

Statutory Instrument No. 47 of 1970

THE LEGAL PRACTITIONERS ACT, 1967
THE LEGAL PRACTITIONERS (ADVOCATES, NOTARIES AND
CONVEYANCERS) (AMENDMENT) RULES, 1970

(Published on the 8th May, 1970)

In the exercise of the powers vested in him by section 29 of the Legal Practitioners Act, 1967 (No. 34 of 1967), and of all other powers thereunto him enabling, the Chief Justice has, with the approval of the Minister of State, made the following rules —

Citation

1. These rules may be cited as the Legal Practitioners (Advocates, Notaries and Conveyancers) (Amendment) Rules, 1970.

Repeal and replacement of Rule 2 of Statutory Instrument No. 87 of 1969.

2. Rule 2 of the Legal Practitioners (Advocates, Notaries and Conveyancers) Rules, 1969 (hereinafter referred to as the principal rules), is repealed and replaced by a new Rule as follows —

“Legal Practitioners: Advocates

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, 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.

(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;
- (ii) practice and procedure in the Subordinate Courts;
- (iii) the constitution and jurisdiction of the customary courts;
- (iv) 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;

- (v) an elementary knowledge of the scope and content of Botswana statutory law.”

Repeal and replacement of Rule 5 of Statutory Instrument No. 87 of 1969.

3. Rule 5 of the principal rules is repealed and replaced by a new rule as follows —

“Examinations and Syllabuses

5. (1) The examination of persons and the determination of syllabuses for the examinations shall be a function of the Legal Practitioners' Committee established under section 25 of the Act.

(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 September of each year and entries for the examinations must reach the Committee on or before 30th June of the year in which it is proposed to take the examination: Provided that this rule shall not apply in the case of a candidate who, as at the 28th February, 1970, has applied to take the examination. In such a case, the Committee shall be free to set a local examination at any time it deems fit.

(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.

A. MOGWE,
Permanent Secretary

Office of the President,
GABORONE.
28th April, 1970.
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