

CESSION OF A CONTRACT OF ARTICLES / COMMUNITY SERVICE

MEMORANDUM OF AGREEMENT CONCLUDED BETWEEN

_____ hereinafter referred to as the **CEDENT**

AND

_____ hereinafter referred to as the **CESSIONARY**

AND

_____ hereinafter referred to as the **CANDIDATE ATTORNEY**

Whereas the CEDENT as Principal entered into a contract of articles/community service with the CANDIDATE ATTORNEY on (*date of contract*), which contract had been registered by the Cape Law Society on (*date of registration*) under number (*registration number of contract*).

And whereas the CANDIDATE ATTORNEY has informed his/her Principal of his/her intention to cede the contract of articles/community service to the CESSIONARY and the CEDENT and the CESSIONARY have agreed to such a cession.

NOW THEREFORE THE PARTIES AGREE AS FOLLOWS:

1. The CEDENT hereby cedes and transfers to the CESSIONARY all his/her rights and obligations under the contract of articles/community service with effect from [*date of commencement of service with the cessionary(new principal)*].
2. The CESSIONARY hereby accepts the said cession.
3. The CANDIDATE ATTORNEY agrees to the cession.

THUS DONE AND SIGNED AT ON THIS DAY OF

As witnesses :

- | | |
|----|---------------------------------|
| 1. | |
| 2. | |
| 1. | _____ CEDENT |
| 2. | |
| 1. | _____ CESSIONARY |
| 2. | _____ CANDIDATE ATTORNEY |

**AFFIDAVIT BY CEDENT IN TERMS OF SECTION 10(4)(a)
OF THE ATTORNEYS ACT, 53 OF 1979, as amended**

I, the undersigned

(name of cedent)

declare herewith under oath that :

1.

I am an attorney of the High Court of South Africa (.....Division), admitted to practise as such. I comply with the provisions of the Attorneys Act, 53 of 1979 (as amended), and more specifically with Section 3 of the Attorneys Act, 53 of 1979.

2.

On *(date of contract)* I entered into a contract of articles/community service with *(name of candidate attorney)*, who agreed to serve me as a candidate attorney for a period of year(s) *(period of contract)*.

3.

The candidate attorney has served me properly and conscientiously in terms of the provisions of the contract of articles/community service. The service was without interruption and the candidate attorney was under my direct and personal supervision. The service of the candidate attorney at all times complied with the provisions of the Attorneys Act, 53 of 1979.

4.

The candidate attorney was in my service from *(date of commencement of articles)* and left my service on *(date of termination)*.

5.

I regard the candidate attorney as a fit and proper person for admission as an attorney.

CEDENT

Signed and sworn to before me on this day of after the Deponent acknowledged that he/she is fully cognisant with this affidavit, that he/she understands it, that he/she has no objection to taking the prescribed oath and that he/she considers the oath to be binding on his/her conscience.

COMMISSIONER OF OATHS

**AFFIDAVIT BY THE CESSIONARY IN TERMS OF SECTION 10(4)(a)
OF THE ATTORNEYS ACT, 53 OF 1979, as amended**

I, the undersigned

(name of cessionary)

declare hereby under oath that :

1.

I am an attorney of the High Court of South Africa (.....Division , admitted to practise as such. I comply with the provisions of the Attorneys Act, 53 of 1979 (as amended), and more specifically with Section 3 of the Attorneys Act, 53 of 1979.

2.

On *(date on which candidate attorney has commenced service with cessionary)*
..... *(name of candidate attorney)* commenced service with me as a candidate attorney in terms of an agreement concluded between *(name of cedent)* and myself in terms whereof all rights and obligations pertaining to the contract of articles/community service were ceded to me.

CESSIONARY

Signed and sworn to before me on this day of after the Deponent acknowledged that he/she is fully cognisant with this affidavit, that he/she understands it, that he/she has no objection to taking the prescribed oath and that he/she considers the oath to be binding on his/her conscience.

COMMISSIONER OF OATHS