



THE LAW SOCIETY OF THE  
NORTHERN PROVINCES

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**APPLICATION FOR ADMISSION AS AN ATTORNEY**

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The requirements for admission as an attorney are summarised in Section 15 of the Attorneys Act 53 of 1979, as amended (“the Act”). Sections 2 to 19 of the Act and Regulation 5 promulgated in terms thereof, prescribe all the matters that must be addressed in the application.

The application consists of an *ex parte* notice of motion, a founding affidavit by the Applicant, supporting affidavit(s) by the Applicant’s principal(s) and annexures thereto to prove the allegations made in the affidavits. The application must be issued, a date for hearing of the application must be obtained from the Registrar and thereafter the application must be served on the Law Society **between 08h00-12h30**, Monday-Friday. No applications are accepted for service on the Law Society after 12h30. The original and two copies of the application must lay for inspection with the Law Society for a period of one month as per the requirements of Section 19(1) of the Act. The application must be properly prepared and bound **with an index**; affidavits must be properly signed **and commissioned**; the pages must be paginated **at the top right hand corner** of each page and all **annexures must be clearly marked** when served on the Law Society.

The prescribed fee in terms of Section 80 of the Act is R342-00 (VAT included). Another R342-00 is payable for each further admission if you are simultaneously applying for admission as a conveyancer and/or notary public. Payment in cash, by cheque (not a trust account-cheque) or debit/credit card will be accepted by the Cashier at the Law Society’s offices, alternatively proof of payment that was made by way of a cash deposit or an electronic transfer (account name: Law Society of the Northern Provinces; Bank: First National Bank – Church Square; account number: 514-254-988-41; branch code: 251-445; reference: AD000001 & initials & surname) must accompany the application when served on the Law Society. **No applications are accepted without payment or proof of payment of the prescribed fee.**

**CONDONATION:** The prayer for condonation must always precede the prayer for admission as an attorney. The most common types of condonation are:

Section 2(1A): Condoning non-compliance with the period specified in a contract of service or contract of articles of clerkship that was entered into for a period of **two** years and the Applicant served **only one** year but also attended the full-time practical legal training course for an uninterrupted period of at least four months.

Section 11(2): Joinder of two/more periods served under different contracts (not applicable to a contract that was ceded).

Section 11(3): Recognising any period served prior to cancellation/abandonment of the contract as regular service and condoning non-compliance with the period specified in a contract that was entered into for a period of **three/five** years, the contract having been **cancelled/abandoned** prior to completion thereof.

Section 13(3): Recognising the period served prior to obtaining the B.Proc or LLB-degree as regular service, condoning non-compliance with the period specified in a contract that was entered into for a period of **three/five** years (the Applicant is at the time of the application still performing service in terms of the contract).

Section 15(2): Failure to apply for admission within three years from completion of articles or contract of service - the Applicant must contact the Law Society for further guidance.

The most frequent problems arise from the use of inappropriate precedents which often refer to requirements that are no longer valid, failure to verify whether the sections referred to in the precedent used is in fact applicable to you and overall incorrect references to sections of the Act. Most problems can be avoided by considering issues that were raised by the Court in the past (the document containing a list of issues can be downloaded at [www.northernlaw.co.za](http://www.northernlaw.co.za) , click on Professional Affairs and then Admission and Removal) **and** the following guidelines:

1. The founding affidavit must contain the following:

- 1.1 Confirmation of the jurisdiction of the Court;
- 1.2 Confirmation of your date of birth;
- 1.3 Confirmation of your citizenship/permanent residency;
- 1.4 Confirmation that you passed matric and the date of matriculation-exemption **if** granted after matric;
- 1.5 Confirmation of your degree(s) obtained, date completed **and period of study**. LLB-degree = not less than four years; other bachelors-degree + LLB-degree = aggregate period of not less than five years (refer to Section 2);
- 1.6 Confirmation of the date of signing of the contract of articles of clerkship or contract of service and period thereof;
- 1.7 Confirmation of the date of registration of the contract of articles of clerkship or contract of service;
- 1.8 Confirmation that your principal(s) was entitled to enter into a contract, specifically compliance with Section 3;
- 1.9 Confirmation that service was performed under the direct supervision of your principal, in the office of your principal (Section 6);
- 1.10 Confirmation that you were not absent for more than 30 working days during any one year of service (Section 7);
- 1.11 Confirmation that you had no pecuniary interest in any law practice **and** that you held no other position other than that of a candidate attorney during the period of service under articles or contract of service (Section 9);
- 1.12 Confirmation of the **exact dates** served under the contract of articles of clerkship or contract of service. **Please note** that you may only sign the founding affidavit once the period you were obliged to serve had been served;
- 1.13 Confirmation that you passed the attorneys' admission examinations prescribed by Section 14(1)(a), (b) & (c). The original Examiners' certificates will be handed to you on the day when you uplift your application from the offices of the Law Society for filing in the Court file, **after** the one month inspection-period. You must however make provision in your founding affidavit and index for an annexure number for the certificates that consist of four (4) pages **if** all four papers were written under the jurisdiction of the Law Society of the Northern Provinces;
- 1.14 Confirmation that you satisfactorily attended an approved practical legal training course. If full attendance is not reflected on the attendance report any such absence must be explained. **NB:** Confirm that:
  - the **part-time courses** (duration equivalent to 23-25 days) that you attended during or after expiry of the contract comply with the provisions of **Section 15(1)(b)(ivA)** and was approved by the Law Society, **OR** if applicable to you
  - that the attendance of the **full-time uninterrupted training course of the School for Legal Practice (duration six months full-time or one year at the UNISA Distance Learning School)** complies with the provisions of **Section 2(1A)** and was approved by the Law Society. If night classes were attended on a full-time basis **during the period of the contract**, you must also confirm that the school was attended after-hours and that your attendance thereof did not interfere with your daily duties as a candidate attorney;
- 1.15 Confirmation of the type of legal experience gained whilst serving under the contract (be specific);
- 1.16 Briefly explain your activities if a long period (of more than 1 year) lapsed between completion of the LLB-degree to the date of commencement of service of articles **or** from the date of completion of articles to the date of admission;
- 1.17 Confirmation that you have not been admitted as an advocate or an attorney of any Court and have not made application for such admission previously;
- 1.18 Confirmation that you are a fit and proper person to be admitted:
  - confirmation of no previous criminal convictions **and** no criminal investigations pending;
  - confirmation of no previous civil judgments **and** no civil proceedings pending;
  - confirmation of no previous disciplinary proceedings by any law society, university or any employer **and** no disciplinary proceedings pending;
  - confirmation that your estate has not been sequestrated and that there are no applications for the sequestration of your estate pending against you;

The details and surrounding circumstances of any of the above proceedings that were instituted against you previously or pending, must be **fully** disclosed and any documents **relevant thereto** must be attached as annexures;
- 1.19 Confirmation that the originals of all the annexures will be made available to the Court on the date of the hearing of the application;
- 1.20 Confirmation that the prescribed notice of one month in terms of Section 19(1) was given to the Law Society and that the prescribed fee in terms of Section 19(2) had been paid;
- 1.21 Motivation for condonation if applicable – familiarize yourself with the contents of the relevant section of the Act.

2. Your principal's supporting affidavit must contain the following:
- 2.1 Confirmation of the **exact dates** that you served him/her in terms of the contract of articles/contract of service. **Please note** that your principal(s) may only sign the supporting affidavit(s) once the period you were obliged to serve had been served;
- 2.2 Compliance with Section 3(1):
- that he/she had been practising as an attorney for his/her **own account** or as a **partner** in a firm of attorneys or as a **member of a professional company** (whichever is applicable to **your** principal) **continuously** for three years **or** periods of three years in the aggregate during the preceding four years at the date of commencement of the contract;
  - Law Clinic/Legal Aid SA: that he/she had been practising as an attorney in the full-time employ of Legal Aid /Law Clinic continuously for three years or periods of three years in the aggregate during the preceding four years at the date of commencement of the contract;
  - State Attorney: that he/she had practised the profession as the state attorney, deputy state attorney, senior assistant state attorney or assistant state attorney in the office of the State Attorney or any branch thereof continuously for four years at the date of commencement of the contract;
  - that he/she continued to practise as aforementioned during the period of the contract of articles or contract of service;
- 2.3 Compliance with Section 3(3): that he/she at no time employed more than three candidate attorneys during the period of the contract. This restriction is not applicable to principals employed at the Legal Aid /Law Clinic who entered into a *contract of service* with a candidate attorney – as opposed to a *contract of articles of clerkship* - however see comments at Case numbers 34536/2011 and 44294/2011 on page 4 of the "Issues raised by the Court"-document;
- 2.4 If you are applying for condonation applicable to the period served under the relevant principal, that he/she is aware thereof that you are applying for condonation and that he/she supports the application for condonation;
- 2.5 Confirmation that he/she is of the view that you are a fit and proper person to be admitted as an attorney.
- NB:** A supporting affidavit from all your principals must be attached to your application if you had more than one principal.

3. Copies of the following must be attached as annexures to the application:
- 3.1 ID document, **certified**;
- 3.2 Marriage certificate or proof why surname recorded on annexures do not correspond, if applicable, **certified**;
- 3.3 Senior (matric) certificate and proof of matriculation-exemption if granted after you matriculated, **certified**;
- 3.4 Degree certificate(s), **certified**;
- 3.5 Proof of the date when you complied with the minimum requirements of the LLB-degree **ONLY IF** you were not yet in possession of your LLB-degree-certificate at the time when you entered into the contract of articles of clerkship or contract of service, in the form of e.g. a letter from the University or your academic record, **certified**;
- 3.6 Contract of articles of clerkship or contract of service. Note that the original remains lodged with the Society;
- 3.7 Letter from the Law Society confirming registration of the contract, **certified**;
- 3.8 Cession agreement, consisting of: (1) cession agreement signed by the three relevant parties; (2) cessionary's affidavit and (3) cedent's affidavit. Note that the originals remain lodged with the Society;
- 3.9 Letter from the Law Society confirming registration of the cession, **certified**;
- 3.10 **Attendance report** issued in respect of the part-time courses or full-time School for Legal Practice, **certified**. The attendance report is the report that records the number of days attended of each individual course.

If you are not personally attending to service of your application on the Law Society please ensure that you include a note with your application, recording your complete contact details and e-mail address or record your e-mail address and cellular phone number in the notice of motion.

Please note that this document is a **guideline** and that the Court may from time to time determine new requirements.

**Please contact Estelle Jordaan on (012) 338 5800 or e-mail [admissions@lsnp.org.za](mailto:admissions@lsnp.org.za) for more information.**

### **What to expect on the day of hearing of your application:**

- Try to dress formal and conservative – jackets are compulsory for men;
- Ensure the day before the hearing (at the latest) that all the originals of the annexures to your application are all together and ready for you to take to Court. Your Counsel/attorney must inform the Court that he/she has seen the originals of the annexures and that it correspond with the copies annexed to the papers before the Court. On occasion the Court required the originals to be handed up for inspection;
- Arrive at Court by no later than 09h15 on the day of hearing of the application in order to ensure that you have sufficient time to find your Counsel/attorney and find out in which Court your application will be heard;
- The Judge's clerk will call each Applicant's name according to the order on the Roll - remain seated.
- After your name has been called, your Counsel/attorney will address the Court and the Judge may raise queries and if not, order that you are admitted and that you may come forward to take the Oath;
- Only then do you rise and move forward to the front centre of the bench where the clerks are seated to take the Oath (not in the witness box) in front of the Judge's clerk who will first enquire as to your preference of English/Afrikaans and whether you have any objection to the taking of the Oath. The clerk will read out the Oath and you will thereafter be requested to raise your right hand and say "So help me God";
- Depending on the particular judge, you may be congratulated immediately, alternatively the clerk will indicate that you must stand aside to wait for all the applicants to be first admitted before being congratulated all at the same time. You may then take a seat on the benches on either the right side or left side of the Court room and if there is no space/bench to be seated, line up standing against the wall;
- Once all the admissions on the Roll have been called the applicants will be requested to line up in front of the bench to be congratulated. You may thereafter leave the Court room.

### **Common mistakes to avoid and practical information to consider when drafting your application:**

- Do a spell **and** grammar check **yourself** and ask someone else to also read your papers to ensure that your sentences read correctly and make sense;
- Ensure that the words "principal" and "practise" (as opposed to principle & practice) are spelled correctly in the specific context that it is used;
- Underline your surname or type your surname in **bold** so that there is a clear distinction between your name(s) and surname;
- Use your full names on your papers as it is recorded in your identity document and if you have more than one name, record it in the same order as in your identity document. Spelling of your names and/or surname on annexures that doesn't correspond with the spelling in your identity document must be fully addressed in your founding affidavit and if applicable documentary proof of the reason for the change be attached as an annexure;
- Check your documents **again before** it is lodged with the Law Society and use this guideline as a tick sheet. Do not only rely on someone else to check that your papers are complete but ensure that you check it yourself;
- Ensure that the Commissioner of Oaths **properly** commission your affidavit and record **all** his/her required details, including full names, designation and address. Also ensure that the certificate of the Commissioner of Oaths reflects the gender of the deponent correctly and that the date and place of commissioning are recorded;
- The index must record each item with a proper description of the document, the annexure number, and the page number. If you have to depose to a supplementary affidavit **after** lodgement of your papers with the Law Society remember to prepare a new amended index in order to make provision for the supplementary affidavit;
- All documents must be properly bound together when your application is filed in the Court file;
- Pagination must be done properly and clearly at the top right hand corner of the page;
- Annexures must be properly certified (**not** copies of certified copies) and clearly marked with the annexure numbers allocated thereto in the founding affidavit also at the top right hand corner of the page;
- Do not attach a document as an annexure if you did not refer to it in an affidavit as an annexure.