

**CONSTITUTION OF THE  
PRETORIA SOCIETY OF ADVOCATES**

I. NAME AND OBJECTS

1. The name of the organisation shall be the *“PRETORIA SOCIETY OF ADVOCATES”* hereinafter referred to as the *“society”*.

[Article 1 amended in accordance with decision by Society of Advocates (TPD) at 2000 AGM.]

2. In this Constitution unless the context otherwise requires-

***“Transvaal Provincial Division”*** means the area under the jurisdiction of the Transvaal Provincial Division of the Supreme Court of South Africa excluding the Witwatersrand Local Division.

***“Advocates with the exception of associated members who normally practise in the Transvaal Provincial Division”*** means those advocates who are recognised for the time being by the bar council as normally practising in the Transvaal Provincial Division; provided that no person shall be so recognised who:

- (a) does not occupy chambers within the Transvaal Provincial Division;
  - (b) does not hold himself available to undertake work appertaining to an advocate on behalf of the public; and
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- (c) is not willing and available to accept the normal duties of the profession including *pro deo* work at the request of the court.

**"Bar"** means those advocates who normally practise in the Transvaal Provincial Division, or practising as associated members.

**"General Council"** means the General Council of the bar of South Africa as constituted at Johannesburg on 21 September 1946, a copy of whose Constitution is attached hereto.

**"Member"** or **"Members"** means a member or the members, as the case may be, for the time being of the society and shall include a pupil member or pupil members and associated members.

**"Black members"**

[Deleted by resolution at the 2005 AGM.]

3. The objects of the society are:
- a. the protection of the interests of the bar, and of the members of the bar who are members of the society;
  - b. the supervision of the conduct of members;
  - c. the consideration and promotion of improvements in the teaching and practice of law and in the administration of justice;
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- d. to be a constituent bar of the General Council, and to collaborate with and to assist in the furtherance and promotion of such council's objects;
  - e. to arrange such functions and meetings as the bar council thinks fit for the purpose of promotion the above objects and for promoting good relations between members of the society, other bars and the Bench;
  - f. to derive profits and gains solely from transactions with or on behalf of individual members of the society as envisaged in section 10(1)(e) of the Income Tax Act, 58 of 1962.
- 4.
- a. The society accepts the Constitution of the General Council of the bar of South Africa and is bound by its decisions on any matter referred to it in terms of this Constitution.
  - b. The bar council shall from time to time appoint representatives to represent the society on the General Council. Such representatives need not be members of the society but must be members of a constituent bar of the General Council. The reasonable travelling and out-of-pocket expenses of the representatives attending meetings of the General Council shall be paid out of the funds of the society.
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## II. MEMBERS

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- a. Subject to the provisions of this Constitution and subject to proof of good character to the satisfaction of the Bar Council, the Bar Council may admit any duly admitted and qualified advocate who intends normally or as an associated member to practice within the area of jurisdiction of the Gauteng Division, Pretoria:
    - i. to pupil membership without the right to practice; provided that the Bar Council may admit any person who is not on the roll of attorneys and who has launched an application for admission as an advocate, to such pupil membership on condition that such application is granted within the time stipulated by the Bar Council;
    - ii. to membership entitling him to practice; provided that such person has completed a pupillage to the satisfaction of the Bar Council, passed the National Bar Examination and completed the practical training as prescribed by the Bar Council, or has been wholly or in part exempted from such pupillage by the Bar Council;
  - b. The Bar Council may, subject to such conditions as it may determine, admit a duly admitted advocate as an associate member of the Society, including a full-time lecturer at the Law Faculty at any university, provided that such person has completed a pupillage to the satisfaction of the Bar Council, passed the
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National Bar Examination, completed the practical training of pupils as prescribed by the Bar Council (or has been wholly or in part exempted by the Bar Council from the above requirements) and subjects himself to the Constitution of Ethical Code of Conduct and discipline of the Society:

[Article 5(b) substituted in accordance with decision of Society of Advocates (TPD) on 25 February 1999]

- c. The Director of Public Prosecutions, Pretoria and his Deputy and the Family Advocate who are seated in Pretoria, for the time being, shall also be entitled to become members of the Society but shall not be liable for the payment of any dues.
  - d. The Bar Council may award honorary membership of the Society to any member or past member in deserving circumstances, including, but not limited to past members who were members of the Society for longer than 25 years and who retired from the Society after reaching the age of 65 years, and/or to past members who retired from the Society after reaching the age of 65 years and who at that stage were senior counsel for longer than 20 years.
  - e. The Bar Council may, upon application by a member, exempt such member from the requirement to hold full-time chambers and instead, permit such member to be an associate member on the following conditions:
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- (i) where leave has been granted to a member to practise from home on the following conditions:
    - (a) that the member persuades the Bar Council that he/she wishes to enter into semi-retirement due to ill-health; or
    - (b) where the member is older than 65 years and wishes to enter into semi-retirement;
  - (ii) where leave has been granted to a member to practise from a legal resources centre or university; or
  - (iii) where the member is a full member of a constituent Bar of the General Council of the Bar of South Africa and who holds chambers approved by that constituent Bar; or
  - (iv) where a member practises as an advocate or its equivalent in a foreign jurisdiction; or
  - (v) in exceptional circumstances and with the approval of the Bar Council upon application by the member concerned.
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- f. members who are granted leave to practise from home shall continue to pay the amount determined by the Bar Council in respect of such member's monthly subscriptions, which amount shall be in line with, or comparable to, other members of similar standing and seniority.
  - g. Members who face potential termination of their membership due to non-payment of their Bar accounts as a result of financial difficulties, may, upon application, be assisted as follows:
    - (i) If a member voluntarily vacates chambers before their membership is terminated due to non-payment, such member may arrange with the Membership Committee, in consultation with the General Manager, to pay off the outstanding amount within a specific time (not exceeding six months), and such member's membership shall not be terminated but retained pending fulfillment of the obligations to pay the arrears;
    - (ii) Subject to (i), such member may continue to practise as an advocate of the Society without any other benefits, including but limited to, utilizing Tea Room / Common Room, messenger services and telephone until such time as all outstanding amounts have been paid in full;
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- (iii) the member concerned will be able to continue receiving briefs from attorneys;
  - (iv) such member will be obliged to pay a nominal fee to retain membership during the temporary absence from chambers, such nominal amount to be determined by the Bar Council on a case-by-case basis, but in the sole discretion of the Bar Council;
  - (v) the member's membership will be retained as provided for herein for the maximum period of six months (or a lesser period should the member pay the outstanding amount sooner) where after such member may apply for chambers in the ordinary manner, subject to chambers being available and seniority being observed. In the event of chambers not being available, such member may, upon application, share chambers with any other consenting member, until chambers become available.
  - (vi) Subject to such a member making a full disclosure of his financial position in his application.
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6. No person who has at any time practised as an attorney or law agent shall be eligible for admission as a member of the society so long as he has any capital invested in the business with which he was previously connected.
7. Every present member who has accepted this Constitution and signed the roll of members within one month of the coming into operation of this Constitution shall continue to be a member of the society. Thereafter any person eligible for membership in terms of this Constitution and desirous of becoming a member shall make written application to the bar council.
8. There shall be kept at a place to be prescribed by the bar council a Roll of Members of the society. No person shall be a member of the society unless he has signed the Roll. Upon signing the Roll of Members the signatories shall become bound by the provisions of this Constitution and be deemed to consent to the obligations imposed thereunder. The Roll shall be headed:

*"We, the undersigned, having read the Constitution of the society of advocates of South Africa (Transvaal Provincial Division) undertake to abide by that Constitution (and any amendments thereof as and when duly made) and by all decisions and actions lawfully taken thereunder."*

[Article 8 amended in accordance with decision by Pretoria Society of Advocates at 2000 AGM.]

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9. No member shall hold a brief with or act professionally in any way in the Republic with any advocate who is not a practising member of this society or of a constituent bar of the General Council; provided that a member may be briefed in a criminal matter with an officer of the State who is a duly admitted advocate and provided further that the bar council may, where good cause exists in its opinion, sanction any other departure from this rule.
10. Membership of the society shall cease:
- a. Upon resignation duly accepted by the bar council;
  - b. If the bar council so decides on the ground that the member is no longer an advocate who normally practises in the Transvaal Provincial Division;
  - c. Upon expulsion in a manner prescribed by this Constitution;
  - d. If the bar council decides that the member has lost the necessary qualification for membership as prescribed in this Constitution;
  - e. In the case of a pupil member, if after a period of four months (or such longer period as the bar council may allow) he has failed to complete his pupillage to the satisfaction of the bar council;

Provided that cessation of membership shall in no way affect the member's liability for amounts owing to the society or for any actions or conduct during his membership.

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## III OFFICIALS

11.

- a. The management of the affairs of the society shall be vested in the bar council.
- b. The bar council shall consist of eighteen members, constituted as follows:
  - i. Six seniors and twelve juniors; alternatively
  - ii. Seven seniors and eleven juniors;

as the case may be, in accordance with the provisions of article 12(c), 12(g)(iii) and 12(f) provided that:

- iii. At least four members of the bar council shall be women;  
and
- iv. At least one member shall be from each of the buildings  
from which members practice.

[Article 11(b) amended in accordance with decision by society at 2004 General Meeting and the 2005 AGM.]

- c. The bar council shall be deemed to be duly constituted notwithstanding any vacancy which may arise in its membership, provided that the quorum of any meeting of the bar council shall be more than one half of its members, of whom one shall be a senior member of the bar council.
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- d. The chairman shall have an ordinary as well as a casting vote.
- e. The bar council may co-opt one or more members of the society and one or more attorneys for the purposes of an investigation into the reasonableness of a member's fees and such member or members and such attorney or attorneys shall be entitled to participate in such investigation, to make findings in regard thereto and to vote.

12.

- a. Members of the bar council shall be elected by secret ballot paper vote by all the members of the society who are entitled to vote.
- b. Candidates for the vacancies as provided in article 11(b) are nominated and seconded orally at the annual general meeting of the society.
- c. Only members of the society who are entitled to vote, may nominate or second a candidate;

Provided that candidates for nine vacancies shall only be nominated by the Advocates for Transformation (AFT Pretoria branch), which shall be entitled to nominate either three seniors and six juniors, or in the event of no senior being nominated by them, nine juniors to fill the said nine vacancies: Provided further that for at least two of these nine vacancies the AFT Pretoria branch shall nominate women.

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- d. The election of the members of the bar council takes place during the three working days immediately following the annual general meeting.
  - e. Votes cast shall be counted by a ballot-box committee, to be appointed at the annual general meeting. The ballot-box committee shall consist of at least one senior member and as many additional members as the annual general meeting may decide.
  - f. Any member of the society who may vote is eligible to be elected to the bar council as a senior or junior member, in accordance with whether such member is a senior or junior member.
  - g. Members (except those nominated by AFT) will be elected to the bar council by majority vote provided that:
    - i. should any vacancy occur on the bar council in respect of a member nominated by AFT, AFT shall nominate another member to fill the vacancy;
    - ii. should any vacancy occur on the bar council in respect of any other member, the vacancy shall be filled by the member who had obtained the next highest number of votes at the election; and
    - iii. Vacancies shall be filled in such a manner that article 11 (b) shall at all times be complied with.

... [Article 12(g) amended by resolution of the 2005 AGM.]

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- h. ... [Article 12(h) deleted by resolution of the 2005 AGM.]
  - i. ... [Article 12(i) deleted by resolution of the 2005 AGM.]
  - j. ... [Article 12(j) deleted by the 2005 AGM.]
  - k. ... [Article 12(k) deleted by the 2005 AGM.]
  - l. ... [Article 12(l) deleted by the 2005 AGM.]
  - m. In the event of a tie for the filling of the last available vacancies for senior members or junior members on the bar council, there shall be a ballot between those members who obtained an equal number of votes, such ballot to be conducted in the manner determined and ordered by the bar council.
  - n. Associate members who occupy chambers outside Pretoria shall only have such voting rights as the chairperson may allow for purposes of a particular election.
  - o. Pupils shall not be entitled to either nominate a candidate or to vote for the election of members to the bar council.

[Article 12A deleted by the 2005 AGM.]

- 13. The members of the bar council shall retire annually on the completion of the election of the incoming bar council. All retiring members shall be eligible for re-election.
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14. The bar council shall at its first meeting elect one of its senior members as chairman who shall also be chairman of the society for the year.
15. In the event of the death, resignation or incapacity of any member of the bar council, the bar council may appoint someone to serve as a member during such incapacity or until the next annual election.
16. There shall be elected annually at the general meeting a secretary, and, if necessary, assistant secretaries, to attend to the affairs of the society and to act as a secretary to the bar council. Any vacancies occurring during the year shall be filled by the bar council. The bar council may appoint such officials as it may from time to time consider necessary on such terms as it may decide.

#### IV. POWERS OF THE BAR COUNCIL

17. The bar council shall have the following powers:
    - a. to frame such regulations and to give such rulings as are in its opinion necessary for the regulation of the proceedings of bar council and society meetings and for giving effect to the provisions of this Constitution;
    - b. to frame rules and give such rulings relating to members in their professional capacity as may be deemed advisable;
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- c. to represent the members of the society in any matter of general concern to the society, to exercise control over all members in matters affecting their professional status, rights, privileges and conduct and to take such action as it deems fit;
  - d. to draw up scales of recommended minimum fees for members;
  - e. to hear and settle disputes between members and between members and other persons in regard to fees or other matters affecting professional relations;
  - f. to maintain a list of defaulting attorneys and to prescribe sanctions in regard to such attorneys in their relationship with members of the society;
  - g. to regulate and control the finances of the society;
  - h. to submit any matter for decision or expression of opinion to the General Council;
  - i. to make contracts on behalf of the society in regard to the society's affairs and property;

to appoint sub-committees from members to assist the bar council in carrying out the objects of the society and where the bar council has granted the necessary delegation in regard thereto, to decide any matter the nature of which is described in such delegation as if the sub-committee is the bar council, provided that such decision is placed before the bar council at its next meeting for noting by

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the bar council, and provided that the preceding provisions in regard to delegation are not applicable to the disciplinary committee. Where a sub-committee holds the view that the bar council should rather decide the matter, it may, notwithstanding such delegation, refer the matter back to the bar council;

- j. to establish and maintain a bar benevolent fund and sick benefit fund for the purposes of assisting members and ex-members of the society who, in its opinion, are in need of financial assistance and ought to receive assistance from such fund and in its discretion to establish special funds for specific purposes and to build out such funds and in its discretion to assist members of the society and personnel in the employ of the society financially by means of loans and/or donations on such terms and conditions as the bar council may determine, and that in respect of each specific fund for a specific purpose rules shall be formulated wherein the purpose of such fund is properly set out and that makes provision for the orderly conduct and use thereof;
  - k. subject to the provisions of this Constitution, to maintain discipline among members and to prescribe and enforce sanctions for breach of discipline;
  - m. to decide whether a person has the necessary qualifications prescribed by this Constitution for admission as a member;
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- n. to represent the society in court and in legal proceedings in so far as may be permitted in law in regard to any matter affecting the society and any member or other advocate of the Transvaal Provincial Division;
  - o. to allocate and control the allocation of chambers to members and to control access to and use of the bar common room and a bar library (if formed);
  - p. to do all such other things as may, in its opinion, further the objects of the society or are necessary for or incidental to the carrying out of those objects or the abovementioned powers;
  - q. to allow a pupil member to receive remuneration for work done in the course of such pupillage;
  - r. to exempt a pupil member wholly or in part from payment of any subscription or dues to the society;
  - s. to frame regulations and rules relating to pupillage;
  - t. to determine whether a pupil member has completed his pupillage satisfactorily;
  - u. to make compulsory for all members, participation in a scheme organised by the bar council whereby professional indemnity insurance is obtained for members of the society.
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18. All regulations made by or rulings and decisions given by the bar council shall be binding on all members until amended or rescinded by the bar council or by members in a general meeting duly convened in terms of this Constitution.
19. The bar council may delegate any of its functions to a committee of not less than two of its members provided that such committee shall report to the bar council which shall give any final decision required.
20. The bar council may co-operate with the Johannesburg bar council and shall as far as possible ensure uniformity of rules and scales of fees. For this purpose the bar council may arrange for joint meetings with the Johannesburg bar council or for the joint meetings of delegates from the respective bar councils, or for such joint action as it may deem necessary.

#### V. GENERAL MEETINGS

21. The general meeting of members shall be held during the month of February of each year on such date as the bar council may determine.
  22. The business at the annual general meeting shall be to elect officials, to receive and consider the annual accounts and the report of the bar council and general business.
  23. General meetings other than the annual general meeting shall be held on a date to be fixed by the bar council:
    - a. when so ordered by the bar council;
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- b. upon a requisition to the secretary signed by not less than ten members stating the purpose for which the meeting is required.
24. At all general meetings forty members shall form a quorum. Pupils and associated members who occupy chambers outside of Pretoria shall only have voting rights if the chairman rules that pupils and an affected associated member will enjoy voting rights for the specific matter being voted upon.
25. At least seven days' clear notice shall be given of every general meeting of members, by posting a notice on the official notice board stating the business to be done thereat; provided that in cases of urgency and if the matter to be considered is not a proposed amendment of this Constitution, shorter notice may be given subject to the approval of the bar council. Notice of such a meeting shall be given by delivering in the chambers of each member a written notice, stating the business to be done thereat, provided that no action of the meeting shall be invalidated by the mere fact that such notice has not been received by any member.

#### VI. FINANCE

26. The property of the society shall be vested in the bar council which shall be capable of suing and being sued on behalf of the society. The secretary for the time being shall accept service of any process or documents and shall have the power to sign any documents when authorised by the bar council.
27. The bar council may under suitable circumstances remit the whole or any portion of any payment due or that may become due to the society by any member or honorary member.
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28. Any member in arrears in respect of any subscription or any other payment due to the society shall, if he is so requested by the bar council, make an offer to the bar council which in the opinion of the bar council is acceptable in order to discharge the amount thus due. Should such member fail to make an acceptable offer or fail to make payment in accordance with such offer duly accepted by the bar council; or further fall in arrears in respect of any subscription or any other payment due to the society, the bar council may terminate the membership of such member. Any such termination of membership shall be notified to the member concerned in writing and to members generally by notice on the official notice boards.
29. (1) Subject to sub-article (2) hereunder all members shall be liable to contribute equally for the payment of expenses incurred by the bar council for and in connection with the society subject to article 27 above.
- (2) The council may from time to time, and on the conditions it deems meet,
- a. designate accommodation which may be occupied by members on a communal basis against payment of a fixed monthly fee;
  - b. conclude contracts for the rendering of service or purchase assets which are not used by all members;
  - c. create provisions for funds which will not be utilised for the benefit of all members;
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in which case the Bar Council may decide that members who take up such accommodation or members who do not use such services, assets or funds will not, to the extent that the Bar Council may deem meet, be liable to contribute equally to the expenses incurred by the Bar as contemplated in sub-article (1).

[Article 29 amended in accordance with decision by society at 2001 AGM.]

30. The bar council may dispose of the society's funds in whatever manner it thinks fit for the purposes of the society.
31. The bar council shall open, maintain and operate a banking account in the name of the society and all payments to the society shall be banked therein. The bar council shall determine the place and method of operation of such account, provided that the bar council shall ensure that proper accounts are kept of all the society's transactions.

#### VII. DISCIPLINE

32. The bar council shall take cognisance of and enquire into any complaint against the conduct of a member and shall have the right to enquire into the conduct of a member irrespective of whether or not a complaint has been lodged.
  33. The bar council shall itself determine the manner in which such enquiry shall be made provided that such member shall be given a full opportunity of putting forward any defence he may have or any mitigating circumstances which he may wish to place before the bar council.
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34. (1) The bar council shall have the right to reprimand, severely reprimand, suspend or expel and/or fine, not exceeding R2 000.00, any member who has in its opinion been guilty of misconduct whether in relation to his profession or otherwise, where such conduct is in the opinion of the bar council prejudicial to the interests of the society.
- (2) The bar council will moreover be empowered summarily to withhold any of the services provided by the society for such period as the bar council may determine from any member who is in arrears with his commitments towards the society or who is guilty of conduct as set out in sub-clause (1) hereof.
35. No member of the bar council shall be disqualified from taking part in any such enquiry or decision referred to in this chapter by reason merely of the fact that he has received information, otherwise than in the course of the investigation, about any matter forming the subject matter of the investigation.
36. It shall be the duty of every member to furnish to the bar council or a member or members thereof to whom the functions have been delegated in terms of this Constitution, all such information as he may be called upon to furnish, and to produce to the bar council or such member or members thereof all such books, documents or other records as he may be called upon to produce.
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37. No member shall be relieved of his obligations under article 36 hereof, by reason of the fact that the information, books, documents or records called for will or may relate to his own conduct in respect of which no charge has yet been formulated.
38. A decision to suspend or expel a member shall not be valid unless at least two-thirds of the members of the bar council have voted in favour of such suspension or expulsion.
39. (1) The bar council may appoint a disciplinary committee consisting of three members of whom two shall be silks.
- (2) The members of the committee are appointed annually by the bar council.
- (3) Upon the resignation of a member of the committee, the bar council nominates another member in his place.
- (4) If a member of the committee is unable to fulfill his functions for any reason whatsoever, the bar council will nominate a substitute.
- (5) The committee elects its own chairman.
- (6)(a)
- i. Without derogating from the provisions of article 33, the bar council may formally investigate the behaviour of a member irrespective of whether a complaint has been lodged or not, or the bar council may direct the disciplinary committee to do so;
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- ii. such an investigation takes place in the presence of the member concerned and evidence shall, in the event of such an investigation by the bar council, be recorded in a manner deemed fit by the chairman of the bar council, and in the event of such an investigation by the disciplinary committee, be recorded in a manner directed by the bar council, or, in the absence of any directions in this regard, in a manner deemed fit by the chairman of the disciplinary committee;
  - iii. after a formal investigation by the disciplinary committee, the committee may make such recommendations to the bar council as it deems fit;
  - iv. after the recommendations of the disciplinary committee have been considered by the bar council, the bar council may, subject to the provisions of the constitution, deal with the matter in any manner it deems fit, subject, thereto, however, that it may not direct the disciplinary committee to try the member concerned;
  - v. after an investigation by the bar council it may, subject to the provisions of this Constitution, deal with the matters as it deems fit, subject thereto, however, that the bar council itself may not try the member concerned;
  - vi. irrespective of the provisions of sub-articles 6(1)(iv) and (v), an investigation before the bar council or the disciplinary committee may, with the consent of the member
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concerned, be converted into a trial as described in sub-article 6(b), subject thereto that in such an event the member concerned shall be entitled to particulars of the charge and to a postponement.

- (b)i. The bar council may, without any formal investigation, as described in sub-article 6(a) above, and irrespective of whether a complaint in respect of such conduct has been lodged or not, summarily try any member in respect of the conduct of such a member, or the bar council may order the disciplinary committee to do so;
  - ii. at the trial of the member concerned, any evidence which was placed before the disciplinary committee or the bar council during a formal investigation, shall be deemed to be evidence in the trial and the record of such evidence shall be deemed to be part of the trial;
  - iii. such a trial shall take place in the presence of the member concerned and the evidence shall be recorded, in the event of a trial by the bar council, in such a manner as the chairman of the bar council deems fit, and in the event of a trial by the disciplinary committee, be recorded in such a manner as the bar council may direct or, in the absence of any such direction, in such a manner as the chairman of the disciplinary committee deems fit;
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- iv. at a trial as contemplated in sub-article 6(b)(ii), the bar council or the disciplinary committee, as the case may be, will be entitled to hear further evidence or to recall witnesses who testified before.
- (c) In the event of the conviction of a member by the disciplinary committee, the committee will have the powers of the bar council as set out in article 34, save that a decision by the disciplinary committee to suspend a member or to terminate his membership will not be effective before it is ratified by the bar council.
- (7) The provisions of articles 33, 34, 36 and 37 will apply *mutatis mutandis* to the disciplinary committee and its proceedings.
- (8) When the bar council considers a decision of the disciplinary committee to suspend a member, or to terminate his membership of the society:
- a. it is not necessary to try the matter *de novo*;
  - b. subject to the provisions of paragraph (d), the bar council shall consider the matter and deal with it on the basis of the record of the proceedings during the trial;
  - c. the member concerned shall personally, or through a legal representative, be entitled to address written or oral representations to the bar council;
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- d. at such proceedings the bar council may, in its discretion, allow further evidence or recall any witness;
  - e. the bar council may ratify, amend or replace the decision of the disciplinary committee to suspend a member or to terminate a member's membership of the society.
- (9) The bar council may accept, amend or dismiss a recommendation by the disciplinary committee.
- (10) A recommendation by the disciplinary committee will only become effective upon ratification by the bar council, either in its original or amended form.
- (11)(a) Subject to the provisions of sub-article 11(b) below, there is no automatic right of appeal against the decision, finding or sentence of the disciplinary committee;
- (b) a member who has been found guilty by the disciplinary committee, save a member who is suspended or whose membership has been terminated and any complainant, may within five days after the decision, finding or sentence came to his knowledge, lodge a written, motivated application for leave to appeal, stating the grounds therefor, with the secretary of the bar council, unless good cause is shown for an application for leave to appeal noted outside the 5 day period;
- (c) such application shall be considered by the chairman of the bar council or a senior member of the bar council appointed by him,
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and if the chairman or such senior member is of the opinion that there is a reasonable prospect of success, leave to appeal to the bar council shall be granted;

- (d) in the event of a member being granted leave to appeal, the same procedure as set out in sub-article 8 is applicable.
- (12) Notwithstanding the provisions of sub-articles 1 and 2, the bar council may appoint an *ad hoc* disciplinary committee which will consist of a senior member, a silk who is a member of another society of Advocates affiliated to the General Council of the Bar, and a judge or retired judge, and in such an event all the provisions of chapter VII will apply, as if the disciplinary committee thus appointed is a disciplinary committee contemplated in sub-article 1, provided that the bar council will consider any decision by such a committee in terms of article 34 *mutatis mutandis* in accordance with sub-article 8.
- (13) the member concerned or any complainant is entitled to appeal to the General Council of the Bar in accordance with the General Council of the Bar's appeal procedure subject to *sub-article 11(a)*, *sub-article 11(b)*, *sub-article 11(c)* and *sub-article 11(d)*.

#### VIII. GENERAL

40. The chairman of the bar council shall present a report at each Annual General Meeting dealing with the affairs of the society of the current year including a financial statement, provided that the bar council shall be entitled to withhold the names of members in respect of whom enquiries
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had been held or disciplinary proceedings short of suspension or expulsion had been taken.

41. The secretary shall when required by the bar council send to the General Council a list of members of the society together with the dates of their admission to practice and, in the case of seniors, the dates of their patents.
  42. The decision of the bar council shall be final as to any question in regard to the interpretation of this Constitution subject only to a ruling by a majority of members at a General Meeting.
  43. All by-laws, regulations, bar council rulings and instructions heretofore binding members under the Constitution of the Society of Advocates of 1911 shall *mutatis mutandis* remain in operation and binding on members as though made under this Constitution except in so far as they are at variance with this Constitution and until rescinded in terms of this Constitution.
  44. The Constitution may be amended at a duly constituted General Meeting provided:
    - a. due notice of the proposed amendment has been given; and
    - b. two-thirds of the members present at the meeting and entitled to vote, cast their votes in favour of the amendment.
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## IX DISSOLUTION

45. Upon dissolution of the society all assets of the society or the nett proceeds obtained by the sale of such assets shall be distributed equally between such persons who are members of the society at the time of such dissolution.

This Constitution shall operate as and from 15 November 1958.

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