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Legally Law Society of Advocates
CIPC Reg no: 2020/856423/08



**CONSTITUTION OF THE
LEGALLY LAW SOCIETY OF ADVOCATES (LLSA)**

10 NOVEMBER 2020

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Table of Contents

CHAPTER I..... 6

THE SOCIETY..... 6

ARTICLE 1..... 6

 Name and Business..... 6

ARTICLE 2..... 6

 Legal Status..... 6

ARTICLE 3..... 6

 Non-Profit Organisation 6

ARTICLE 4..... 7

 Objects of Society..... 7

ARTICLE 5..... 8

 Powers of Society 8

CHAPTER II..... 10

MANAGEMENT 10

ARTICLE 6..... 10

 Executive Committee 10

ARTICLE 7..... 10

 Election of Executive Committee 10

ARTICLE 9..... 12

 Termination of Office of Member of Executive Committee 12

ARTICLE 10..... 13

 Meetings of Executive Committee 13

CHAPTER III 15

MEMBER MATTERS 15

ARTICLE 11 15

 Classes of Membership 15

ARTICLE 12 15

 Ordinary Membership 15

ARTICLE 13 16

 Associated Membership..... 16

ARTICLE 14 16

Honorary Membership 16

ARTICLE 15 17

Application for Membership 17

ARTICLE 16 18

Resignations 18

ARTICLE 17 18

Admission Fees for New Members 18

ARTICLE 18 18

Payment of Membership Fees 18

ARTICLE 19 19

Reinstatement and Re-Admission of Members 19

ARTICLE 20 19

Misconduct by Members 19

ARTICLE 21 21

Right of Appeal 21

ARTICLE 22 22

Register of Members 22

ARTICLE 23 22

Rights of Members 22

ARTICLE 24 22

Liability of Members 22

ARTICLE 25 22

Sub-Regions 22

ARTICLE 26 23

Correspondence with Members 23

ARTICLE 27 23

Training of Pupils and Members of The Society 23

CHAPTER IV 25

GENERAL MEETINGS 25

ARTICLE 28 25

Annual General Meeting of Members 25

ARTICLE 29 25

Special General Meeting..... 25

ARTICLE 30 26

Proceedings at Annual General Meeting..... 26

ARTICLE 31 27

Quorum at Annual and Special General Meetings 27

ARTICLE 32 27

Chairperson at Annual and Special General Meetings 27

ARTICLE 33 27

Adjournment of Annual and Special General Meetings..... 27

ARTICLE 34 28

Proxies..... 28

ARTICLE 35 28

Voting..... 28

CHAPTER V..... 30

GENERAL..... 30

ARTICLE 36 30

Amendments to Constitution 30

ARTICLE 37 30

Interpretation of Constitution..... 30

ARTICLE 38 31

Inspection of Constitution 31

ARTICLE 39 31

Indemnity of Members 31

ARTICLE 40 31

Winding-Up of Society 31

CHAPTER VI..... 33

PUPILLAGE 33

ARTICLE 41 33

Mentors..... 33

ARTICLE 42 33

Associated (Non-Practicing) Members 33

ARTICLE 43 33

Non-Compliant Members 33
ARTICLE 44 34
Exception for Mentoring by Society Members..... 34

Legally Law Society of Advocates

CONFIDENTIAL

CHAPTER I
THE SOCIETY

ARTICLE 1

Name and Business

1. The name of the Society in English is " *Legally Law Society of Advocates*".
2. The slogan of the Society is "*de iure legis*" (which means in English "*it is legally the law*").
3. The business of the Society is to organise advocates in this specific society in order to collectively deal with all matters relating to the furthering of the profession of advocates.

ARTICLE 2

Legal Status

4. The Society is a legal entity duly registered in terms of section 14 of the Companies Act 71 of 2008 on 10 November 2020.
5. The Society is a legal entity which has perpetual succession with the powers to acquire, hold and alienate movable and immovable property, and to acquire rights and obligations.
6. All legal actions, proceedings at law or any arbitration must be brought in the name of the Society.
7. The Society has the power to make an application in a court of law against any of its members to be removed from the role of practicing advocates.

ARTICLE 3

Non-Profit Organisation

8. The Society falls within the scope of sections 10 and 30 of the South African

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Income Tax Act 58 of 1962 (as amended). The Society may not engage in any trading, business or other profit-making activities or provide any financial assistance to its members.

9. The income and assets of the Society must be applied solely for investment purposes and for the promotion of the objects of the Society.
10. No part of the income or assets of the Society may be paid directly or indirectly by way of dividend, donation or otherwise, to any person except for the purposes contemplated in Article 2.
11. The Treasurer must keep records of all income, expenditure, assets, and liabilities of the Society.
12. The financial year of the Society is from 1 March to the last day of February of any year.
13. The Treasurer must within three months after the end of the financial year of the Society draw up, or cause to be drawn up, financial statements which must include at least a statement of income and expenditure for the preceding financial year and a balance sheet showing its assets, liabilities, and financial position as at the end of that financial year.
14. The accounting records, including accounts, records, registers, and financial statements of the Society, must be audited annually by a Chartered Accountant.
15. Where specific references are not made to any applicable section of the South African Income Tax Act 56 of 1962 (as amended) those requirements should be read herein as specifically referred to.

ARTICLE 4

Objects of Society

16. The objects of the Society are to—
 - (a) maintain and enhance the prestige, status, and dignity of members of the Society.
 - (b) encourage and promote efficiency and responsibility in relation to

CONFIDENTIAL

members.

- (c) uphold and improve the standards of professional conduct and qualifications of advocates in general and members in particular.
- (d) provide for the effective control of the conduct of members.
- (e) encourage study of the law.
- (f) initiate and promote reforms and improvements in the profession and to co-operate with the Judge Presidents and the Minister responsible for Justice and Constitutional Affairs.
- (g) provide a forum for the exchange of views on matters of common interest.
- (h) communicate and represent the interests of members on matters pertaining to the profession.
- (i) promote the Society; and
- (j) form associations with other law societies or similar bodies.

ARTICLE 5

Powers of Society

17. The Society has all the powers that are necessary for the proper attainment of the objects set out in Article 4, including the express powers to—
- (a) facilitate the exchange of ideas and act as a clearing house therefor, priorities and problems in respect of legal matters.
 - (b) establish and publish a newsletter for the benefit of its members and for the interested of the legal fraternity.
 - (c) acquire any movable or immovable property.
 - (d) institute, conduct, defend, compound, or abandon any legal proceedings by or against the Society or its officers, or otherwise concerning the affairs of the Society.
 - (e) open bank accounts in the name of the Society and to draw, accept, endorse, make, and execute bills of exchange, promissory notes and other negotiable instruments connected with the business and affairs of the

Society.

- (f) invest and deal with any amounts of money of the Society not immediately required for the benefit of the Society.
- (g) secure the fulfilment of any contract or engagement entered into by the Society by the mortgage of all or any part of the property of the Society.
- (h) establish, promote, or assist in establishing or promoting and to subscribe to or become a member of any organisation whose objects are similar or partly similar to the objects of the Society, or the establishment or promotion of which may be beneficial to the Society.
- (i) support and subscribe to any organisation which may be for the benefit of the Society.
- (j) borrow or raise funds and give security for money by the issue of bonds, debentures, debenture stock, bills of exchange, promissory notes or other obligations or securities of the Society or by mortgage of all or any part of the property of the Society.
- (k) make donations, loans, exchanges, leases, and any other forms of contract whatsoever; and
- (l) make Rules and Codes and establish policies on various aspects relating to the Society.

Legally Law Society of Advocates

**CHAPTER II
MANAGEMENT**

**ARTICLE 6
Executive Committee**

18. The Executive Committee consists of—
- (a) Founding members, who are ex officio members of the Executive Committee.
 - (b) three other members elected at the Annual General Meeting of the Society: and
 - (c) members co-opted by the Executive Committee as Committee Members, who can assist the Executive Committee with specific skills: Provided that such a member shall not have any voting powers.

**ARTICLE 7
Election of Executive Committee**

19. Nominations for the office of members of the Executive Committee must be submitted on the form approved by the Executive Committee to the Secretary at least 10 calendar days before the date fixed for the holding of the Annual General Meeting.
20. Only paid-up members may be nominated to serve on the Executive Committee.
21. Voting for the election of members of the Executive Committee shall take place by way of a ballot paper.
22. An elected member of the Executive Committee holds office for three years concluding with the end of the Annual General Meeting and is eligible for re-election.
23. Only members that have a minimum of two years membership of the Society are eligible for election to the Executive Committee.

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24. The Committee Members to the Executive Committee must have a minimum of one year's membership of the Society to be eligible for election as Committee Members to the Executive Committee.

ARTICLE 8

Powers and Functions of Executive Committee

25. The Executive Committee has the powers and functions to—
- (a) manage the affairs of the Society when the Annual General Meeting is not in session.
 - (b) appoint a Secretary, Treasurer, and staff on a permanent or temporary basis and to determine their duties, to fix and vary their salaries as it may think fit, and to suspend or discharge any such person on good cause shown.
 - (c) execute, in the name of the Society, any contract.
 - (d) authorise any person to act on behalf of the Society in any legal action instituted by or against the Society, to sign all necessary documents and to take any step that is necessary in connection therewith.
 - (e) refer any claim or demand by or against the Society to arbitration and to perform, or refuse to perform, the award.
 - (f) make and provide receipts, releases, and other discharges for money payable to the Society and for the claims and demands of the Society.
 - (g) appoint persons who are entitled, on behalf of the Society, to sign bills of exchange, cheques, receipts, and negotiable instruments.
 - (h) make, vary, and repeal Rules and Codes for the regulation of the affairs of the Society, its members, and staff.
 - (i) appoint sub-committees to perform specific functions or to delegate to any sub-committee some of the powers conferred on the Executive Committee.
 - (j) perform the powers and functions that it may from time to time be required to fulfil in order to enhance the objects of the Society.

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- (k) ensure that a proper register of all members of the Society be kept up to date by the Secretary, reflecting each member's full names, identification number, address, and class of membership.
 - (l) ensure that proper minutes are kept by the Secretary of all meetings of the Executive Committee and sub-committees and that such minutes are approved, signed, and kept in a minute book; and
 - (m) ensure that proper accounting records are kept and audited each financial year.
- 26.
- (a) The Executive Council may, in exceptional circumstances, circulate a resolution in writing on a specific matter for approval.
 - (b) All the Executive Members must sign a resolution contemplated in paragraph (a) which will then be valid and effective.
 - (c) A resolution adopted in terms of paragraph (b) and its annexures must be kept in the minute book of the Society.
27. The Annual General Meeting may review, approve, or amend any resolution of the Executive Committee, but no such decision shall invalidate any action already taken by the Executive Committee.

ARTICLE 9

Termination of Office of Member of Executive Committee

28. A member of the Executive Committee who absents himself or herself without leave of the Executive Committee from more than three successive meetings of that Committee may be removed from that Committee by the Executive Committee after due notice has been given to that member.
29. Any member of the Executive Committee who ceases to hold any of the necessary qualifications to be a member ceases to be a member of the Executive Committee.
30. The Executive Committee may fill a vacancy in that Committee by appointing the person who received the next highest votes during the election of the Committee

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members at the last Annual General Meeting, or in the event that there is no such person, by nomination and majority vote of a suitable member of the Society by the remaining Executive Committee Members.

31. A member of the Executive Committee who fails or neglects to fulfil the functions or mandate of his or her designated or appointed office without reasonable explanation or cause may, after a due process, be removed from office by the Committee.

ARTICLE 10

Meetings of Executive Committee

32. The Executive Committee must as soon as possible after the Annual General Meeting hold a meeting to elect a Chairperson and Vice Chairperson.
33. If at any meeting of the Executive Committee the Chairperson is not present the Vice Chairperson presides over the meeting, and in the event that both the Chairperson and Vice Chairperson are absent, the members present elect from their number a Chairperson to preside over that meeting.
34. The Executive Committee must hold at least six meetings each year.
35. At least 21 calendar days' notice must be given of all meetings of the Executive Committee unless all members of the Executive Committee agree to accept shorter notice or extra ordinary circumstances are present.
36. The quorum for a meeting of the Executive Committee is three members throughout the meeting.
37. Any decision of the Executive Committee is by majority vote by the showing of hands or as otherwise determined by the Executive Committee.
38. Each member of the Executive Committee has one vote, and the Chairperson has a casting vote in addition to his or her deliberative vote.
39. Voting by proxy for Executive Committee Meetings is not permitted.
40. A special meeting of the Executive Committee must be convened on the instructions of the Chairperson or upon the written request of at least three

members of the Executive Committee.

41. Minutes signed by the Chairperson are *prima facie* evidence of the matters stated therein.
42. Members of the Executive Committee serve in their personal capacities and not as representatives of any member or other organisation.
43. The proceedings of the Executive Committee are valid notwithstanding any temporary vacancy in the Executive Committee if there is a quorum present at such a meeting.

Legally Law Society of Advocates

CHAPTER III
MEMBER MATTERS

ARTICLE 11
Classes of Membership

44. The Society has three classes of membership, namely—
- (a) ordinary membership.
 - (b) associated membership; and
 - (c) honorary membership, which can be internally or externally.

ARTICLE 12
Ordinary Membership

45. Any person who is admitted as an advocate in the High Court of South Africa is eligible for membership as an ordinary member, subject thereto that he or she must—
- (a) have proven legal experience corroborated by proper references.
 - (b) be supported by a member of the Society, with 3 years or longer membership with the LLSA.
 - (c) in the case of a pupil, have completed the pupillage program of the Society and be proposed by the Training Committee; and
 - (d) be practicing in the jurisdiction of any Division of the High Court of South Africa.
46. Any person who has been convicted of any criminal offence or has any civil judgment against his or her name, or a person who has been disqualified under any law from practicing his or her profession, shall not qualify for membership.
47. This include advocates who practice with a trust account as provided for in the Legal Practice Act 28 of 2014.

ARTICLE 13

Associated Membership

48. Any person who is admitted as an advocate of the High Court of South Africa and who has retired from practicing law may apply on the prescribed form to become an associated member of the Society on condition that he or she is not a person contemplated in sub-Article 12(46).
49. An associated member has the same privileges as an ordinary member.
50. An associated member will pay fifty percent of the prevailing membership fees.

ARTICLE 14

Honorary Membership

51. The founding members of the Society is granted automatic honorary membership of the Society.
52. The Annual General Meeting may confer honorary membership on a member of the Society, on a legal practitioner who is not a member or a member of the public who has rendered extra ordinary service to the profession or the law, or to society in general.
53. A member of the Society who has received honorary membership shall be referred to as an internal honorary member and a non-member as an external honorary member.
54. Any member or the Executive Committee may in writing nominate a person to become an honorary member by submitting a full motivation in writing for such nomination to the Secretary.
55. A nomination for honorary membership must be confirmed by at least two other members of the Society.
56. An internal honorary member is subject to the provisions of this Constitution.
57. The Executive Committee may from time to time request an internal honorary member to participate in the deliberations of the Executive Committee on matters

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relating to the core existence or management of the Society or any legal action by or against the Society or any matter which might have a negative influence on the Society.

58. An honorary member is exempted from paying membership fees.

ARTICLE 15

Application for Membership

59. Any person who desires to become a member of the Society must complete the application form approved by the Executive Committee and submit it to the Secretary together with the admission fee contemplated in Article 17. The application must be motivated and supported with references by a member of the Society.
60. The Secretary must apply for membership to the Executive Committee.
61. The Executive Committee considers an application for membership and may approve or refuse it.
62. In the event that an application has been approved, the Executive Committee must classify the member in terms of Article 12 or 13.
63. The Secretary must inform the applicant of the outcome of an application for membership.
64. If at any time after the acceptance of a person as a member of the Society, it appears that he or she has been accepted under a misrepresentation or an error as to identity, or owing to incorrect information having been submitted, the Executive Committee may cancel that person's membership immediately and with notice to the effected person.
65. The name of any person whose membership has been cancelled shall be erased from the register of members and he or she shall not have any claim against the Society for damages, return of entrance fee, deposit or subscription, on any other grounds whatsoever: Provided that the Executive Committee may make an *ex gratia* refund to that person under the circumstances and to the amount that it

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reasonably deems proper.

66. A person whose application for membership has been refused may reapply for membership after a period of one year: Provided that, if it should appear that such refusal has been made under a misapprehension or owing to incorrect information having been submitted, the Executive Committee may reconsider such application before the expiry of one year.

ARTICLE 16
Resignations

67. A Member may resign his or her membership of the Society by giving one calendar months' notice in writing to the Secretary prior to the date upon which his or her next subscription becomes due.

ARTICLE 17
Admission Fees for New Members

68. The Executive Committee may from time to time determine the fees payable for the lodging of an application for membership.

ARTICLE 18
Payment of Membership Fees

69. The Executive Committee may from time to time determine the membership fees payable to the Society.
70. A member may elect to pay his or her membership fees either by monthly debit order, internet banking payment or by an upfront annual fee which is payable on the last day of February in each year.
71. The Executive Committee may determine a general discount for members who pay their fees in advance.

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72. The Executive Committee may cancel the membership of a member who is three months in arrear with his or her membership fees after giving such member due notice.

ARTICLE 19

Reinstatement and Re-Admission of Members

73. The Executive Committee may re-instate the membership of a person of whom the membership has been cancelled in terms of Article 18(72) on payment by that person of all outstanding fees or any amounts owing to the Society and on any other condition that the Executive Committee may reasonably deem fit.
74. The re-admission of a member who has voluntarily relinquished membership of the Society shall be on the terms and conditions that the Executive Committee determines in each particular case.

ARTICLE 20

Misconduct by Members

75. A member is guilty of misconduct if he or she, in the opinion of the Executive Committee—
- (a) commits any breach of this Constitution, Rules or Codes of the Society.
 - (b) is under investigation or have been found guilty of criminal activity in any forum, court or the Legal Practice Council which is then considered as automatic suspension of the member's membership.
 - (c) fails to make payment of any money due to the Society after due notice.
 - (d) introduces into the Society or any meeting of the Society any person whose presence therein will be prejudicial to the interests and reputation of the Society or objectionable to the members as a whole; or
 - (e) behaves in a manner unbecoming a member of the Society or prejudicial to the interests and reputation of the Society, whether within the Society's premises

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or outside of them, or without cause or justification behave in a manner which is offensive or unbecoming towards any other member, or guest, or the staff employed by the Society.

76. The investigation and hearing of any complaint as to the conduct of a member, and the procedure to be adopted in connection therewith, are in the sole discretion of the Executive Committee: Provided that the member whose conduct is the subject of a complaint and investigation must be informed of the nature of the complaint, and that the Executive Committee must take reasonable steps to bring to his or her notice the nature thereof, by posting a registered letter to his or her registered address: Provided further that the member is afforded an *audi alteram partem* opportunity to reply to any such complaint, whether in writing or in any other manner that the Executive Committee may determine.
77. The powers and duties of the Executive Committee as set out in sub-Article (76) cannot be delegated to a sub-committee or another body.
78. After the Executive Committee has considered the complaint and has found a member guilty of misconduct, it may—
- (a) expel the member.
 - (b) deprive the member of any or all of the rights, benefits, and privileges of his or her membership during such time or period as the Executive Committee in its absolute discretion may deem fit.
 - (c) call upon the member in writing, through the Secretary, to resign and, if he or she fails to tender his or her resignation within seven calendar days of the date of such request, to expel the member.
 - (d) reprimand and/or censure the member.
 - (e) caution the member.
 - (f) apply for the removal of the member from the roll of practicing advocates in a court of law; or
 - (g) impose any condition upon the member as to the use of the facilities of the Society as the Executive Committee may reasonably determine.

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79. The decision of the Executive Committee under this article shall be notified to the Member by posting a registered letter to that member at his or her registered address or in the alternative send such notification by electronic mail message to the electronic mail address on record for such Member.

ARTICLE 21
Right of Appeal

80. A member who has been expelled or called upon to resign or otherwise dealt with by the Executive Committee in terms of Article 20 has the right to lodge an appeal in writing to the Executive Committee for re-consideration of the sanctions imposed on such Member.
81. An appeal must be lodged by a member with the Secretary within 21 calendar days after the date informing him or her of the Executive Committee's decision.
82. An appellant must deposit a sum of money which, in the opinion of the Executive Committee, will be sufficient to cover the costs of the appeal.
83. After receipt of the appeal and the deposit, the Secretary must convene a Special General Meeting to hear the appeal.
84. The Executive Committee must consider the appeal and may either dismiss the appeal or grant it or vary its decision.
85. The decision in the appeal heard by the Executive Committee is final.
86. The deposit contemplated in sub-Article (82) shall be returned to a member in the event that his or her appeal was successful.
87. In the event that an appeal has failed either wholly or in part, the expenses which incurred in the convening and holding of the Executive Committee Meeting for the appeal must be borne by that member and any refund of the deposit or part thereof is in the sole discretion of the Executive Committee.
88. A notice of an appeal will not have the effect of suspending the operation of the decision of the Executive Committee pending the hearing of an appeal.

ARTICLE 22

Register of Members

89. The Secretary must keep a register of all members and update it from time to time.
90. A member must furnish any change of his or her address to the Secretary, who must update the register.

ARTICLE 23

Rights of Members

91. A member has the right to membership but has no right to any assets of the Society.
92. A member is bound by this Constitution, the Rules, and Codes of the Society.

ARTICLE 24

Liability of Members

93. The liability of a member is limited to the number of unpaid subscriptions or other moneys owed by him or her to the Society.

ARTICLE 25

Sub-Regions

94. The Executive Committee may activate sub-regions in any province of the Republic of South Africa.
95. The Executive Committee must hold a general meeting in a sub-region to establish a Regional Executive Sub-Committee in the same manner as contemplated in Article 6 above.
96. A sub-region will fall under the jurisdiction of the Executive Committee.

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97. A sub-region must—
- (a) hold at least six sub-regional meetings per annum to promote the work and image of the Society.
 - (b) report to the Executive Committee on meetings held and matters of general concern to the Society.
 - (c) attend the meetings of the Executive Committee as and when required.
 - (d) advertise and canvass for membership.
 - (e) submit a budget to the Executive Committee for each financial year.

ARTICLE 26

Correspondence with Members

98. All correspondence or a special notice by the Society to a member must be properly delivered to the member by posting it to the address of that member as it appears on the register of members or in the alternative to the registered electronic mail address of the member.
99. Any correspondence or notice of the Society must be placed on the notice board of the Society.
100. In the event that a letter has been returned by post such notice will be considered as having been properly given to the intended recipient.
101. In the event that an electronic notice has not returned undelivered, such electronic notice will be considered as delivered to the member or the intended recipient.

ARTICLE 27

Training of Pupils and Members of The Society

102. The Training Committee appointed by the Executive Committee is responsible for the training of pupils.
103. The Society has an obligation to further the legal profession and to assist in the uplifting of previously disadvantaged groups.

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104. The Society will engage in the training of all pupils in order to fulfil its obligations contemplated in sub-Article (102).
105. A pupil will take part only in the legal practice training programme and may apply for membership of the Society after completion of his or her training and must be promoted by a member with membership of the society of three years or more.
106. The Training Committee must present at least two training sessions or informative lectures per year to members of the Society and interested parties, which will form part of the Society's obligation to study the law and the developments thereof.
107. The Training Committee has the right to organise formal training sessions authorised by the Executive Committee.
108. The Executive Committee may fund formal training or seminars either in full or partially.

Legally Law Society of Advocates

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**CHAPTER IV
GENERAL MEETINGS**

**ARTICLE 28
Annual General Meeting of Members**

109. The Annual General Meeting of Members is the highest authority of the Society, and when it is not in sitting, the Executive Committee.
110. The Annual General Meeting is held at a time and place determined by the Executive Committee.
111. Notice of the date, time, and place for the holding of the Annual General Meeting is posted either by letter or electronic mail or facsimile to each of the members of the Society at his or her registered address or electronic mail address at least 21 calendar days before the date fixed for the holding of such a meeting.
112. The omission to send a notice contemplated in sub-Article (111) to any member does not invalidate the holding of the meeting, or the passing of any resolution thereat should a quorum be present at that meeting.
113. Notice of any resolution to be proposed by a member at an Annual General Meeting, other than concerning the ordinary and general business, must be lodged with the Secretary at least 14 calendar days before the date fixed for such a meeting.
114. All members may attend an Annual General Meeting.
115. Voting shall be by show of hands or by ballot paper as determined by the Meeting, and for the election of the Executive Committee by ballot paper.
116. Only paid-up members may vote at an Annual General Meeting.

**ARTICLE 29
Special General Meeting**

117. The Executive Committee may at any time, through the Secretary, call a Special

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- General Meeting by giving not less than 21 calendar days' notice to members, specifying the reason for calling of the meeting.
118. At least 50% of paid-up members who have the right to vote may request the Secretary to hold a Special General Meeting, specifying the resolution proposed to be moved or any other business to be discussed at such a meeting.
 119. The Executive Committee may decide to resolve the request for a Special Meeting or have the discretion to call for a Special Meeting.
 120. The Executive Committee must convene a Special General Meeting at the time and place that it may determine.
 121. Only the matter for which the Special General Meeting has been convened for may be discussed at such a meeting.
 122. Articles 28(112), (114), (115) and (116) are *mutatis mutandis* applicable to a Special General Meeting.

ARTICLE 30

Proceedings at Annual General Meeting

123. The Executive Committee must at the Annual General Meeting present a balance sheet and income statement drawn by the accountants as at February of the preceding financial year, together with the auditor's report and the report of the Executive Committee.
124. The ordinary business to be performed at an Annual General Meeting is to—
 - (a) confirm the minutes of the previous Annual General Meeting and any Special General Meeting held since the previous Annual General Meeting.
 - (b) receive and consider the report of the Executive Committee and the financial statements for the preceding financial year with the auditor's report thereon; and
 - (c) consider and to pass, with or without modification, any resolutions concerning the affairs of the Society of which due and proper notice has been given and any other business concerning the affairs of the Society.

ARTICLE 31

Quorum at Annual and Special General Meetings

125. The quorum for an Annual and Special General Meeting is 50% plus one of all the paid-up members of the Society present at the meeting.
126. In the event that there is no quorum present on the date of the Annual or Special General Meeting, the Chairperson must postpone the meeting for 30 minutes, and if there is still no quorum present after 30 minutes, he or she must postpone the meeting to the same time and place the following week, at which meeting the members present at that meeting will then form a quorum.

ARTICLE 32

Chairperson at Annual and Special General Meetings

127. The Chairperson at Annual or Special General Meetings is the Chairperson of the Executive Committee or in his or her absence the Vice-Chairperson of the Executive Committee.
128. In the event that both the Chairperson and the Vice-Chairperson are absent from an Annual or a Special General Meeting the remaining members of the Executive Committee must appoint a Chairperson for that meeting from among themselves.
129. If no member of the Executive Committee is present at an Annual or a Special General Meeting, the members present at that Meeting must elect a Chairperson for that Meeting from among those members present at the Meeting.

ARTICLE 33

Adjournment of Annual and Special General Meetings

130. The Chairperson of any Annual or Special General Meeting may, with the consent of the Meeting, adjourn the Meeting: Provided that no business may be transacted

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at any adjourned meeting other than business left unfinished at the Meeting from which the adjournment took place.

ARTICLE 34

Proxies

131. A member who is unable to attend an Annual or a Special General Meeting may on the form approved by the Executive Committee nominate another member who will be present at that Meeting to act on his or her behalf at that Meeting.

ARTICLE 35

Voting

132. Ordinary, associated, and honorary (internal) members of whom the membership fees have been paid up are eligible and entitled to vote at an Annual and a Special General Meeting, and each such member has one vote.
133. The Chairperson has a casting as well as deliberate vote.
134. Voting at an Annual and a Special General Meeting shall take place by means of a ballot paper or by show of hands, as determined by the Meeting.
135. Voting for members of the Executive Committee shall be by means of a ballot paper.
136. Members shall have 10 minutes within which to complete their ballot papers and to place it in a sealed ballot box which has been made available at the Meeting by the Secretary.
137. The Annual or Special General Meeting shall nominate a Counting Committee consisting of three members present at the meeting, to count the ballot papers.
138. The Counting Committee must verify each ballot paper that it has been completed properly and cancel any ballot paper which in the view of that Committee is spoiled.
139. The Counting Committee must compile a written report of the outcome of the ballot

and hand the report over to the Chairperson who must announce the outcome of the ballot.

140. A declaration by the Chairperson of the result of the ballot is conclusive.

Legally Law Society of Advocates

CHAPTER V
GENERAL

ARTICLE 36

Amendments to Constitution

141. This Constitution may only be amended by a resolution adopted by a majority of 50% plus one member of the paid-up members of the Society present at any Annual General Meeting, of which due and proper notice has been given in terms of this Constitution.
142. A notice of the intention to propose and move a resolution for the adoption of the amendment of this Constitution, setting out the terms of such proposed resolution, must be submitted in writing to the Secretary at least 21 calendar days prior to the date of an Annual General Meeting.
143. The Secretary must inform the Executive Committee of a proposal to amend the Constitution.
144. The Executive Committee must consider a proposal to amend the Constitution, and if it—
- (a) agrees therewith, submit it to the next Annual General Meeting for consideration; or
 - (b) disagrees with the proposal, must inform the member accordingly and furnish the member with its reasons therefor.

ARTICLE 37

Interpretation of Constitution

145. Save where the context otherwise requires, singular words are deemed to import the plural and *vice versa*.
146. In the event of bona fide doubt or a dispute as to the meaning and interpretation of any Article of this Constitution, or the Rules and Codes of the Society, or in

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connection with any other matter whatsoever, the Executive Committee's ruling for the time being will be binding on all members, subject to a resolution taken on that matter at the next Annual General Meeting or as soon as reasonably possible thereafter.

ARTICLE 38

Inspection of Constitution

147. A copy of this Constitution and of any repeal or amendments thereof as well as a copy of the Rules and Codes of the Society must be made available to a member upon application to the Secretary.
148. The Secretary shall forward copies of this Constitution and the Rules and Codes of the Society to each person who becomes a member of the Society.

ARTICLE 39

Indemnity of Members

149. Every Member, a member of the Executive Committee or a person in the employment of the Society is indemnified by the Society against all costs, losses, and expenses which they may incur or become liable for by reason of any act or thing was done by them as such in the discharge of their duties, unless the loss in question is caused by a member's own gross negligence, dishonesty, or breach of trust.

ARTICLE 40

Winding-Up of Society

150. The Society may be dissolved by a resolution passed by 50% plus one of the paid-up members of the Society at a Special General Meeting called for that purpose not less than four weeks thereafter by a majority vote of members entitled

to be present and vote thereon.

151. In the event of a resolution contemplated in sub-Article (150) being passed at the Special General Meeting, this meeting has the power to pass resolutions by a majority vote—

(a) for the appointment of a liquidator and the disposal of the surplus funds and assets of the Society after winding-up and after the payment of all the debts and obligations of the Society; and

(b) provided that any surplus assets are given or transferred to some other society or institutions, with objects similar to those of the Society, exempt from tax under the laws relating to income tax and donations tax.

Legally Law Society of Advocates

CONFIDENTIAL

CHAPTER VI
PUPILLAGE

ARTICLE 41
Mentors

152. Each practicing advocate shall mentor a pupil as follows:
- (a) A member who has 3 or more years practicing experience and not more 4 years practicing experience, must be a mentor to a pupil. Such member must be a mentor for three consecutive years.
 - (b) A member who has 4 or more practicing years' experience and not more 5 years practicing experience, must be a mentor to a pupil. Such member must be a mentor at least once in every two-year cycle.
 - (c) A member who has 5 or more practicing experience, must be a mentor to a pupil. Such member must be a mentor at least once in every three-year cycle.
 - (d) Founding members are exempted from the provisions of this Article 41. They may, however, elect to submit to the provisions of this Article 41 as he/she deems fit without force from the Society.

ARTICLE 42
Associated (Non-Practicing) Members

153. Associated members are exempted from mentorship.

ARTICLE 43
Non-Compliant Members

154. Members that does not comply with the provisions of Article 41, read with Article 42, will be subject to disciplinary action and subsequent removal as member of the

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Society as the Society values the development and the promotion of access to the profession by all eligible individuals.

155. No exceptions will be granted, unless conditions as provided for in Article 44 prevails.

ARTICLE 44

Exception for Mentoring by Society Members

156. Society members may only be exempted from mentoring by application form approved by the Executive Committee.
157. The following exceptions may be applied for and to be considered by the Executive Committee:
- (a) Temporary disability preventing the member from practicing.
 - (b) Temporary medical disability preventing the member from practicing.
158. Articles 20 and 21 automatically exempts a Society member from mentoring a pupil.

ADOPTED AND SIGNED THIS 27th DAY OF NOVEMBER 2020 AT THE GENERAL MEETING OF THE LEGALLY LAW SOCIETY OF ADVOCATES HELD AT PRETORIA

.....
ADV LIONEL MARX
CHAIRPERSON

.....
ALETHA MARX
DEPUTY CHAIRPERSON

.....
ALICIA SWARTZ
SECRETARY/TREASURER