

15 October 2026

NOTICE TO THE LEGAL PROFESSION AND THE PUBLIC

**THE RENDERING OF LEGAL SERVICES BY PERSONS WHO ARE NOT PRACTISING LEGAL
PRACTITIONERS: THE JUDGMENT IN DAMONS N.O. AND ANOTHER v BEZUIDENHOUT AND
SECTION 33 OF THE LEGAL PRACTICE ACT 28 OF 2014**

1. PURPOSE OF THIS NOTICE

- 1.1 The South African Legal Practice Council (“the Council”) has noted commentary on social media and other platforms concerning the judgment of the High Court, Gauteng Division, Pretoria, in *Damons N.O. and Another v Bezuidenhout* (case number 121475/2024) [2025] ZAGPPHC 820, delivered on 25 August 2025. The judgment has been described as a “landmark” decision confirming that law graduates, paralegals and legal consultants may render legal services to the public for a fee.
- 1.2 The Council issues this notice in terms of sections 5(c) and 6(1)(b)(i) of the Legal Practice Act 28 of 2014 (“the Act”) to record what the court decided and did not decide, to restate the position under section 33 of the Act, and to caution the public about obtaining legal services from persons who are not regulated by the Council.

2. WHAT THE COURT DECIDED

- 2.1 The matter was an application by the liquidators of a company for an order in terms of section 341(2) of the Companies Act 61 of 1973 declaring void certain payments made by the company to the respondent, a former advocate whose name was removed from the roll in 2011. The respondent had been engaged by the company’s director, as a consultant, to give advice and to prepare draft documents. He disclosed from the outset that he was no longer on the roll, and both the director and the company’s attorney knew this at all times.
- 2.2 The court dismissed the application. On section 33 of the Act, the court held that the respondent had not contravened the section: he did not hold himself out as a legal practitioner; he was engaged by the client and was neither employed nor otherwise engaged in the attorney’s practice; and the preparation of draft documents is not work reserved to legal practitioners. In the court’s view, a document is “intended for use” in legal proceedings, for the purposes of section 33(1)(b), only once it is introduced into those proceedings, for example when an affidavit is signed before a commissioner of oaths or a summons or pleading is signed by an attorney. Leave to appeal was refused on 15 September 2025 ([2025] ZAGPPHC 982).

3. WHAT THE JUDGMENT DID NOT DECIDE

- 3.1 The judgment is that of a single judge at first instance. It is unreported, and the court marked it as neither reportable nor of interest to other judges. It is not a decision of the Supreme Court of Appeal or the Constitutional Court and does not settle the interpretation of section 33 for all courts.
- 3.2 The judgment does not bear the meaning given to it in the public commentary. In particular:
- 3.2.1 it did not confer any general “*right*” on law graduates, paralegals or legal consultants to render legal services to the public. The court decided a voidable disposition application under the Companies Act, in which section 33 arose only as one of the grounds relied upon;
- 3.2.2 it concerned a person who made full disclosure of his status to a client who was represented by a practising attorney throughout. It is no authority for the marketing of legal services to members of the public who are not told that the person concerned is not an admitted practising legal practitioner, enrolled with the Legal Practice Council (LPC); and
- 3.2.3 it did not consider appearance for reward in courts and tribunals, the work reserved to conveyancers and notaries, or the handling of trust money. All of these remain reserved by law.

4. SECTION 33 OF THE ACT REMAINS IN FORCE

- 4.1 Section 33 of the Act applies in full. No person other than a practising legal practitioner who has been admitted and enrolled may, for any fee or reward, appear in court, board, tribunal or similar institution in which only legal practitioners are entitled to appear, or draw up or execute any instruments or documents relating to or required or intended for use in proceedings in a court of civil or criminal jurisdiction (section 33(1)).
- 4.2 No person other than a legal practitioner may hold himself or herself out as a legal practitioner, or make any representation or use any description indicating or implying that he or she is one (section 33(2)). No person may, for reward, perform any act or render any service which in terms of any other law may only be done by an advocate, attorney, conveyancer or notary, unless that person is a practising advocate, attorney, conveyancer or notary (section 33(3)).
- 4.3 A contravention of section 33 is a criminal offence in terms of section 93(2) of the Act, punishable by a fine or imprisonment for up to two years, or both. The Council may lay criminal charges and, where appropriate, seek interdictory relief against persons who contravene the section.

5. STRUCK-OFF AND SUSPENDED LEGAL PRACTITIONERS

- 5.1 In terms of section 33(4) of the Act, a legal practitioner who has been struck off the Roll or suspended from practice may not render services as a legal practitioner, directly or indirectly, for his or her own account or in partnership or association with any other person, and may not be employed by, or otherwise engaged in, a legal practice without the prior written consent of the Council. It is an offence in terms of section 93(1) for any person, in a practice, to employ a struck-off or suspended person in any capacity without that consent.
- 5.2 The judgment does not change this position. Any arrangement which dresses up the employment or engagement of a struck-off or suspended person in a legal practice as a consultancy to the client will be determined on its substance and not its form.

6. LEGAL PRACTITIONERS WHO SIGN DOCUMENTS PREPARED BY OTHERS

- 6.1 The practical effect of the judgment is that the protection of section 33 attaches at the point of signature. A legal practitioner who signs and files a document in legal proceedings takes full personal and professional responsibility for its contents, whoever prepared it, and remains bound by the duty in paragraph 3.11 of the Code of Conduct to carry out work in a competent manner and, in the case of an attorney, by the duty in paragraph 18.3 to exercise proper control and supervision over his or her staff and offices. Legal practitioners may not offer their names or signatures to work done by unadmitted persons so as to allow reserved work to be performed outside the Act. It should be noted that a breach of the Code of Conduct constitutes misconduct.

7. CAUTION TO MEMBERS OF THE PUBLIC

- 7.1 A person who obtains legal services from a practising legal practitioner enjoys protections which the law does not extend to services obtained from anyone else. A legal practitioner is admitted by the High Court as a fit and proper person and enrolled with the Council; may receive trust money only if he or she holds a Fidelity Fund certificate; is bound by the Code of Conduct; and is subject to the complaints and disciplinary processes of the Council.
- 7.2 None of these protections applies to services obtained from a person who is not admitted and enrolled, however qualified or experienced that person may be. The Council has no disciplinary jurisdiction over such a person, and the Fidelity Fund does not cover monies entrusted to him or her. Members of the public are advised to satisfy themselves, before engaging anyone to render legal services, that the person is a practising legal practitioner. Enquiries may be directed to the Council's Provincial Offices.

8. COMPLAINTS AND THE COUNCIL'S CONTINUING WORK

- 8.1 Complaints of unauthorised practice may be lodged with the Council's Provincial Offices. The Council will continue to enforce the boundaries set by section 33 and to act in terms of section 93 of the Act.

Issued by: The South African Legal Practice Council.