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General Notice

LAW SOCIETY OF NAMIBIA

No. 376

2017

AMENDMENT OF RULES OF LAW SOCIETY OF NAMIBIA: LEGAL PRACTITIONERS' ACT, 1995

The Council of the Law Society of Namibia has, with the approval of the Chief Justice, under section 52 of the Legal Practitioners' Act, 1995 (Act No. 15 of 1995), made the Rules set out in the Schedule.

R. MAASDORP
CHAIRPERSON OF COUNCIL
BY ORDER OF THE COUNCIL

SCHEDULE

Definitions

1. In these rules "the Rules" means the Rules of the Law Society of Namibia, promulgated under General Notice No. 340 of 4 November 2002, as amended by General Notice No. 251 of 1 November 2004 and General Notice No. 385 of 6 December 2007.

Amendment of rule 21 of Rules

2. Rule 21 of the Rules is amended by the -
- (a) insertion of the following subrule after subrule (1):
- “(1A) The professional standards set out in this rule in no way deviate or detract from the standards and obligations stipulated in the Act.”;
- (b) deletion of paragraph (f), (i), (n), (t), (x), (ee), and (ff) of subrule (2);
- (c) substitution for -
- (i) paragraph (y) of subrule (2) of the following paragraph:
- “(y) Entering into any agreement, arrangement or scheme of operation express or tacit, direct or indirect, the result of which is knowingly in any way assisting, allowing or enabling an unqualified person to charge recover or receive any fee, or derive any remuneration for, in respect of, or in connection with the preparation or execution of any document or the performance of any professional work which only a legal practitioner is qualified by law to prepare, sign, execute, attest or perform, or in any way conniving at any arrangement, agreement or understanding whatsoever whereby any such fee or remuneration as aforesaid is, or shall be, charged, recovered or receiving by any such unqualified person; provided that it will not be unprofessional conduct if a practicing legal practitioner grants to an unqualified person in his or her employ a sharing of earning from auctioneering, the sale and letting of immovable property, insurance agency work and building society agency work.”; and
- (ii) paragraph (bb) of subrule (2) of the following paragraph:
- “The practising under any other name other than a name approved by the Law Society which name shall not be offensive or be in contravention of any applicable laws with regard to the naming of partnership, companies or other legal entities. Legal practitioners shall on their letterhead, website and emails show the words authorised and regulated by the Law Society of Namibia and shall contain the relevant name and number if it is a company or if the firm is a partnership or a recognised sole practice, the name under which it is authorised to practice by the Law Society.”; and
- (d) substitution for subrule (3) of the following subrule:
- “(3) Legal practitioners shall -
- (a) be entitled to market or advertise their services provided that such advertising or marketing is accurate, truthful and not misleading and is sufficiently informative to ensure that clients and others can make informed choices; and
- (b) act in accordance with Annexure “A” to these rules which provides guidelines on the general advertising standards applicable.”.

Amendment of rule 23 of Rules

3. Rule 23 of the Rules is amended by the deletion of paragraph (k) of subrule (2).

Amendment of Annexure A to Rules

4. Annexure A of the Rules is amended by the -

- (a) substitution for subparagraph 2.1 of paragraph 2 of the following subparagraph:

“2.1 A firm may engage in any advertising, publicity or promotion in connection with its practice, or permit another person to do so on its behalf, provided such advertising, publicity or promotion complies with general advertising standards applicable in Namibia, is truthful and not misleading to the public and clients and the public are provided with appropriate information about the firm and how it is regulated.”;

- (b) deletion of subparagraph 2.4 of paragraph 2;

- (c) substitution for subparagraph 4.2 of paragraph 4 of the following subparagraph:

“4.2 **Naming clients**

A firm may refer to the name of a client in the public media only with the client’s consent.”;

- (d) substitution for subparagraph 4.3 of paragraph 4 of the following subparagraph:

“4.3 **Categories of work**

4.3.1 Publicity about a firm’s practice and the categories of the work it undertakes must be truthful, accurate and not misleading to the public.

4.3.2 A firm may hold itself out as a specialist or expert in any branch of the law.”;

- (e) substitution for subparagraph 5.1 of paragraph 5 of the following subparagraph:

“5.1 **Clarity**

Publicity may contain the basis on which work shall be charged for, but such publicity must be clearly expressed. It must be stated what services will be provided for that basis of charging. Any circumstances in which the basis may be altered must be stated. It must be clear whether disbursements and VAT are included.”;

- (f) deletion of paragraph 6;

- (g) substitution for subparagraph 7.1 of paragraph 7 of the following subparagraph:

“7.1 In addition to the reference to a legal practitioner or lawyer in any advertisement or promotional material the use of the designations ‘notary’, ‘conveyancer’, ‘sworn translator’ and ‘estate agent’ is permitted but only where at least one legal practitioner in the firm or an employee in the exclusive employment of the firm is entitled to be described as such.”;

- (h) substitution for item 11.1.1 of subparagraph 11.1 of the following item:
- “11.1.1 A firm may display in its reception area brochures containing details about the practice and the nature of the services offered. Such details and the nature of the services offered may also be made known on the internet and on websites.”;
- (i) substitution for item 11.1.2 of subparagraph 11.1 the following item:
- “11.1.2 Such brochures, internet and websites may also be sent or made available to existing or former clients. The brochures, internet and websites may include guidance on how clients can assist the firm to deal properly with its business, for example, by completing a questionnaire”;
- (j) substitution for item 11.2.1 of subparagraph 11.2 of the following item:
- “11.2.1 **Consent of the Council**
- The consent of the Council is not required by a firm intending to take part in any of these activities. However it is the responsibility of the firm that the respective legal practitioner is properly qualified to speak or write on the topic at issue.”; and
- (k) deletion of items 11.4.2 and 11.4.3 of subparagraph 11.4 .
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