

DOWNLOAD PDF LAW, PROCEDURE, AND CONDUCT OF MEETINGS IN SOUTH AFRICA.

Chapter 1 : The Law, Procedure, and Conduct of Meetings in South Africa - Arthur Lewin - Google Books

Shop for Books on Google Play. Browse the world's largest eBookstore and start reading today on the web, tablet, phone, or ereader. Go to Google Play Now».

Wet op Regspraktyk 28 van Afrikaans version: Commencement of certain sections of the Act gazetted on 29 October Section 94 Regulations also referred to as s 1 bA Regulations gazetted on 29 October Rules in terms of s 95 1 and 3 gazetted on 20 July Candidate Attorneys serving under articles of clerkship during transition to Legal Practice Council - View here November 1 November Legal Practice Council Notice: Operations of the Legal Practice Council. Read LPC notification here. The Legal Practice Council has announced that the Code of Conduct, and therefore the new robing provisions contained in it, are not yet in force. October 31 October The Section 94 Regulations also referred to as s 1 bA Regulations were gazetted on 29 October Chapter 2 and most of the rest of the LPA are intended to come into operation on 31 October , on the same day the four statutory provincial Law Societies are due to be abolished. Before 31 October , the s 94 Regulations must be approved by Parliament, Chapter 2 must be proclaimed to come into operation and the 7 other members of LPC must be appointed. On 1 November the rest of the LPA must be implemented into s 4 , which will repeal the Attorneys Act, and will abolish the statutory provincial Law Societies. The names of the 10 attorneys and 6 advocates were announced by the National Forum as follows: The following persons are also due to serve on the LPC in terms of s7 1: Brian Nair - Gauteng Designated by the Minister: September 20 September Voting for Council members for the Legal Practice Council opened on 19 September and closes at 12 noon on 3 October The lists of nominees attorneys and advocates standing for election to the Council, as well as their profiles, have been published. Voting can be carried out at any of the 74 polling stations, or alternatively, ballot papers can be sent via fast mail, courier and docex or hand delivered. The final list will be published on Monday, 17 September View the preliminary lists here. The nomination period runs from 4 to 14 September Read more on the nomination process and access the nomination forms here. The LSSA welcomed the opening of the election process. Change in timeframes There is a delay of about two months in the implementation of the Legal Practice Act LPA , but according to the Department of Justice and Constitutional Development, the LPA can still be fully implemented and the statutory provincial Law Societies can still be dissolved on 31 October Reservations have been expressed by members of the National Forum who are of the view that due to the large number of transitional arrangements, the effective date in the transfer agreements with the Law Societies will have to be moved forward to the end of December and the final implementation is more likely to stand over until 1 or 2 January Read the guest editorial in the September issue of De Rebus: Is the profession ready for the full implementation of the LPA? August 31 August The s 94 Regulations also referred to as the s 1 bA Regulations , which are a prerequisite for the implementation of Chapter 2 of the LPA in terms of s 1 bA , still need to be approved by the National Assembly before they can be published. National Forum on the Legal Profession - Candidate Attorneys serving under articles of clerkship during transition to Legal Practice Council The National Forum on the Legal Profession has provided a guidance memorandum to candidate attorneys currently serving under articles of clerkship and who seek guidance on what their position will be after s 4 of the Legal Practice Act 28 of comes into force. On that date the provincial law societies will be dissolved and the Legal Practice Council will assume jurisdiction over all legal practitioners and candidate legal practitioners. That date is expected to be 31 October the transition date. At the transition date there will be a number of candidate attorneys who will be at various stages of their training under articles. The memorandum seeks to provide guidance to those individuals in planning their careers as attorneys. It cannot cover all circumstances but it is intended to deal with as many situations as possible. Download the memorandum here. The following tasks of the NF have been completed: A Code of Conduct for all legal practitioners LPs , including non-practising LPs, candidate LPs and corporate legal entities was drafted and published. The Code was gazetted in February but will only

DOWNLOAD PDF LAW, PROCEDURE, AND CONDUCT OF MEETINGS IN SOUTH AFRICA.

begin to be applied by the new Legal Practice Council LPC when it starts to regulate the profession. Rules were finalised by the NF after drafts were published for comment by interested parties. The LSSA submitted comment on the first draft of the rules. The final version is due to be gazetted on 20 July Regulations were finalised by the Justice Department after recommendations by the NF and after consultation between the Minister and the NF. The following aspects required by the LPA were not dealt with in the draft regulations submitted to the Minister, for the reasons provided: Admission and enrolment of foreign legal practitioners: This can only be drafted after the Minister has consulted with the LPC to identify the types of appropriate community service. This can only be drafted after the South African Law Reform Commission has submitted its report to s 35 4. See also item below. Please note that comments should be submitted to the Rules Board by 13 August

DOWNLOAD PDF LAW, PROCEDURE, AND CONDUCT OF MEETINGS IN SOUTH AFRICA.

Chapter 2 : Disciplinary Code & Procedure. | Labour Guide

Note: Citations are based on reference standards. However, formatting rules can vary widely between applications and fields of interest or study. The specific requirements or preferences of your reviewing publisher, classroom teacher, institution or organization should be applied.

History[edit] When the British occupied the Cape permanently in , they retained the Roman-Dutch legal system. They concluded, however, that the criminal justice system was archaic, and so introduced one based on their own in It has been developed over the years to suit local conditions. The South African system today is basically accusatorial: The accusation and its proof are state-driven, with a state-appointed prosecuting authority. Criminal procedure overlaps with other branches of the law, like the law of evidence [1] and the substantive law. These divisions are not absolutely watertight. Child Justice Act[edit] The Child Justice Act, [3] in operation since April , has introduced numerous changes to criminal procedure insofar as it affects minors persons under the age of eighteen. It involves a two-stage trial procedure in a special child justice court. Methods of getting an accused to court[edit] The CPA lists four methods of securing the attendance of an accused person in court. The basic principle of South African criminal procedure is that of access to courts, in accordance with section 34 of the Constitution. There is no general provision for trial in absentia. Arrest[edit] The manner in which arrests are to be carried out is dealt with in section 39 1 of the Act, which provides that arrests may be effected with or without warrant, and which envisages three scenarios: He is then to be informed of the cause of the arrest or, in case of an arrest with a warrant, to be given on demand a copy of the warrant. If the arrest is not lawful, resistance or escape by the arrestee will not be unlawful, and the arrestor will have committed an assault. Anyone who may lawfully arrest a person and who knows or reasonably suspects that person to be on certain premises may, after audibly demanding access, giving reasons, if necessary break open and enter to search and arrest the suspect. The most important of these circumstances are when any person commits or attempts to commit an offence in the presence of that peace officer; when the peace officer reasonably suspects any person of having committed a Schedule 1 offence other than the offence of escaping from lawful custody ; when any person has escaped or attempts to escape from lawful custody. The following are the most important of those types of person whom private persons may arrest without a warrant: In *S v Tsotsi* , [27] the court held that such an arrest is unlawful if its objective is to frighten and harass the arrested person to stop a particular conduct rather to bring him to court for trial. It was recently held that this is no longer the position, and that now the potential arrestor must also consider whether arresting the suspect would be reasonable in the circumstances, [28] [29] [30] [31] but the Supreme Court of Appeal SCA has since differed from this line of case law, effectively reinstating *Tsotsi*. With warrant[edit] A magistrate or justice of peace may issue a warrant of arrest on written application of the Director of Public Prosecutions DPP , a public prosecutor or a commissioned police officer from the rank of captain upwards. The period of 48 hours may be extended in the following circumstances: The Constitution enshrines this principle. Authorities are not entitled to keep the arrestee in custody pending the next sitting of a periodical court, if that would mean a longer delay than that permitted in the case of ordinary courts sitting each weekday. If officials detain a person without lawful authority, the detainee, or someone on his behalf, may bring an *interdictum de homine libero exhibendo* application, which is a special type of *mandamus* , to compel his release. In England, this is referred to as a *habeas corpus* application; that term, indeed, is sometimes used in South African law. As to the question of whether a High Court has inherent power to grant bail, or whether bail release powers are only to be found explicitly in statute, earlier cases inclined to the view that a High Court did not have inherent power to release on bail if a statute law did not give it express power. Its refusal may not serve as a punishment; nor may a court fix an excessive amount or onerous conditions, in a bid to harass the accused. It is not anticipatory punishment. The rules of evidence for the purpose of bail are relaxed. His release is to endure until the verdict, not until the sentence, unless the court upon verdict decides to extend bail. The accused must comply with the

DOWNLOAD PDF LAW, PROCEDURE, AND CONDUCT OF MEETINGS IN SOUTH AFRICA.

conditions set out in sections 60 12 , 62 and 63 of the Act. In terms of section 59 of the CPA, a police official of the rank of sergeant or higher may fix bail before the first court appearance if the offence for which the accused is in custody does not fall under Part II or Part III of a Schedule 2 offence: In terms of section 59A, the DPP, or a prosecutor authorised by the DPP, may authorise the release of a person on bail before his first court appearance if the accused is in custody on a Schedule 7 offence. A Schedule 7 offence is generally slightly more serious than that for which police may fix bail under section 59. It is a general principle that the accused is entitled to be released on bail at any stage prior to his conviction if the court is satisfied that the interests of justice so permit. This principle, enshrined in the Constitution, [58] is restated in the CPA. The following factors can be relevant: Public or individual safety[edit] In considering whether or not there is a likelihood that the accused, if released, would endanger the safety of the public or an individual, or would commit a Schedule 1 offence, [71] the court takes the following into account: Influence or intimidation of witnesses[edit] In considering the likelihood that the accused will attempt to influence or intimidate witnesses, or conceal or destroy evidence, [80] court takes into account the following: Public order[edit] In considering the likelihood that release will disturb the public order or undermine public peace or security, [85] the court takes into account the following: When the onus is on the accused[edit] In certain circumstances, the onus will be on the accused during the bail application. For a Schedule 6 offence, the accused has to adduce evidence to satisfy the court that exceptional circumstances exist in which the interests of justice permit his release. Proof that offence is a Schedule 5 or 6 offence[edit] The DPP may issue written confirmation that he intends to charge the accused with a scheduled offence. Duty to disclose information regarding previous convictions[edit] The accused or his legal adviser is compelled to inform court of any previous convictions; and whether he has any other charges pending, and whether he has been released on bail in respect thereof. Bail proceedings are to be recorded in full. Constitutionality[edit] As to the constitutionality of the provisions in section 60, sections 60 4 to 60 9 , 60 11 a , 60 11B c and 60 14 were held to be constitutional in *S v Dlamini*. Conditions[edit] Bail may be granted subject to conditions. They must not be contra bonos mores. The court has the power to increase or reduce the amount of bail, or to amend or supplement any condition, on application by the prosecutor or the accused. Appeals[edit] Appeals are permitted to the High Court against a refusal of bail by a lower court, or against the amount or conditions of bail. The DPP requires leave to appeal. Failure of accused to observe conditions of bail[edit] In terms of section 66, the prosecutor may apply to court to have bail cancelled on grounds of noncompliance with the conditions of bail. If the accused is present and disputes the allegation, the court will hear evidence. It will then confirm the cancellation and forfeiture unless the accused shows no fault. Criminal liability for failure to appear or failure to observe a condition of bail[edit] Section 67A now makes it a criminal offence not to appear when on bail, or not to observe a condition of bail. Cancellation of bail in circumstances other than sections 66 and 67[edit] In terms of section 68, bail may also be cancelled by the court in the following circumstances: Release on warning in lieu of bail[edit] The court may release the accused on warning instead of bail. Failure to attend or to comply with a condition is a criminal offence. The fact that the person is now convicted and sentenced to imprisonment changes the position practically: There is no longer a presumption of innocence, on the one hand; on the other hand, the incentive to evade justice is greater. In principle, bail may be granted even if the case is serious and the convicted person is facing a long period of imprisonment. The key factor is whether or not the convicted person will report for sentence. At best for the convicted person, whichever way the appeal goes, he will still end up serving a lengthy period of imprisonment. If a convicted person loses his appeal to the High Court, he may still be released on bail pending an application for leave to appeal or petition to the SCA. The medical officer of a prison and a district surgeon do not need a police request to proceed in this way, but other medical practitioners and nurses do. In terms of section 37 2 b , a medical practitioner attached to a hospital may take a blood sample of a person admitted to the hospital if he is of the reasonable opinion that such a sample may be relevant at later criminal proceedings. In cases where the police, etc. The taking of samples, etc. Section 35 3 j of the Constitution only covers the right not to

DOWNLOAD PDF LAW, PROCEDURE, AND CONDUCT OF MEETINGS IN SOUTH AFRICA.

incriminate oneself by way of communications. See also *Minister of Safety and Security v Xaba*. Some specially-fitted identity-parade rooms have one-way glass so that witnesses do not feel intimidated by confrontation with possible suspects. Sometimes identity parades are not possible or feasible, in which case photo parades take place. For the suitable conditions for photo parades, see *S v Ndika*. Any number of charges may be joined in the same proceedings against the same accused, before any evidence has been led. The court may, if it believes this to be in the interests of justice, direct that one or more charges be tried separately. Where there is uncertainty as to which charges the facts will prove, the accused may be charged with all or any of the possibilities at once. It is important in this regard to note that an objection may be taken not to the so-called "splitting of charges," but rather to the duplication of convictions. All this is to inform the accused, with reasonable particularity, of the nature of the charge or charges against him. It must be on the grounds that the charge does not comply with the relevant provisions of the CPA; the charge does not set out an essential element of the offence; the charge does not disclose an offence as, for example, when the statute cited has been repealed ; the charge does not contain sufficient particulars of any matter alleged in the charge; or the accused is not correctly named or described in the charge. If the prosecution does not comply, the court may quash the charge. Charges may be amended on appeal or review. Plea of guilty[edit] Generally speaking, where an accused pleads guilty at his trial there is no issue between him and the State and he may be sentenced, there and then, on his plea. Section 1 applies when the accused pleads guilty to the offence charged, or to an offence of which he may be convicted on the charge for example, a plea of guilty to common assault on a charge of assault with intent to do grievous bodily harm , when the prosecutor accepts that plea. The presiding officer in such circumstances must be of the view that the offence pleaded does not warrant imprisonment without the option of a fine, or a fine exceeding the amount determined by Minister from time to time currently R1, The presiding officer imposes any competent sentence other than imprisonment without option of fine, or a fine exceeding amount determined by Minister. The presiding officer questions the accused with reference to the alleged facts to establish whether or not the accused admits the allegations in the charge. The presiding officer may convict if satisfied that the accused is guilty.

DOWNLOAD PDF LAW, PROCEDURE, AND CONDUCT OF MEETINGS IN SOUTH AFRICA.

Chapter 3 : Criminal procedure in South Africa - Wikipedia

The Law Procedure And Conduct Of Meetings In South Africa by Arthur Lewin and a great selection of similar Used, New and Collectible Books available now at calendrierdelascience.com

Entrepreneur What is a Tender? A tender is an offer to do work or supply goods at a fixed price. Tenders usually apply to bigger jobs and public sector work in particular – ranging from the local council to government departments. How To Make A Success of Tendering The format of a tender proposal varies widely by industry, but all have the same basic requirements. The most important part of any tender response is the deadlines. Many organisations including government agencies do not negotiate prices once the tender has closed. Firstly, the tender process is an understandably competitive one. Everyone wants the same piece of the same pie so you can be sure that your tender is up against the toughest of your eligible competitors. Obviously, it goes without saying that you have to be deemed capable of delivering the goods or services required. Before tendering Get hold of the bid documents and analyse them. Make sure you can match the technical, skill and experience requirements. How much will it cost to prepare your bid? Would the work fit in with your strategy and positioning of your business? Assess how the contract would affect your other work, staffing and ability to take on other new business. Simply put, a tender is an offer to do a particular job or supply particular goods at a particular price. Also referred to as a bid, it is a process whereby businesses have the opportunity to put forward their goods or services at their price to the organisation that has put out the tender. Because government is spending public money on contracts, and is committed to transparency in how this is carried out, it adopts a tender process as a way of limiting the chances that contracts are awarded on the basis of favouritism, racism, nepotism or any other unfair process. The same applies in the private sector A similar principle applies to companies in the private sector which need to remain transparent about their procurement process. Once you submit a tender, it will be reviewed according to a number of criteria along with all the other tenders for the same contract, after which government or the organisation will accept the tender and award the contract to its chosen service provider. Legally binding This contract is legally binding – it requires the service provider to deliver the goods or services at the tendered price and within a particular time framework, and it requires the other party to pay for the goods or services at the price tendered and on time. Great – so where do the snags come in? Tenders are awarded points All government tenders are awarded points and the bidder that obtains the highest number is awarded the contract. But in line with its procurement policy, government gives preferential points to contactors that are owned and operated by previously disadvantaged individuals PDIs. Companies in the private sector often have a similar policy of favouring suppliers with PDI status. Find the information But first you have to find out what contracts have been put to tender. National and provincial government departments; municipalities; parastatals and big companies in the private sector all issue tenders. Proactivity is the name of the game. Establish your eligibility Your next step is to determine whether you are eligible to tender for the contract. Seda advises that businesses that meet the following requirements are ready to tender. On this point, filling them out correctly plays a vital part in the potential success of your bid. How hard can that be, you might ask. Especially for government tenders. For national and provincial government tenders you will need to fill out standard forms. Give yourself plenty of time to complete and post, courier or hand-deliver the documents by the deadline. Get the price right Price is a big factor in awarding tenders so you want to ensure that your price is competitive but having said this, you also need to make a profit. Those in the know generally advise that you work on a cost plus 7. Working out how much the contract will cost requires you to pay close attention to the specifications in the tender. Labour, materials, equipment, insurance, the length of the contract and how assets like vehicles will depreciate during this time all need to be considered. The length of the contract and whether you will be paid in instalments will also determine if you are going to need bridging finance. Take all these things into consideration when working out your price. Once you have delivered successfully on one tender, you have a

DOWNLOAD PDF LAW, PROCEDURE, AND CONDUCT OF MEETINGS IN SOUTH AFRICA.

foot in the door and more success will follow. In the meantime, keep focussing on delivery and service excellence – whether you are awarded tenders or not, these attributes make for a winning business formula.

Chapter 4 : What are the procedures and requirements when holding a shareholders meeting? | Entrepreneur

*The law, procedure, and conduct of meetings in South Africa [Arthur Lewin] on calendrierdelascience.com *FREE* shipping on qualifying offers.*

Chapter 5 : Legal Practice Act - Law Society of South Africa

The Law, Procedure and Conduct of Meetings in South Africa. by A. Lewin (Author) Be the first to review this item. See all formats and editions Hide other formats and.

Chapter 6 : - The law, procedure, and conduct of meetings in South Africa by Arthur Lewin

A Lewin, The Law Procedure and Conduct of Meetings in South Africa (5th edition) Council has different timelines RULES AND STANDARD OPERATING PROCEDURES FOR COMMITTEES page 5 Title Author.

Chapter 7 : Parliamentary procedure - Wikipedia

The Law, Procedure and Conduct of Meetings in South Africa by Lewin, Arthur Edition: 5th or later Edition Book condition: Fair Jacket condition: No Jacket.

Chapter 8 : The Disciplinary Procedure For Misconduct | Labour Guide

terms of section (2) of the Constitution of the Republic of South Africa (Act No. of) read with section 31 (2) of the Local Government: Municipal Structures Act, and hereby publishes the bylaws in terms of section 13 (a) of the Local Government: Municipal.

Chapter 9 : The law, procedure, and conduct of meetings in South Africa by Arthur Lewin | LibraryThing

The notice must be given at least 21 days (in the case of an annual general meeting or a meeting where a special resolution is to be decided on) or 14 days (in the case of an ordinary general meeting) prior to the proposed holding of the meeting.