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## **The Cape Bar vs Minister of Justice and Correctional Services, LPC & Others**

### **OVERVIEW**

The Cape Bar instituted two sets of proceedings in the matter, one in the Western Cape High Court and the other in the Equality Court, the intention of The Cape Bar being to consolidate both proceedings and to have same heard before the Western Cape High Court.

Below are the two court proceedings against Legal Practice Council, Western Cape Provincial Legal Practice and 12 Others:

1. That Regulations 4(3) and 4(4) of the Regulations under section 109 (1)(a) of the Legal Practice Act 28 of 2014, published under Government Notice R921 of 2018 in Government Gazette 41879 of 31 August 2018 (“the Regulations”), be declared unlawful and invalid to the extent that they impose an inflexible quota for the composition of the elected members of the Third Respondent that (“the Provincial Council”) based on their gender and race, and/or limit to 50% the maximum number of Black and female members of the Provincial Council, and consequently reviewing them and setting them aside.
2. That Rule 16.15.3 of the Rules of the Second Respondent (“the LPC”) and Schedule 1B thereto, published under General Notice 401 in the Government Gazette 41781 of July 2018, as amended (“the Rues”), be declared unlawful and invalid to the extent that they impose an inflexible quota for the composition of elected members of the Provincial Council based on their gender and race, and/or limit to 50% the maximum number of black and female members of the Provincial Council, and consequently reviewing them setting them aside.

The Application papers were placed before the Council at its meeting which was held on 29 June 2019, for consideration. The Council resolved to oppose the Application and on 27 August 2019, the Legal Practice Council filed its Opposing affidavit. The Minister of Justice and Correctional Services has also filed their respective Answering Affidavit.

### **PARTIES ADMITTED AS AMICI CURIAE**

The following parties have been admitted as amici curiae -

- National Association of Democratic Lawyers (“NADEL”);
- Law Society of South Africa (“LSSA”);
- Sakeliga NPC;
- National Bar Council of South Africa (“NBCSA”);
- Black Lawyers Association (“BLA”).

### **TIMELINE**

The matter will be heard on 19 and 20 February 2020 and Honourable Justice Boqwana and Honourable Justice Papier have been allocated to hear the matter by Honourable Judge President Hlophe.