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EXTRAORDINARY



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[No. 2613.]

House of Assembly,
2nd March, 1939.

The following Bill, having been introduced into the House of Assembly, is published in accordance with Standing Order No. 160.

DANL. H. VISSER,
Clerk of the House of Assembly.

A.B. 27—'39. Attorneys' Admission Amendment
and Legal Practitioners' Fidelity
Fund Bill

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Volksraad,
2 Maart 1939.

Die volgende Wetsontwerp, ingedien in die Volksraad, word gepubliseer ingevolge artikel No. 160 van die Reglement van Orde.

DANL. H. VISSER,
Klerk van die Volksraad.

A.B. 27—'39. Toelating van Prokureurs Wysigings en Regspraktisyns-eerlikheidsfonds-Wetsontwerp

BLADSY

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BILL

To amend the Attorneys, Notaries and Conveyancers Admission Act, 1934; to establish a fidelity guarantee fund for attorneys, notaries and conveyancers; to provide for the control and management of such fund and the payment of claims therefrom; and for other matters incidental thereto.

(Introduced by DR. C. F. STEYN, K.C., M.P.)

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows :—

PART I.

AMENDMENT OF ATTORNEYS, NOTARIES AND CONVEYANCERS ADMISSION ACT, 1934, AND OTHER GENERAL PROVISIONS. 5

Definitions.

1. In this Act, unless inconsistent with the context,—
 - “fidelity fund certificate” means a certificate issued in terms of section *twenty-three* ;
 - “fund” means the Attorneys, Notaries and Conveyancers Fidelity Guarantee Fund established under section *eight* ;
 - “principal Act” means the Attorneys, Notaries and Conveyancers Admission Act, 1934 (Act No. 23 of 1934), as amended ;
 - “society” means a law society incorporated or established under any law, and in relation to any attorney, notary or conveyancer, the society of which he is a member.

Amendment of Afrikaans text of section 21 of Act 23 of 1934.

2. Sub-section (1) of section *twenty-one* of the principal Act, 20 is hereby amended by the deletion in the Afrikaans version of the word “Enige” where it occurs for the first time and the substitution thereof of the word “Geen”.

Amendment of section 32 of Act 23 of 1934.

3. Section *thirty-two* of the principal Act is hereby amended—
 - (a) by the insertion after sub-section (1) of the following new sub-section :

“ (1)*bis*. No person shall orally or by means of any written or printed matter or in any other manner whatsoever, directly or indirectly, either for himself or for any other person, canvass for or tout for or advertise or make known his preparedness or that of such other person to undertake any work, whether for or without remuneration, in connection with the administration or liquidation or distribution of the estate of any deceased or insolvent person, lunatic, or person under other disability.”

- (b) by the deletion in sub-section (6) of the words “sub-sections (3) or (4)” and the substitution thereof of the words “sub-sections (1)*bis*, (3) or (4)”.

Insertion of new section 32*bis* in Act 23 of 1934.

4. The following new section is hereby inserted in the 40 principal Act after section *thirty-two* :

“ 32*bis*. (1) Save as provided in sub-section (2), any person, not being a practising attorney, notary or conveyancer, who for or in expectation of any fee, gain or reward, direct or indirect, to himself or to any other person, draws or prepares or causes to be drawn or prepared any of the following documents—

- (a) any contract, deed or instrument relating to immovable property or to any right in or to immovable property, other than a contract of lease creating a weekly or monthly tenancy, or conditions of sale or broker's notes drawn by an auctioneer in the course of his business ;
- (b) any will or other testamentary instrument ;
- (c) any memorandum or articles of association or prospectus of any company ;

WETSONTWERP

Tot wysiging van die Toelating van Prokureurs, Notarisse en Transportbesorgers Wet, 1934; om 'n eerlikheidswaarborg-fonds vir prokureurs, notarisse en transportbesorgers te stig; en om voorsiening te maak vir die beheer en bestuur van sodanige fonds en die betaling van eise daaruit; en vir ander daarmee in verband staande sake.

(Ingedien deur DR. C. F. STEYN, K.C., L.V.)

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

DEEL I.

5 WYSIGING VAN TOELATING VAN PROKUREURS, NOTARISSE EN TRANSPORTBESORGERS WET, 1934, EN ANDER ALGEMENE BEPALINGS.

1. In hierdie Wet, tensy dit met die samehang onbestaanbaar is, beteken—
 - 10 „eerlikheidswaarborg-sertifikaat”, 'n sertifikaat ingevolge artikel drie-en-twintig uitgereik;
 - „fonds”, die Eerlikheidswaarborg-fonds vir Prokureurs, Notarisse en Transportbesorgers ingevolge artikel
 - 15 „agst gestig;
 - „Hoofwet”, die Toelating van Prokureurs, Notarisse en Transportbesorgers Wet, 1934 (Wet No. 23 van 1934), soos gewysig;
 - „genootskap”, 'n wetsgenootskap ingevolge enige Wet
 - 20 ingelyf of ingestel, en met betrekking tot 'n prokureur, notaris of transportbesorger, die genootskap waarvan hy lid is.
2. Sub-artikel (1) van artikel een-en-twintig van die Hoofwet word hiermee gewysig deur die skraping van die woord „Enige”, waar dit die eerste maal voorkom, en die vervanging
 - 25 daarvan deur die woord „Geen”.
3. Artikel twee-en-dertig van die Hoofwet word hiermee gewysig—
 - (a) deur die invoeging na sub-artikel (1) van die volgende nuwe sub-artikel:
 - 30 „(1)bis. Geen persoon mag mondelings of deur middel van 'n geskrif of drukwerk of op enige ander wyse hoegenaamd, direk of indirek, hetsy vir homself of vir enige ander persoon werk werf of aanlok of sy gereedheid of dié van sodanige ander persoon adverteer of bekendmaak om werk te onderneem, hetsy
 - 35 vir of sonder besoldiging, in verband met die administrasie of likwidasie of distribusie van die boedel van 'n oorlede of insolvente persoon, kranksinnige, of persoon aan 'n ander regsonbevoegdheid onderhewig”;
 - 40 (b) deur die skraping in sub-artikel (6) van die woorde „sub-artikels (3) of (4)” en die vervanging daarvan deur die woorde „sub-artikels (1)bis, (3) of (4)”.
 4. Die volgende nuwe artikel word hiermee in die Hoofwet
 - 45 na artikel twee-en-dertig ingevoeg:

„32bis. (1) Behalwe soos in sub-artikel (2) bepaal is enige persoon, nie synde 'n praktiserende prokureur, notaris of transportbesorger nie, wat vir of met die verwagting van enige besoldiging, voordeel of beloning

 - 50 direk of indirek, vir homself of vir 'n ander persoon, enige van die volgende dokumente opstel of voorberei of laat opstel of voorberei—
 - (a) enige kontrak, akte of stuk met betrekking tot onroerende goedere of tot enige reg op of tot onroerende goedere, behalwe 'n huurkontrak wat 'n weeklikse of maandelikse huur in die lewe roep, of verkoopvoorwaardes of makelaarsbriefies deur 'n afslaer in die loop van sy besigheid opgestel;
 - (b) enige testament of ander testamentêre stuk;
 - 60 (c) enige memorandum of statute van ooreenkoms of prospektus van 'n maatskappy;

Omskrywings.

Wysiging van artikel 21 van Wet 23 van 1934.

Wysiging van artikel 32 van Wet 23 van 1934.

Invoeging van nuwe artikel 32 bis in Wet 23 van 1934.

- (d) any contract, deed or instrument relating to the creation or dissolution of any partnership ;
- (e) any instrument or document relating to or required or intended for use in any action, suit or other proceeding in a court of civil jurisdiction within the Union, 5

shall be guilty of an offence and liable on conviction in respect of each offence to a fine not exceeding one hundred pounds and in default of payment thereof to imprisonment not exceeding three months. 10

(2) The provisions of sub-section (1) shall not apply to—

- (a) any person in the employ of a practising attorney, notary or conveyancer drawing or preparing or causing to be drawn or prepared any of the aforesaid documents in the course of his employment and on behalf of his employer ; 15
- (b) any agent referred to in section *twenty-one* of the Magistrates' Courts Act, 1917 (Act No. 32 of 1917), and any person in the employ of such agent, acting in the course of his employment and on behalf of his employer, drawing or preparing or causing to be drawn or prepared any of the aforesaid documents, in so far as such agent was prior to the commencement of this Act entitled to draw or prepare or cause to be drawn or prepared any of the aforesaid documents and charge a fee therefor ; 20 25
- (c) any person in the employ of the Government of the Union or of a provincial administration or of the Land and Agricultural Bank of South Africa drawing or preparing or causing to be drawn or prepared any of the aforesaid documents in the course of his duty ; 30
- (d) any trustee under the laws relating to insolvency or any executor, administrator or curator or any liquidator of a company drawing or preparing any such document in the course of his statutory duties and receiving such fees as may be allowed by law ; 35
- (e) any person who at the thirty-first day of December, 1938, was the manager or secretary of a board of executors or trust company licensed as such under the Licences Consolidation Act, 1925 (Act No. 32 of 1925), in respect of any such document drawn or prepared by him in such capacity in so far as immediately prior to such date he in his said capacity was entitled to draw or prepare such a document and to charge a fee therefor ; 40 45
- (f) any practising advocate in so far as he was entitled prior to the commencement of this Act to draw or prepare any of the aforesaid documents in the ordinary course of his profession." 50

Obligation upon executors, etc. to provide security incapable of being waived.

5. The obligation to provide security imposed by any law upon executors, administrators, tutors, curators or trustees in insolvency, shall not be capable of being waived unless the instrument by which they are nominated expressly directs that such security shall be dispensed with or unless a provincial or local division of the Supreme Court of competent jurisdiction on application grants special exemption therefor. 55

Law society may institute private prosecution.

6. Any law society may by any person authorized thereto in writing under the hand of the president thereof, prosecute for any offence against any provision of this Act or any other law relating to the admission or practice of an attorney, notary or conveyancer, or any regulation or bye-law made under any such law, and the provisions of any law relating to private prosecutions shall apply to all such prosecutions and a law society shall for the purpose of any such last mentioned law be a public body. 60 65

Court may forbid or restrain convicted person from continuing offence.

7. Any court which has convicted any person of an offence against any provision of this Act or any other law relating to the admission or practice of an attorney, notary or conveyancer, may, in addition to imposing any penalty prescribed by such law, issue an order forbidding or restraining such person from continuing such offence. 70

- (d) enige kontrak, akte of stuk met betrekking tot die stigting of ontbinding van 'n vennootskap;
- (e) enige stuk of dokument met betrekking tot of benodig of bedoel vir gebruik in 'n aksie, geding of ander proses in 'n hof met siviele jurisdiksie binne die Unie,
- aan 'n misdryf skuldig en by veroordeling strafbaar ten opsigte van elke misdryf met 'n boete van hoogstens honderd pond en by wanbetaling daarvan met gevangenisstraf van hoogstens drie maande.
- (2) Die bepalings van sub-artikel (1) is nie van toepassing nie op—
- (a) 'n persoon in diens van 'n praktiserende prokureur, notaris of transportbesorger wat een of ander van voormelde dokumente opstel of voorberei of laat opstel of voorberei in die loop van sy diens en namens sy werkgewer;
- (b) 'n wetsagent in artikel *een-en-twintig* van die „Magistraatshoven Wet, 1917” (Wet No. 32 van 1917), vermeld en 'n persoon in diens van sodanige wetsagent, wat in die loop van sy diens en namens sy werkgewer optree, en wat enige voormelde dokumente opstel of voorberei of laat opstel of voorberei, insover sodanige wetsagent voor die inwerkingtreding van hierdie Wet geregtig was om een of ander van voormelde dokumente op te stel of voor te berei of te laat opstel of voorberei en besoldiging daarvoor te vra;
- (c) 'n persoon in diens van die Regering van die Unie of van 'n provinsiale administrasie of van die Land- en Landboubank van Suid-Afrika wat by die uitvoering van sy pligte een of ander van voormelde dokumente opstel of voorberei of laat opstel of voorberei;
- (d) 'n trustee ingevolge die wette op insolvensie of 'n eksekuteur, administrateur of kurator of 'n likwidateur van 'n maatskappy wat een of ander sodanige dokument by die uitvoering van sy wetlike pligte opstel of voorberei en sodanige besoldiging ontvang as wat by wet veroorloof word;
- (e) 'n persoon wat op die een-en-dertigste dag van Desember 1938 die bestuurder of sekretaris was van 'n eksekuteurskamer of trustmaatskappy as sulks gelisensieer ingevolge die „Licenties Konsolidatie Wet, 1925” (Wet No. 32 van 1925), ten opsigte van een of ander sodanige dokument deur hom in sodanige hoedanigheid opgestel of voorberei insover hy onmiddellik voor sodanige datum in sy genoemde hoedanigheid geregtig was om so 'n dokument op te stel of voor te berei en besoldiging daarvoor te vra;
- (f) enige praktiserende advokaat insover hy voor die inwerkingtreding van hierdie Wet geregtig was om een of ander van voormelde dokumente in die gewone loop van sy professie op te stel of voor te berei.”

5. Van die verpligting om sekuriteit te verskaf, deur enige wet op eksekuteurs, administrateurs, voogde, kurators of trustees by insolvensie gelê, kan nie afgesien word nie tensy die akte waarin hulle benoem word uitdruklik gelas dat van sodanige sekuriteit afgesien moet word, of tensy 'n bevoegde provinsiale of plaaslike afdeling van die Hooggeregshof by aansoek spesiale vrystelling daarvoor verleen.

Verpligting op eksekuteurs, ens. om sekuriteit te verskaf, waarvan nie afgesien kan word nie.

6. Enige wetsgenootskap kan deur middel van enige persoon daartoe gemagtig in geskifte deur die president daarvan onderteken, vervolg vir enige misdryf teen 'n bepaling van hierdie wet of 'n ander wet op die toelating of praktyk van 'n prokureur, notaris of transportbesorger, of 'n regulasie of bywet ingevolge sodanige wet uitgevaardig, en die bepalings van enige wet betreffende private vervolgings is op alle sodanige vervolgings van toepassing, en 'n wetsgenootskap is vir die doeleindes van so 'n laasgenoemde wet 'n publieke liggaam.

Wetsgenootskap kan private vervolging instel.

7. 'n Hof wat iemand aan 'n misdryf teen 'n bepaling van hierdie wet of 'n ander wet op die toelating of praktyk van 'n prokureur, notaris of transportbesorger skuldig bevind het, kan benewens die oplegging van enige straf by sodanige wet voorgeskrywe, 'n bevel uitreik om sodanige persoon te verbied of te belet om sodanige misdryf voort te sit.

Hof kan veroordeelde persoon verbied of belet om misdryf voort te sit.

PART II.

ESTABLISHMENT OF ATTORNEYS, NOTARIES AND CONVEYANCERS
FIDELITY GUARANTEE FUND.

Establishment of Fidelity Guarantee Fund.	8. There is hereby established a fund to be known as the Attorneys, Notaries and Conveyancers Fidelity Guarantee Fund.	5
Vesting of fund.	9. The fund shall be vested in and administered by a controlling body consisting of the president for the time being of the law society of each of the four provinces in addition to one member of each of the said societies to be elected by the council of each society during the month of June in each year. Each society shall have the right from time to time to appoint from amongst its members an alternate to the member elected by it.	10
Controlling body.	10. Such controlling body shall be known as "The Attorneys, Notaries and Conveyancers Fidelity Guarantee Fund Board of Control" and shall be hereinafter referred to as "the board of control".	15
Period of office.	11. An elected member of the board of control shall hold office until his successor has been elected from time to time and unless another is elected in his place in any year as provided for in section <i>six</i> he shall be deemed to have been re-elected.	20
Vacation of office.	12. The office of a member of the board of control shall <i>ipso facto</i> be vacated— (a) if he dies ; or (b) if he becomes of unsound mind ; or (c) if he ceases to be a member of the society which elected him ; or (d) if he becomes insolvent or makes any arrangement or composition with his creditors ; or (e) if he ceases to practise as an attorney, notary or conveyancer ; or (f) if he is convicted of any offence which in the opinion of the council of the society which elected him, debars him from continuing as a member of the board of control ; or (g) if he resigns and his resignation is accepted by his society and the board of control.	25 30 35
Meetings.	13. The board of control shall meet whenever necessary at such time and place as it may from time to time decide.	40
Election of office bearers.	14. The board of control shall annually elect its own chairman and vice-chairman and in the absence from any meeting of both of them shall elect a chairman for that meeting from amongst its number.	
Quorum at meetings. Majority decisions and chairman's voting power.	15. Four members of the board of control shall form a quorum at its meetings and a decision of the majority of the members present at any meeting shall be the decision of the board : Provided that in the event of an equality of votes at any meeting the chairman shall have a casting vote in addition to his deliberative vote.	45 50
Resolution signed by all members effective.	16. A resolution in writing of the board of control signed by all the members thereof shall be of full force and effect without the necessity of holding a meeting to pass the same.	
Fund to be held in trust.	17. The fund shall be held in trust by the board of control for the purposes hereinafter set forth.	55
Fund to be kept in separate bank account.	18. All moneys constituting the fund shall, pending the investment or application thereof in accordance with this Act, be paid or transferred into a bank for the time being carrying on business in the Union to the credit of an account to be called "The Attorneys, Notaries and Conveyancers Fidelity Guarantee Fund Account".	60
Moneys payable into fund.	19. The fund shall consist of— (a) all sums paid to or on account of the fund as annual contributions in accordance with the provisions of this Act in that behalf ; (b) the interest from time to time accruing from the investment of the fund as hereinafter provided ; (c) all sums given or advanced by any society ; (d) all moneys recovered by or on behalf of the fund in the exercise of any right of action conferred by this Act ; (e) all moneys received on behalf of the fund from any insurance company ; (f) any other moneys that may be lawfully paid into the fund.	65 70 75
Expenditure from fund.	20. Subject to the provisions of this Act, there shall from time to time be paid out of the fund as required— (a) the amount of all claims, including costs allowed or established against the fund as hereinafter provided ;	

DEEL II.

STIGTING VAN EERLIKHEIDSWAARBORG-FONDS VIR PROKUREURS,
NOTARISSE EN TRANSPORTBESORGER.

8. Hiermee word daar gestig 'n fonds wat bekend staan as Stigting van
5 die EerlikheidswaARBORG-fonds vir Prokureurs, Notarisse en Eerlikheids-
Transportbesorgers. waarborgfonds.
9. Die fonds word gevestig in en beheer deur 'n beherende Vestiging van
liggaam bestaande uit die dan diensdoende president van die fonds.
wetsgenootskap van elkeen van die vier provinsies benewens
- 10 een lid van elkeen van genoemde genootskappe deur die raad
van elke genootskap gedurende die maand Junie in elke jaar
gekies te word. Elke genootskap het die reg om van tyd tot
tyd uit sy lede 'n plaasvervanger vir die deur hom aangestelde
lid aan te stel.
- 15 10. Sodanige beherende liggaam staan bekend as „Die Beherende
Raad van Beheer oor die EerlikheidswaARBORG-fonds vir liggaam.
Prokureurs, Notarisse en Transportbesorgers” en word hierna
„die Beheerraad” genoem.
- 20 11. 'n Gekose lid van die beheerraad beklee sy amp tot dat Ampstermyn.
sy opvolger van tyd tot tyd gekies is en tensy 'n ander in sy
plek in enige jaar gekies word, soos in artikel nege bepaal, word
hy geag herkies te gewees het.
12. Die amp van 'n lid van die beheerraad word *ipso facto* Ampsontruim-
ontruim— ming.
- 25 (a) indien hy sterf; of
(b) indien hy kranksinnig word; of
(c) indien hy ophou om lid te wees van die genootskap
wat hom gekies het; of
- 30 (d) indien hy insolvent raak of 'n skikking of akkoord met
sy skuldeisers tref; of
(e) indien hy ophou om as prokureur, notaris of transport-
besorger te praktiseer; of
- (f) indien hy aan 'n misdryf skuldig bevind word wat, na
die mening van die raad van die genootskap, wat hom
35 gekies het, hom belet om as lid van die beheerraad
voort te dien; of
(g) indien hy bedank en sy bedanking deur sy genootskap
en die beheerraad aanvaar word.
13. Wanneer nodig kom die beheerraad byeen op sodanige Vergaderings.
40 tyden plek as wat hy van tyd tot tyd mog besluit.
14. Die beheerraad kies jaarliks sy eie voorsitter en onder- Kiesing van
voorsitter en by afwesigheid van hulle albei van 'n vergadering ampsdraers.
kies die raad uit sy midde 'n voorsitter vir daardie ver-
gadering.
- 45 15. Vier lede van die beheerraad maak 'n kworum by sy Kworum by
vergaderings uit en 'n beslissing van die meerderheid van die vergaderings.
lede teenwoordig by 'n vergadering maak die beslissing van Meerderheids-
die raad uit. Met dien verstande dat die voorsitter in die beslissings
geval van 'n staking van stemme by 'n vergadering 'n beslis- en voorsitter se
50 sende stem benewens sy beraadslagende stem het. stemreg.
16. 'n Besluit in geskifte van die beheerraad deur alle lede Besluit deur
daarvan onderteken is ten volle van krag en geldig sonder die alle lede onder-
noodsaaklikheid om 'n vergadering te hou om dit aan te- teken geldig.
neem.
- 55 17. Die fonds word deur die beheerraad vir die hierna Fonds in trust
aangegeve doeleindes in trust gehou. gehou te word.
18. Alle gelde waaruit die fonds bestaan word, hangende Fonds in aparte
die belegging of aanwending daarvan ooreenkomstig hierdie bankrekening
Wet, op krediet van 'n rekening wat genoem sal word „Die gehou te word.
- 60 EerlikheidswaARBORG-fondsrekening vir Prokureurs, Notarisse
en Transportbesorgers” betaal in of oorgedra aan 'n bank wat
dan in die Unie sake doen.
19. Die fonds bestaan uit— Gelde in fonds
betaal te word.
- 65 (a) alle bedrae aan of op rekening van die fonds betaal
as jaarlikse bydraes ooreenkomstig die bepalings van
hierdie Wet vir daardie doel;
- (b) die rente wat van tyd tot tyd uit die belegging van
die fonds soos hierna bepaal oploop;
- 70 (c) alle bedrae deur 'n genootskap gegee of voorgeskiet;
- (d) alle gelde wat deur of namens die fonds verhaal word
by die uitoefening van 'n reg van aksie deur hierdie
Wet verleen;
- (e) alle gelde van 'n versekeringsmaatskappy namens die
fonds ontvang;
- 75 (f) enige ander gelde wat in die fonds wettiglik inbetaal
word.
20. Behoudens die bepalings van hierdie Wet word daar Uitgawe uit
van tyd tot tyd uit die fonds uitbetaal na vereis word— fonds.
- 80 (a) die bedrag van alle eise, met insluiting van koste
toegeken of vasgestel teen die fonds soos hierna
bepaal;

- (b) all legal expenses incurred in defending claims made against the fund or otherwise incurred in relation to the fund ;
- (c) all premiums payable in respect of contracts of insurance entered into by the board of control pursuant to section *thirty-one* ;
- (d) all refunds made to a member or to his estate pursuant to section *thirty-three* ;
- (e) the expenses involved in the administration of the fund, including allowances to members of the board of control in respect of their services or their reasonable travelling expenses incurred in connection with the management of the fund ;
- (f) any expense previously authorized by the board of control which may be incurred by a society in accordance with the provisions of section *thirty-three* of the principal Act ;
- (g) any loans and interest thereon ;
- (h) any other moneys payable out of the fund in accordance with this Act or with regulations made under the provisions of this Act.

Audit of
accounts.

21. (1) The accounts of the fund shall be audited from time to time by an accountant appointed by the board of control from time to time, and at least once a year.

(2) Every person acting as auditor under this section shall, not later than the thirty-first day of August in each year, frame a balance sheet and profit and loss account of the fund and forthwith submit certified copies thereof and of his report thereon to the Controller and Auditor-General and the chairman of the board of control.

Contributions to
the fund by
attorneys,
notaries and
conveyancers.

22. (1) Subject to the provisions of sub-section (2), every attorney, notary and conveyancer whether practising in one or more capacity either on his own account or in partnership, on making application in any year for a certificate under section *twenty-three*, shall, in addition to all other fees and subscriptions then payable by him, pay as an annual contribution to the fund a sum of ten pounds: Provided that if he commences to practise on or after the first day of July, he shall pay a sum of five pounds in respect of the year which ends on the following thirty-first day of December.

(2) If an attorney, notary or conveyancer intends to commence to practise on his own account or in partnership, he shall before commencing so to practise give notice of such intention to the secretary of the society of the province in which he intends to practise and he shall thereupon become liable to pay to the fund the amount of the aforesaid contribution.

(3) All contributions payable under this section shall be paid to the law society and every law society shall immediately after the expiration of every calendar month remit the amount of any contributions received by it during such month to the board of control.

Applications for
and issue of
fidelity fund
certificates.

23. (1) Every attorney, notary and conveyancer practising as such or intending to commence practise as such, whether on his own account or in partnership, shall apply in the prescribed form to a secretary of a society for a fidelity fund certificate.

(2) Such application shall be accompanied by the contribution prescribed by section *twenty-two*.

(3) Upon receipt of such application and contribution, and if he is satisfied that the applicant has discharged all his liabilities to the society in respect of his subscription for membership thereof, such secretary shall forthwith issue to the applicant a fidelity fund certificate in the prescribed form which shall be valid until the thirty-first day of December of the year in respect of which it was issued.

(4) No fidelity fund certificate shall be issued unless and until the provisions of sub-sections (1), (2) and (3) have been complied with, and any certificate which may have been issued in contravention of this section shall not be valid.

Accumulated
fund not to
exceed £250,000.

24. No further contributions in accordance with section *twenty-two* shall be made to the fund at any time whilst the amount of the fund, including any investments thereof and after deducting the amount of all unpaid claims and other liabilities outstanding against the fund, at the preceding thirty-first day of December, is not less than two hundred and fifty thousand pounds.

Investment of
fund.

25. Any moneys in the fund which are not immediately required for the purposes thereof shall be invested in such Government or other securities as may be prescribed by regulation.

- (b) alle regskoste aangegaan by die verdediging van eise teen die fonds gedoen of andersins aangegaan met betrekking tot die fonds;
- 5 (c) alle premies betaal te word ten opsigte van verskeringskontrakte deur die beheerraad ingevolge artikel *een-en-dertig* aangegaan;
- (d) alle terugbetalings aan 'n lid of aan sy boedel ingevolge artikel *drie-en-dertig* gedoen;
- 10 (e) die onkoste met die beheer van die fonds beloop, met insluiting van toelaes aan lede van die beheerraad ten opsigte van hulle dienste of hulle redelike reis-onkoste in verband met die bestuur van die fonds aangegaan;
- 15 (f) enige onkoste tevore deur die beheerraad gemagtig wat deur 'n genootskap aangegaan kan word ooreenkomstig die bepalinge van artikel *drie-en-dertig* van die Hoofwet;
- (g) enige lenings en rente daarop;
- 20 (h) enige ander gelde uit die fonds betaal te word ooreenkomstig hierdie Wet of regulasies ingevolge die bepalinge van hierdie Wet opgestel.
21. (1) Die rekenings van die fonds word van tyd tot tyd Ouditering van geouditeer deur 'n rekenmeester deur die beheerraad van tyd tot tyd aangestel, en minstens eenmaal per jaar. rekenings.
- 25 (2) Elke persoon wat ingevolge hierdie artikel as ouditeur optree moet nie later nie as die een-en-dertigste dag van Augustus in elke jaar 'n balansstaat en wins- en verliesrekening van die fonds opstel en onmiddellik aan die Kontroleur- en Ouditeur-generaal en die voorsitter van die beheerraad gesertifiseerde afskrifte daarvan en van sy verslag daarvoor voorlê.
- 30 22. (1) Behoudens die bepalinge van sub-artikel (2) moet elke prokureur, notaris en transportbesorger wat in een of meer hoedanighede hetsy vir sy eie rekening of in vennootskap praktiseer, wanneer hy in enige jaar om 'n sertifikaat ingevolge artikel *drie-en-twintig* aansoek doen, benewens alle ander
- 35 gelde en subskripsies dan deur hom te betaal, die som van tien pond as 'n jaarlikse bydrae tot die fonds betaal: Met dien verstande dat as hy op of na die eerste dag van Julie begin praktiseer, hy die som van vyf pond betaal ten opsigte
- 40 van die jaar wat op die volgende een-en-dertigste dag van Desember eindig.
- (2) Indien 'n prokureur, notaris of transportbesorger, voornemens is om vir sy eie rekening of in vennootskap te begin praktiseer, dan moet hy alvorens hy begin aldus te
- 45 praktiseer, aan die sekretaris van die genootskap van die provinsie waarin hy voornemens is te praktiseer, kennis van sodanige voorneme gee en dan word hy aanspreeklik om die bedrag van genoemde bydrae aan die fonds te betaal.
- (3) Alle bydraes ingevolge hierdie artikel betaal te word,
- 50 word aan die wetsgenootskap betaal en elke wetsgenootskap moet onmiddellik na verloop van elke kalendermaand aan die beheerraad die bedrag van enige bydraes gedurende sodanige maand deur hom ontvang aanstuur.
23. (1) Elke prokureur, notaris en transportbesorger wat
- 55 as sulks praktiseer of voornemens is om te begin as sulks te praktiseer, hetsy vir sy eie rekening of in vennootskap, moet by 'n sekretaris van 'n genootskap in die voorgeskrewe vorm om 'n eerlikheidsfonds-sertifikaat aansoek doen.
- (2) Sodanige aansoek moet van die by artikel *twee-en-twintig*
- 60 voorgeskrewe bydrae vergesel gaan.
- (3) By ontvangs van sodanige aansoek en bydrae en as hy hom oortuig het dat die aansoeker al sy verpligtings teenoor die genootskap ten opsigte van sy subskripsie vir lidmaatskap daarvan nagekom het, moet sodanige sekretaris onverwyld 'n
- 65 eerlikheidsfonds-sertifikaat in die voorgeskrewe vorm aan die aansoeker uitreik wat geldig is tot die een-en-dertigste dag van Desember van die jaar ten opsigte waarvan dit uitgereik is.
- (4) Geen eerlikheidsfonds-sertifikaat word uitgereik nie
- 70 tensy en totdat die bepalinge van sub-artikels (1), (2) en (3) nagekom is, en 'n sertifikaat wat in stryd met hierdie artikel uitgereik is, is ongeldig.
24. Geen verdere bydraes ooreenkomstig artikel *twee-en-twintig* word aan die fonds gedoen nie te enige tyd terwyl die bedrag
- 75 van die fonds met inbegrip van enige beleggings daarvan en na aftrekking van die bedrag van alle onbetaalde eise en ander uitstaande laste teen die fonds op die voorafgaande een-en-dertigste dag van Desember nie minder as tweehonderd-en-vyftigduisend pond is nie.
25. Enige gelde in die fonds wat nie vir die doeleindes daarvan onmiddellik nodig is nie, word in sodanige Regerings- of ander sekuriteite belê soos by regulasie voorgeskryf word.
- Belegging van fonds.
- Bydraes aan die fonds deur prokureurs, notaris en transportbesorgers.
- Aansoeke om en uitreiking van eerlikheidsfonds-sertifikate.
- Opgelope fonds £250,000 nie te oorskry nie.

Application of
fund.

26. (1) Subject to the provisions of this Act, the fund shall be held and applied for the purpose of reimbursing persons who may suffer pecuniary loss by reason of the theft committed after the commencement of this Act by a practising attorney, notary or conveyancer, or by his clerk or servant, of any money or other property entrusted by or on behalf of such persons to him or to his clerk or servant in the course of his practice as such or whilst acting as executor or administrator in the estate of a deceased person or trustee in an insolvent estate or in any other like capacity: Provided that this section shall not be deemed to apply—

- (a) to any loss suffered by any person through an attorney, notary or conveyancer whilst in the employ of any person other than another attorney, notary or conveyancer; and
- (b) to any loss caused by any attorney, notary or conveyancer whose fidelity has been guaranteed by some other person, either generally or in respect of the particular transaction.

(2) Every action against the board of control in relation to the fund may, subject to the provisions of this Act and the regulations made thereunder, be brought in any provincial or local division of the Supreme Court of the province within the jurisdiction of which the cause of action arose.

(3) No person shall have any claim against the fund in respect of any theft—

- (a) committed before the commencement of this Act; or
- (b) committed after that date unless notice of such claim has been given in writing to the council of the society of the province in which such attorney, notary or conveyancer is practising and to the board of control within three months after the claimant has become aware of the theft.

Board of Control
may settle
claims.

27. (1) The board of control may receive, and subject to the provisions of section *twenty-six*, settle any claim against the fund at any time after the commission of the theft in respect of which such claim arose, but no person may, without leave of the board of control, commence any action against the fund unless and until the claimant has exhausted all relevant rights of action and other legal remedies available against the attorney, notary or conveyancer (or his estate) in respect of whom the claim arose and against all other persons liable in respect of the loss suffered by such claimant.

(2) No person shall recover from the fund an amount greater than the balance of the loss suffered by him after deducting from the total amount of such loss the amount or value or all moneys or other benefits received or receivable by him from any source other than the fund in reduction of such loss.

(3) No amount shall be paid or payable out of the fund as interest on the amount of any judgment obtained or of any claim admitted against the fund.

(4) No right of action shall lie against the fund in respect of any loss suffered by any person by reason of any theft that may be committed by an attorney, notary or conveyancer at any time after the claimant or persons legally claiming under and through him have received a notification in writing from the secretary of a society or the board of control warning him or them against the employment or continued employment of such practitioner.

(5) No right of action shall lie against the fund in respect of any loss suffered by the wife of an attorney, notary or conveyancer by reason of any theft committed by that attorney, notary or conveyancer or in respect of any loss suffered by any attorney, notary or conveyancer by reason of any theft committed by any partner of that attorney, notary or conveyancer or by reason of any theft committed by a servant of the attorney, notary or conveyancer or of any firm in which he is a partner.

(6) No action for damages shall lie against a society or any member or servant of a society or council or the board of control for any notification given in good faith and without malice for the purposes of sub-section (4).

Defences to
claims against
fund.

28. In any action brought against the board of control in relation to the fund, all defences which would have been available to the person against whom the claim arose shall be available to the board of control.

26. (1) Behoudens die bepalings van hierdie Wet word die fonds gehou en aangewend ten einde persone te vergoed wat geldelike verlies mag ly weens die diefstal gepleeg na die inwerkingtreding van hierdie Wet deur 'n praktiserende prokureur, notaris of transportbesorger, of deur sy klerk of bediende, van enige geld of ander goedere deur of namens sodanige persone toevertrou aan hom of aan sy klerk of bediende in die loop van sy praktyk as sulks of terwyl hy optree as eksekuteur of administrateur in 'n boedel van 'n oorlede persoon of as trustee in 'n insolvente boedel of in 'n ander dergelyke hoedanigheid: Met dien verstande dat hierdie artikel nie geag word van toepassing te wees nie op—
- (a) 'n verlies deur enige persoon gely deur middel van 'n prokureur, notaris of transportbesorger terwyl hy in die diens is van enige persoon behalwe 'n ander prokureur, notaris of transportbesorger; en
- (b) 'n verlies veroorsaak deur 'n prokureur, notaris of transportbesorger wie se eerlikheid deur een of ander persoon gewaarborg is, hetsy algemeen of ten opsigte van die besondere transaksie.
- (2) Elke aksie teen die beheerraad ten opsigte van die fonds kan, behoudens die bepalings van hierdie Wet en die daaronder uitgevaardigde regulasies, in 'n provinsiale of plaaslike afdeling van die Hooggeregshof van die provinsie, binne wie se jurisdiksie die skuldoorsaak ontstaan het, ingestel word.
- (3) Niemand het 'n eis teen die fonds nie ten opsigte van enige diefstal—
- (a) voor die inwerkingtreding van hierdie Wet gepleeg; of
- (b) na daardie datum gepleeg, tensy binne drie maande nadat die eiser van die diefstal te wete gekom het, kennis van sodanige eis aan die raad van die genootskap van die provinsie waarin sodanige prokureur, notaris of transportbesorger praktiseer en aan die beheerraad in geskifte gegee is.
27. (1) Die beheerraad kan te enige tyd nadat die diefstal ten opsigte waarvan sodanige eis ontstaan het gepleeg is, enige eis teen die fonds ontvang en hy kan, behoudens die bepalings van artikel ses-en-twintig, dit vereffen, maar geen persoon mag sonder verlof van die beheerraad 'n aksie teen die fonds begin nie tensy en totdat die eiser gebruik gemaak het van alle toepaslike regte van aksie en ander regsinnemings beskikbaar teen die prokureur, notaris of transportbesorger (of sy boedel), ten opsigte van wie die eis ontstaan het en teen alle ander persone aanspreeklik ten opsigte van die verlies deur sodanige eiser gely.
- (2) Geen persoon mag van die fonds 'n groter bedrag verhaal nie as die restant van die deur hom gelede verlies nadat van die totale bedrag van sodanige verlies die bedrag of waarde van alle gelde of ander voordele uit enige ander bron as die fonds deur hom ontvang of ontvang te word, afgetrek word ter vermindering van sodanige verlies.
- (3) Geen bedrag word betaal of is betaalbaar uit die fonds nie as rente op die bedrag van enige vonnis verkry of van enige eis teen die fonds erken.
- (4) Geen reg van aksie bestaan teen die fonds nie ten opsigte van 'n verlies deur enige persoon gely weens 'n diefstal wat deur 'n prokureur, notaris of transportbesorger gepleeg mag word te enige tyd nadat die eiser of persone wat wettiglik kragtens en deur hom eis, 'n skriftelike kennisgewing van die sekretaris van 'n genootskap of die beheerraad ontvang het om hom of hulle te waarsky teen die indiensneming of verdere indiensneming van sodanige praktisyn.
- (5) Geen reg van aksie bestaan teen die fonds nie ten opsigte van 'n verlies deur die vrou van 'n prokureur, notaris of transportbesorger gely weens 'n diefstal deur daardie prokureur, notaris of transportbesorger gepleeg of ten opsigte van 'n verlies deur 'n prokureur, notaris of transportbesorger gely weens 'n diefstal deur 'n vennoot van daardie prokureur, notaris of transportbesorger gepleeg of weens 'n diefstal gepleeg deur 'n bediende van die prokureur, notaris of transportbesorger of van 'n firma waarvan hy vennoot is.
- (6) Geen aksie vir skadevergoeding bestaan nie teen 'n genootskap of 'n lid of bediende van 'n genootskap of raad of die beheerraad vir enige kennisgewing te goeder trou en sonder kwaadwilligheid vir die doeleindes van sub-artikel (4) verstrek.
28. In 'n aksie teen die beheerraad in verband met die fonds ingestel, is alle verweersmiddels wat vir die persoon teen wie die eis ontstaan het beskikbaar sou gewees het, vir die beheerraad beskikbaar.

Aanwending van fonds.

Beheerraad kan eise vereffen.

Verweersmiddels ten opsigte van eise teen fonds.

Subrogation to
rights of action.

If fund in-
sufficient to
satisfy such
claims balance
to be charged
against future
accumulations.

Board may enter
into contracts of
insurance.

Application of
insurance
moneys.

Board may
refund contri-
butions in
certain cases.

Attorneys' etc.
fidelity fund
certificates.

Attorneys
practising
without
certificates.

Attorney may
not act or recover
fees whilst un-
certificated.

29. On payment out of the fund of any moneys in settle-
ment in whole or in part of any claim under this Act the
board of control shall be subrogated, to the extent of such pay-
ment, to all the rights and remedies of the claimant against
any persons in relation to the claim in the event of his death 5
or insolvency or bankruptcy or other disability.

30. (1) No money or other property belonging to a law
society other than the fund shall be available for the satisfac-
tion of any judgment obtained in relation to the fund, or for
the payment of any claim allowed by the board of control; 10
but if at any time the fund is not sufficient to provide for the
satisfaction of all such judgments and claims they shall, to the
extent to which they are not so satisfied, be charged against
future accumulations of the fund.

(2) The board of control may in its absolute discretion 15
determine the order in which the judgments and claims charged
against the fund as aforesaid shall be satisfied, and may,
if the amount accumulated is not sufficient to satisfy all such
judgments and claims in full, satisfy any such judgment or
claim in whole or in part. 20

(3) Without limiting the discretion of the board of control
it shall, in applying the fund towards the settlement of such
judgments and claims as aforesaid, have regard to the following
rules—

(a) it shall take into consideration the relative degrees 25
of hardship suffered or likely to be suffered by the
several claimants in the event of their claims against
the fund not being satisfied in whole or in part;

(b) subject to paragraph (a), claims for amounts not
exceeding five hundred pounds shall, unless in special 30
circumstances, be satisfied in full before claims for
amounts exceeding five hundred pounds are satisfied
to a greater extent than five hundred pounds;

(c) where all other considerations are equal, claimants
shall have priority among themselves according to 35
the dates of the judgments or the dates when the claims
were admitted by the board of control, as the case
may be.

31. (1) The board of control may in its discretion enter
into any contract with any person or company carrying on 40
fidelity insurance business in the Union whereby the fund will
be indemnified to the extent and in the manner provided by
such contract against liability to pay claims under this Act.

(2) Any such contract shall be entered into in respect of 45
attorneys, notaries and conveyancers generally.

32. No claimant against the fund shall have any right
of action against any person or company with whom a contract
of indemnity has been made under section *thirty-one* in respect
of such contract, or have any right or claim to any moneys
paid by the insurer in accordance with any such contract of 50
indemnity; but all such moneys shall be paid into the fund
and shall be applied in or towards the settlement of relevant
claims.

33. In the event of the death or on the retirement from
the practice of his profession of an attorney, notary or con- 55
veyancer in respect of whom no claim has been made under this
Act, or, if any such claim has been made, in respect of whom
such claim has not been sustained, the board of control may in
its discretion and after satisfying itself that no claim is likely
to be made, pay to him or to his estate, as the case may be, 60
a sum not exceeding the aggregate amount of his contributions
to the fund.

34. No attorney, notary or conveyancer shall after the
commencement of this Act, act or practice as such on his
own account or in partnership unless he is in possession of a 65
valid fidelity fund certificate.

35. Every person who directly or indirectly acts or practises
as an attorney, notary or conveyancer on his own account
or in partnership without having at the time a fidelity fund
certificate then in force shall be guilty of an offence, and shall 70
be liable on conviction to a penalty not exceeding one hundred
pounds.

36. No person acting as an attorney (on his own account
or in partnership) for any other person shall after the commence-
ment of this Act, sue, prosecute, defend or carry on any action 75
or suit or any proceedings in any court unless he is in possession
of a valid fidelity fund certificate, or shall be capable of main-
taining any action or suit for the recovery of any fee, reward
or disbursement for or in respect of any business, matter or thing
done by him as an attorney whilst he was without such certifi- 80
cate.

29. By betaling uit die fonds van enige gelde ter algehele of gedeeltelike vereffening van enige eis ingevolge hierdie Wet word die beheerraad volgens die mate van sodanige betaling gesurrogeer tot alle regte en regsmiddels van die eiser teen enige persone in verband met die eis ingeval van sy dood of insolvensie of bankrotskap of ander regsonbevoegdheid. Surrogasie tot regte van aksie.
30. (1) Geen geld of ander goedere behorende aan 'n wets-genootskap behalwe die fonds is beskikbaar ter vereffening van 'n vonnis in verband met die fonds verkry, of ter betaling van 'n eis deur die beheerraad toegestaan; maar indien die fonds te enige tyd onvoldoende is om vir die vereffening van alle sodanige vonnisse en eise voorsiening te maak, word hulle, in die mate waarin hulle nie aldus vereffen word nie, teen toekomstige byvoegings aan die fonds bereken. As fonds onvoldoende is om sodanige eise te vereffen restant teen toekomstige byvoegings bereken te word.
- 15 (2) Die beheerraad kan volgens sy absolute diskresie beslis oor die orde waarin die vonnisse en eise teen die fonds bereken soos voormeld vereffen word, en kan, indien die bygevoegde bedrag nie voldoende is om alle sodanige vonnisse en eise ten volle te vereffen nie, 'n sodanige vonnis of eis in geheel of gedeeltelik vereffen.
- (3) Sonder beperking van die diskresie van die beheerraad moet hy by die aanwending van die fonds ter vereffening van sodanige vonnisse en eise soos voormeld, die volgende reëls in ag neem—
- 25 (a) hy moet die betreklike mate van die ontbering deur die verskillende eisers gely of wat hulle waarskynlik sal ly, ingeval hulle eise teen die fonds in geheel of gedeeltelik nie vereffen word nie, in aanmerking neem;
- 30 (b) behoudens paragraaf (a) word eise vir bedrae van hoogstens vyfhonderd pond, behalwe onder spesiale omstandighede, ten volle vereffen voordat eise vir bedrae van meer as vyfhonderd pond vereffen word tot 'n groter mate as vyfhonderd pond;
- 35 (c) wanneer alle ander oorwegings ewe sterk is kry eisers onder mekaar voorrang ooreenkomstig die datums van die vonnisse of die datums waarop die eise deur die beheerraad erken is, na gelang van die geval.
31. (1) Die beheerraad kan volgens sy diskresie met 'n persoon of maatskappy wat eerlikheidsversekerings-besigheid in die Unie doen, 'n kontrak aangaan waardeur die fonds in die mate en op die wyse soos deur sodanige kontrak bepaal, skadeloos gestel sal word teen aanspreeklikheid om eise ingevolge hierdie Wet te betaal. Raad kan versekeringskontrakte aangaan.
- (2) 'n Sodanige kontrak moet ten opsigte van prokureurs, notaris en transportbesorgers oor die algemeen aangegaan word.
32. Geen eiser teen die fonds besit 'n reg van aksie nie teen enige persoon of maatskappy met wie 'n skadeloosstellingskontrak aangegaan is ingevolge artikel een-en-dertig ten opsigte van sodanige kontrak, of het 'n reg of eis op enige gelde deur die versekeraar betaal ooreenkomstig 'n sodanige skadeloosstellingskontrak; maar alle sodanige gelde word in die fonds gestort en word vir of ter vereffening van relevante eise aangewend. Aanwending van versekeringsgelde.
- 50 33. Ingeval 'n prokureur, notaris of transportbesorger, ten opsigte van wie geen eis ingevolge hierdie Wet ingestel is nie, of, indien so 'n eis ingestel is, ten opsigte van wie sodanige eis nie gehandhaaf is nie, sterf of ophou om sy professie te beoefen, kan die beheerraad volgens sy diskresie en nadat hy hom daarvan oortuig het dat daar waarskynlik geen eis ingestel sal word nie, aan hom of aan sy boedel, na gelang van die geval, 'n bedrag van hoogstens die gesamentlike bedrag van sy bydraes tot die fonds betaal. Raad kan in sekere gevalle bydraes terugbetaal.
- 65 34. Geen prokureur, notaris, of transportbesorger mag na die inwerkingtreding van hierdie Wet vir sy eie rekening of in vennootskap as sulks optree of praktiseer nie tensy hy in besit van 'n geldige eerlikheidsfonds-sertifikaat is. Prokureurs, ens. se eerlikheidsfonds-sertifikaat.
- 70 35. Elke persoon wat vir sy eie rekening of in vennootskap direk of indirek as prokureur, notaris of transportbesorger optree of praktiseer sonder om op die tyd 'n eerlikheidsfonds-sertifikaat te hê wat dan van krag is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd pond. Prokureurs wat sonder sertifikaat praktiseer.
- 75 36. Geen persoon wat na die inwerkingtreding van hierdie Wet as prokureur (vir sy eie rekening of in vennootskap) vir enige ander persoon optree, mag iemand in regte aanspreek, vervolg, verdedig of 'n aksie of geding of proses in 'n hof voer nie tensy hy in besit van 'n geldige eerlikheidsfonds-sertifikaat is, of is in staat om 'n aksie of geding vir verhaal van enige gelde, beloning of uitgawe vir of ten opsigte van enige besigheid, saak of iets deur hom as prokureur gedoen terwyl hy sonder sodanige sertifikaat was, te handhaaf nie. Prokureur mag nie optree of gelde verhaal nie terwyl hy ongesertifiseer is.

The like in relation to conveyancers and others.

37. No person acting as an attorney, notary or conveyancer (on his own account or in partnership) for any other person after the commencement of this Act, unless he is in possession of a valid fidelity fund certificate, shall be capable of maintaining any action or suit for the recovery of any fee, reward or disbursement for or in respect of instructions for, or drawing, preparing, ingrossing, stamping, registering or recording any deed, document or instrument whilst he was without such certificate. 5

Fund exempt from income and other taxes.

38. The income of the fund shall be exempt from the provisions of any law relating to payment of income tax or any tax of a like nature. 10

Fund exempt from Insurance Laws.

39. No provisions of any law relating to insurance (other than a law relating to the compulsory insurance of employees) or the provision of security in connection therewith shall apply to the fund. 15

Minister may make regulations for purposes of this Act.

40. (1) For the purposes of this Act the Minister of Justice after consultation as provided for in section *thirty* of the principal Act, may from time to time make regulations for all or any of the following purposes:— 20

- (a) providing for the method of payment and recovery of any contribution; 25
- (b) providing for the investment of so much of the fund as is not immediately required for the purposes thereof; 25
- (c) prescribing forms and times of notice to be given to a Society and the board of control in respect of claims against the fund and the particulars thereof, and the conditions subject to which and the extent to which the board of control may settle any such claims without recourse being had to legal proceedings; 30
- (d) for providing forms of certificate to be issued to persons practising as attorneys, notaries or conveyancers, declarations, applications, notices and documents to be used in relation to any application or refusal of any application under this Act; 35
- (e) for requiring any evidence that a person has been admitted to practise or is still practising, or has ceased practising or has continued or discontinued practising as an attorney, notary or conveyancer, or as to the reason of any person discontinuing practice, and generally for the obtaining of information which may be considered necessary or reasonable for the purposes of determining the merits of applications for certificates or matters in relation thereto; 45
- (f) for the election of a chairman, vice-chairman and other office-bearers of the board of control; 50
- (g) for the appointment, remuneration and dismissal of any administrative or clerical officers of the board of control; 50
- (h) for the establishment of offices for and the regulation of the management and administration of the board of control, including the manner and form in which all contracts, deeds and documents shall be drawn and executed by, for or on behalf of the board of control; 55
- (i) generally, for such other matters as may be considered necessary for the purpose of giving full effect to the intent of this Act. 55

(2) Any regulations made by the Minister of Justice as aforesaid shall be published in the *Gazette*, and shall thereupon have the same force and effect as if they were enacted in this Act. 60

Short title.

41. This Act may be cited as the Attorneys' Admission Amendment and Legal Practitioners' Fidelity Fund Act, 1939, and shall come into operation on the first day of January, 1940. 65

37. Geen persoon wat na die inwerkingtreding van hierdie Wet as prokureur, notaris of transportbesorger (vir sy eie rekening of in vennootskap) vir enige ander persoon optree, tensy hy in besit van 'n geldige eerlikheidsfonds-sertifikaat is, is in staat om 'n aksie of geding te handhaaf nie vir verhaal van enige gelde, beloning of uitgawe vir of ten opsigte van 'n opdrag vir, of die opstel, voorberei, grosseer, seël, registreer of inskrywing van 'n akte, dokument of stuk terwyl hy sonder sodanige sertifikaat was.
- 10 38. Die inkomste van die fonds is van die bepalings van 'n wet betreffende die betaling van inkomstebelasting of 'n belasting van dergelike aard vrygestel.
39. Geen bepalings van 'n wet betreffende versekering (behalwe 'n wet betreffende die verpligte versekering van werknemers) of die verskaffing van sekuriteit in verband daarmee is op die fonds van toepassing nie.
- 15 40. (1) Vir die doeleindes van hierdie Wet kan die Minister van Justisie na oorleg, soos in artikel *dertig* van die Hoofwet bepaal, van tyd tot tyd regulasies vir al of enige van die volgende doeleindes uitvaardig—
- (a) om voorsiening te maak vir die metode van betaling en verhaal van enige bydrae;
- (b) om voorsiening te maak vir die belegging van soveel van die fonds as wat vir die doeleindes daarvan nie onmiddellik vereis word nie;
- 25 (c) ter voorskrywing van formuliere en tye van kennis wat aan 'n genootskap en die beheerraad gegee moet word ten opsigte van eise teen die fonds en die besonderhede daarvan; en die voorwaardes waarvolgens en die mate waarin die beheerraad enige sodanige eise kan vereffen sonder om van 'n regsproses gebruik te maak;
- 30 (d) ter voorsiening van sertifikaat-formuliere wat uitgereik moet word aan persone wat as prokureurs, notaris of transportbesorgers praktiseer, verklarings, aansoeke, kennisgewings en dokumente gebruik te word ten opsigte van 'n aansoek of weiering van 'n aansoek ingevolge hierdie Wet;
- 35 (e) ter verkryging van enige getuienis dat 'n persoon toegelaat is om te praktiseer of nog praktiseer of opgehou het om te praktiseer of aangehou of opgehou het om as prokureur, notaris of transportbesorger te praktiseer, of omtrent die rede waarom enige persoon ophou om te praktiseer, en oor die algemeen ter verkryging van inligting wat nodig of billik geag word ter vasstelling van die meriete van aansoeke om sertifikate of daarmee in verband staande sake;
- 40 (f) ter verkiesing van 'n voorsitter, onder-voorsitter en ander ampsdraers van die beheerraad;
- 45 (g) vir die aanstelling, besoldiging en ontslag van enige administratiewe of klerklike beamptes van die beheerraad;
- 50 (h) vir die stigting van kantore vir en die reëling van die bestuur en beheer van die beheerraad, met inbegrip van die wyse waarop en vorm waarin alle kontrakte, aktes en dokumente deur, vir of namens die beheerraad opgetrek en voltooi word;
- 55 (i) oor die algemeen vir sodanige ander sake as wat nodig beskou word ten einde die bedoeling van die Wet ten volle uit te voer.
- 60 (2) Enige regulasies deur die Minister van Justisie uitgevaardig, soos voormeld, word in die *Staatskoerant* gepubliseer, en is dan van dieselfde krag en geldigheid asof hulle in hierdie Wet aangeneem was.
- 65 41. Hierdie Wet heet die Toelating van Prokureurs Wysigings- en Regspraktisyns-eerlikheidsfonds-wet, 1939, en tree op die eerste dag van Januarie 1940 in werking.

Dieselfde ten opsigte van transportbesorgers en ander.

Fonds van inkomste- en ander belastinge vrygestel.

Fonds van versekeringswette vrygestel.

Minister kan regulasies vir doeleindes van hierdie Wet opstel.

Kort titel.