

ADMISSION OF ADVOCATES AMENDMENT ACT

OFFICE OF THE PRESIDENT

No. 2084 2 December 1994

NO. 55 OF 1994: ADMISSION OF ADVOCATES AMENDMENT ACT, 1994.

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

GENERAL EXPLANATORY NOTE:

Words in **bold** indicate omissions from existing enactments.

Words in *italics* indicate insertions in existing enactments.

ACT

To amend the Admission of Advocates Act, 1964, so as to abolish the requirement that must be complied with by persons in respect of the Latin language in order to be admitted to practise as advocates; and to delete or substitute certain obsolete words and expressions; and to amend laws of the former Republics of Transkei, Bophuthatswana and Venda with regard to the admission of advocates; and to provide for matters connected therewith.

(English text signed by the President.) (Assented to 23 November 1994.)

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

Amendment of section 1 of Act 74 of 1964, as amended by section 1 of Act 106 of 1991

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

- a. by the deletion of the definition of "matriculation examination";
- b. by the deletion of the definition of "Republic";
- c. by the deletion of the definition of "special course"; and
- d. by the deletion of the definition of "the territory".

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, section 1 of Act 17 of 1987 and section 2 of Act 106 of 1991

2. Section 3 of the principal Act is hereby amended-

(a) 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 completing a period of study of not less than five years for that degree; or

(bb) after he *or she* 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 *or she* 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 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 and not less than one course in the English language prescribed or recognised 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

(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-

(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 *and* not less than one course in the English language **and not less than one course in the Latin language; or**

(bb) such person has passed not less than one course in the Afrikaans language *and* not less than one course in the English language prescribed or recognised by a university in the Republic for a *baccalaureus* degree **and-**

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

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

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

(b) any person employed in the office of the State Attorney, or in any branch thereof, established under the State Attorney Act, 1957 (Act No. 56 of 1957) **or in the office of the State Attorney established under the State Attorney Proclamation, 1921 (Proclamation No. 46 of 1921), of South-West Africa."**

Amendment of section 7 of Act 74 of 1964, as amended by section 2 of Act 73 of 1965 and section 2 of Act 60 of 1984

3. Section 7 of the principal Act is hereby amended-

(a) by the deletion in subsection (1) of subparagraph (iii) of paragraph (a); and

(b) by the substitution for subsection (2) of the following subsection: "(2) Subject to the provisions of any other law, an application under paragraph (a), (b), (c) or (d) of subsection (1) for the suspension of any person from practice as an advocate or for the striking off of the name of any person from the roll of advocates may be made by the General Council of the Bar of South Africa or by the Bar Council or the Society of Advocates for the division which made the order for his *or her* admission to practise as an advocate or where such person usually practises as an advocate or is ordinarily resident, and, in the case of an application made to a division **other than the South-West Africa Division of the Supreme Court of South Africa** under paragraph (c) of subsection (1), also by the State Attorney referred to in the State Attorney Act, 1957 (Act No. 56 of 1957) **or, in the case of an application made to the last-mentioned division under the said paragraph, also by the State Attorney referred to in the State Attorney Proclamation, 1921 (Proclamation No. 46 of 1921), of South-West Africa.**"

Substitution of certain expressions in Act 74 of 1964

4. The principal Act is hereby amended-

(a) by the substitution in sections 4(2), 7(5) and 8 for the expression "Secretary for Justice", wherever it occurs, of the expression "Director-general: Justice"; and

(b) by the substitution in section 8A for the expression "State President" of the expression "President".

Repeal of section 12 of Act 74 of 1964

5. Section 12 of the principal Act is hereby repealed.

Amendment of laws

6. The laws mentioned in the second column of the Schedule as in force, immediately prior to the commencement of the Constitution, in the various areas of the national territory of the Republic shown in the fourth column of the Schedule, are hereby amended to the extent shown in the third column of the Schedule.
Saving

7. Any application under section 2(2) of the Admission of Advocates Act, 1964 (Act No. 74 of 1964), or any application under a similar provision of the laws of the former Transkei, Bophuthatswana or Venda, for admission to practise as an advocate, made prior to the commencement of this Act, shall be dealt with as if this Act had not been passed.

Short title

8. This Act shall be called the Admission of Advocates Amendment Act, 1994.

PLEASE NOTE! DETAILS SET OUT AS FOLLOWS:

1. Number and year of law
2. Short title

3. Extent
4. Area of national territory in respect of which laws are amended

SCHEDULE

LAWS AMENDED BY SECTION 6

1. Number and year of law Act No. 74 of 1964 (Transkei)
2. Short title Admission of Advocates Act, 1964
3. Extent of laws amended Amendment of section 3 by the deletion in subparagraph (i) and (ii) of paragraph (a) of subsection (2) of the words "and not less than one course in the Latin language".
4. Area of national territory in respect of which laws are amended Transkei

1. Number and year of law Act No. 74 of 1964 (Bophuthatswana)

2. Short title Admission of Advocates Act, 1964

3. Extent of laws amended Amendment of section 3-(a) by the substitution for subparagraph

(i) and (ii) of paragraph (a) of subsection (2) of the following sub- paragraphs:

"(i) 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 of not less than five years, and who has passed not less than one course in the Afrikaans language *and* not less than one course in the English language **and not less than one course in the Latin language** as prescribed or recognised by such university for a baccalaureus degree; or

(ii) after he *or she* has satisfied all the requirements for a baccalaureus degree other than the degree of baccalaureus legum, of any university in the Republic, or after he *or she* 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 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 **and not less than one course in the English language and not less than one course in the Latin language** as prescribed or recognised by such university for a baccalaureus degree; or"; and (b) by the substitution for the proviso to subparagraph (iii) of paragraph (a) of subsection (2) of the following proviso: "Provided that- (aa) the syllabus for such a foreign degree or one of such foreign degrees requires that the person concerned shall pass not less than one course in the Afrikaans language and not less than one course in the English language and not less than one course in the Latin language; or

4. Area of national territory in respect of which laws are amended Bophuthatswana

3. Extent of laws amended (bb) such person has passed not less than one course in the Afrikaans language and not less than one course in the English language and not less than one course in the Latin language as prescribed or recognised by a university in the Republic for a baccalaureus degree."

1. Number and year of law Act No. 74 of 1964 (Venda)

2. Short title Admission of Advocates Act, 1964

3. Extent of laws amended (a) Amendment of section I by the deletion of the definition of "special course".

(b) Amendment of section 3-

(i) by the substitution for item (bb) of subparagraph (i) of paragraph

(a) of subsection (2) of the following item:

"(bb) after he or she has satisfied all the requirements for the degree of bachelor other than the degree of baccalaureus legum, of any university in the Republic or the Republic of South Africa or after he or she 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 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 *and* not less than one course in the English language prescribed or recognised 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"; and

(ii) by the substitution for the proviso to subparagraph (ii) of paragraph (a) of subsection (2) of the following proviso:

4. Area of national territory in respect of which laws are amended Venda

3. Extent of laws amended "Provided that-

(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 **and not less than one course in the English language prescribed or recognised by a university in the Republic for a baccalaureus degree and-**

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

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