

# OPENING AND OPERATING AN ATTORNEY LAW PRACTICE IN SOUTH AFRICA:

## Basic information

### 1. **Minimum requirements to become a Legal Practitioner - Section 26 of the Legal Practice Act 18 of 2014 (the 'Act'):**

- i. LLB Degree;
- ii. must undergo all the practical vocational training required; and
- iii. pass the competency-based examinations or assessments as set by the Legal Practice Council (LPC).

2. **Practical Vocational Training:** Upon completion of the LLB degree, a person seeking admission as a legal practitioner must register for a PVT contract and undergo PVT training in terms of Regulation 6(1) read with Section 27 of the Act and complete, at the very least, a program of structured course work of not less than 150 notional hours. Attendance of the LSSA PVT School is also an option; refer to the LSSA website link below.

3. **Admission: This is subject to the conditions of the LPA,** which has specific limits for foreign citizens etc. Once all the aforementioned is successfully completed, the Candidate can approach the High Court to be enrolled as a Legal practitioner in terms of Section 24 of the Act.

4. **Registration:** A person duly admitted by the High Court and authorised to be enrolled to practice must apply to the LPC in the manner determined by the LPA and the LPC Rules. Successful applicants will be certified by the LPC. An annual registration fee is payable to practice.

5. **Law Entity:** In terms of Section 34, the Legal

Practice Act allows attorneys to open up firms in both natural and juristic entity capacities as set out further hereunder.

6. **Legality:** Practising as a Sole Proprietor amounts to practising in a personal capacity. Partnerships may only be entered into between attorneys. Incorporated companies must be registered with the Companies and Intellectual Property Commission (CIPC) and comply with the Companies Act and CIPC regulation requirements.

7. **Entity Name:** In terms of Paragraph 15.3 of the Code of Conduct, an attorney practising as a sole practitioner may practise only under their own name or the name of a former proprietor, partner, or firm's director. A partnership or incorporated company may only practice under a name that contains the names of any or all of the present or former partners or directors of such partnership or company. A derivative of the names referred to may be used. The name of a national or international legal practice of which the attorney is an employee or with which the attorney or their firm is associated or of which they or their firm forms part is allowed. The LPC may give prior approval in writing for the use of any other name.

8. **Fidelity Fund:** An attorney in practice requires a valid Fidelity Fund Certificate [FFC] and must make an application to the LPC for such certificate in terms of Section 84 and 85 of the Act read with Rule 3 of the LPA Rules and confirmed by a recent Court decision. Attorneys in practice, for the first time, must within one year of practice complete a certified legal **practice management course**, as required by Rule 27.9. There is an annual application fee payable.

10. **Trust Accounts:** An Attorney or Advocate with an FFC who practises for their own account (either alone or in partnership, or as a director of a company) must operate a trust account as set out in Section 86 of the

Act and must keep proper accounting records as provided for in Section 87.

11. **Audit of accounting records:** In terms of Rule 54, every firm must submit an audit report to the LPC annually. A firm that commences practice for the first time must submit the report within six months of starting a practice, covering the first four months of practice.

12. **Appearance:** In terms of Section 25 read with Rule 19 and 20 of the LPA Rules, an attorney who wishes to appear in the High Court, the Supreme Court of Appeal or the Constitutional Court must apply to the registrar of the Division of the High Court in which they were admitted for a certificate to appear in these courts. The LPC must be served with a copy of the application. The LPC Rules restrict an attorney who has been in practice for less than a year must have obtained a post-admission certificate in trial advocacy.

12. **Insurance:** All new practices must register their practice/firm with the Legal Practitioners Indemnity Insurance Fund [LPIIF] for professional indemnity insurance.



**LAW SOCIETY**  
OF SOUTH AFRICA

2021.PDF

**FOR MORE INFORMATION:** [www.lssa.org.za/wp-content/uploads/2021/05/Opening-a-legal-practice-in-South-Africa-Final-Draft-20-April-2021.pdf](http://www.lssa.org.za/wp-content/uploads/2021/05/Opening-a-legal-practice-in-South-Africa-Final-Draft-20-April-2021.pdf)

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