



Updated list of banks that have entered into banking arrangements with the Legal Practitioners' Fidelity Fund in terms of Section 63(1)(g) of the Legal Practice Act, No. 28 of 2014

The remaining chapters of the Legal Practice Act, No. 28 of 2014 (LPA) came into effect on 1 November 2018, and Legal Practitioners and all relevant stakeholders are reminded that trust accounts that are kept in terms of section 86 of the LPA must be held at a bank that has entered into a banking arrangement with the Legal Practitioners' Fidelity Fund (LPFF) in terms of section 63(1)(g).

This communication serves to inform stakeholders that the following banks have entered into banking arrangements with the LPFF in terms of section 63(1)(g) of the LPA:

1. ABSA
2. Access Bank
3. African Bank Ltd (previously Grindrod bank)
4. Albaraka Bank
5. Bidvest Bank
6. Capitec Business (previously Mercantile bank)
7. First National Bank
8. GBS Mutual Bank
9. HBZ Bank
10. HSBC Bank plc
11. Investec Bank
12. Nedbank
13. Standard Bank

The authority to operate trust accounts that are kept at any of the above-mentioned banks is provided for by section 86(6) and section 86(7) of the LPA as well as LPC Rule 54.14.7.2 of The South African Legal Practice Council Rules made under the authority of sections 95(1), 95(3) and 109(2) of the Legal Practice Act, No. 28 of 2014 (as amended) (LPC Rules), which are set out in the table below:

Reference to legislation	Legislation requirements
LPA - Section 86(6)	<i>"A legal practitioner referred to in section 84(1) may not deposit money in terms of subsection (2), nor invest money in terms of subsections (3) and (4) in accounts held at a bank which is not a party to an arrangement as provided for in section 63(1)(g), unless prior written consent of the Fund has been obtained".</i>

Cape Town Office

Tel +27 (0) 21 424 5351 **Fax** +27 (0) 86 549 2050
Email attorneys@fidfund.co.za **Website** www.fidfund.co.za
Physical 5th Floor, Waalburg Building, 28 Wale Street, Cape Town, 8001, South Africa
Postal P O Box 3062, Cape Town, 8000, South Africa, Docex 154, Cape Town

Centurion Office

Tel +27 (0) 12 622 3900 **Fax** +27 (0) 86 606 8452
Email Legal.Practitioners@fidfund.co.za
Website www.fidfund.co.za
Physical 1256 Heuwel Avenue, Centurion, 0127, South Africa.
Postal P O Box 12189 Die Hoewes, 0163 Docex 24 Centurion



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Reference to legislation	Legislation requirements
LPA - Section 86(7)	<i>“A legal practitioner referred to in section 84(1) must comply with the terms of an arrangement concluded between a bank and the Fund as provided for in section 63(1)(g)”.</i>
LPC Rule 54.14.7.2	<i>“A firm shall ensure that all money received by it on account of any person is deposited intact into its trust banking account on the date of its receipt or the first banking day following its receipt on which it might reasonably be expected that it would be banked; provided that a firm which does not deposit trust money into a banking product at his registered bank in South Africa with which the Fund has made an arrangement as contemplated in section 63(1)(g) of the Act without the prior written consent of the Council shall be guilty of misconduct; provided further that if any arrangement made by the Fund with a bank in terms of section 63(1)(g) is withdrawn or cancelled, the firm shall forthwith withdraw its trust funds from that bank with immediate effect, or on maturity of the investments concerned, as the case may be”.</i>

All Legal Practitioners referred to in section 84(1), must comply with the requirements of section 86(6) and section 86(7) of the LPA as well as the LPC Rule 54.14.7.2.

Legal Practitioners are encouraged to contact their dedicated bankers, should they have any queries relating to the how their bank has implemented the requirements of section 86 of the LPA.

The list of banks that have entered into banking arrangements with the LPFF can be found on the LPFF’s website using the following URL: <https://www.fidfund.co.za/trust-accounts/>

The LPFF will issue a communication whenever there are changes to above-mentioned list of banks that have entered into banking arrangements with LPFF and all stakeholders are encouraged to visit LPFF’s website regularly.

Robert Burawundi
Investment Executive: Legal Practitioners’ Fidelity Fund
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