

Statutory Instrument No. 109 of 1981

LEGAL PRACTITIONERS ACT
(Cap. 61:01)

LEGAL PRACTITIONERS (EXAMINATIONS AND QUALIFICATIONS FOR
ADMISSION) RULES, 1981

(Published on 13th November, 1981)

ARRANGEMENT OF RULES

RULE

1. Citation and commencement
2. Prescribed degrees and additional qualifications
3. Qualification for admission as attorney
4. Qualification for admission as notary public
5. Qualification for admission as conveyancer
6. Examinations and syllabuses
7. Revocation of Cap. 61:01 (Sub. Leg.)

IN EXERCISE of the powers conferred on the Chief Justice by section 29 of the Legal Practitioners Act, the following Rules with the approval of the Minister are hereby made —

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| Citation
and
commence-
ment | 1. These Rules may be cited as the Legal Practitioners (Examinations and Qualifications for Admission) Rules, 1981, and shall be deemed to have come into operation on 5th April, 1974. |
| Prescribed
degrees
and
additional
qualifications | 2. For the purposes of section 8 (d) (ii) of the Act —
(a) a degree in law from any of the universities specified in the Schedule hereto shall be a prescribed degree; and
(b) the additional qualification prescribed shall be that a candidate must pass 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) the elementary principles of Roman-Dutch law:
Provided that where the degree in question includes Roman-Dutch law as a subject, this subparagraph shall not apply; and
(iii) the statutory law of Botswana. |
| Qualification
for
admission
as attorney | 3. For the purposes of section 9 (d) of the Act, a candidate for admission as an attorney must pass an examination covering the following subjects —
(a) practice and procedure in the High Court, and the subordinate courts; and the constitution and jurisdiction of the customary courts;
(b) the elementary principles of Roman-Dutch law:
Provided that, where a candidate holds a degree in law from any of the universities specified in the Schedule 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 prescribed Commonwealth country, which |

degree or examination includes Roman-Dutch law as a subject, this subparagraph shall not apply;

- (c) criminal law and procedure in Botswana;
- (d) the statutory law of Botswana;
- (e) double entry book-keeping; and the keeping of attorneys' trust accounts.

4. For the purposes of section 11 (a) (ii) of the Act, a candidate for admission as a notary public must –

Qualification
for admission
as notary
public

- (a) pass a local examination covering the following subjects –
 - (i) elementary history of the office of notary public;
 - (ii) the Acts listed below, with particular reference to the function of a notary public –
 - Wills Act, Cap. 31:04
 - Succession (Rights of Surviving Spouse and Inheritance Family Provisions) Act, Cap. 31:03
 - Administration of Estates Act, Cap. 31:01
 - Marriage Act, Cap. 29:01
 - Bills of Exchange Act, Cap. 46:02
 - Deeds Registry Act, Cap. 33:03
 - Insolvency Act, Cap. 16:01
 - Prescriptions Act, Cap. 13:01
 - Authentication of Documents Act, Cap. 15:02, and
- (b) pass a local practical examination in the preparation of –
 - Wills
 - Trust Deeds
 - Ante-Nuptial Contracts
 - Surety Bonds
 - Deeds of Donation
 - Deeds of Separation *a mensa et thoro*.

5. For the purposes of section 11 (b) (ii) of the Act, a candidate for admission as a conveyancer must pass a local examination covering the following subjects –

Qualification
for admission
as
conveyancer

- (a) history of land and deeds registration in Southern Africa;
- (b) Deeds Registry Act, Cap. 33:03, and the regulations made thereunder;
- (c) preparation of deeds, powers of attorney and other documents lodged for execution, registration or record.

6. (1) Subject to the provisions of rules 4 and 5, the Legal Practitioners' Committee (hereinafter referred to as "the Committee") established under section 25 of the Act shall be responsible for the determination of syllabuses for the examinations.

Examinations
and
syllabuses

(2) The Committee shall, as soon as may be, cause to be drawn up and published in the Gazette, syllabuses for the examinations referred to 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.

Revocation
of
Cap. 61:01
(Sub. Leg.)

7. The Legal Practitioners (Advocates, Attorneys, Notaries and Conveyancers) (Consolidation) Rules are hereby revoked.

SCHEDULE

Universities in United Kingdom of Great Britain and Northern Ireland;
Universities in the Republic of Ireland;
Universities in the Republic of South Africa;
American University, Washington D.C., USA;
Syracuse University, Syracuse, New York, USA;
University of Zambia;
University of Ghana.

MADE this 10th day of August, 1981.

J.A. O'BRIEN-QUINN,
Chief Justice.

APPROVED this 4th day of November, 1981.

D.K. KWELAGOBE,
Minister of the Public Service and Information.

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