

**INVITATION TO COMMENT ON REGULATIONS
TO BE MADE IN TERMS OF THE LEGAL PRACTICE ACT, 2014-
COMMUNITY SERVICE**

1. Section 29 of the Legal Practice Act, 2014 (Act No. 28 of 2014) provides for the rendering of community service by candidate legal practitioners and practising legal practitioners.
2. Comment on the attached proposed Regulations to be made under section 94(1)(j) of the Act, for purposes of community service, is invited, before 20 June 2022.
3. Comments should be marked for the attention of **Ms W Louw**:
 - (a) By post to -
**The Department of Justice and Constitutional Development,
Private Bag X81, PRETORIA, 0001;**
 - (b) delivered by hand at -
**The Department of Justice and Constitutional Development,
SALU Building, 316 Thabo Sehume Street, PRETORIA;**
 - (c) by email to - **WiLouw@justice.gov.za**; or
 - (d) faxed to **0866480563**.

[FOR COMMENT]

No. R.

2022

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

I, Ronald Lamola, Minister of Justice and Correctional Services, hereby, under section 94(1)(j) of the Legal Practice Act, 2014 (Act No. 28 of 2014), make the regulations in the Schedule.

RO LAMOLA, MP

Minister of Justice and Correctional Services

SCHEDULE

Definitions

1. In this Schedule any word or expression to which a meaning has been assigned in the Act bears the meaning so assigned to it and, unless the context otherwise indicates— "the Regulations" means the regulations published by Government Notice No. R. 1183 of 29 October 2018.

Amendment of Classification of Regulations

2. The Classification of the Regulations is hereby amended by the insertion after Item 4 of the following items:

- 4A. Rendering of community service by candidate legal practitioners
- 4B. Rendering of community service by practising legal practitioners".

Insertion of regulations 4A and 4B

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

"Rendering of community service by candidate legal practitioners

4A. (1) A candidate legal practitioner must, as a component of their vocational training, render eight hours per annum community service at the institutions referred to in section 29(2) of the Act, or at any institution approved by the Minister from time to time, as provided for by section 29(2)(a) and (e) of the Act.

(2) A person who commences service as a candidate legal practitioner during the course of a calendar year must perform community service equal to not less than one hour per month, or part thereof, in the first calendar year of vocational training.

(3) The community service rendered by a candidate attorney must be supervised by their principal and the community service rendered by a pupil must be supervised by their engaging advocate.

(4) The period of service referred to in subregulation (1) may be intermittent or continuous.

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

(6) Professional standards as provided for in the code of conduct and the rules will be applicable to community service rendered by a candidate legal practitioner.

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

(8) A candidate legal practitioner may be exempted from the rendering of community service as set out in the rules.

Rendering of community service by practising legal practitioners

4B. (1) A practising legal practitioner must render 40 hours per annum community service at the institutions referred to in section 29(2) of the Act, or at any institution approved by the Minister from time to time, as provided for by section 29(2)(a) and (e) of the Act.

(2) A legal practitioner may be exempted from the rendering of community service as set out in the rules.

(3) A legal practitioner who starts practising during the course of a calendar year must perform community service equal to not less than three hours per month, or part thereof, in the first calendar year of practice.

(4) A legal practitioner need not be supervised during the rendering of community service.

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

(6) The period of service referred to in subregulation (1) may be intermittent or continuous.

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

(8) Professional standards as provided for in the code of conduct and the rules will be applicable to community service rendered by a legal practitioner.

(9) A practising legal practitioner must submit to the Council annually, when making payments for annual fees, one or more certificates signed by the recipients of the community service, confirming that such community services have been rendered.”.

Commencement

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