

LEGAL PRACTITIONERS (AMENDMENT) ACT, 2013

No. 25



of 2013

ARRANGEMENT OF SECTIONS

SECTION

1. Short title and commencement
2. Amendment of section 2 of Cap. 61:01
3. Amendment of section 30 of the Act
4. Amendment of section 52 of the Act
5. Amendment of section 53 of the Act
6. Amendment of section 72 of the Act

An Act to amend the Legal Practitioners Act.

Date of Assent: 14.11.2013

Date of Commencement: ON NOTICE

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Legal Practitioners Act, 2013, and shall come into operation on such date as the Minister may, by Order published in the *Gazette*, appoint.

Short title and commencement

2. The Legal Practitioners Act (in this Act referred to as “the Act”) is amended by inserting, in their correct alphabetical order, the following new definitions –

Amendment of section 2 of the Act

““Law Clinic” means a Law Clinic under the professional control and management of a legal practitioner, certified by the Council and which provides legal services to indigent persons;

“Legal Aid Botswana” has the same meaning attributed to it in the Legal Aid Act; and

“professional control and management” means the control and management required of a practicing legal practitioner in terms of this Act and any regulations under this Act”;

Act No. 18 of 2013

3. Section 30 of the Act is amended in subsection (1), by inserting immediately after paragraph (g), the following paragraph –

Amendment of section 30 of the Act

“(h) he has during the immediate preceding year, undertaken such number of hours of *pro deo* or *pro bono* work, as may be prescribed:

Provided that the provisions of this paragraph shall not apply to a legal practitioner applying for a practicing certificate for the first time.”.

Amendment
of section 52
of the Act

4. Section 52 of the Act is amended by inserting immediately after subsection (2), the following new subsection —

“(2A) Notwithstanding the provisions of subsections (1) and (2), a legal practitioner acting on behalf of Legal Aid Botswana or a Law Clinic shall be exempt from the provisions of section 52 (1) (a) to (d) —

(a) by virtue of any action taken to provide members of the public with education and information concerning legal rights and obligations; or

(b) by virtue of any action taken to render legal aid to indigent persons through Legal Aid Botswana or a Law Clinic.”.

Amendment
of section 53
of the Act

5. Section 53 of the Act is amended by inserting immediately after subsection (2), the following new subsection —

“(2A) Notwithstanding the provisions of subsection (2), a legal practitioner acting on behalf of Legal Aid Botswana or a Law Clinic shall be exempt from the provisions of subsection (2) —

(a) by virtue of any action taken to provide members of the public with education and information concerning legal rights and obligations; or

(b) by virtue of any action taken to render legal aid to indigent persons through Legal Aid Botswana or a Law Clinic.

Amendment
of section 72
of the Act

6. Section 72 of the Act is amended in subsection (1), by inserting immediately after paragraph (d), the following new paragraphs —

“(e) procedures for the certification of Law Clinics by the Council; and

(f) procedures for the annual certification by the Society, in consultation with Legal Aid Botswana, of legal practitioners who have undertaken *pro deo* or *pro bono* work.”.

PASSED by the National Assembly this 8th day of August, 2013.

BARBARA N. DITHAPO,
Clerk of the National Assembly.