religious, civic,

community and educational organisations in matters, in furtherance of the organisational purposes, where the payment of standard legal fees would cause hardship; and

(b) “*Pro bono* services” means legal services by a practising legal practitioner of a quality equal to that afforded to paying clients, at no fee or expectation of compensation, and principally to benefit poor, underprivileged or marginalised persons or communities or the organisations that assist them.

(2) A practising legal practitioner must render community service for at least 40 hours per annum.

(3) A legal practitioner who starts practising during the course of a calendar year must perform community service for a pro rata number of the applicable annual hours.

(4) The periods of service referred to in subregulations (2) and (3) may be intermittent or continuous.

(5) Any extra hours of community service rendered in a calendar year may be carried forward as credits for the next calendar year.

(6) Any *pro bono* services rendered by a practising legal practitioner will be recognised as community service.

(7) *In forma pauperis* instructions from a registrar of a Division of the High Court will be regarded as community service.

(8) The time spent on providing supervision to a candidate legal practitioner who is rendering community service is attributable to that legal practitioner's period of community service.

(9) Any lectures or training presented to candidate legal practitioners by legal practitioners, at no charge and with no remuneration, will be regarded as community service.

(10) Professional standards, as provided for in the code of conduct and the rules, will be applicable to community service rendered by a legal practitioner and non-compliance with the provisions of this regulation must be dealt with by the Council in accordance with the rules.

(11) A practising legal practitioner must submit to the Council annually, at a date determined by the Council, one or more certificates, that substantially correspond to Annexure D to these Regulations, signed by the recipients of the community service, confirming that such community services have been rendered.”.

Commencement

4. These Regulations come into operation on the date of publication in the Government *Gazette*.

ANNEXURE C (Regulation 4A)

CERTIFICATE FOR PURPOSES OF COMMUNITY SERVICE BY CANDIDATE LEGAL PRACTITIONER

Period: to

Full names of candidate legal practitioner:

Identity number of candidate legal practitioner:

	Date of service	Place of service*	Description of nature of service*	Supervisor's particulars and signature	Number of hours
1					
2					
3					
4					

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Hours Subtotal

Excess hours carried from year:

TOTAL

Signed at

Date:

CANDIDATE LEGAL PRACTITIONER

Signed at

Date:

LEGAL PRACTITIONER (ENGAGING ADVOCATE OR PRINCIPAL)

** Supporting documents may be attached*

**ANNEXURE D
(Regulation 4B)**

**CERTIFICATE FOR PURPOSES OF COMMUNITY SERVICE BY LEGAL
PRACTITIONER**

Year:

Full names of legal practitioner:

Identity number of legal practitioner:

	Date of service	Place of service *	Description of nature of service*	Particulars and signature of recipients of the community service	Hours
1					
2					
3					
4					

Hours Subtotal

Hours remunerated in terms of contingency fee

Excess Hours carried from year :

TOTAL

Signed at

Date:

LEGAL PRACTITIONER

*** Supporting documents may be attached**