

**LEGAL PRACTITIONERS (AMENDMENT) (NO. 2)  
ACT, 1982**

No. 30



of 1982

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Amendment of section 3 of Cap. 61:01
3. Amendment of section 12 of principal Act
4. Amendment of section 13 of principal Act
5. Amendment of Second Schedule to principal Act

**An Act to amend the Legal Practitioners Act**

*Date of Assent: 30.11.82*

*Date of Commencement: 10.12.82*

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Legal Practitioners (Amendment) (No.2) Act, 1982.

2. Section 3 of the Legal Practitioners Act (hereinafter referred to as the "principal Act") is hereby amended by substituting for subsection (2) thereof, the following new subsection —

"(2) Notwithstanding any other provisions of this Act, any person holding any of the offices named in the First Schedule and any person delegated by the Attorney-General to appear on behalf of the state in any cause in the courts of Botswana shall be entitled, in connection with the duties of his office or within the limits of his delegation, as the case may be, to exercise any of the functions of a legal practitioner."

3. Section 12 of the principal Act is hereby amended —

(a) by substituting for subsection (1) thereof, the following new subsection —

"(1) The Registrar shall keep a roll of legal practitioners entitled or admitted to practise in terms of this Act and every person so admitted shall pay the appropriate fee specified in

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Amendment  
of section 3  
of Cap. 61:01

Amendment  
of section 12  
of principal  
Act

Form B of the Third Schedule for a certificate of admission and enrolment under the hand of the Registrar in Form A in the said Schedule.”;

- (b) in subsection (3) thereof by substituting for the words “under section 13(5)” the words “under section 13(6)”;
- (c) by adding at the end of subsection (3) thereof, the following new paragraph —  
“(4) The President may by statutory instrument make an order amending the fees specified in Form B of the Third Schedule.”

Amendment  
of section 13  
of principal  
Act

4. The principal Act is hereby amended by substituting for section 13 thereof, the following new section —

“Practising certificate for legal practitioners”  
“13. (1) A person other than any person holding any of the offices named in the First Schedule, shall not practise in any year as an advocate, attorney, a notary or conveyancer unless he is in possession of a practising certificate for that year issued by the Registrar in the appropriate form in accordance with Form A in the Fourth Schedule entitling him to practise in the capacity or capacities named in the form.

(2) Application by a legal practitioner for a practising certificate shall be made to the Registrar in such form as may be determined by the Chief Justice stating the name and place or places of business of the applicant and the date of his admission and enrolment as legal practitioner and signed by him or his duly authorised agent.

(3) There shall be paid to the Registrar in respect of each practising certificate to be issued the appropriate fee specified in Form B of the Fourth Schedule in relation to that certificate.

(4) The President may by statutory instrument make an order amending the fees specified in Form B of the Fourth Schedule.

(5) Every practising certificate issued shall have effect from the date on which it is issued and such certificate shall expire at the end of 31st December next after it is issued:

Provided that where the name of a legal practitioner is removed from or struck off the roll, the practising certificate, if any, of that legal practitioner for the time being in force shall expire forthwith.

(6) If any legal practitioner fails to obtain a practising certificate under this section for any year, the Registrar shall notify such practitioner of the provisions of this section by means of a registered letter posted to him at

his last known address, and it within 90 days of the posting of such letter the practitioner has not obtained such certificate, the Registrar shall remove the name of such practitioner from the roll.”.

5. The Second Schedule to the principal Act is hereby amended by substituting for that Schedule, the following new Schedules — **Amendment of the Second Schedule to principal Act**

**“SECOND SCHEDULE (section 7)  
OATH OR AFFIRMATION OF OFFICE**

(In the courts of Botswana)

I, .....  
do swear (or do solemnly affirm) that I will truly and honestly demean myself in the practice of  
.....  
according to the best of my knowledge and ability.

(In the case of an Oath here add)

So help me God

Sworn (or Affirmed) before me .....  
at ..... this ..... day of ..... 19

.....  
Registrar

**THIRD SCHEDULE (section 12)  
FORM A  
CERTIFICATE OF ADMISSION AND ENROLMENT  
(In the courts of Botswana)**

No .....  
This is to certify that .....  
.....  
of ..... has been registered as  
..... and is entitled to practise  
as such in the Court of Appeal, High Court and Subordinate Courts of Botswana.

.....  
Registrar

Lobatse, Botswana

Date.....

**FORM B  
FEES PAYABLE ON ADMISSION AND ENROLMENT**

Any person entitled to be admitted and enrolled as a legal practitioner in respect of any class or classes of legal practitioners listed below in the first column of this form shall pay the fee specified in relation to that class in the second column.

First Column	Second Column
<i>Legal Practitioner</i>	<i>Fees</i>
Resident Advocate	P50
Non-resident Advocate	P300
Resident Attorney	P50
Non-Resident Attorney	P300
Resident Conveyancer	P100
Non-Resident Conveyancer	P300
Resident Notary Public	P50
Non-Resident Notary Public	P100

**FOURTH SCHEDULE (section 13)  
FORM A  
PRACTISING CERTIFICATE**

PURSUANT to the Legal Practitioners Act, it is hereby certified that . . . whose name is enrolled in the roll of legal practitioners is entitled to practise as .....

.....  
(insert capacity or capacities in which the holder is entitled to practise)  
in the year ending on 31st December, 19.....  
Dated this..... day of..... 19.....

.....  
Registrar

**FORM B  
ANNUAL FEES FOR PRACTISING CERTIFICATES**

Any person applying for a practising certificate to practise in any of the capacities of a legal practitioner listed below in the first column of this form shall pay the fee specified in the second column in relation to such capacity.

<i>Legal Practitioner</i>	<i>Fees</i>
Resident Advocate	P50
Non-resident Advocate	P100
Resident Attorney	P200
Non-Resident Attorney	P500
Resident Conveyancer	P100
Non-Resident Conveyancer	P300
Resident Notary Public	P50
Non-Resident Notary Public	P100

PASSED by the National Assembly this 27th day of August, 1982.

E.K. TEMANE,  
Clerk of the National Assembly.