REPUBLIC OF SOUTH AFRICA

IN THE HIGH COURT OF SOUTH AFRICA

LIMPOPO DIVISION, POLOKWANE

CASE NO: 10977/2024

(1) REPORTABLE: YES/NO

(2) OF INTEREST TO THE JUDGES: YES/NO

(3) REVISED.

DATE: 5/12/2025

SIGNATURE

In the matter between:

THE LIMPOPO PROVINCIAL SOUTH AFRICAN LEGAL PRACTICE COUNCIL — **APPLICANT**

And

NKOMA ERIC MOENG (Member Number: M[...]) — **FIRST RESPONDENT**

MOENG NKOMA ERIC ATTORNEYS (Firm Number: F[...]) — **SECOND RESPONDENT**

Delivered		This judgment was handed down electronically by circulation to the parties' legal representatives by e-mail. The date and time for hand down of the judgment is deemed to be **05 December 2025.**
Date heard	:	**27 NOVEMBER 2025**
Coram	:	**Muller J, *et* Maunatlala AJ**

JUDGMENT

MULLER J:

[1] The South African Legal Practice Council[1] applies to strike the name of the first respondent Nkoma Eric Moeng from the roll of legal practitioners of the High Court of South Africa.

[2] Mr Moeng was admitted as a legal practitioner[2] on 29 November 2012 and commenced practising as an attorney. He is the sole director of the second Respondent who is Moeng Nkoma Attorneys Incorporated at Burgersfort. Why the second respondent is joined to the proceedings is unclear since only a person who is admitted and enrolled to

[1] Hereinafter called "the LPC".
[2] "**legal practitioner"** means an advocate or attorney admitted and enrolled as such in terms of section 24 and 30, respectively. And **"attorney"** means a legal practitioner who is admitted and enrolled as such under this Act.

practice as legal practitioner in terms of the Legal Practice Act,[3] may practice as such. It follows, therefore, that only a person who has been admitted and enrolled to practice as a legal practitioner is capable of being struck from the roll of practitioners. A firm or a commercial juristic entity is incapable of being struck from the roll.

[3] The LPC was established in terms of section 4 of the LP Act and acts in the public interest as *custos mores* of all legal practitioners. The council has the power to institute legal proceedings to promote and protect the public interest. It regulates all legal practitioners and the enhancement and maintenance of the integrity and status of the legal profession. It was stated in *Van den Berg v General Council of the Bar of South Africa*:[4]

> "The applicant's role in bringing such proceedings is not that of an ordinary adversarial litigant but is rather to bring evidence of a practitioner's misconduct to the attention of the court, in the interests of the court, the profession and the public at large, to enable a court to exercise its disciplinary powers."

[4] The proceedings are of a disciplinary nature and are *sui generis* and are not subject to all the strict rules of ordinary civil proceedings.[5]

[5] Two complaints were brought against Mr Moeng. The first relates to a complaint lodged by magistrate MA Monyama of the Praktiseer Magistrate's Court. The allegation was that Mr Moeng shouted at the magistrate on 20 December 2019 during the proceedings when he moved an *ex parte* application. The application was dismissed by the said magistrate. A court order embodying a provisional order with a return date was served on the respondents in the application who opposed the application and delivered

[3] Act 28 of 2014. (Hereinafter "the LP Act").
[4] [2007] 2 All SA 499 par 2.
[5] *Johannesburg Society of Advocates and Another* v *Nthai and Others* 2021 (2) SA 343 (SCA) para 23-25.

answering affidavits. On the return date, the second respondent delivered a notice of withdrawal. The application was, accordingly, struck from the roll.

[6] An investigative committee on 12 June 2023 recommended that Mr Moeng be charged with misconduct. A disciplinary committee was convened on 28 June 2023. The charge sheet against Mr Moeng reads as follows:

> (1) "Contravention of paragraph 16.7 of the Code of Conduct of the Legal Practice Act 28 of 2014, in that you failed to respond to Legal Practice Council's letters dated 14 July 2023 and 28 November 2020.
>
> (2) Contravention of paragraph Rule 41.1-3 of the Code of Conduct of the Legal Practice Act 28 of 2014 in that having been served with a notice dated 5 June 2023 you failed to attend the Investigating Committee meeting on 12 June 20023 for a discussion.
>
> (3) Contravention of paragraph Rule 3.1 read with Rule 3.15 of the Code of Conduct of Legal Practice Act 28 of 2014, in tht during appearance on 20 December 2019, you shouted at Magistrate MA Monyama in court during proceedings and thereafter the dismissal of your application at the Magistrate's Court for the District of Tubatse held at Praktiseer under case number;1863/2019, you falsified a court processes to the effect that a Rule nisi was issued.
>
> Furthermore you set the law in motion without legal reason by considering the Sheriff to serve the said court order, respondent to file answering affidavit and appear in court where the matter was struck of the roll."

[7] The disciplinary committee recorded its recommendation to the Council on 18 August 2023 as follows:

> "1. Count 1 the attorney is found not guilty and count1 dismissed.
>
> 2. Count 2 the legal practitioner is found guilty of misconduct in contravention of code 3.1 and 3.15 of all Legal practitioners' code of conduct as charged.[6]

[6] The reference to count 2 is incorrect. According to the charge sheet it is count 3.

3. The Name of the Legal Practitioner Mr Nkona Eric Moeng be removed from the roll of practising attorneys in terms of Rule 43.4.1.4.1.

4. The legal practitioner has a right in terms of section 41 of the Legal Practice Act to appeal these recommendations within 30 days of the recommendations."

Section 40(8) of the LP Act reads:

> "The Council must give effect to the advice and decision of a disciplinary committee."

[8] In the answering affidavit, dealing, generally, with the purpose of the application, Mr Moeng *inter alia* averred:

> "The purpose of this application is to mislead the Honourable Court into believing that the Respondent is guilty of misconduct and therefore is not fit and proper person to practice as a Legal Practitioner, whereas the Applicant just want to harmer the Respondent and strip him off his status and profession without having followed the proper channels established by the Legal Practice Act 28 of 2014."

[9] It is prudent to also deal with the point *in limine* raised in the answering affidavit before moving on to the merits of the opposition. Mr Moeng averred that the application was launched prematurely. He admitted that he attended a disciplinary meeting on 28 June 2023 but contended that he had sight of the recommendation of the disciplinary meeting for the very first time when this application was served with the result that he was deprived of the right to note an appeal in terms of section 41 of the LP Act.

Section 41(1) of the LP Act provides:

> "Subject to section 44, a legal practitioner, candidate legal practitioner or juristic entity, may as determined in the rules and within 30 days of being informed of the decision by a disciplinary committee, lodge an appeal with an appeal tribunal established in terms of subsection (2)

> against a finding of misconduct by the disciplinary committee or against the sanction imposed, or both.”

In addition, section 44(2) states:

> “Nothing contained in this Act precludes a complainant or a legal practitioner, candidate legal practitioner or juristic entity from applying to the High Court for appropriate relief in connection with any complaint or charge of misconduct against a legal practitioner, candidate legal practitioner or juristic entity or in connection with any decision of a disciplinary body, the Ombud or the Council in connection with such complaint or charge.”

[10] The papers were served on 20 June 2025 by affixing them to the outer principal door of the respondents.[7] The opposing affidavit was served on the attorney acting on behalf of the LPC on 18 July 2025. Mr Moeng was obviously aware of his rights contained in the provisions of both section 41 and 44 of the LP Act. He had the right to note an appeal within 30 days from the date that the papers were served, if he had received notice of the outcome of the disciplinary meeting for the very first time, on that date. He failed to note an appeal. He could have approached this court for relief, in addition to noting an appeal, if any of his rights were compromised by the institution of these proceedings. The LPC attached a letter to the replying affidavit which indicates that he had been notified of the outcome of the disciplinary committee on 31 July 2024.[8]

[11] Mr Moeng cannot rely on his inaction to take the necessary steps even after receipt of the papers. He received the notification on 31 July 2024 and took no steps to note an appeal. His attempt, when the shoe started to pinch, to create an illusionary perception that the LPC is *mala fide* by instituting this application in terms whereof he was only

[7] The notice to oppose the application is not included in the papers.
[8] Per email address e[...].

informed of the outcome of the disciplinary meeting when the papers were served, is unacceptable.

[12] In respect of the merits Mr Moeng admitted that after receipt of the complaint he submitted his written response that it was impossible for him to have forged the court order based on the fact the order displayed the stamp of the magistrate and because the order was an interim order that needed to be confirmed or dismissed by the court. In his written response to the LPC, Mr Moeng stated that the magistrate, contrary to what is stated in his complaint to the LPC, granted an interim order which he had signed and that he placed the official date stamp on the order. He stated that his problems with the magistrate commenced when the magistrate refused to entertain an application brought by Mr Moeng because it was defective due to non-compliance with rule 55. He argued before the Magistrate that the application was governed by rule 74. The magistrate conceded that Mr Moeng was correct. That incident caused the magistrate to hold a grudge because the magistrate insisted that his cases be presented in open court and not in the office of the magistrates. On another occasion the magistrate upheld a point *in limine* raised by him, but refused to grant him the costs, stating that he did not pray for a costs order. He stated that on this occasion the magistrate deliberately "dealt with him" by "trapping him" and then reported him to the LPC.

[13] The allegation that the magistrate was dishonest to the extent that he granted an order and has placed his signature and date stamp on it, only to pretend to the LPC that he dismissed the application, is a very serious allegation. It rightly caused the LPC to convene an investigative committee. Mr Moeng was charged with misconduct. He was found guilty by a disciplinary committee after a hearing of forging the particular court order.

[14] Apart from referring to his written response to the LPC, his answering affidavit

concentrated on the failure of the LPC to notify him of the outcome and recommendation of the disciplinary committee.

[15] This court is satisfied that Mr Moeng has had the opportunity to note an appeal and that he has elected not to follow that route. His acquiesce is a clear indication that he accepted the outcome reached by the disciplinary committee. He cannot now at the eleventh hour be heard to complain that his rights are affected when he has failed to exercise his rights at all or timeously.

[16] The second complaint against Mr Moeng is that he forged a letter of good standing on the letterhead of the LPC. The background facts, briefly stated, are that on 19 January 2024 Legal Aid South Africa requested the LPC to verify the authenticity of a letter of good standing issued by the LPC which purportedly was submitted by Mr Moeng as a supporting document in an application for a vacant post at Legal Aid South Africa. The LPC was at that time in the process of processing an application by Mr Moeng for a letter of good standing.

[17] The purported letter of good standing could not be authenticated as the letterhead contained the names of the previous members of the executive committee and the previous address of the LPC.

[18] The LPC notified Legal Aid South Africa that the said letter is not authentic and that Mr Moeng was not a member in good standing. Mr Moeng was requested in an email to provide the LPC with a copy of his request for a letter of good standing from the LPC and proof of payment of R200 for such a letter on 22 January 2024. It seems as if Mr Moeng has not replied to the request of the LPC and that the LPC has failed to follow up on their letter or to investigate whether such a letter of good standing was previously issued to Mr

Moeng under that letterhead which would have enabled him to forge the letter of good standing. And, if not, was it possible for Mr Moeng, himself, or with the aid of an employee of the LPC, to forge the letter.

[19] It is unfortunate in an application which potentially have very serious consequences for Mr Moeng, that he is not confronted in the papers with his application together with the supporting documents purportedly submitted by him to Legal Aid South Africa. The author of the letter, KP Matsaung, made no affidavit in this matter to shed light on the alleged forgery.

[20] In answer to the allegation that he forged the letter, Mr Moeng only complains that he was never informed that he purportedly forged the letter and was not afforded the opportunity to reply to such allegation before a disciplinary committee. He stated that had he be given the opportunity to "state my side of the story" he would not have been found guilty. The immediate problem for Mr Moeng is that he has not been found guilty of forging the letter. He, of course, has been given the opportunity to explain "his side of the story" in the answering affidavit, but has elected, to his detriment, only to complain without any attempt to put up an explanation in the answering afidavit that he so desperately wanted to give.

[21] The test to determine whether a person is fit and proper to be a legal practitioner is a three-stage enquiry. In *Hewetson v Law Society of the Free State*[9] the court explained:

> "The first enquiry is to determine whether the offending conduct has been proven on a balance of probabilities. Once this is shown, the second enquiry is to determine whether the person is fit and proper taking into account the proven misconduct. The final enquiry is to determine whether

[9] 2020 (5) SA 86 (SCA) par 4.

> the person concerned should be suspended for a fixed period or should be struck off the roll. The last two enquiries are matters for the discretion of the court, which involved a value judgment."[10]

[22] The Supreme Court of Appeal made it clear in *General Council of the Bar of South Africa v Geach and Others* [11] that:

> "It was said in *Malan* that 'if a court finds dishonesty, the circumstances must be exceptional before a court will order a suspension instead of a removal'. That does not purport to lay down a rule of law but expresses what follows naturally from a finding of dishonesty. Once an advocate has exhibited dishonesty it might be inferred that the dishonesty will recur and for that reason he or she should ordinarily be barred from practice. What was said in *Malan* means only that when the person concerned has been shown to have been dishonest a court will need to be satisfied that the circumstances of the case are such that that inference, exceptionally, need not be drawn, and thus that striking off need not follow."

[23] This court is satisfied that it was proved on a balance of probabilities that Mr Moeng forged the court order and submitted a forged letter of good standing to Legal Aid South Africa.

[24] Forgery and uttering of the document is a species of fraud. The misrepresentation takes place by way of falsification of a document and uttering of the document takes place when the false document is passed off to the actual or potential prejudice of another. Dishonesty is intrinsically part of the act of forging or uttering of such a document.

[25] This court is entitled to consider the dishonest explanation of the misconduct under discussion. In that respect Mr Moeng suggested that the magistrate falsely stated that he

[10] *Malan and Another v Law Society Northern Provinces* 2009 (1) SA 216 (SCA) par 4.
[11] 2013 (2) SA 52 (SCA) par 69.

dismissed the *ex parte* application when in truth he granted an interim order and then submitted a complaint to the LPC to “deal with him” because of a difference of opinion where his submissions according to him, was held to be correct by the magistrate. The reason proffered by him is so inherently improbable that it can be rejected on the papers before us. It is not unusual in litigation that a presiding officer has a *prima facie* view which he/she has changed after hearing argument. There is no reason why the Magistrate should have harboured a grudge after he had changed his view in accordance with the argument presented by Mr Moeng.

[26] Falsifying of court orders is a scourge. Legal practitioners who are guilty of such conduct are not fit and proper to practice. The courts (high and lower courts) as well as the public are entitled rely on scrupulous honesty and personal integrity of legal practitioners. As officers of the court, they should serve the interests of justice by being the bulwark against fabricated court documents and the deception of the courts. These qualities are sadly lacking. Mr Moeng is not a fit and proper person to practice.

[27] In view of the seriousness of falsifying court documents and in, addition, submitting a forged letter of good standing from the LPC to Legal Aid in support of his application is an indication that Mr Moeng have no appreciation of the seriousness of his wrongdoing. There are no exceptional circumstances present to warrant any other sanction, but an order to strike the name of the Mr Moeng from the roll of legal practitioners.

<u>ORDER:</u>

An order in terms of the draft is issued.

G.C MULLER

JUDGE OF THE HIGH COURT

LIMPOPO DIVISION, POLOKWANE

I concur

M.I MAUNATLALA

ACTING JUDGE OF THE HIGH COURT

LIMPOPO DIVISION, POLOKWANE

APPEARANCES:

FOR THE APPLICANT : ADV BUTHELEZI

INSTRUCTED BY	**:**	**LEGAL PRACTICE COUNCIL, SA**
FOR THE RESPONDENT	**:**	**ADV T. MOSEAMEDI**
INSTRUCTED BY	**:**	**MOENG NKOMA ATTORNEYS**
DATE HEARD	**:**	**27 NOVEMBER 2025**
DELIVERED ON	**:**	**05 DECEMBER 2025**

IN THE HIGH COURT OF SOUTH AFRICA
LIMPOPO DIVISION, POLOKWANE

Case No.: 2393/2025

BEFORE THE HONOURABLE JUDGE MULLER
BEFORE THE HONOURABLE ACTING JUDGE MAUNATLALA

DATE: 05 DECEMBER 2025

In the matter between:

THE SOUTH AFRICAN LEGAL PRACTICE COUNCIL	**APPLICANT**
and	
MR NKOMA ERIC MOENG **(Member Number: M[…])**	**FIRST RESPONDENT**
MOENG NKOMA ERIC ATTORNEYS **(Firm Number: F[…])**	**SECOND RESPONDENT**

DRAFT ORDER

HAVING read the documents filed of record, heard counsel and having considered the matter:-

IT IS ORDERED:

1. That the name of the First Respondent be removed from the roll of legal practitioners and he be prohibited from practicing as a legal practitioner.

2. That the Director / Acting Director I Nominee of the Applicant of the Limpopo Provincial Legal Council be appointed as the Curator Bonis to administer and control the trust accounts of the Respondents, and any accounts relating to insolvent and deceased estates and any deceased estate and any estate under Curatorship connected with the Respondents practice as attorney and including, also, the separate banking accounts opened and kept by the Respondents at a bank in the Republic of South Africa in terms of Section 86(1) of the LPA and/or any separate savings or interest-bearing accounts as contemplated by Section 86(3) and/or Section 86(4) of the LPA, in which monies from such trust banking accounts have been invested by virtue of the provisions of the said sub-sections or in which monies in any manner have been deposited or credited (the said accounts being hereafter referred to as "the trust accounts"), with the following powers and duties:

2.1. immediately to take possession of the Respondents accounting records, files and documents as referred to in paragraph 6 and subject to the approval of the board of control of the attorney's fidelity fund (hereinafter referred to as the fund) to sign all forms and generally to operate upon the trust account(s), but only to such extent and for such purpose as may be necessary to bring to completion current transactions in which Respondents was acting at the date of this order;

2.2. subject to the approval and control of the board of control of the fund and where monies had been paid incorrectly and unlawfully from the undermentioned trust accounts, to recover and receive and, if necessary in the interests of persons having lawful claims upon the trust account(s) and/or against the Respondents in respect of monies held, received and/or invested by the Respondents in terms of section 78 (1) of Act No 53 of 1979 or section 86 (1) of Act No 28 of 2014 and/or any separate savings or interest-bearing trust accounts as contemplated by section 86 (3) and 86 (4) of Act No. 28 of 2014 (hereinafter referred to as trust monies), to take any legal proceedings which may be necessary for the recovery of money which may be due to such persons in respect of incomplete transactions, if any, in which the Respondents were and may still have been concerned and to receive such monies and to pay the same to the credit of the trust account(s);

2.3. to ascertain from the Respondents accounting records the names of all persons on whose account the Respondents appears to hold or to have received trust monies (hereinafter referred to as trust creditors); to call upon the respondents to furnish him, within 30 (thirty) days of the date of service of this order or such further period as he may agree to in writing, with the names, addresses and amounts due to all trust creditors;

2.4. to call upon such trust creditors to furnish such proof, information and/or affidavits as he/she may require enabling him/her, acting in consultation with, and subject to the requirements of, the board of control of the fund, to determine whether any such trust creditor has a claim in respect of monies in the trust account(s) of the Respondents and, if so, the amount of such claim;

2.5. to admit or reject, in whole or in part, subject to the approval of the board of control of the fund, the claims of any such trust creditor or creditors, without prejudice to such trust creditor's or creditors' right of access to the civil courts;

2.6. having determined the amounts which, he/she considers are lawfully due to trust creditors, to pay such claims in full but subject always to the approval of the board of control of the fund;

2.7. in the event of there being any surplus in the trust account(s) of the Respondents after payment of the admitted claims of all trust creditors in full, to utilise such surplus to settle or reduce (as the case may be), firstly, any claim of the fund in terms of section 78(3) of Act No 53 of 1979 or section 86 (1) of Act No 28 of 2014 in respect of any interest therein referred to and, secondly, without prejudice to the rights of the creditors of the Respondents, the costs, fees and expenses referred to in paragraph 10 of this order, or such portion thereof as has not already been separately paid by the Respondents to Applicant, and, if there is any balance left after payment in full of all such claims, costs, fees and expenses, to pay such balance, subject to the approval of the board of control of the fund, to the Respondents, if he is solvent, or, if the Respondents is insolvent, to the trustee(s) of the Respondents insolvent estate;

2.8. in the event of there being insufficient trust monies in the trust banking account(s) of the Respondents, in accordance with the available documentation and information, to pay in full the claims of trust creditors who have lodged claims for repayment and whose claims have been approved, to distribute the credit balance(s) which may be available in the trust banking account(s) amongst the trust creditors alternatively to pay the balance to the Attorneys Fidelity Fund;

2.9. subject to the approval of the chairman of the board of control of the fund, to appoint nominees or representatives and/or consult with and/or engage the services of attorneys, counsel, accountants and/or any other persons, where considered necessary, to assist him in carrying out his duties as curator; and

2.10. to render from time to time, as curator, returns to the board of control of the fund showing how the trust account(s) of the Respondents has/have been dealt with, until such time as the board notifies him that he may regard his duties as curator as terminated.

3. Respondents immediately delivers his accounting records, records, files and documents containing particulars and information relating to:

3.1. any monies received, held or paid by the Respondents for or on account of any person while practicing as an attorney;

3.2. any monies invested by the Respondents in terms of section 78(2) and/or section 78 (2A) of Act No 53 of 1979;

3.3. any interest on monies so invested which was paid over or credited to the Respondents;

3.4. any estate of a deceased person or an insolvent estate or an estate under curatorship administered by the Respondents, whether as executor or trustee or curator or on behalf of the executor, trustee or curator;

3.5. any insolvent estate administered by the Respondents as trustee or on behalf of the trustee in terms of the Insolvency Act, No 24 of 1936;

3.6. any trust administered by the Respondents as trustee or on behalf of the trustee in terms of the Trust Properties Control Act, No 57 of 1988;

3.7. any company liquidated in terms of the Companies Act, No 61 of 1973 or the Companies Act No 71 of 2008, administered by the Respondents as or on behalf of the liquidator;

3.8. any close corporation liquidated in terms of the Close Corporations Act, 69 of 1984, administered by the Respondents as or on behalf of the liquidator; and the Respondents practice as an attorney of this Honourable Court, to the curator appointed in terms of paragraph 2.4 hereof, provided that, as far as such accounting records, records, files and documents are concerned, the Respondents shall be entitled to have reasonable access to them but always subject to the supervision of such curator or his nominee.

4. That should the Respondents fail to comply with the provisions of the preceding paragraph of this order on service thereof upon him/them or after a return by the person entrusted with the service thereof that he has been unable to effect service thereof on the Respondents (as the case may be), the sheriff for the district in which such accounting records, records, files and documents are, be empowered and directed to search for and to take possession thereof wherever they may be and to deliver them to such curator.

5. That the curator shall be entitled to:

5.1. hand over to the persons entitled thereto all such records, files and documents provided that a satisfactory written undertaking has been received from such persons to pay any amount, either determined on taxation or by agreement, in respect of fees and disbursements due to the firm;

5.2. require from the persons referred to in paragraph 8.1 to provide any such documentation or information which he may consider relevant in respect of a claim or possible or anticipated claim, against him and/or the Respondents and/or Respondents clients and/or fund in respect of money and/or other property entrusted to the Respondents provided that any person entitled thereto shall be granted reasonable access thereto and shall be permitted to make copies thereof;

5.3. publish this order or an abridged version thereof in any newspaper he considers appropriate; and

5.4. wind-up of the Respondents practice.

6. That the Respondents be and is hereby removed from office as –

6.1. executor of any estate of which the Respondents has been appointed in terms of section 54(1)(a)(v) of the Administration of Estates Act, No 66 of 1965 or the estate of any other person referred to in section 72(1);

6.2. curator or guardian of any minor or other person's property in terms of section 72(1) read with section 54(1)(a)(v) and section 85 of the Administration of Estates Act, No 66 of 1965;

6.3. trustee of any insolvent estate in terms of section 59 of the Insolvency Act, No 24 of 1936;

6.4. liquidator of any company in terms of section 379(2) read with 379(e) of the Companies Act, No 61 of 1973;

6.5. trustee of any trust in terms of section 20(1) of the Trust Property ControlAct, No 57 of 1988;

6.6. liquidator of any close corporation appointed in terms of section 7 4 of the Close Corporation Act, No 69 of 1984; and

6.7. administrator appointed in terms of Section 74 of the Magistrates Court Act, No 32 of 1944.

7. That the Respondents be and are hereby directed:

7.1. to pay, in terms of section 78(5) of Act No. 53 of 1979, the reasonable costs of the inspection of the accounting records of the Respondents;

7.2. to pay the reasonable fees of the auditor engaged by Applicant;

7.3. to pay the reasonable fees and expenses of the curator, including travelling time;

7.4. to pay the reasonable fees and expenses of any person(s) consulted, and/or engaged by the curator as aforesaid;

7.5. to pay the expenses relating to the publication of this order or an abbreviated version thereof;

8. That if there are any trust funds available the Respondents shall within 6 (six) months after having been requested to do so by the curator, or within such longer period as the curator may agree to in writing, satisfy the curator, by means of the submission of taxed bills of costs or otherwise, of the amount of the fees and disbursements due to him

in respect of his former practice, and should he fail to do so, he shall not be entitled to recover such fees and disbursements from the curator without prejudice, however, to such rights (if any) as he may have against the trust creditor(s) concerned for payment or recovery thereof;

9. That a certificate issued by a director of the Attorneys Fidelity Fund shall constitute prima facie proof of the curator's costs and that the Registrar be authorised to issue a writ of execution on the strength of such certificate in order to collect the curator's costs. Registrar of this Honourable Court, his certificate(s) of enrolment as a legal Practitioner of this Honourable Court.

10. That the first Respondent immediately surrenders and delivers to the Registrar of this Honourable Court, his certificate (s) of enrolment as a Legal Practitioner of this Honourable Court.

11. That in the event of the First Respondent failing to comply with the terms of this order detailed in paragraph 10 above, within two (2) weeks from the date of this order, the Sheriff of the district in which the certificate (s) are, be authorised and directed to take possession of that/ those certificate (s) and immediately to hand it/them to the Registrar of this Honourable Court;

12. That the Costs of this application be paid by the Respondents on an attorney and client scale.

BY THE COURT

REGISTRAR