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**MEDIA STATEMENT BY THE SOUTH AFRICAN LAW REFORM COMMISSION
CONCERNING ITS RELEASE OF ISSUE PAPER 36 ON PROJECT 142:
INVESTIGATION INTO LEGAL FEES**

The South African Law Reform Commission (SALRC) was established by the South African Law Reform Commission Act 19 of 1973. It is an advisory body whose aim is the renewal and improvement of the law of South Africa on a continuous basis.

The investigation into legal fees and tariffs payable to legal practitioners is prescribed by legislation. Sections 35(4) and (5) of the Legal Practice Act, No.28 of 2014, which came into operation on 1 November 2018, mandate the SALRC to investigate and report and report back to the Minister with recommendations on the circumstances giving rise to legal fees that are unattainable for most people; legislative and other interventions in order to improve access to justice by members of the public; and the desirability of establishing a mechanism which will be responsible for determining fees and tariffs payable to legal practitioners. If the SALRC considers such a mechanism to be necessary and desirable, it is required to apply its mind on the composition of the mechanism that is contemplated and the process it should follow in determining fees and tariffs.

Furthermore, the SALRC is required to consider the desirability of giving users of legal services the option to pay less or in excess of any amount that may be set by the mechanism, and the obligation by a legal practitioner to conclude a mandatory fee arrangement with a client when that client secures that legal practitioner's services.

In doing this, the SALRC must be guided by best international practices; the public interest; the interests of the legal profession; and the use of contingency fee agreements as provided for in the Contingency Fees Act, No.66 of 1997.

The issue paper is the first document published by the SALRC during the course of this investigation and therefore does not contain any recommendations for law reform. The paper aims to announce the investigation, initiate and stimulate debate, seek proposals for reform, and will serve as a basis for further deliberation by the SALRC.

The issue paper contains questions aimed at discovering the issues at hand and the extent of the need for law reform. The SALRC specifically requests input and comment on the issue paper as a whole, including the questions which are posed in it.

The SALRC would appreciate receiving comment and input from stakeholders on or before 30 August 2019 at the following address:

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Issue Paper 36 is available on the Internet at the following site: <http://www.justice.gov.za/salrc/dpapers.htm>. The issue paper is also obtainable free of charge from the SALRC upon request (the contact person is Mr Jacob Kabini at (012) 622 6349).

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