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EX PARTE LE ROUX

(TRANSVAAL PROVINCIAL DIVISION.)

1973. February 19. BEKKER and MARGO, JJ.

*Attorney.—Admission of.—Student registered as LL.B. candidate at the University of South Africa.—Completion of courses for the admission of Attorneys' examination.—Necessary certificate issued.—Application granted.*

Where a student registers himself as a candidate for the LL.B. course at the University of South Africa and in the course of his studies completes the admission of attorneys' examination and a certificate is issued stating that he has fulfilled the requirements of the admission of attorneys' examination, then he is entitled to be admitted as an attorney.

Application for admission as an attorney. The facts appear from the judgment.

*D. J. H. le Roux*, for the applicant.

BEKKER, J.: The applicant applies for his admission as an attorney of this Court. *Prima facie* the papers before us are in order and there is no reason why he should not be admitted, particularly in the light of annexures "D" wherein the Registrar of the University of South Africa certifies as follows:

"Hereby it is stated that  
Josephus Johannes le Roux  
complied with all the requirements of the attorneys' admission examination in  
the year 1972. He passed in the following subjects:  
(The subjects are then set out).  
The certificate will be formally conferred at a graduation ceremony which will  
be held on 28th April, 1973."

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It appears from a statement by Prof. Hosten, the Dean of the Faculty of Law, University of South Africa, that:

1. For many years it has been customary at this University to issue, on request, a statement to LL.B. students, as soon as they, in the course of their LL.B. studies, have completed all the courses for the attorneys' admission examination, wherein it is stated that the student has complied with all the requirements for the attorneys' admission examination.
2. This procedure is based on the granting of exemptions for all the courses for the attorneys' admission examination on the ground of the successful completion of the corresponding courses for the LL.B., and is made possible by the fact that the restrictions on the number of exemptions relating to degrees and diplomas do not apply to this certificate.
3. For the reason stated in (2) above, registration for the attorneys' admission examination as such is unnecessary at any stage. Nevertheless the granting of the said exemptions amounts *de facto* to recognition of the LL.B. student's previous years of study, as years of study for the attorney's admission examination, at least in so far as the relevant courses are concerned."

It appears therefore that, as far as the domestic rules and regulations of the University of South Africa are concerned, when a student registers as an LL.B. student, he also enjoys the privilege of being able to comply with the requirements of the attorneys' admission examination before he completes the LL.B. degree. In view of this, it seems to me that the registration of a LL.B. student as such is, according to the domestic rules, simultaneously a registration for the lesser requirements, viz. those of the attorneys' admission examination. I may be wrong, but if so then I wish to draw attention to the following:

This case would not have been argued by Mr. *le Roux* if the letter addressed to the Registrar of the Supreme Court by the Secretary of the Incorporated Law Society, had not been sent. The letter reads as follows:

"The above application—i.e. the present one which has been placed on the roll for hearing on 19th February, 1973, has been considered by my Council and I am instructed that the Court's attention be drawn to the requirements of secs. 10 (a) and 34 (4) of Act 23 of 1934, as amended."

Without going into detail, the suggestion of the Law Society amounts to this: that unless there has been a specific registration for the attorneys' admission examination, and the candidate registers himself as such, he cannot be admitted as an attorney of the Court. I have already stated my views in this connection, viz. that registration as a LL.B. student, i.e. the greater includes the lesser (*sic*), and if the Law Society holds a different view then it is kindly invited to appoint an advocate to lay its view before the Court properly when next this point rises.

As regards the present case however, as I said at the outset, it appears that the applicant is *prima facie* entitled to be admitted, and he is therefore admitted. He may come forward to take the oath. Prayer (b) is also granted.

MARGO, J., concurred.

Applicant's Attorneys: *Van den Burg & Bezuidenhout*.