

REQUIREMENTS FOR THE REGISTRATION OF A PRACTICAL VOCATIONAL TRAINING CONTRACT

P U P I L

Summary of the Legal Practice Act No. 28 of 2014, Rules & Regulations

1. **Documents/information to be submitted to the Legal Practice Council**

- the original, signed practical vocational training contract and a copy thereof;
- certified copy of identity document / proof of date of birth;
- certified copy of LLB degree / proof of compliance with the requirements for the LLB degree obtained at a South African University
Or certified copy of Law degree obtained at a foreign university and certification by SAQA that the degree is equivalent to the LLB degree;
- payment of the registration fee in the amount of R345;
- registration application form, completed by the training supervisor and the pupil;
- proof to the satisfaction of the Council that he/she is a fit and proper person to serve as a pupil under a practical vocational training contract (Two written character references, not older than six months, by persons in a position of authority);
- if the pupil has a criminal conviction, an affidavit must be submitted setting out the details and sentence (notwithstanding the fact that such conviction may have been expunged or pardoned or that the pupil may have been indemnified from prosecution therefore). A copy of the Court record is also required; and
- if there are pending criminal charges or disciplinary enquiries against the pupil, an affidavit must be submitted setting out the details.

Regulation 22.2. 2.2

Submit the original training contract and supporting documents to the Legal Practice Council within 2 months from the date of the contract.

Regulation 22.2.2.4

If the contract is not lodged for registration within 2 months, the effective date will be the date of registration.

2. **Practical vocational training contract**

Rule 22.2.2.1

- The contract must be substantially in the form set out in Schedule 3 of the rules.

3. **Degree requirements**

- LLB obtained at a university registered in South Africa.
- **Or** a law degree obtained in a foreign country, which is recognised by SAQA as equivalent to the LLB degree.

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4. **Duration of service under the contract**

Regulation 7(1)(a)

- Serve under a practical vocational training contract for an uninterrupted period of 1 year after having satisfied the LLB degree requirements.

Regulation 7(1)(b)

- Complete a programme of structural course work of 400 notional hours, prior to or during service under a practical vocational training contract.

Regulation 7(3)

- Service done before the pupil has satisfied the requirements of the LLB degree is not good or sufficient service in terms of a practical vocational training contract.

5. **Requirements relating to the advocate (training supervisor) – who may engage a pupil**

• **WHO QUALIFIES TO ENGAGE A PUPIL**

- ✓ **Regulation 7(4)(a):** An advocate who is practising and enrolled
- ✓ **Regulation 7(4)(b):** An advocate in the full time employ of, or a member of
- **Legal Aid South Africa:** a legal aid institution approved by the Council and who is responsible for supervising the training of candidate attorneys;
- any other institution approved by the Council.

• **EXPERIENCE - REGULATION 7(5)**

- ✓ An advocate who engages a pupil must have practised as an advocate for at least 3 years, or a period of 3 years in the preceding 4 years.
- ✓ An advocate referred to in Regulation 7(4)(b) must have practised for at least 3 years or for 3 years during the preceding 4 years prior to being engaged by Legal Aid South Africa or the institution concerned.

- **Regulation 7(6)-** Service by a pupil while the advocate is not practising is not deemed to be service under a contract

• **LIMITATION ON THE NUMBER OF PUPILS**

- **Regulation 7(7)** - an advocate referred to in Regulation 7(4)(a) may at no time have more than one pupil.
- An advocate referred to in Regulation 7(4)(b) may at no time have more than six pupils

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- **Regulation 7(8)** - when an advocate dies, retires or is struck, any advocate who complies with the requirements can take cession of the contract, despite the fact that the cessionary may then have more than one or 6 pupils under contract
6. **Supervision over pupil**
- **Rule 22.3.3** - the training supervisor must supervise the training of the pupil during the whole term of the contract.
 - **Right of appearance of pupils**
 - **Regulation 8(1)** - a pupil is entitled to appear, with the approval of the person under whose supervision he/she is undergoing practical vocational training:
 - ✓ in any Court, other than the High Court, the Supreme Court of Appeal or the Constitutional Court
 - ✓ before any Board, Tribunal or similar institution.
 - ✓ **Regulation 8(2)** - a pupil may appear in the Regional Court if he/she has undergone at least 6 months practical vocational training.
7. **Restriction of pecuniary interests of pupil**
- **Rule 22.2.4:**
 - A pupil may not have a pecuniary interest in the practice and services of an attorney or in the practice of an advocate.
 - The prior written consent of the Legal Practice Council is required by a pupil to hold any office in respect of which he/she receives remuneration or engage in any business, where holding that office or engaging in that business is likely to interfere with the proper training of the pupil.
 - Non-compliance with Rule 22.2.4 will result in the contract being invalid, unless the Court directs otherwise.
8. **Cession of practical vocational training contract**
- Rule 22.2.5**
- The following must be submitted to the Legal Practice Council, within 2 months of the date on which the services of the pupil were terminated with the cedent:
 - ✓ the original cession agreement and a copy thereof
 - ✓ an affidavit by the cedent confirming compliance with the Act and the rules and the date on which the pupil's service was terminated

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- ✓ an affidavit by the cessionary stating the date on which the pupil assumed duty with the cessionary.
- ✓ payment of the prescribed fee of R345
- The Court may order late lodgement/registration.

8. **Termination of a practical vocational training contract**

• **Rule 22.2.6**

- ✓ The training supervisor must notify the Legal Practice Council forthwith in writing.
- ✓ If the contract is cancelled before completion, the Court may recognise any period served under the contract.

9. **Criminal conviction of pupil**

- SAPS Clearance Certificate (SAPS 365) required.
- If the pupil has a criminal conviction, an affidavit explaining the circumstances and sentence should be submitted as well as a copy of the Court record.
- An investigation will be done by the Legal Practice Council and the pupil will be requested to appear before the relevant Committee of the Council who will make a recommendation to the Council on the question whether the pupil can be regarded as fit and proper to enter into the profession by way of the registration of a practical vocational training contract.
- A final decision on whether the contract will be registered, will be taken by the Council.