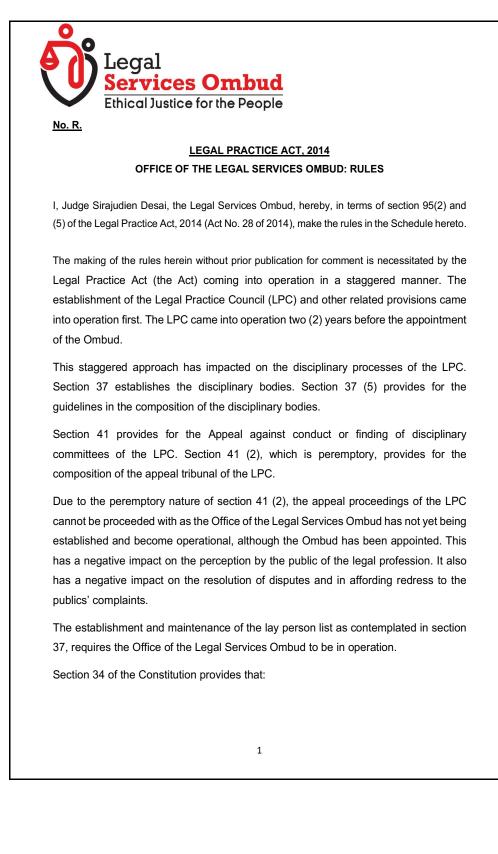
PROCLAMATION NOTICES • PROKLAMASIE KENNISGEWINGS

PROCLAMATION 59 OF 2022





"Everyone has the right to have any dispute that can be resolved by the application of law decided in a fair public hearing before a court or, where appropriate, another independent and impartial tribunal or forum."

The reasoning of approaching this through section 95 (5) is to realise the provisions of section 34 of the Constitution. To afford both the members of the public and the profession a speedy resolution of the disputes and avoid further delays in the implementation of the above-mentioned sections of the Act.

Any person who is aggrieved by the rules made herein may make representations to the Ombud within a period of 30 work days from the date of publication of this notice by—

- (a) posting such representations to the following address: [P O BOX 1202, Pretoria, 0001];
- (b) delivering such representations by hand at the following address: [Spooral Park Building, 2007 Lenchen Avenue South, Centurion, Pretoria];
- (c) e-mailing such representations to the following address: [Vseroka@justice.gov.za].



SCHEDULE

Definitions

In these Rules any word or expression to which a meaning has been assigned in the Act has the meaning so assigned and, unless the context indicates otherwise—
"Office of the Ombud" means the Office of the Legal Services Ombud established by section

45(1) of the Act;

"service" means the official process of delivering a notice or documents to another party; "summons" means a document by which a person or entity is called upon to attend an enquiry or investigation, as contemplated in section 48(2) of the Act; and "the Act" means the Legal Practice Act, 2014 (Act No. 28 of 2014).

Submission of complaints

2. (1) A complaint lodged with the Ombud must be lodged on Form 1 or a form substantially similar to the Form 1 contained in the Annexure hereto.

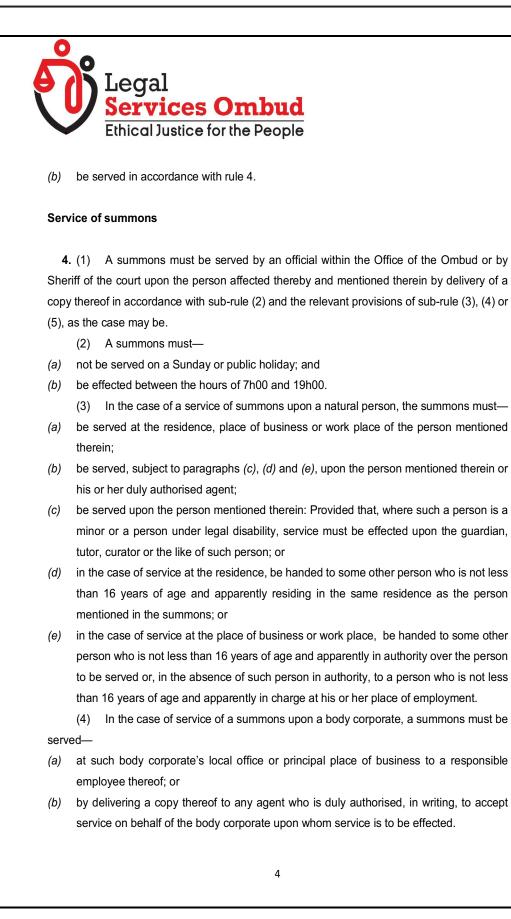
- (2) The form referred to in sub-rule (1)—
- (a) may be obtainable from the Office of the Ombud;
- (b) must be completed accurately and contain all the information required; and
- (c) once completed, must be hand delivered, posted or submitted electronically to the Office of the Ombud, at any of the following relevant addresses:
 - (i) [Spooral Park Building, 2007 Lenchen Avenue South, Centurion, Pretoria];
 - (ii) [P O BOX 1202, Pretoria, 0002]; or
 - (iii) [VSeroka@justice.gov.za].

(3) Non-compliance with sub-rule (2)(*b*) may be condoned on application to the Office of the Ombud and approval thereof.

Summons

3. A summons referred to in section 48(2)(a) of the Act must-

(a) be in accordance with Form 2 contained in the Annexure hereto; and





(5) In the case of a service of summons to a Minister of a State department, in his or her official capacity, must be served at—

- (a) the national office of the State department concerned; or
- (b) at the Office of the Solicitor-General (State Attorney) in Pretoria, or a branch of that Office.

(6) In the case of a service of summons upon a syndicate, unincorporated company, club, society, church, public institution or public body, service may be effected—

- (a) by delivery at the local office or place of business of such syndicate, unincorporated company, club, society, church, public institution or public body; or
- (b) if there be no such place, by delivery to the chairperson or secretary or similar officer.

(7) In the case of service of summons upon a local authority or statutory body, service must be effected by delivering a copy of the summons to the town clerk or assistant town clerk or mayor of such local authority or to the secretary or similar officer or member of the board or committee of such statutory body.

(8) The person serving a summons must, on demand by the person upon or against whom summons is served, exhibit to that person the original summons.

(9) Where two or more persons are to be served with the same summons, service must be effected upon each of the persons, except—

- (a) (i) where any partnership, firm or voluntary association is to be served, service must be effected in the manner referred to in sub-rule (4), at the place of business of such partnership, firm or voluntary association; or
 - (ii) where such partnership, firm or voluntary association has no place of business, service must be effected on a partner, the proprietor or the chairperson or secretary of the committee or other managing body of such association; or
- (b) where two or more persons are to be served in their capacity as trustees of an insolvent estate, liquidators of a company, executors, curators or guardians, service may be effected by delivery to any one of such persons in accordance with sub-rule (3).

(10) Service of a summons on a witness must be effected at least 15 work days before the attendance of such witness is required on the date specified in the summons.

(11) Service of any notice, request, statement or other document, which is not a summons, may be effected by delivery by hand at the address for service given by the Respondent.