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GOVERNMENT GAZETTE

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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 1502.

5 July 1991

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

No. 106 of 1991: Admission of Advocates Amendment Act, 1991

No. 1502.

5 Julie 1991

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

No. 106 van 1991: Wysigingswet op die Toelating van Advokate, 1991

Act No. 106, 1991

ADMISSION OF ADVOCATES AMENDMENT ACT, 1991

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 Admission of Advocates Act, 1964, with regard to the requirements that must be complied with by a person in respect of the Latin language in order to be admitted to practise as an advocate; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 27 June 1991.)

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

Amendment of section 1 of Act 74 of 1964

1. Section 1 of the Admission of Advocates Act, 1964 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the insertion after the definition of “enrolled” of the following definition:

“‘matriculation examination’ means an examination passed in a subject in compliance with the requirements prescribed by the Joint Matriculation Board under section 15 of the Universities Act, 1955 (Act No. 61 of 1955);” and

(b) by the insertion after the definition of “rules” of the following definition: “‘special course’ means a course in the Latin language prescribed or recognized by a university in the Republic for a *baccalaureus* degree which is not a law degree: Provided that the syllabus for such a course may have a juridical basis;”.

Amendment of section 3 of Act 74 of 1964, as amended by section 1 of Act 73 of 1965, section 16 of Act 29 of 1974, section 1 of Act 39 of 1977, section 1 of Act 60 of 1984 and section 1 of Act 17 of 1987

2. Section 3 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (2) of the following paragraph:

“(a) Any person who—

(i) (aa) has satisfied all the requirements for the degree of *baccalaureus legum* of any university in the Republic after **[pursuing a course of study for that degree]** completing a period of study of not less than five years for that degree **[and who has passed not less than one course in the Afrikaans language, not less than one course in the English language and not less than one course in the Latin language prescribed or recognized by such university for a *baccalaureus* degree];** or

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 die Toelating van Advokate, 1964, met betrekking tot die vereistes waaraan iemand ten opsigte van die Latynse taal moet voldoen ten einde toegelaat te word om as advokaat te praktiseer; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)

(Goedgekeur op 27 Junie 1991.)

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

Wysiging van artikel 1 van Wet 74 van 1964

1. Artikel 1 van die Wet op die Toelating van Advokate, 1964 (hieronder die Hoofwet genoem), word hierby gewysig—

(a) deur na die omskrywing van “ingeskryf” die volgende omskrywing in te voeg:

“‘matrikulasie-eksamen’ ’n eksamen waarin in ’n vak geslaag word ter voldoening aan die vereistes kragtens artikel 15 van die Wet op Universiteite, 1955 (Wet No. 61 van 1955), deur die Gemeenskaplike Matrikulasieraad voorgeskryf;” en

(b) deur na die omskrywing van “rol van advokate” die volgende omskrywing by te voeg:

“‘spesiale kursus’ ’n kursus in die Latynse taal wat deur ’n universiteit in die Republiek vir ’n *baccalaureus*-graad wat nie ’n regsgraad is nie, voorgeskryf of erken word: Met dien verstande dat die leerplan vir so ’n kursus ’n regsbasis mag hê.”.

Wysiging van artikel 3 van Wet 74 van 1964, soos gewysig deur artikel 1 van Wet 73 van 1965, artikel 16 van Wet 29 van 1974, artikel 1 van Wet 39 van 1977, artikel 1 van Wet 60 van 1984 en artikel 1 van Wet 17 van 1987

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

“(a) ’n Persoon wat—

(i) (aa) aan al die vereistes vir die graad *baccalaureus legum* van ’n universiteit in die Republiek voldoen het nadat hy ’n [studie-kursus vir daardie graad] studietydperk van minstens vyf jaar [gevolg] vir daardie graad voltooi het [en wat in minstens een kursus in die Afrikaanse taal, minstens een kursus in die Engelse taal en minstens een kursus in die Latynse taal wat deur so ’n universiteit vir ’n *baccalaureus*-graad voorgeskryf of erken word, geslaag het]; of

[(ii)] (bb) nadat hy aan al die vereistes vir 'n ander *baccalaureus*-graad as die graad *baccalaureus legum* van 'n universiteit in die Republiek voldoen het of nadat hy tot die status van so 'n *baccalaureus*-graad deur so 'n universiteit toegelaat is, aan al die vereistes vir die graad *baccalaureus legum* van so 'n universiteit voldoen het nadat hy **[studiekursusse]** 'n studietydperk vir daardie grade **[vir]** van minstens vyf jaar in die geheel **[gevolg]** voltooi het, en wat in minstens een kursus in die Afrikaanse taal, minstens een kursus in die Engelse taal **[en minstens een kursus in die Latynse taal]** wat deur so 'n universiteit vir 'n *baccalaureus*-graad voorgeskryf of erken word, en—

(aaa) Latyn in die hoër graad vir die matrikulasie-eksamen vereis; of **(bbb)** minstens een kursus in Latyn wat gelyk is aan, of hoër is as, die standaard van 'n spesiale kursus,

geslaag het; of

[(iii)] (ii) voldoen het aan al die vereistes vir 'n graad of grade van 'n universiteit in 'n land wat die Minister, na oorleg met die Algemene Balieraad van Suid-Afrika, by kennisgewing in die *Staatskoerant* aangewys het, en ten opsigte waarvan 'n universiteit in die Republiek met 'n regs fakulteit gesertifiseer het dat die leerplan en standaard van opleiding gelyk is aan, of hoër is as, dié wat vir die graad *baccalaureus legum* van 'n universiteit in die Republiek vereis word: Met dien verstande dat—

(aa) die leerplan vir genoemde graad of een van genoemde grade vereis dat die betrokke persoon in minstens een kursus in die Afrikaanse taal, minstens een kursus in die Engelse taal en minstens een kursus in die Latynse taal moet slaag; of

(bb) die betrokke persoon in minstens een kursus in die Afrikaanse taal, minstens een kursus in die Engelse taal **[en minstens een kursus in die Latynse taal]** wat deur 'n universiteit in die Republiek vir 'n *baccalaureus*-graad voorgeskryf of erken word, en—

(aaa) Latyn in die hoër graad vir die matrikulasie-eksamen vereis; of

(bbb) minstens een kursus in Latyn wat gelyk is aan, of hoër is as, die standaard van 'n spesiale kursus,

geslaag het:

[Met dien verstande dat 'n persoon in subparagraaf (i), (ii) of (iii) (bb) bedoel, geag word aldus behoorlik gekwalifiseer te wees ondanks die feit dat hy, voor of na die inwerkingtreding van die Wysigingswet op die Toelating van Advokate, 1987, in 'n in so 'n subparagraaf vermelde kursus in die Latynse taal geslaag het wat nie voldoen het aan die standaard vir so 'n kursus wat in die betrokke subparagraaf beoog word nie, mits hy origens aan die bepalings van daardie subparagraaf voldoen het: Met dien verstande voorts dat die bepalings van die voorgaande voorbehoudsbepaling ophou om van toepassing te wees op 'n datum wat die Minister in die algemeen of met betrekking tot 'n bepaalde persoon of kategorie persone by kennisgewing in die *Staatskoerant* bepaal];”.

Herroeping van wet, en voorbehoude

3. (1) Die Wysigingswet op die Toelating van Advokate, 1987 (Wet No. 17 van 1987), word hierby herroep.

(2) Ondanks die bepalings van subartikel (1) word iemand wat by die inwerkingtreding van hierdie Wet kragtens die bepalings van die Wet op die Toelating van Advokate, 1964 (Wet No. 74 van 1964), toegelaat is om as 'n advokaat te praktiseer, geag geldiglik toegelaat te wees om aldus te praktiseer.

(3) 'n Aansoek kragtens artikel 2 (2) van die Wet op die Toelating van Advokate, 1964, om toegelaat te word om as 'n advokaat te praktiseer wat by die inwerkingtreding van hierdie Wet gedoen is, word afgehandel asof hierdie Wet nie aangeneem is nie.

Kort titel en inwerkingtreding

4. Hierdie Wet heet die Wysigingswet op die Toelating van Advokate, 1991, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

5 **[(ii)]** *(bb)* after he has satisfied all the requirements for the degree of bachelor other than the degree of *baccalaureus legum*, of any university in the Republic or after he has been admitted to the status of any such degree by any such university, has satisfied all the requirements for the degree of *baccalaureus legum* of any such university after **[pursuing courses]** completing a period of study for such degrees of not less than five years in the aggregate, and who has passed not less than one course in the Afrikaans language, not less than one course in the English language **[and not less than one course in the Latin language]** prescribed or recognized by such university for a *baccalaureus* degree, and—

(aaa) Latin in the higher grade required for the matriculation examination; or

(bbb) not less than one course in the Latin language which is equal, or superior, to the standard of a special course; or

15 **[(iii)]** *(ii)* has satisfied all the requirements for a degree or degrees of a university in a country which has been designated by the Minister, after consultation with the General Council of the Bar of South Africa, 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 and standard of instruction are equal or superior to those required for the degree of *baccalaureus legum* of a university in the Republic: Provided that—

25 *(aa)* the syllabus for the said degree or one of the said degrees requires that the person concerned shall pass not less than one course in the Afrikaans language, not less than one course in the English language and not less than one course in the Latin language; or

30 *(bb)* such person has passed not less than one course in the Afrikaans language, not less than one course in the English language **[and not less than one course in the Latin language]** prescribed or recognized by a university in the Republic for a *baccalaureus* degree, and—

(aaa) Latin in the higher grade required for the matriculation examination; or

35 *(bbb)* not less than one course in Latin which is equal, or superior, to the standard of a special course

[Provided that any person referred to in subparagraph (i), (ii) or (iii) (bb) shall be deemed to be so duly qualified notwithstanding the fact that, before or after the commencement of the Admission of Advocates Amendment Act, 1987, he passed a course in the Latin language mentioned in any such subparagraph which did not comply with the standard of such a course contemplated in the subparagraph concerned, provided he has otherwise complied with the provisions of that subparagraph: Provided further that the provisions of the foregoing proviso shall cease to apply on such date as the Minister may in general or with reference to any particular person or category of persons determine by notice in the *Gazette*];”.

Repeal of law, and savings

3. (1) The Admission of Advocates Amendment Act, 1987 (Act No. 17 of 1987), is hereby repealed.

50 (2) Notwithstanding the provisions of subsection (1), any person who at the commencement of this Act was admitted to practise as an advocate under the provisions of the Admission of Advocates Act, 1964 (Act No. 74 of 1964), shall be deemed to be lawfully admitted so to practise.

55 (3) Any application, under section 2 (2) of the Admission of Advocates Act, 1964, for admission to practise as an advocate, made at the commencement of this Act, shall be dealt with as if this Act had not been passed.

Short title and commencement

4. This Act shall be called the Admission of Advocates Amendment Act, 1991, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

(iii) after he has satisfied all the requirements for the degree of Bachelor of Laws or after he has been admitted to the university in the Republic or after he has been admitted to the status of any such degree by any such university, has satisfied all the requirements for the degree of Bachelor of Laws or any such university after (excluding courses) completing a period of study for such degree of not less than five years in the Republic, and who has passed not less than one course in the Afrikaans language, not less than one course in the English language [and not less than one course in the Latin language] prescribed or recognized by such university for a Bachelor's degree, and—

(iv) in the higher grade required for the matriculation examination of a university, or

(v) not less than one course in the Latin language which is equal or superior to the standard of a special course, or

(vi) he has satisfied all the requirements for a degree or degree of a university in a country which has been designated by the Minister after consultation with the General Council of the Bar of South Africa, 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 and standard of instruction are equal or superior to those required for the degree of Bachelor of Laws of a university in the Republic. Provided that—

(a) the syllabus for the said degree or one of the said degrees requires that the person concerned shall pass not less than one course in the Afrikaans language, not less than one course in the English language, and not less than one course in the Latin language, or

(b) such person has passed not less than one course in the Afrikaans language, not less than one course in the English language [and not less than one course in the Latin language] prescribed or recognized by a university in the Republic for a Bachelor's degree, and—

(vii) in the higher grade required for the matriculation examination of a university, or

(viii) not less than one course in Latin which is equal or superior to the standard of a special course.

Provided that any person referred to in subparagraph (i), (ii) or (iii) shall be deemed to be so duly qualified notwithstanding the fact that, before or after the commencement of the Admission of Advocates Amendment Act, 1987, he passed a course in the Latin language mentioned in any such subparagraph which did not comply with the standard of such a course contemplated in the subparagraph concerned, provided he has otherwise complied with the provisions of that subparagraph. Provided further that the provisions of the foregoing proviso shall not apply on such date as the Minister may in general or with reference to any particular person or category of persons determine by notice in the Gazette.]

Repeal of law, and savings

3. (1) The Admission of Advocates Amendment Act, 1987 (Act No. 17 of 1987) is hereby repealed.
- (2) Notwithstanding the provisions of subsection (1), any person who at the commencement of this Act was admitted to practice as an advocate under the provisions of the Admission of Advocates Act, 1964 (Act No. 73 of 1964), shall be deemed to be lawfully admitted so to practice.
- (3) Any application, subsection (2) of the Admission of Advocates Act, 1964 for admission to practice as an advocate, made at the commencement of this Act shall be dealt with as if this Act had not been passed.

Short title and commencement

4. This Act shall be called the Admission of Advocates Amendment Act, 1991.