



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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No.2849

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GOVERNMENT NOTICE

No. 196 Promulgation of Legal Practitioners Amendment Act, 2002 (Act No. 10 of 2002),
of the Parliament 1

Government Notice

OFFICE OF THE PRIME MINISTER

No. 196 2002

PROMULGATION OF ACT OF PARLIAMENT

The following Act which has been passed by the Parliament and signed by the President in terms of the Namibian Constitution is hereby published in terms of Article 56 of that Constitution.

No. 10 of 2002: Legal Practitioners Amendment Act, 2002.

EXPLANATORY NOTE:

_____ Words underlined with a solid line indicate insertions in existing provisions.

[] Words in bold type in square brackets indicate omissions from existing provisions.

ACT

To amend the Legal Practitioners Act, 1995 so as to make provision that persons who hold a prescribed qualification in law and who has for a continuous period of at least five years performed certain legal work in the service of the State are duly qualified to be admitted as a legal practitioner

(Signed by the President on 6 November 2002)

BE IT ENACTED by the Parliament of the Republic of Namibia, as follows:-

Amendment of section 5 of Act 15 of 1995

1. Section 5 of the Legal Practitioners Act, 1995 (Act No. 15 of 1995) is amended by the insertion in subsection (1) of the following paragraph after paragraph (c):

“(cA) he or she holds a degree in law from the University of Namibia, or a degree or equivalent qualification in law from a university or a comparable educational institution outside Namibia which has been prescribed by the Minister under subsection (4)(a) or (b) and who has been issued with a certificate -

- (i) by the Minister, after consultation with the Board for Legal Education, stating that he or she has for a continuous period of five years, and to the satisfaction of the Minister, performed duties in the service of the State as -
 - (aa) a magistrate appointed under section 9 of the Magistrates’ Court Act, 1944 (Act No. 32 of 1944); or
 - (bb) Director of Legal Aid or legal aid council appointed under section 3 of the Legal Aid Act, 1990 (Act No. 29 of 1990); or
- (ii) by the Attorney-General, after consultation with the Board for Legal Education, stating that he or she has for a continuous period of five years, and to the satisfaction of the Attorney General, performed duties in the service of the State as a prosecutor in the office of the Prosecutor-General; or”.

Amendment of section 18 of Act 15 of 1995

2. Section 18 of the Legal Practitioners Act, 1995 (Act No. 15 of 1995), is amended by the substitution for subsection (1) of the following subsection:

(1) A legal practitioner shall not have the right of audience in the Supreme Court of Namibia unless -

- (a) he or she has practised the profession for a continuous period of, or for periods amounting in all to, not less than one year and he or she holds a certificate to that effect issued by the Council; or
- (b) he or she was admitted to practise by virtue of the fact that he or she is duly qualified in accordance with the provisions of section 5(1)(cA)".

Short title

3. This Act is called the Legal Practitioners Amendment Act, 2002.
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