

Ethics

THE following amendments to the Professional Rules of Ethics were approved by the GCB at its AGM in July 1997:

Professional Rule 5.8.1 pertaining to acceptance of briefs

It was resolved that the above Rule be amended to read as follows:

“A member who acts as arbitrator or umpire in an arbitration should obtain a brief from an attorney, except in the case of a member receiving an instruction from a formal arbitration body recognised by the General Council of the Bar of South Africa. Normally the attorney who approaches the advocate to obtain his consent to act in such capacity should provide the brief.”


Professional Rule 8.6 pertaining to prescribed training

a. It was resolved that the above Rule be amended by the addition of a subparagraph numbered 8.6.3 as follows:

“8.6.3 All pupils will be required, as a compulsory component of pupillage, to participate in any advocacy training programme offered during the period of pupillage, and the Bar Council may decline to admit to practice any pupil who has not complied with this requirement.”

b. The addition of the following subparagraphs 8.8 and 8.9:

“8.8 No pupil shall be permitted to do more than two periods of pupillage, save with the consent of the Bar Council.”

“8.9 No pupil may interrupt or reduce the period of pupillage to sit as an assessor, or to act as pro Deo counsel, save with the consent of the Bar Council.” 

Supreme Court of Appeal


Practice Note

THE Chief Justice hereby issues the following Practice Directions in respect of the Supreme Court of Appeal.

1 The Registrar must be informed immediately it becomes known an appeal is to be postponed or has been settled.

2 The heads of argument of each party must be accompanied by a brief typed note indicating:

- (a) the name and number of the matter;
- (b) the nature of the appeal;
- (c) the issues on appeal succinctly stated (e.g. “negligence in MVA case”, “admissibility of a confession”, “interpretation of ...”);
- (d) an estimate of the duration of the argument;
- (e) if more than one day is required for argument, the reasons for the request;
- (f) if the appeal is said to be urgent or is entitled to some precedence on the roll, the reasons therefor;
- (g) a list reflecting those parts of the record that, in the opinion of counsel, are not relevant to the determination of the appeal;
- (h) a summary of the argument, not exceeding two folios;
- (i) an indication of those authorities to which particular reference will be made during the course of argument.

3 In cases in which heads of argument have already been filed, a note complying with paragraph 2 must be filed as soon as practicable. 

Land Claims Court

Practice Direction No 2

THE President of the Land Claims Court has issued the following practice direction.

Additional sets of documents

Any document issued out of or filed with the Land Claims Court must be in duplicate.

Allocation of dates

1 The allocation of dates for conferences and hearings is dealt with in rule 30(2) and rule 55 of the Land Claims Court Rules. In terms of those rules, the presiding judge determines such dates.

2 Any party applying for the allocation of a date for a conference or a hearing must do so by notice addressed to the Registrar of the Land Claims Court and served on all other parties who have delivered a notice of appearance.

3 Such notice may include:

3.1 a date or dates which are suitable to all parties for the conference or hearing; and/or

3.2 in the case of a conference, a request that such conference be held by way of a telephone conference call.

4 The presiding judge will consider, but not be bound in any way by, any representations made pursuant to paragraphs 3.1 and 3.2 above.

5 No further correspondence or communications may be entered into with any official of the Court regarding the allocation of such dates.

6 The attention of the parties is drawn to rule 55(5) regarding postponement of a hearing date.

7 This direction replaces all previous practices and directions regarding the allocation of conference dates. 