



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuusblad by die Poskantoor Gereistreer

Registered at the Post Office as a Newspaper

PRYS 40c PRICE

Plus AVB/GST

BUITELANDS 50c ABROAD

POSVRY · POST FREE

Vol. 230

KAAPSTAD, 15 AUGUSTUS 1984

No. 9358

CAPE TOWN, 15 AUGUST 1984

KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 1686.

15 Augustus 1984

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 108 van 1984: Wysigingswet op Prokureurs, 1984.

No. 1686.

15 August 1984

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

No. 108 of 1984: Attorneys Amendment Act, 1984.

Wet No. 108, 1984

WYSIGINGSWET OP PROKUREURS, 1984

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Wet op Prokureurs, 1979, ten einde voorsiening te maak vir die erkenning van grade en eksamens van universiteite in sekere ander lande vir doeleindes wat in verband staan met die duur van diens kragtens leerkontrakte, die voorlegging van inligting aan prokureursordes voor die aangaan van leerkontrakte, die verskyning van klerke onder leerkontrak voor howe en ander instellings, die beëindiging van leerkontrakte en die toelating van prokureurs; die getal persone by die Johannesburgse tak van die Staatsprokureur wat klerke onder leerkontrak in diens kan hê, met een te vermeerder; ander voorsiening te maak ten opsigte van gelde wat aan 'n prokureursorde betaalbaar is vir die uitreiking van 'n sertifikaat dat 'n klerk onder leerkontrak geregtig is om voor sekere howe en instellings te verskyn; die toelating van prokureurs verder te reël, en uitdruklike voorsiening te maak vir die hertoelating van prokureurs, notaris en transportbesorgers; die verwydering van prokureurs van die rol van prokureurs verder te reël; en die vereiste dat die Minister van Justisie regters-president moet raadpleeg by die voorskryf van gelde, te skrap, en genoemde Minister se bevoegdheid om gelde voor te skryf, uit te brei; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 12 Julie 1984.)*

DAAR WORD BEPAAL deur die Staatspresident en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Wysiging van
artikel 2 van
Wet 53 van 1979.

1. Artikel 2 van die Wet op Prokureurs, 1979 (hieronder die Hoofwet genoem), word hierby gewysig—

(a) deur in subartikel (1) na paragraaf (a) die volgende 5
paragraaf in te voeg:

“(aA) twee jaar nadat hy aan al die vereistes voldoen
het vir 'n graad of grade van 'n universiteit in 'n
land wat die Minister, na oorleg met die presidente
van die onderskeie ordes, by kennisgewing in die 10
Staatskoerant aanwys en ten opsigte waarvan 'n
universiteit in die Republiek met 'n regs fakulteit
gesertifiseer het dat die onderrigleerplan en die
standaard van opleiding daarvan, tesame met 'n 15
aanvullende eksamen (as daar is) wat deur laasge-
noemde universiteit vereis word en aan die vere-
istes waarvan daardie persoon voldoen het, gelyk
is aan, of hoër is as, dié wat vir die graad in para-
graaf (a) bedoel, vereis word;”.

(b) deur paragraaf (c) van subartikel (1) deur die volgende 20
paragraaf te vervang:

“(c) drie jaar nadat hy aan al die vereistes vir 'n ander
graad as 'n eregraad **[aan]** van 'n universiteit in die
Republiek voldoen het of geslaag het in 'n eksa-

ATTORNEYS AMENDMENT ACT, 1984

Act No. 108, 1984

GENERAL EXPLANATORY NOTE:

[Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Attorneys Act, 1979, so as to provide for the recognition of degrees and examinations of universities in certain other countries for purposes connected with the duration of service under articles of clerkship, the submission of information to law societies before articles are entered into, the appearance of articulated clerks before courts and other institutions, the termination of articles and the admission of attorneys; to increase by one the number of persons at the Johannesburg branch of the State Attorney by whom articulated clerks may be engaged; to make other provision in respect of fees payable to a law society for the issue of a certificate that an articulated clerk is entitled to appear before certain courts and institutions; to further regulate the admission of attorneys, and to make express provision for the readmission of attorneys, notaries and conveyancers; to further regulate the removal of attorneys from the roll of attorneys; and to delete the requirement that the Minister of Justice in prescribing fees shall consult with the judges-president, and to extend the said Minister's power to prescribe fees; and to provide for matters connected therewith.

(English text signed by the State President.)

(Assented to 12 July 1984.)

BE IT ENACTED by the State President and the House of Assembly of the Republic of South Africa, as follows:—

1. Section 2 of the Attorneys Act, 1979 (hereinafter referred to as the principal Act), is hereby amended—

Amendment of
section 2 of
Act 53 of 1979.

5 (a) by the insertion in subsection (1) after paragraph (a) of the following paragraph:

“(aA) two years after he has satisfied all the requirements for a degree or degrees of a university in a country which may be designated by the Minister, after consultation with the presidents of the various societies, 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 of instruction and the standard of training thereof, together with a supplementary examination (if any) required by the latter university, the requirements of which have been satisfied by that person, are equivalent or superior to those required for the degree referred to in paragraph (a);”;

20 (b) by the substitution for paragraph (c) of subsection (1) of the following paragraph:

“(c) three years after he has satisfied all the requirements for any degree, other than an honorary degree, of any university in the Republic or has pass-

Wet No. 108, 1984

WYSIGINGSWET OP PROKUREURS, 1984

men deur so 'n universiteit afgeneem en deur die in paragraaf (a) bedoelde Raad gesertifiseer as gelyk aan of hoër as die eksamen vir so 'n graad, maar nie aan die vereistes van paragraaf (a), (aA) of (b) voldoen nie;"; en

(c) deur in subartikel (1) na paragraaf (c) die volgende paragraaf in te voeg:

“(cA) drie jaar nadat hy aan al die vereistes voldoen het vir 'n ander graad as 'n eregraad, of vir ander sodanige grade, van 'n universiteit in 'n land wat kragtens paragraaf (aA) aangewys is, en ten opsigte van welke graad of grade 'n universiteit in die Republiek gesertifiseer het dat die onderrigleerplan en die standaard van opleiding daarvan gelyk is aan, of hoër is as, dié wat vir 'n ooreenstemmende graad van dié universiteit in die Republiek vereis word, of nadat hy geslaag het in 'n eksamen of in eksamens deur 'n universiteit in 'n aldus aangewese land afgeneem en deur die in paragraaf (a) bedoelde Raad gesertifiseer as gelyk aan of hoër as die eksamen vir 'n graad in paragraaf (c) bedoel, maar nie aan die vereistes van paragraaf (a), (aA), (b) of (c) voldoen nie;”.

Wysiging van
artikel 3 van
Wet 53 van 1979.

2. Artikel 3 van die Hoofwet word hierby gewysig deur paragraaf (h) van subartikel (1) deur die volgende paragraaf te vervang:

“(h) in die geval van die Johannesburgse tak van genoemde kantoor, as een van die **[drie]** vier mees senior professionele assistente van die professionele assistent wat oor bedoelde tak toesig het; en —”.

Wysiging van
artikel 4 van
Wet 53 van 1979.

3. Artikel 4 van die Hoofwet word hierby gewysig deur subparagraaf (ii) van paragraaf (b) deur die volgende subparagraaf te vervang:

“(ii) aan al die vereistes vir 'n ander graad as 'n eregraad aan 'n universiteit in die Republiek, of vir 'n graad of grade in paragraaf (aA) of (cA) van artikel 2 (1) bedoel, ten opsigte waarvan 'n sertifisering ooreenkomstig daardie onderskeie paragrawe gedoen is, voldoen het.”.

Wysiging van
artikel 8 van
Wet 53 van 1979,
soos gewysig deur
artikel 1 van
Wet 56 van 1983.

4. Artikel 8 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

“(b) aan al die vereistes vir die in paragraaf (a) van artikel 2 (1) **[(a)]** bedoelde graad, of vir 'n in paragraaf (aA) van daardie artikel bedoelde graad of grade ten opsigte waarvan 'n sertifisering ooreenkomstig daardie paragraaf gedoen is, voldoen het, en minstens een jaar kragtens sy leerkontrak gedien het;"; en

(b) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) Die sekretaris van die betrokke orde reik aan 'n in subartikel (1) bedoelde klerk op die skriftelike aansoek van sy prinsipaal en teen betaling van die **[bedrag van R10,00]** gelde kragtens artikel 80 (bA) voorgeskryf 'n sertifikaat uit dat hy aan die bepalings van [daardie] subartikel (1) voldoen.”.

Wysiging van
artikel 11 van
Wet 53 van 1979.

5. Artikel 11 van die Hoofwet word hierby gewysig deur in subartikel (3) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

“Indien iemand wat 'n tydperk gedien het kragtens 'n leer-

ATTORNEYS AMENDMENT ACT, 1984

Act No. 108, 1984

ed an examination conducted by such a university and certified by **[such]** the Board referred to in paragraph (a) to be equivalent or superior to the examination for such a degree, but has not satisfied the requirements of paragraph (a), (aA) or (b);"; and

(c) by the insertion in subsection (1) after paragraph (c) of the following paragraph:

"(cA) three years after he has satisfied all the requirements for any degree other than an honorary degree, or for other such degrees, of a university in a country designated under paragraph (aA), and in respect of which degree or degrees a university in the Republic has certified that the syllabus of instruction and the standard of training thereof are equivalent or superior to those required for a corresponding degree of such university in the Republic, or after he has passed an examination or examinations conducted by a university in a country so designated and certified by the Board referred to in paragraph (a) to be equivalent or superior to the examination for a degree referred to in paragraph (c), but has not satisfied the requirements of paragraph (a), (aA), (b) or (c);".

2. Section 3 of the principal Act is hereby amended by the substitution for paragraph (h) of subsection (1) of the following paragraph: Amendment of section 3 of Act 53 of 1979.

"(h) in the case of the Johannesburg branch of the said office, as one of the **[three]** **four** most senior professional assistants to the professional assistant in charge of that branch; and —".

3. Section 4 of the principal Act is hereby amended by the substitution for subparagraph (ii) of paragraph (b) of the following subparagraph: Amendment of section 4 of Act 53 of 1979.

"(ii) satisfied all the requirements for a degree, other than an honorary degree, at any university in the Republic, or for a degree or degrees referred to in paragraph (aA) or (cA) of section 2 (1), in respect of which a certification in accordance with those respective paragraphs has been done."

4. Section 8 of the principal Act is hereby amended—

(a) by the substitution for paragraph (b) of subsection (1) of the following paragraph: Amendment of section 8 of Act 53 of 1979, as amended by section 1 of Act 56 of 1983.

"(b) has satisfied all the requirements for **[a]** the degree referred to in paragraph (a) of section 2 (1) **[(a)]**, or for a degree or degrees referred to in paragraph (aA) of that section in respect of which a certification in accordance with that paragraph has been done, and has served at least one year under his articles,"; and

(b) by the substitution for subsection (3) of the following subsection:

"(3) The secretary of the society concerned shall, upon the written application of the principal of any clerk referred to in subsection (1) and upon the payment of the **[amount of R10,00]** fees prescribed under section 80 (bA), issue to such clerk a certificate that he complies with the provisions of **[that]** subsection (1)."

5. Section 11 of the principal Act is hereby amended by the substitution in subsection (3) for the words preceding paragraph (a) of the following words: Amendment of section 11 of Act 53 of 1979.

"If a person who has served any period under articles of

Wet No. 108, 1984

WYSIGINGSWET OP PROKUREURS, 1984

Wysiging van
artikel 13 van
Wet 53 van 1979,
soos gewysig deur
artikel 2 van
Wet 76 van 1980,
artikel 1 van
Wet 60 van 1982
en artikel 2 van
Wet 56 van 1983.

Vervanging van
artikel 15 van
Wet 53 van 1979.

kontrak wat ingetrek of laat vaar is voordat dit voltooi is, aan al die vereistes van 'n in paragraaf (a) of (c) van artikel 2 (1) **[(a) of (c)]** bedoelde graad, of van 'n in paragraaf (aA) of (cA) van daardie artikel bedoelde graad of grade ten opsigte waarvan 'n sertifisering ooreenkomstig daardie onderskeie paragrawe gedoen is, voldoen het, of geregtig is om as 'n advokaat toegelaat te word, kan die hof, op aansoek van so iemand en onderworpe aan die voorwaardes wat die hof oplê, beveel—".

6. Artikel 13 van die Hoofwet word hierby gewysig—
(a) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

“(b) is, indien 'n universiteit in Suid-Afrika met 'n regsfakulteit gesertifiseer het dat 'n eksamen waarin hy in die een of ander land of gebied geslaag het, vir sover dit betrekking het op die onderrigleerplan en die standaard van opleiding, tesame met 'n aanvullende eksamen (as daar is) wat deur daardie universiteit vereis word en aan die vereistes waarvan daardie persoon voldoen het, gelyk is aan, of hoër is as, die eksamen wat vir die graad vermeld in artikel 2 (1) (a) vereis word en wat deur die Raad [op] vir die Erkenning van Regseksamens ingestel by artikel 16 van die Wet op Universiteite, 1955 (Wet No. 61 van 1955), erken word, daarvan vrygestel om aan die vereistes te voldoen vir die graad in genoemde artikel 2 (1) (a) vermeld;” en

(b) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) Die Hof kan, op aansoek van 'n klerk onder leerkontrak wat aan al die vereistes van 'n in paragraaf (a) of (c) van artikel 2 (1) **[(a) of (c)]** bedoelde graad, of van 'n in paragraaf (aA) of (cA) van daardie artikel bedoelde graad of grade ten opsigte waarvan 'n sertifisering ooreenkomstig daardie onderskeie paragrawe gedoen is, voldoen het, of geregtig is om as 'n advokaat toegelaat te word, beveel dat onderworpe aan die voorwaardes wat die hof oplê die hele of enige gedeelte van die tydperk wat daardie klerk kragtens die leerkontrak gedien het voordat hy aan daardie vereistes voldoen het of aldus geregtig geword het, vir die doeleindes van sy toelating en inskrywing as prokureur beskou word as gedien te wees nadat, en kragtens 'n leerkontrak aangegaan nadat, hy aan daardie vereiste voldoen het of aldus geregtig geword het.”.

7. Artikel 15 van die Hoofwet word hierby deur die volgende artikel vervang:

“Toelating en hertoelating van prokureurs.

15. (1) Tensy redes ten genoë van die hof daarteen aangevoer word, moet die hof op 'n aansoek ooreenkomstig hierdie Wet gedoen iemand as prokureur toelaat en inskryf indien—

(a) hy, na goedvinde van die hof, 'n geskikte en gepaste persoon is om aldus toegelaat en ingeskryf te word; en

(b) die hof oortuig is dat hy voldoen aan die volgende vereistes of, waar toepaslik, dat hy kragtens die bepalings van hierdie Wet daarvan vrygestel is, naamlik dat hy—

[(a) 'n geskikte en gepaste persoon is om aldus toegelaat en ingeskryf te word;

(b) (i) 21 jaar oud of ouer is;

[(c) (ii) (aa) 'n Suid-Afrikaanse burger is of wettiglik tot die Republiek toege-

ATTORNEYS AMENDMENT ACT, 1984

Act No. 108, 1984

clerkship which were cancelled or abandoned before completion thereof, has satisfied all the requirements for a degree referred to in paragraph (a) or (c) of section 2 (1) [(a) or (c)], or a degree or degrees referred to in paragraph (aA) or (cA) of that section in respect of which a certification in accordance with those respective paragraphs has been done, or is entitled to be admitted as an advocate, the court may, on the application of such person and subject to such conditions as the court may impose, order—”.

6. Section 13 of the principal Act is hereby amended—

(a) by the substitution for paragraph (b) of subsection (1) of the following paragraph:

Amendment of section 13 of Act 53 of 1979, as amended by section 2 of Act 76 of 1980, section 1 of Act 60 of 1982 and section 2 of Act 56 of 1983.

“(b) shall, if a university in South Africa which has a law faculty has certified that an examination which he has passed in any country or territory is, in so far as it relates to the syllabus of instruction and the standard of training, together with a supplementary examination (if any) required by that university, the requirements of which have been satisfied by that person, equivalent [to] or superior to the examination which is required for the degree mentioned in section 2 (1) (a) and which has been recognized by the Board for the Recognition of Examinations in Law established by section 16 of the Universities Act, 1955 (Act No. 61 of 1955), be exempted from satisfying the requirements for the degree mentioned in the said section 2 (1) (a);”;

and
(b) by the substitution for subsection (3) of the following subsection:

“(3) The court may, on the application of an articulated clerk who has satisfied all the requirements for a degree referred to in paragraph (a) or (c) of section 2 (1) [(a) or (c)], or for a degree or degrees referred to in paragraph (aA) or (cA) of that section in respect of which a certification in accordance with those respective paragraphs has been done, or is entitled to be admitted as an advocate, and subject to such conditions as the court may impose, order that the whole or any part of the period served by that clerk under articles before he satisfied such requirements or became so entitled, shall, for the purpose of his admission and enrolment as an attorney, be regarded as having been served after and under articles entered into after he satisfied such requirements or became so entitled.”.

7. The following section is hereby substituted for section 15 of the principal Act:

Substitution of section 15 of Act 53 of 1979.

“Admission and readmission of attorneys. 15. (1) Unless cause to the contrary to its satisfaction is shown, the court shall on application in accordance with this Act, admit and enrol any person as an attorney if—

(a) such person, in the discretion of the court, is a fit and proper person to be so admitted and enrolled; and

(b) the court is satisfied that such person has satisfied the following requirements or, where applicable, has been exempted therefrom in terms of the provisions of this Act, namely that such person—

[(a) is a fit and proper person to be so admitted and enrolled;

(b)] (i) is 21 years of age or older;

[(c)] (ii) (aa) is a South African citizen or has been lawfully admitted to the Re-

Wet No. 108, 1984

WYSIGINGSWET OP PROKUREURS, 1984

laat is vir permanente verblyf daar-
in en gewoonlik in die Republiek
woonagtig is; of

- (bb) 'n burger is van 'n staat waarvan
die grondgebied voorheen deel van 5
die Republiek uitgemaak het, en
behoort tot 'n kategorie persone,
en voldoen aan die voorwaardes,
wat die Minister, na oorleg met die
presidente van die onderskeie 10
ordes, by kennisgewing in die
Staatskoerant bepaal;

- [(d)] (iii) (aa) aan al die vereistes vir die graad in
artikel 2 (1) (a) vermeld, voldoen
het nadat hy vir daardie graad 'n 15
studiekursus in daardie artikel ver-
meld, gevolg het; of

- (bb) aan al die vereistes voldoen het vir
'n graad of grade in paragraaf (aA)
van artikel 2 (1) bedoel ten opsigte 20
waarvan 'n sertifisering oor-
eenkomstig daardie paragraaf ge-
doen is; of

- (cc) voorheen as advokaat toegelaat is
of geregtig is om aldus toegelaat te 25
word;

- [(e)] (iv) geslaag het in die praktiese eksamens
bedoel in artikel 14 (1) (a), (b) en (c);

- [(f)] (v) geslaag het in eksamens in die Afri-
kaanse en die Engelse taal wat die ge- 30
meenskaplike matrikulasieraad ver-
meld in artikel 15 van die Wet op Uni-
versiteite, 1955 (Wet No. 61 van 1955),
gesertifiseer het as gelyk aan of van 'n
hoër standaard as die een of ander ek- 35
samen in genoemde taal afgeneem by
die matrikulasie-eksamen in artikel 2
(1) (d) bedoel, of by regulasie
uitgevaardig kragtens artikel 81 (1) (i)
daarvan vrygestel is om in die een of 40
ander van of albei bedoelde eksamens
te slaag; en

- [(g)] (vi) sy diens onder leerkontrak voltooi het
binne die tydperk van 3 jaar wat sy
aansoek by die hof voorafgaan of binne 45
die verdere tydperk deur die hof inge-
volg subartikel (2) toegelaat.

(2) Die hof kan na goedvinde, op aansoek van ie-
mand en by bewys van gegronde rede, 'n verdere
tydperk benewens die tydperk van 3 jaar in subarti- 50
kel (1) [(g)] (b) (vi) vermeld, toelaat waarbinne so
iemand om toelating as prokureur aansoek kan doen,
onderworpe aan die voorwaardes, as daar is, wat die
hof goedvind, met inbegrip van 'n voorwaarde met
betrekking tot verdere diens onder leerkontrak. 55

(3) 'n Hof kan, op aansoek ooreenkomstig hierdie
Wet gedoen, iemand wat voorheen as prokureur toe-
gelaat en ingeskryf was en van die rol verwyder of
geskrap is, as prokureur hertoelaat en herinskryf, in-
dien— 60

- (a) hy, na goedvinde van die hof, 'n geskikte en ge-
paste persoon is om aldus hertoegelaat en her-
ingeskryf te word; en
(b) die hof oortuig is dat hy voldoen aan die bepa-
lings van subartikel (1) (b) (ii).” 65

ATTORNEYS AMENDMENT ACT, 1984

Act No. 108, 1984

public for permanent residence therein and is ordinarily resident in the Republic; or

5 (bb) is a citizen of a state the territory of which formerly formed part of the Republic, and belongs to such category of persons, and complies with such conditions, as may be determined by the Minister, after consultation with the presidents of the various societies, by notice in the Gazette;

15 **[(d)]** (iii) (aa) has satisfied all the requirements for a degree referred to in section 2 (1) (a) after pursuing for that degree a course of study referred to in that section; or

20 (bb) has satisfied all the requirements for a degree or degrees referred to in paragraph (aA) of section 2 (1) in respect of which a certification in accordance with that paragraph has been done; or

25 (cc) has previously been admitted as an advocate or is entitled to be so admitted;

[(e)] (iv) has passed the practical examinations referred to in section 14 (1) (a), (b) and (c);

30 **[(f)]** (v) has passed examinations in the Afrikaans and English language which the joint matriculation board referred to in section 15 of the Universities Act, 1955 (Act No. 61 of 1955), certified to be of equivalent or superior standard to one or other of the examinations in the said languages conducted at the matriculation examination referred to in section 2 (1) (d), or is by regulation made under section 81 (1) (i) exempted from passing in any of or both such examinations; and

45 **[(g)]** (vi) completed his service under articles within the period of 3 years preceding his application to the court or within the further period allowed by the court in terms of subsection (2).

50 (2) The court may in its discretion, on the application of any person and on good cause shown, allow a further period in addition to the period of 3 years referred to in subsection (1) **[(g)]** (b) (vi), within which the applicant may apply for admission as an attorney, subject to such conditions, if any, as it may deem fit, including a condition relating to further service under articles.

55 (3) A court may, on application made in accordance with this Act, readmit and re-enrol any person who was previously admitted and enrolled as an attorney and has been removed from or struck off the roll, as an attorney, if—

60 (a) such person, in the discretion of the court, is a fit and proper person to be so readmitted and re-enrolled; and

65 (b) the court is satisfied that he has complied with the provisions of subsection (1) (b) (ii)."

Wet No. 108, 1984

WYSIGINGSWET OP PROKUREURS, 1984

Vervanging van
artikel 18 van
Wet 53 van 1979.

8. Artikel 18 van die Hoofwet word hierby deur die volgende artikel vervang:

- “Toelating en hertoelating van notaris en transport-besorgers. 18. (1) Die hof kan op 'n aansoek op die voorge-
skrewe wyse gedoen iemand as notaris of transport-
besorger toelaat en inskryf indien hy die hof oortuig 5
dat—
(a) hy 'n prokureur is wat deur sodanige hof toege-
laat is om as prokureur te praktiseer;
(b) geen hofbevel waarby sy naam van die rol van
prokureurs geskrap is of hy in sy praktyk as pro- 10
kureur geskors is ten opsigte van hom van krag
is nie;
(c) geen verrigtinge aanhangig is om sy naam van
die rol van prokureurs te skrap of hom in sy 15
praktyk te skors nie; en
(d) hy geslaag het in die praktiese eksamen wat in-
gevolge artikel 14 (1) (d) of (e), na gelang van
die geval, voorgeskryf is of kragtens die bepa-
lings van hierdie Wet daarvan vrygestel is.
(2) Die hof kan op 'n aansoek op die voorge- 20
skrewe wyse gedoen iemand wat voorheen as notaris
of transportbesorger toegelaat en ingeskryf was en
van die rol verwyder of geskrap is, as notaris of
transportbesorger, na gelang van die geval, hertoe-
laat en herinskryf, indien— 25
(a) hy, na goedvinde van die hof, 'n geskikte en ge-
paste persoon is om aldus hertoegelaat en her-
ingeskryf te word; en
(b) die hof oortuig is dat hy voldoen aan die bepa-
lings van paragrafe (a), (b) en (c) van subarti-
kel (1).” 30

Wysiging van
artikel 22 van
Wet 53 van 1979,
soos gewysig deur
artikel 4 van
Wet 76 van 1980.

9. Artikel 22 van die Hoofwet word hierby gewysig—

- (a) deur subparagraaf (ii) van paragraaf (a) van subartikel
(1) deur die volgende subparagraaf te vervang:
“(ii) in die geval van iemand wat nie 'n Suid-Afrikaanse 35
burger is nie, uitgesonderd 'n persoon bedoel in
subparagraaf (iii), indien hy in gebreke gebly het
om binne 'n tydperk van ses jaar vanaf die datum
waarop hy tot die Republiek toegelaat is vir per-
manente verblyf daarin, of binne die verdere tyd-
perk wat die hof om gegronde rede toelaat, 'n ser-
tifikaat van naturalisasie ingevolge die Wet op
Suid-Afrikaanse Burgerskap, 1949 (Wet No. 44
van 1949), te verkry;”;
(b) deur die volgende subparagraaf by paragraaf (a) van 45
subartikel (1) te voeg:
“(iii) in die geval van iemand in item (bb) van artikel 15
(1) (b) (ii) bedoel, indien hy nie meer 'n burger
van enige staat in daardie item bedoel, is nie of op-
gehou het om te behoort tot 'n kategorie persone, 50
of te voldoen aan voorwaardes, wat kragtens daardie
item bepaal is;” en
(c) deur paragraaf (d) van subartikel (1) deur die volgende
paragraaf te vervang:
“(d) indien **[die hof oortuig is dat]** hy, na goedvinde 55
van die hof, nie 'n geskikte en gepaste persoon is
om voort te gaan om as prokureur te praktiseer
nie.”

Wysiging van
artikel 80 van
Wet 53 van 1979.

10. Artikel 80 van die Hoofwet word hierby gewysig—

- (a) deur die woorde wat paragraaf (a) voorafgaan deur die 60
volgende woorde te vervang:
“Die Minister kan, na raadpleging met **[die reg-**
ters-president van die onderskeie howe en] die
presidente van die onderskeie ordes, by kennisge-

ATTORNEYS AMENDMENT ACT, 1984

Act No. 108, 1984

8. The following section is hereby substituted for section 18 of the principal Act:

Substitution of section 18 of Act 53 of 1979.

- “Admission and readmission of notaries and conveyancers.”
18. (1) The court may on application made in the prescribed manner admit and enrol any person as a notary or conveyancer if the court is satisfied that—
- (a) he is an attorney admitted by such court to practise as an attorney;
- (b) no order of court striking his name off the roll of attorneys or suspending him from practice as an attorney is in operation in respect of him;
- (c) no proceedings are pending to strike his name off the roll of attorneys or to suspend him from practice; and
- (d) he has passed the practical examination prescribed by section 14 (1) (d) or (e), as the case may be, or is exempted therefrom under the provisions of this Act.
- (2) The court may on application made in the prescribed manner readmit and re-enrol as a notary or conveyancer, as the case may be, any person who was previously admitted and enrolled as a notary or conveyancer and has been removed from or struck off the roll, if—
- (a) he, in the discretion of the court, is a fit and proper person to be so readmitted and re-enrolled; and
- (b) the court is satisfied that such person has complied with the provisions of paragraphs (a), (b) and (c) of subsection (1).”

9. Section 22 of the principal Act is hereby amended—

Amendment of section 22 of Act 53 of 1979, as amended by section 4 of Act 76 of 1980.

- (a) by the substitution for subparagraph (ii) of paragraph (a) of subsection (1) of the following subparagraph:
- “(ii) in the case of a person who is not a South African citizen, other than a person contemplated in subparagraph (iii), if he has failed to obtain a certificate of naturalization in terms of the South African Citizenship Act, 1949 (Act No. 44 of 1949), within a period of six years from the date on which he was admitted to the Republic for permanent residence therein, or within such further period as the court may for good cause allow;”;
- (b) by the addition to paragraph (a) of subsection (1) of the following subparagraph:
- “(iii) in the case of a person referred to in item (bb) of section 15 (1) (b) (ii), if he is no longer a citizen of any state referred to in that item, or has ceased to belong to a category of persons or to comply with conditions determined in terms of that item;” and
- (c) by the substitution for paragraph (d) of subsection (1) of the following paragraph:
- “(d) if **[the court is satisfied that]** he, in the discretion of the court, is not a fit and proper person to continue to practise as an attorney.”

10. Section 80 of the principal Act is hereby amended—

Amendment of section 80 of Act 53 of 1979.

- (a) by the substitution for the words preceding paragraph (a) of the following words:
- “The Minister may, after consultation with **[the judges-president of the various courts and]** the presidents of the various societies, by notice in the

Wet No. 108, 1984

WYSIGINGSWET OP PROKUREURS, 1984

wing in die *Staatkoerant* 'n skaal van gelde voor-
skryf wat betaal moet word ten opsigte van die—";
en

(b) deur na paragraaf (b) die volgende paragraaf in te
voeg:

“(bA) uitreiking van 'n sertifikaat ingevolge artikel 8
(3);”.

Kort titel
en inwerking-
treding.

11. (1) Hierdie Wet heet die Wysigingswet op Prokureurs,
1984.

(2) Artikels 4 (b) en 10 tree in werking op 'n datum wat die 10
Staatspresident by proklamasie in die *Staatkoerant* bepaal.

ATTORNEYS AMENDMENT ACT, 1984

Act No. 108, 1984

Gazette prescribe a scale of fees which shall be paid in respect of the—"; and

(b) by the insertion after paragraph (b) of the following paragraph:

5 "(bA) issuing of a certificate in terms of section 8 (3);".

11. (1) This Act shall be called the Attorneys Amendment Act, 1984.

Short title
and commence-
ment.

(2) Sections 4 (b) and 10 shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.