



**THE CONSTITUTION OF THE**

**SOUTH AFRICAN BAR ASSOCIATION**

NATIONAL BAR ASSOCIATION T/A  
SOUTH AFRICAN BAR ASSOCIATION

1. Name of the Association

1.1. The name of the Association shall be "THE SOUTH AFRICAN BAR ASSOCIATION" ("the Association").

2. The objects of the Association shall be to:

2.1. Facilitate initiatives aimed at unifying the fragmented bars in South Africa under one body, the *South African Bar Association*;

2.2. Promoting the access of female advocates into the profession and pursuing the elimination of racially and gender skewed briefing patterns;

2.3. Remove restrictions pertaining to location and manner in which chambers are held and to encourage advocates to practice from premises and locations suitable for practice;

2.4. Invest in the ongoing training and development of junior advocates so as to maintain the standards of excellence that an advocate's practice demands;

- 2.5. Facilitate and optimise opportunities aimed at making legal practice more accessible and affordable for all advocates;
- 2.6. Reduce bar subscriptions for all advocates in general and junior advocates in particular;
- 2.7. Address anti-competitive practices, which result in the briefing of advocates of particular associations exclusively at the expense of other advocates.

3. Definitions:

- 3.1. Advocate means a legal practitioner as defined in the Legal Practice Act, and who is registered with the Legal Practice Council;
- 3.2. Attorney means a legal practitioner as defined in the Legal Practice Act, and who is registered with the Legal Practice Council;
- 3.3. Bar Council means the Bar Council of the Association, who after election has been, appointed for of 24 (twenty four) months;
- 3.4. Brief means an instruction given to an advocate by an attorney;
- 3.5. Chambers means the premises from which an advocate practices;
- 3.6. Division means the provincial area in a High Court operates;

4. Membership

- 4.1. All advocates registered as referral advocates, with the Legal Practice Council, shall be eligible for membership of the Association;
- 4.2. All advocates who have completed pupillage with any Bar Association, shall be eligible for membership of the Association.

5. Pupillage

- 5.1. Any person wishing to be admitted as a pupil member of the Association may apply in writing to the Bar Council, who, on being

satisfied that the applicant is a fit and proper person to become a pupil member of the Association, will admit such person to assuming pupil membership of the Association;

- 5.2. Females in general and in particular black females, shall be given preference in all applications for pupillage;
- 5.3. All pupillage programmes shall be done in accordance with the requirements of the LPC.

## 6. Public interest and pro-bono work

- 6.1. The Association shall require its members to perform work of a public interest nature, without remuneration, whenever an issue of a public nature arises, which requires the Association to act in aid of such causes;
- 6.2. All members shall be required to dedicate 30-hours each year for pro bono work by representing the poor, the indigent and individuals who are not financially by the means to afford legal representation;
- 6.3. The Association shall ensure that Pro bono and any such institutions have access to members' details in order to approach members to render any necessary pro bono or related services.

## 7. Termination of membership

- 7.1. Membership may terminate upon any of the following events occurring:
  - 7.1.1. the death of a member;
  - 7.1.2. the resignation of a member;
  - 7.1.3. the expulsion of a member;
- 7.2. The termination of membership on grounds of misconduct shall be preceded by a duly constituted hearing in which the *audi alteram partem* rule shall be observed.
- 7.3. The termination of pupil membership shall be effected on the same terms as stated hereinabove.

8. Bar Council

- 8.1. With the exception to the first 24 months of the Association's establishment, the Bar Council shall be constituted every 24 (twenty four) months;
- 8.2. In its maiden years (first 24 months), the Bar Council Chairperson, National Spokesperson and Finance Manager shall be appointed for the aforesaid period;
- 8.3. An elected Bar Council shall remain in office until a new Bar Council has been voted in, in terms of this Constitution;
- 8.4. A Bar Council, upon constitution, shall consist of nine members, the chairperson 8 other members of which 4 shall be seniors and 4 juniors;
- 8.5. Bar Council elections shall take place by secret ballot, in November every second year and the new Bar Council shall assume office in January, the succeeding year;
- 8.6. A quorum of the Bar Council shall at all times be fifty percent of members in attendance, whether physically or virtually.
- 8.7. The chairperson or in his absence, the deputy chairperson, shall have a casting vote.
- 8.8. Bar Council elections shall take place not less than four weeks before the date of the Annual General Meeting, but within the second year of the Bar Council's term.
- 8.9. The secretary shall by notice to the members call for nominations which shall be handed in to the Secretary not less than two weeks before the said meeting in the second year of the Bar Council's tenure.
- 8.10. All nominations shall be in writing and shall be signed by one proposer and one seconder, and the secretary shall not accept any nomination unless consent to his nomination is signified in writing signed by the nominee.

8.11. The secretary shall publish not less than two weeks before the Annual General Meeting, but within the second year of the Bar Council's tenure, the list of members who have been nominated.

9. Powers of the Bar Council

9.1. The Bar Council shall, subject to any directions that may be given to it by the general membership, have the following powers:

9.1.1. To develop regulations and issue rulings that are necessary in order to give effect to the provisions of the Constitution of the Association;

9.1.2. To give effect to the objects of the Association;

9.1.3. To ensure compliance with the LPC Code of Conduct for practitioners;

9.1.4. To represent the interest of members in whatever circumstance, situation or eventuality where members' interest are at risk;

9.1.5. To settle any disagreement or disputes between members *inter se* and between members and attorneys;

9.1.6. To responsibly regulate and control the finances of the Association and to give an annual account thereof to members;

9.1.7. To establish any necessary sub-committees in order to give effect to the objects of the Association;

9.1.8. To approve financial assistance to members in circumstances where financial assistance is warranted;

9.1.9. To establish satellite offices in every Division;

9.1.10. To approve membership and pupil membership;

9.2. The Bar Council shall not be entitled to exercise any power not expressly provided for in this Constitution.

9.3. The Bar Council shall meet once a month.

10. Termination of Bar Council membership

10.1. Membership of the Bar Council may terminate upon any of the following events occurring:

10.1.1. the death of a member;

10.1.2. the resignation of a member;

10.1.3. the expulsion of a member;

10.1.4. the election of a new Bar Council

10.2. The termination of Bar Council membership on grounds of misconduct shall be preceded by a duly constituted hearing in which the *audi alteram partem* rule shall be observed.

11. Finance

11.1. The property and funds of the Association shall be vested in the Bar Council who shall be capable of suing and being sued on behalf of the Association;

11.2. The Chairperson must give written consent to all acquisitions and purchases exceeding R20, 000 up to R200 000.

11.3. The entire Bar Council shall be required to sign off all purchases and acquisitions exceeding R200 000.

11.4. The Association shall be funded by donations and subscriptions payable by members of five years or more standing.

11.5. The Secretary shall open and maintain a banking account in the name of the Association in such bank as the Bar Council determines.

12. Chambers

12.1. Members of the association may hold chambers, in any of or a combination of the following ways:

12.1.1. A small group of advocates (e.g. between 2 and 10 advocates) practising from a small office or a house converted for that purposes;

12.1.2. As a group of advocates practising from suitable chambers, decided by the group itself;

12.1.3. Co-working / common room chambers, established by the group itself;

12.1.4. Single-practitioner facilities, where a member practices from premises suitable for the practice of a referral advocate (this includes home-based chambers or a small office)

13. Members who wish to establish a group can do so by submitting an application, which can also be done online. Members will however be required to display their affiliation with the association on their professional and corporate materials. (E.g. “Oxford Chambers” An affiliated group of the South African Bar Association or Adv. Trevor Else, Member of the **South African Bar Association**)

14. A member of the **South African Bar Association**, may hold concurrent membership with any other association of advocates, subject to that association’s membership requirements. The ideal, as stated herein, is however to unify all advocates and associations under one association.

15. General

15.1. Members may at any time raise an issue that concerns the general membership by sending an email to Chairperson requiring the matter to be placed on the agenda of the Bar Council for determination.

15.2. Members may place any issue of a general nature on the agenda of the AGM, by no less than two weeks before the scheduled commencement of the AGM.