**IN THE HIGH COURT OF SOUTH AFRICA**

**(KWAZULU-NATAL DIVISION, PIETERMARITZBURG)**

Case no.:

In the *ex parte* application of:

**[APPLICANT]**

for [his / her] admission and enrollment as an advocate of the High Court

**NOTICE OF MOTION**

***[\*REFER NOTE 1]***

**TAKE NOTICE** that application will be made on behalf of the abovementioned applicant on the ***[\*REFER NOTE 2]*** at 10:00 or as soon thereafter as counsel may be heard for an order that:

***[\*REFER NOTE 3]***

**If you are still enrolled as an attorney:**

1. The applicant’s name be removed from the roll of attorneys **[AND NOTARIES (IF RELEVANT)]** at his own request;

**For all applicants:**

1. The applicant be admitted and enrolled as an advocate of the High Court of South Africa;
2. Further and / or alternative relief.

**TAKE NOTICE FURTHER THAT** the accompanying affidavits of **[APPLICANT]** and ***[\*REFER NOTE 4]***will be used in support of this application.

**If you have appointed an attorney:**

**TAKE NOTICE FURTHER THAT** the applicant have appointed the offices of ***[\*REFER NOTE 5]*** as the address at which they will accept notice and service of all process in these proceedings.

**If you have not appointed an attorney and are representing yourself *[\*REFER NOTE 6]***

**TAKE NOTICE FURTHER THAT** the applicant will accept notice and service of all process in these proceedings at ***[REFER NOTE 5]***.

**DATED** at on this day of

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**DETAILS AND SIGNATURE OF**

**APPLICANT OR ATTORNEY**

**TO:** THE REGISTRAR

KWAZULU-NATAL HIGH COURT, PIETERMARITZBURG

PIETERMARITZBURG

**AND TO:** THE SECRETARY

SOCIETY OF ADVOCATES OF KWAZULU-NATAL

DURBAN CLUB PLACE

Durban Club Street

DURBAN

**(If you are still admitted as an attorney)**

**AND TO:** THE SECRETARY

KWAZULU-NATAL LAW SOCIETY

200 Hoosen Haffejee Street

PIETERMARITZBURG

**IN THE HIGH COURT OF SOUTH AFRICA**

**(KWAZULU-NATAL DIVISION, PIETERMARITZBURG)**

Case no.:

In the *ex parte* application of:

**[APPLICANT]**

for [his / her] admission and enrollment as an advocate of the High Court

**[\*REFER NOTE 7]**

**AFFIDAVIT**

I, the undersigned,

**[APPLICANT]**

do hereby make oath and say that:

1. I am an adult [male / female], domiciled within the jurisdiction of this Court, and currently resident at **[ADDRESS]**.
2. The facts herein contained are, unless the contrary appears from the context hereof, within my own knowledge and are in every respect true and correct.

**IF YOU ARE A SOUTH AFRICAN CITIZEN**

**[\*REFER NOTE 8]**

1. I am South African citizen, born on **XXX**, and over 21 years of age. My identity number is **XXX**, as is evident from a copy of the first page of my identity document is attached as **“XXX”**.

**OR: IF YOU ARE A PERMANENT RESIDENT**

1. I am a citizen of **XXX**. A copy of the first page of my passport is attached as **“XXX”**.
2. I am a permanent resident of, and ordinarily resident in South Africa. A copy of my [permanent residence permit issued in terms of section 26 / 27 of the *Immigration Act* 13 of 2003 / immigration permit issued in terms of section 25 of the *Aliens Control Act* 96 of 1991].
3. I was born on **[DATE]**, and I am over 21 years of age.

**IF YOU RECEIVED A FOUR YEAR LL B**

1. On **[DATE]**, the degree of *baccalaureus legum* (LL B) was conferred upon me by **[NAME OF INSTITUTION]**. A copy of my degree certificate is attached as **“XXX”**.
2. This degree was attained after a period of four years of study.

**OR: IF YOU RECEIVED A POSTGRADUATE LL B**

1. On **[DATE]**, the degree of **[UNDERGRADUATE DEGREE]** was conferred upon me by **[NAME OF INSTITUTION]**, after a period of **[THREE / FOUR]** years of study. A copy of my degree certificate is attached as **“XXX”**.
2. On **[DATE]**, the degree of *baccalaureus legum* (LL B) was conferred upon me by **[NAME OF INSTITUTION]** after a period of **[TWO / THREE]** years of postgraduate study. A copy of my degree certificate is attached as **“XXX”**.
3. Accordingly, the degree of LL B was conferred on me after **[AT LEAST FIVE]** years of study.

**[\*REFER NOTE 9]**

**IF YOU HAVE NEVER BEEN ADMITTED AS AN ATTORNEY**

1. I have never been admitted to, or removed from the roll of attorneys.

**OR: IF YOU HAVE EVER BEEN ADMITTED AS AN ATTORNEY**

1. **If you were admitted in the KwaZulu-Natal High Court and practiced in the KwaZulu-Natal**
2. On **[DATE]**, I was admitted as an attorney in this Court. A certified copy of an order to this effect is attached as **“XXX”**.
3. **If you were admitted in another division and subsequently practiced in KwaZulu-Natal**
4. On **[DATE]**, I was admitted as an attorney in the High Court **[DIVISION]**. A certified copy of an order to this effect is attached as **“XXX”**.
5. On **[DATE]**, I was enrolled as an attorney and notary of this Court in terms of section 20(2) of the *Attorneys Act* 53 of 1979. A certified copy of an order to this effect is attached as **“XXX”**.

**[\*REFER NOTE 10]**

1. **If you have previously been removed from the roll of attorneys at your own request**
2. On **[DATE]**, I was removed from the roll of attorneys at my own request. A certified copy of an order to this effect is attached as **“XXX”**.
3. A certificate is attached as **“XXX”**, from the Law Society of KwaZulu-Natal (“the Law Society”) attesting to the facts that:
   1. In the opinion of the Law Society I am a fit and proper person; and
   2. I was never suspended from practice, and no proceedings were ever undertaken or contemplated against me to have my name struck from the roll of attorneys.
4. **If you are still on the roll of attorneys**
5. I have never been suspended from practice as an attorney and no proceedings are pending or have been contemplated by the Law Society of KwaZulu-Natal (“the Law Society”) to have me struck from the roll of attorneys.
6. A copy of a certificate to this effect, which further states that in the opinion of the Law Society I am a fit and proper person, is attached as **“XXX”**.
7. I shall cause a copy of this application to be served on the Secretary of the Law Society at least one month before the date on which it comes before this Court.

**ALL APPLICANTS**

1. I have never previously made application to be admitted or practiced as an advocate. I have accordingly never been struck off the roll of advocates or suspended from practice in any court either in the Republic or elsewhere.
2. I submit that I am a fit and proper person to be admitted and enrolled as an advocate of this Court.
   1. My estate has never been provisionally or finally sequestrated.
   2. There are no civil or criminal proceedings pending against me, nor have I been convicted of any offence of whatsoever nature.

**[\*REFER NOTE 11]**

1. I know of no other reason to prevent me from practicing as an advocate of this Court.
2. At the date of hearing of this application at least six weeks notice of this application will have been given to the Registrar of this Court and to the Secretary of the Society of Advocates of KwaZulu-Natal, as will appear more fully from the endorsements on this application.
3. I respectfully request this Court to grant an order in terms of the Notice of Motion to which this affidavit is attached.

**(signature)**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**[APPLICANT’S NAME]**

I certify that:

1. The Deponent acknowledged to me that:
   1. He knows and understands the contents of this declaration;
   2. He has no objection to taking the prescribed oath; and
   3. He considers the prescribed oath to be binding on his conscience.
2. The Deponent thereafter uttered the words, “I swear that the contents of this declaration are true, so help me God.”

**OR**

The Deponent thereafter uttered the words, “I affirm that the contents of this declaration are true.”

1. The Deponent signed this declaration in my presence on the day of

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

##### COMMISSIONER OF OATHS

Full names:

Designation and area:

Street address:

**IN THE HIGH COURT OF SOUTH AFRICA**

**(KWAZULU-NATAL DIVISION, PIETERMARITZBURG)**

Case no.:

In the *ex parte* application of:

**[APPLICANT]**

for [his / her] admission and enrollment as an advocate of the High Court

**AFFIDAVIT**

I, the undersigned,

**[YOUR ATTORNEY OR COMMISSIONER OF OATHS]**

do hereby make oath and say that:

1. I am an adult **[male / female]** attorney, practicing as such at **[FIRM]**.

**OR:**

1. I am an adult **[male / female] [DESIGNATION]**, and an *ex officio* commissioner of oaths.
2. The facts herein contained are, unless the contrary appears from the context hereof, within my own knowledge and are in every respect true and correct.
3. I have examined the identity document of **[APPLICANT]**, a copy of which is annexed to **[his / her]** affidavit as **“XXX”**, and I am satisfied that the Applicant is the person referred to in that identity document.

**(signature)**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**[ATTORNEY’S NAME]**

I certify that:

1. The Deponent acknowledged to me that:
   1. He knows and understands the contents of this declaration;
   2. He has no objection to taking the prescribed oath; and
   3. He considers the prescribed oath to be binding on his conscience.
2. The Deponent thereafter uttered the words, “I swear that the contents of this declaration are true, so help me God.”

**OR**

The Deponent thereafter uttered the words, “I affirm that the contents of this declaration are true.”

1. The Deponent signed this declaration in my presence on the day of

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

##### COMMISSIONER OF OATHS

Full names:

Designation and area:

Street address:

**IMPORTANT NOTES**

**Note 1:**

1. As the application is brought *ex parte*, the Notice of Motion must accord with Rule 6(4)(a) and Form 2 of the First Schedule to the Rules.

**Note 2:**

The date on which the application is heard must be:

1. At least 6 weeks after the application is served and filed (see Rule 3A(1)); and

**Note 3:**

The name of an attorney filing documents must appear on the bottom left hand corner of the first page of the document.

**Note 4:**

An affidavit must also be attached from your attorney or a commissioner of oaths stating that he / she has examined your identity document and is satisfied that you are the person referred to therein (see Rule 3A(b)(ii)).

**Note 5:**

It is advised that an address within 8 kilometres of the High Court should be included (see Rule 6(5)(b)).

**Note 6:**

The KwaZulu-Natal Bar Council advises prospective applicant’s to appoint an attorney of record.

**Note 7:**

As the application is one brought *ex parte*, the strictest good faith, honesty and full disclosure are essential.

See, for example,

*Schlesinger v Schlesinger* 1979 (4) SA 342 (W) at 348D - 350B

*mv Rizcun Trader v Manley Appledore Shipping Ltd* 2000 (3) SA 776 (C) at 793I – 794E

Any dishonesty, or the failure to disclose relevant facts will be viewed very seriously

**Note 8:**

Citizenship is defined in sections 2 to 4 of the *South African Citizenship Act* 88 of 1995

**Note 9:**

If your qualifications meet the requirements of any other sub-section of section 3(2) of the *Admission of Advocates Act*, you must provide sufficient facts to prove this.

**Note 10:**

Also include further details if you were admitted as a notary or conveyancer.

**Note 11:**

1. You may also supply affidavits proving that you are a fit and proper person from appropriate persons.
2. If you have been convicted of a crime or have outstanding civil judgments against you, you must give a full explanation of these in order to satisfy the court that notwithstanding these facts, you are still a fit and proper person. Merely mentioning a conviction is insufficient and the Bar Council will call upon you to supply supplementary affidavits dealing with this issue in greater detail.
3. It is incumbent upon you to disclose any and all facts which are relevant to the question of whether or not you are a fit and proper person to be admitted as an advocate and which may influence the Court’s decision in this regard. Your failure to do so may constitute a breach of the good faith requirement for *ex parte* applications and may in itself case doubt on your fitness to be admitted as an advocate. Any failure to make proper disclosure of material facts is viewed in a very serious light. If you are in any doubt in this regard, you should consult a senior practitioner for advice. As a general rule, rather err on the side of fuller disclosure.