

No. 24, 1926.]

## ACT

**To amend the law relating to conveyancers in the Province of Natal.**

BE IT ENACTED by the King's Most Excellent Majesty, the Senate, and the House of Assembly of the Union of South Africa, as follows :—

- Repeal of Act No 23 of 1904 (Natal).      1. Act No. 23 of 1904 (Natal) is hereby repealed.
- Limitation of right to practise as conveyancers to certain persons.      2. From and after the commencement of this Act no person other than—
- (a) an advocate or attorney of the Natal Provincial Division of the Supreme Court of South Africa or notary public appointed in the Province of Natal who was practising or qualified to practise in Natal as a conveyancer at the date of such commencement, or who has passed an examination in conveyancing law and practice as hereinafter prescribed; or
  - (b) a person duly admitted and enrolled or qualified to be admitted and enrolled as a conveyancer prior to the date of such commencement, under the provisions of Act No. 23 of 1904 aforesaid,
- shall be entitled to take out a licence or practise as a conveyancer in the Province of Natal.
- Powers of the court as to examination.      3. The said Provincial Division may appoint one or more examiners from time to time for the purposes of the examination mentioned in section *two* of this Act, and the said examination shall be held at such times and places, in such manner, and upon such conditions as to fees, subjects and otherwise as the said Provincial Division may by rules of court prescribe.
- Powers of the court over conveyancers.      4. (1) The said Provincial Division may promulgate rules as to—
- (a) the conditions under which persons entitled to practise as conveyancers shall so practise;
  - (b) their conduct and their charges in connection with such practice;
  - (c) what shall be deemed to be misconduct in connection with such practice; and
  - (d) the holding of enquiries in relation to the foregoing matters,
- and it may suspend or cancel the admission and enrolment, licence, or right to practise of any such person upon grounds appearing to it to be sufficient:
- Provided, however, that such rules shall before promulgation be approved of by the majority of a committee consisting of three attorneys and three conveyancers not being attorneys, and in the event of such committee being unable to agree to any or all of the proposed rules and amendments, the same shall be submitted for final decision of the Judge-President of the said Provincial Division.
- (2) The committee referred to in the preceding proviso shall be appointed as follows: the three attorneys by the Incorporated Law Society of Natal, and the three conveyancers by the Natal Conveyancers Association. Such committee shall not be deemed properly constituted for the purposes of this Act unless all six members are present.
- (3) Every application to suspend or cancel such admission, enrolment, licence or right to practise shall be by way of motion by the Attorney-General of Natal, supported by affidavits of the facts on which the application is based: Provided that the

said Provincial Division may order that any question of fact shall be tried by pleadings or otherwise.

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nalties.

5. If any person does any act included within the practice of a conveyancer without being both duly qualified and licensed to practise as a conveyancer, or during an order of suspension or cancellation made against him, he shall be guilty of an offence, and shall upon conviction be liable to a fine not exceeding ten pounds, or in default of payment to imprisonment for a period not exceeding three months.

definition of  
conveyancer.

6. In this Act and in Schedule II of Act No. 43 of 1898 (Natal) "conveyancer" means any person who prepares or executes on behalf of another person any document proper for registration in the office of the registrar of deeds of Natal, or who for reward draws wills, contracts or any other documents of any kind whatever relating to property, movable or immovable, or to legal rights and obligations.

application  
of Act to  
existing  
con-  
veyancers.

7. Nothing in this Act or in the rules to be framed thereunder contained shall be construed as compelling any person who has been admitted as an advocate or attorney as aforesaid and has passed the examination referred to in section *two (a)* hereof and is duly practising as a conveyancer to practise at the same time as an advocate or attorney.

having.

8. Nothing in this Act contained shall apply to the Crown or prevent the performance of acts included within the practice of a conveyancer, as defined in this Act, by officers of the Land and Agricultural Bank of South Africa established in terms of the Land Bank Act, 1912, in so far as they may by any law be empowered to perform such acts.

short title  
and com-  
mencement  
of Act.

9. This Act shall come into operation on the first day of February, 1927, and may be cited for all purposes as the Natal Conveyancers Act, 1926.