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GENERAL NOTICES • ALGEMENE KENNISGEWINGS

LEGAL PRACTICE COUNCIL

NOTICE 3767 OF 2026

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THE SOUTH AFRICAN LEGAL PRACTICE COUNCIL

NOTICE IN TERMS OF SECTION 95(5) OF THE LEGAL PRACTICE ACT, 28 OF 2014

Notice is hereby given that the Council amends the Rules of the Council made in terms of section 95(1) of the Legal Practice Act, 28 of 2014 ("the Act") by the insertion of Rule 16A and amendments to Part 1 (Definitions):

Explanatory Note:

The Council publishes these rules in terms of section 95(5) of the Act. The circumstances necessitating this immediate publication are as follows:

1. Section 178(1)(e) and (f) of the Constitution requires the appointment of practising advocates and attorneys to the Judicial Service Commission (JSC) from nominations received from within the professions.
2. The JSC has issued a call for nominations for judicial vacancies to be interviewed in April 2026.
3. Following an extensive consultation process facilitated by an independent expert, the Council has adopted a new, inclusive Council-facilitated nomination model to replace previous arrangements.
4. The standard 30-day public comment period required by section 95(4) would preclude the Council from establishing the Nominations Committee and concluding the nomination process before the JSC's submission deadline. This would risk the JSC being improperly constituted or force reliance on a nomination procedure previously challenged as exclusionary.
5. To ensure the legal profession is lawfully and inclusively represented at the upcoming JSC sittings, immediate operation of these rules is required.

Invitation for Representations:

In terms of section 95(5)(b) of the Act, any person who is aggrieved by these rules may make representations to the Council **on or before 16 March 2026**, which is more than the minimum 30-day period prescribed in section 95(5)(b). Representations must be sent by email to rules@lpc.org.za.

Amendment to Part 1 (Definitions) of the Legal Practice Council Rules, insertion of the following definitions:

1.7 '**Bar association'** means a professional voluntary association, forum or society representing advocates' interests established and operational within the Republic;

1.13 **"Commission"** means the Judicial Service Commission established in terms of section 178 of the Constitution of the Republic of South Africa, 1996;

Executive Committee: Adv Pule Seleka (SC) – Chairperson, Dr Llewelyn Curlewis - Deputy Chairperson, Adv Craig Watt-Pringle (SC), Mr Martus De Wet, Ms Nonduduzo Khanyile, Mr Sello Phajane, Adv. Matshoge Chabedi (SC), Acting Executive Officer: Ms. Pearl Arnold Mfusi

1.14 **"Committee"** means the Judicial Service Commission's Nominations Committee established in terms of section 18 of the Legal Practice Act 28 of 2014;

1.19 **'fit and proper person'** means, in relation to a legal practitioner nominated under rule 16A –

1.19.1 a legal practitioner who possess the integrity, objectivity, dignity, capacity for hard work, respect for legal order and a sense of equality or fairness; and

1.19.2 who commands the respect of his or her peers and within the judicial sector;

1.19.3 who, objectively, meets the requirements for appointment as a judge published under the Summary and Explanation of the Criteria and Guidelines used by the Judicial Service Commission when considering candidates for judicial appointment (published by the Office of the Chief Justice).

1.23 '**Law Society'** means a professional voluntary association, forum or society representing attorneys' interests established and operational within the Republic;

Insertion of Rule 16A of the Legal Practice Council Rules:

Rule 16A Procedure for nomination of legal practitioners to represent the legal profession on the Judicial Service Commission.

[section 95(*zO*)]

16A.1 Whenever a vacancy occurs or becomes imminent in the Commission in respect of a member representing the advocates' profession or the attorneys' profession, the Council shall call for nominations from among the legal practitioners of the respective professions who are on the practising roll, as the case may be, by notice in the Gazette, on the Council's website, and in such other publication as may be appropriate. The notice shall allow not less than 21 days from the date of publication for nominations to be submitted in writing in accordance with these rules.

16A.2 A nomination may only be made by –

16A.2.1 In the case of an advocate, by a practising advocate in good standing and on the roll of practising advocates or by a bar association;

16A.2.2 In the case of an attorney, by a practising attorney in good standing and on the roll of practising attorneys or by a Law Society.

16A.3 Every nomination shall be in writing, signed by the nominator, and shall –

16A.3.1 in the case of an advocate, state the name of the advocate, his or her date of admission as an advocate and the address at which such advocate keeps chambers;

16A.3.2 in the case of an attorney, his or her date of admission as an attorney and the address of that attorney's principal place of business.

16A.4 Every nomination shall be accompanied by –

16A.4.1 written acceptance by the practising advocate or practising attorney being nominated, duly signed by that advocate or attorney, and providing the details relating to the nominated advocate or attorney as required in rules 16A.3.1 and 16A.3.2;

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16A.4.2 a comprehensive curriculum vitae of the person being nominated, in not more than 600 words and in such format as the Council may require, containing at least the following information:

16A.4.2.1 full name(s), race, and gender;

16A.4.2.2 in the case of an advocate, whether or not he or she renders legal services in terms of section 34(2)(a)(ii) of the Act, and whether or not he or she has the status of a Senior Counsel;

16A.4.2.3 in the case of an attorney, the name of the firm of which he or she is a proprietor or a member or by which he or she is employed, stating also the status of that attorney within the firm, and whether or not he or she has the status of a Senior Attorney;

16A.4.2.4 date of admission and enrolment, and period in practice, including details of any conversion from attorney to advocate or vice versa;

16A.4.2.5 if he or she has any disability, a statement to that effect and the nature of the disability;

16A.4.2.6 the address of his or her principal place of practice;

16A.4.2.7 a certificate, issued by the Council not earlier than one month prior to the date of acceptance of nomination by the person accepting nomination, that he or she is admitted and enrolled as a legal practitioner and is in good standing.

16A.5 Upon receipt of a nomination, the Council shall make every effort to verify the information provided in the curriculum vitae that accompanied the nomination.

16A.6 Upon verification of the information provided in the curriculum vitae of every nominated person the Council shall, as soon as it is practically possible but not later than seven days after the closing date for nominations, refer all received nominations and the outcome of the verification process to the Committee.

16A.7 The Committee shall, at a formal meeting, determine which nominated legal practitioners are suitable to serve as a member of the Commission taking into consideration the following factors:

16A.7.1 the number of vacancies on the Commission;

16A.7.2 that the nominated legal practitioner is a fit and proper person;

16A.7.3 the nominated legal practitioner's experience in legal practice or the legal practice environment;

16A.7.4 whether the nominated legal practitioner is in good standing;

16A.7.5 the nominated legal practitioner's contribution to the development of jurisprudence, particularly emanating from the Supreme Court of Appeal and the Constitutional Court;

16A.7.6 the nominated legal practitioner's contribution to the transformation of the legal profession, including with regard to the advancement and development of new entrants in the legal profession.

16A.8 Upon making a determination in terms of rule 16A.7, the Committee shall compile a report containing its recommendation and a final list of nominated persons. Where the number of suitable nominees exceeds the number of vacancies to be filled, the Committee shall rank the nominated persons in order of preference.

Executive Committee: Adv Pule Seleka (SC) – Chairperson, Dr Llewelyn Curlewis - Deputy Chairperson, Adv Craig Watt-Pringle (SC), Mr Martus De Wet, Ms Nonduduzo Khanyile, Mr Sello Phajane, Adv. Matshoge Chabedi (SC), Acting Executive Officer: Ms. Pearl Arnold Mfusi

16A.9 The Committee shall submit the report containing its recommendation and a final list of nominated persons to the Council within 7 days of the meeting referred to in Rule 16A.7.

16A.10 The Council shall, upon receiving and considering the report and recommendation of the Committee, submit a final report and list of nominated persons to the Minister for processing to the President.

16A.11 The declaration by the Committee made in terms of rule 16A.8 shall be final and binding on the nominated legal practitioner or legal practitioners, the Council and the legal profession as a whole.

16A.12 The Council shall within 14 days of having submitted the final report and list of nominated persons to the Minister, by notice in the Gazette, publish the name of the person or persons so nominated.

Signed at Midrand on 09 February 2026.

ADV PULE SELEKA SC
CHAIRPERSON: LEGAL PRACTICE COUNCIL

Executive Committee: Adv Pule Seleka (SC) – Chairperson, Dr Llewelyn Curlewis - Deputy Chairperson, Adv Craig Watt-Pringle (SC), Mr Martus De Wet, Ms Nonduduzo Khanyile, Mr Sello Phajane, Adv. Matshoge Chabedi (SC), Acting Executive Officer: Ms. Pearl Arnold Mfusi

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