
Notice

12 June 2020

Legal Practice Council advises against practising without a valid Fidelity Fund Certificate

The Legal Practice Council (LPC) would like to advise all legal practitioners that in terms of Section 84(1), (2) and (3) of the Legal Practice Act 28 of 2014 (LPA), every legal practitioner practising for his or her own account must have a valid Fidelity Fund Certificate (FFC) in order to practise and handle funds from or for clients.

The LPA requires that each member who is either a sole practitioner, partner or director must be in possession of an FFC to practise and charge for services rendered. The FFC is issued annually on behalf of the Legal Practitioners' Fidelity Fund (LPFF) by the LPC.

In terms of the LPA, the LPC regulates the affairs of legal practitioners so as to ensure accountable conduct.

Numerous practitioners who are obliged to be in possession of an FFC are presently practising without it, in breach of the LPA. This is not only an offence, in terms of section 93(8) read with section 84(1) of the LPA, but it precludes those practitioners from entitlement to any fee, reward or reimbursement for legal services rendered, and it also means that clients will not have the protection afforded by the Fidelity Fund.

The LPC and the LPFF will be taking steps to ensure that no practitioner who is required to be in possession of an FFC practises without the required FFC.

Those practitioners to whom this notice is directed are therefore urged to regularise their position as a matter of urgency.

Issued by the Legal Practice Council