

Statutory Instrument No. 60 of 1971

THE LEGAL PRACTITIONERS' ACT, 1967

**THE LEGAL PRACTITIONERS (ADVOCATES, ATTORNEYS,
NOTARIES AND CONVEYANCERS) (CONSOLIDATION) RULES, 1971**

(Published on the 14th May, 1971)

In the exercise of the powers vested in me by Section 29 of The Legal Practitioners' Act, 1967, (No. 34/67), and of all powers thereunto me enabling, I, John Richard Dendy Young, Chief Justice, have, with the approval of the Minister of State, made the following rules.

1. These rules may be cited as The Legal Practitioners (Advocates, Attorneys, Notaries and Conveyancers) (Consolidation) Rules, 1971. Citation

2. (1) For the purposes of section 8 (c) (ii) of the Act the degree of Bachelor of Laws of any university of the United Kingdom of Great Britain and Northern Ireland, the Republic of Ireland or the Republic of South Africa, and the degree of Bachelor of Laws of any university (approved by the President) of the Commonwealth or the United States of America shall be a prescribed degree. Legal Practitioners:
Advocates

(2) For the purposes of section 8 (c) (i) and (ii) the additional qualification prescribed shall be that the candidate shall have passed a local examination covering the following subjects:

- (i) Practice and procedure in the High Court, and the subordinate courts; and the constitution and jurisdiction of the customary courts.
- (ii) An elementary knowledge of the principles of Roman/Dutch law: Provided that where the degree in question includes Roman/Dutch law as a subject, this sub-clause shall not apply.
- (iii) A working knowledge of the scope and content of Botswana Statutory law.

3. For the purposes of section 9 (d) of the Act, the attorneys admission examination shall comprehend — Legal Practitioners:
Attorneys

- (i) A working knowledge of the practice and procedure in the High Court, and the subordinate courts; and the constitution and jurisdiction of the customary courts.
- (ii) An elementary knowledge of the principles of Roman/Dutch law: Provided that, where a candidate holds a degree in law of any of the universities mentioned in paragraph 2 (1) or has passed the solicitors or attorneys admission examination of Great Britain and Northern Ireland, the Republic of Ireland, the Republic of South Africa, or of any Commonwealth

country approved by the President, which degree or examination includes Roman/Dutch law as a subject, this sub-clause shall not apply.

- (iii) Criminal law and procedure in Botswana.
- (iv) A working knowledge of the scope and content of Botswana statutory law.
- (v) A working knowledge of double entry book-keeping; and the keeping of attorneys trust accounts.

Legal Practitioners:
Notaries

4. For the purposes of section 11 (a) (ii) of the Act, the examination in the practice, functions and duties of a Notary Public shall comprehend —

- (i) An elementary knowledge of the history of the office of notary public.
- (ii) A working knowledge of the various laws (as amended) listed below, with particular reference to the functions of a notary public —

The Wills Proclamation, Cap. 87

The Succession Proclamation, Cap. 85

The Administration of Estates Proclamation, Cap. 83

The Marriage Proclamation, Cap. 144

The Bills of Exchange Law, 1964

The Deeds Registry Proclamation, 1960

The Insolvency Proclamation, Cap. 82

The Prescription Proclamation, 1959

The Authentication of Documents Law, 1964.

- (iii) A practical examination in the preparation of —

Wills

Trust Deeds

Ante-Nuptial Contracts

Surety Bonds

Deeds of Donation

Deeds of Separation *a mensa et thoro*.

Legal Practitioners:
Conveyancers

5. For the purposes of section 11 (b) (ii) of the Act, the examination in the practice, functions and duties of a Conveyancer shall comprehend —

- (i) An elementary knowledge of the history of land and deeds registration in Southern Africa.
- (ii) A working knowledge of the Deeds Registry Proclamation, 1960, and the regulations made thereunder.
- (iii) The preparation of deeds, powers of attorney and other documents lodged for execution, registration or record.

6. (1) The examination of persons and (subject to the provisions of rules 4 and 5) the determination of syllabuses for the examinations shall be a function of the Legal Practitioners' Committee established under Section 25 of the Act. Examinations and Syllabuses

(2) The aforesaid Committee shall, as soon as may be, cause to be drawn up and published in the Gazette, syllabuses for the local examinations contemplated in these rules. The Committee may appoint one or more persons to draw up syllabuses for its approval.

(3) All examinations shall be held in June of each year and entries for the examinations must reach the Committee on or before 30th April of the year in which it is proposed to take the examination.

(4) The Committee may appoint an examiner or examiners to set examinations and examine candidates. For the purposes of the examination in statutory law candidates will be permitted during such examination to consult the relevant statutes, and for the purposes of the examination in civil procedure candidates will be permitted during such examination to consult precedents of pleading.

(5) The minimum required for a pass in any examination paper shall be 50%.

(6) All subjects shall be offered simultaneously and in the event of failure in any subject the whole examination shall be repeated except in respect of subjects in which the candidate has obtained 66% of the total marks for that subject: Provided that if a candidate has failed in any paper relating to civil or criminal procedure the whole examination shall be repeated.

7. Statutory Instruments numbered 87/69, 48/70 and 103/70 are revoked: Provided that anything thus far done under a revoked instrument shall remain valid and effective as if done under this instrument. Revocation

Dated at Lobatse this 8th day of April, 1971.

J.R. DENDY YOUNG,
Chief Justice.

Approved by the Minister of State on the 30th day of April, 1971.

P.L. STEENKAMP,
*Administrative Secretary,
Office of the President.*