



IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, PRETORIA)

DELETE WHICHEVER IS NOT APPLICABLE
 (1) REPORTABLE: ~~YES~~/NO
 (2) OF INTEREST TO OTHER JUDGES: ~~YES~~/NO
 (3) REVISED
 DATE: 26 March 2026
 SIGNATURE: [REDACTED]

Case No. 2023-054065

In the matter between:

**THE LEGAL PRACTICE COUNCIL OF SOUTH
AFRICA**

APPLICANT

And

REZA BHAYAT

RESPONDENT

Coram: Van der Schyff et Millar JJ

Heard on: 16 March 2026

Delivered: 26 March 2026 - This judgment was handed down electronically by circulation to the parties' representatives by email, by being uploaded

to the *CaseLines* system of the GD and by release to SAFLII. The date and time for hand-down is deemed to be 09H00 on 26 March 2026.

JUDGMENT

MILLAR J (VAN DER SCHYFF J CONCURRING)

- [1] Admission as a legal practitioner marks the end of a journey on a road paved with expectation, hard work and study. The map to this road is the Legal Practice Act¹ (the LPA) and those who walk it are given this map, when they are registered as candidate legal practitioners. The end of this road is marked by the fulfillment of all the requirements set out in the LPA for admission and then formal admission before a full bench of the High Court.
- [2] The road is not an easy one. Its travel is marked by hard work and dedication, and it is only those who have committed themselves to completing this journey and to meeting the exacting standards imposed upon them by the LPA, that reach its end successfully. Having done so, a new journey as a qualified and admitted legal practitioner commences.
- [3] This is an application brought by the Legal Practice Council (LPC), the statutory regulator for the legal profession established in terms of the LPA. The LPA came into operation on 1 November 2018, and it was on that day that the LPC was born. On that day, the LPC took over all the rights and responsibilities of the

¹ 28 of 2014

erstwhile law societies which had regulated the attorneys profession and was also, for the first time, a regulator of the advocates profession.²

- [4] Registration of all candidate legal practitioners whether their ultimate goal for admission is as an attorney or as an advocate, must be served on the LPC. It is the object of the LPC in terms of s 5 of the Act to *inter alia*:

- “(d) regulate all legal practitioners and all legal candidate legal practitioners;
- (e) preserve and uphold the independence of the legal profession;
- (f) enhance and maintain the integrity and status of the profession;
- (g) determine, enhance and maintain appropriate standards of professional practice and ethical conduct of all legal practitioners and all candidate legal practitioners.”

- [5] The right to practice as a legal practitioner is entirely dependent upon admission and enrolment in terms of the LPA and the satisfaction of the requirements in terms of both the LPA as well as the rules and regulations promulgated in terms of it. Pertinently, in terms of s 24(2)(d), before a candidate can be admitted as a legal practitioner, it is necessary that the candidate *“has served a copy of the application on the Council, containing the information as determined in the rules within the time period determined in the rules.”*³

- [6] In this application, the LPC seeks an order rescinding and setting aside the order made on 21 January 2025, in terms whereof a full bench of this Court admitted the respondent (Mr. Bhayat) as a legal practitioner and authorised his enrolment by the LPC upon the roll of attorneys. This application is unopposed, and the

² In terms of s 3(c) of the Act, one of the purposes is to “create a single unified statutory body to regulate the affairs of all legal practitioners and all candidate legal practitioners in pursuit of a goal of an accountable, efficient and independent legal profession.”

³ S 24(1)(d).

order sought rescinding the order of the full bench will for the reasons set out below, be granted.

[7] When the application was called on 21 January 2025, from the papers that had been filed, it appeared that there had been compliance with the requirements of the LPA, that the LPC had been duly notified timeously of the intention to bring the application and that the LPC had in fact offered no objection to the admission and enrolment. The order was granted, and Mr. Bhayat then appeared before the presiding judges and took the prescribed oath.

[8] Between 21 January 2025 and 25 August 2025, as far as this Court was concerned, the order sought by Mr. Bhayat had been properly sought and granted and he was to the world an admitted attorney.

[9] On 26 August 2025, Mr. Bhayat wrote to the professional affairs department of the LPC. He wrote two letters that day:

[9.1] The first, sent at 15h01, enclosed a copy of the court order of 21 January 2025 and concluded with

"Please advise when I have been placed on the roll."

[9.2] The second, sent at 16h30:

". . . unfortunately my laptop had a hard drive crash this year and I lost all my previous emails . . ."

and

"Please let me know what other information you require to place me on the Roll? I urgently need it as I am required to register as a judicare practitioner with Legal Aid as a requirement of our firm being on the panel for the Department of Agriculture, Land Reform and Rural Development. I cannot do this without being on the roll and in possession of a fidelity fund certificate."

- [10] The letters were both sent by email, and both recorded in the footer that Mr. Bhayat was an associate at Bhayat Attorneys Inc.
- [11] The letters of 26 August 2025 precipitated a checking of the records held by the LPC ostensibly so that they could assist Mr. Bhayat with his request. Upon checking of the records and having regard to the internal processes and procedures of the LPC, it was ascertained that no record could be found that:
- [11.1] The original application had ever been served upon the LPC.
- [11.2] The prescribed examinations had been successfully passed.
- [11.3] The letter of no objection forming part of the record had ever been issued by the LPC.
- [12] In every instance, where a candidate legal practitioner has complied with the LPA and the rules and regulations promulgated in terms thereof and has been successfully admitted, the LPC has records in respect of each of the three requirements set out in paragraph [11] above.
- [13] This judgment deals only with these three elements because in the absence of compliance with either of the first two, the Court would not and could not have granted the order that it did. It bears mention that there are additional allegations

which are serious in nature which have been made in the application by the LPC. I do not intend to deal with every allegation, suffice it to say that if Mr. Bhayat is to ever make application for admission as a legal practitioner, he will be required to deal with all of these allegations "chapter and verse" in order to satisfy both the LPC and the Court hearing that application that he is indeed a fit and proper person to be admitted as a legal practitioner.

- [14] In respect of the third element, something needs to be said because it is something that is relied on by the Court with regards to not only technical compliance with the LPA but also with regards to whether there are any other facts which need to be placed before the Court which might influence its finding that a candidate is fit and proper for admission. I intend to deal with each in turn.

SERVICE OF THE ORIGINAL APPLICATION ON THE LPC

- [15] The LPC records in writing in a register, whenever applications for admissions on served on it. Service is in terms of s 24(2)(d) read together with rule 17.7⁴ of the LPC rules which requires two copies be served. In terms of the LPC process, a stamp is placed on the documents served (also on the additional copy that the candidate would keep for their own records).
- [16] In addition, when the application is served, the candidate is required to pay the prescribed fee in terms of s 30(1)(b)(i)⁵ read together with rule 2. In terms of rule 2, the prescribed fee when applying for admission as a legal practitioner was on

⁴ "The original and two copies of the application must lie for inspection with the Council for a period of not less than one month. The application must be properly prepared and bound with an index, all pages of the application must be paginated at the top right hand corner of every page, and all attachments must be clearly marked when the application is served on the Council."

⁵ "The application referred to in paragraph (a) must –
(i) Be accompanied by the fee determined in the rules."

1 November 2018 R460.00. This amount however was increased with effect from 1 January 2023 to R530.00.⁶

- [17] On the second page of Mr. Bhayat's notice of application, the following two narrations appear:

"Received a copy of this application together with copies of all supporting affidavits and all annexures thereto and payment of the fee prescribed under Section 30(1)(b)(i) of the Legal Practice Act, No 28 of 2014 (as amended) and Rule 2 made under the authority of Section 95(1), 95(3) and 109(2) of the Legal Practice Act, No 28 of 2014 (as amended), on this the 16th day of October 2024.

Accordingly, I certify that the provisions of Section 24(2) of the Legal Practice Act, No 28 of 2014 (as amended) have been complied with and that due notice has been received of the application in accordance with Section 24(2)(d) and Rule 17.7 made under the authority of Section 95(1), 95(3) and 109(2) of the Legal Practice Act, No 28 of 2014 (as amended)."

- [18] Under both of these narrations, is a place for the secretary of the LPC to acknowledge receipt of the application and to make the certification referred to above.

- [19] In the present instance, a stamp appears purporting to be the stamp of the LPC and reflecting service of the application, together with certification on 16 October 2024. Although the stamp that appears has provision for "signature" by the person at the LPC receiving and certifying compliance, this was left blank.

⁶ General Notice in Government Gazette GG47754 of 15 December 2022 with effect from 1 January 2023.

[20] After thorough investigation of its records, the LPC concluded that the application had never been served on it and that the stamp reflecting receipt had not been affixed to the document by any of its officers.

[21] Additionally, in his affidavit, Mr. Bhayat asserted that:

"I paid the prescribed fees in terms of Section 2 of the Act to the Secretary of the Legal Practice Council and submit that proof thereof will be filed with the Registrar of this Honourable Court prior to the hearing of the application. In support hereof, I annex hereto proof of payment marked "RB9"."

[22] Annexed to the application as "RB9" was a document that purported to be a notification of payment made on 19 November 2024 from the business account of his employer into the account of the LPC in Gauteng in the sum of R460.00. Since the prescribed fee at the time that the application was made was R530.00, it is inexplicable (save for what was ultimately discovered) that the LPC would have raised no query or concern regarding the underpayment of the prescribed fee.

PASSING OF PRESCRIBED LPC EXAMINATIONS

[23] Annexed to the application, was a certificate purportedly signed by Mr. Johan van Staden, the Director of the LPC in Gauteng and Ms Charity Nzuza, the Chief Executive Officer of the LPC. The certificate reflects that Mr. Bhayat wrote and passed the four compulsory examinations which are required for admission and enrolment as an attorney. The attached certificate was dated 18 October 2024.

- [24] An investigation by the LPC ascertained that Mr. Bhayat had neither sat for nor passed any of the examinations concerned.
- [25] The process undertaken by the LPC is that when candidates register to write the competency-based examinations, upon registration and payment of the prescribed fee, a consolidated list of all those who have registered and paid is prepared for the relevant venue. It is explained by the LPC that this list forms the register for the venue and specific examinations.
- [26] The LPC explains what happens with regards to verification of attendance and receipt of completed answer booklets at the end of the examination as follows:
- "Upon completion of the competency-based examination, the candidates must submit their answer booklets and sign next to their name the amount of answer booklets used and submitted for that particular examination."*
- [27] The LPC was able to furnish the records relating to all four examinations which confirm are confirmatory of the process described by them. They indicate that often candidates register and pay for examinations but sometimes do not write for various reasons, often choosing to write on a subsequent occasion and when this occurs, a tick is placed next to the name of that candidate on the register. In other words, a tick is placed next to the name of a candidate who has neither received an answer booklet nor handed in an answer booklet and signed their name on the register.
- [28] In respect of the four examinations which Mr. Bhayat asserted he wrote and passed, while his name does appear on the register (meaning that he did enroll

and pay), there is in each instance, a tick next to his name – meaning that he did not write any of the examinations.

- [29] Upon investigation of this aspect, besides ascertaining that Mr. Bhayat neither wrote nor passed any of the examinations, the certificate containing the two signatures of Mr. van Staden and Ms Charity Nzuzi, is a fabrication. The fabrication is patent and would have been immediately apparent to any employee of the LPC in Gauteng because Mr. van Staden, the former director of the LPC had left the employ of the LPC during 2023 and he could not have signed any document on 18 October 2024 for the LPC. Similarly, Ms Nzuzi, never affixed her signature to the certificate.

THE LETTER OF NO OBJECTION.

- [30] Placed before the Court was a letter dated 18 November 2024 indicating that the LPC had no objection to the admission of Mr. Bhayat as a legal practitioner and his enrolment on the roll of attorneys. This letter, the LPC asserts is a fabrication for the following reasons:

[30.1] The reference on the letter reflected that it had been issued by Mr. Briel, the current director and Ms Jordaan, from the professional affairs department in circumstances where Ms Jordaan had ceased working with the processing of admission applications from 1 October 2024.

[30.2] The letter bears the signature of Mr. Briel in circumstances where he had ceased signing such letters from January 2024.

[31] It is the case for the LPC that it would not in any event have issued a letter of no objection to Mr. Bhayat as he did not comply with the fundamental statutory requirements for admission. His failure to either:

[31.1] Serve the application on the LPC.

[31.2] Pay the correct prescribed fee.

[31.3] Write and pass the four prescribed examinations.

[32] Would in and of themselves preclude the issue of a letter of no objection and following on from this, an acquiescence to the application serving before the Court without these aspects having been brought to the attention of the Court.

[33] When the LPC ascertained what is set out above, it addressed a letter to Mr. Bhayat on 3 October 2025 bringing its findings to his attention. In a letter from him in reply dated 8 October 2025, he maintained the veracity of the service of his application on 16 October 2024 as well as the authenticity of both the examination results as well as the letter of no objection. In his letter he pertinently disavowed that his principal, Mr. AY Bhayat had any personal knowledge of the matter and further that as of 5 September 2025, he had accepted employment elsewhere and no longer intended to practice as an attorney. He also went on to assert that he *"suffers from diagnosed extreme depression and anxiety"* and that *"the ongoing issues and struggle for admission as an attorney has affected his mental capacity"*.

[34] He concluded his letter by *"withdrawing his request for enrolment as an attorney"*. The LPC thereafter brought the present application. While Mr. Bhayat initially opposed the application and filed a notice in terms of rule 30, raising

unmeritorious complaints, he subsequently by agreement with the LPC filed a notice to abide the decision of this Court. This was done in circumstances where he has failed to file any answer to the very serious allegations of forgery and fraud made against him. These allegations are corroborated both on oath and with documents and make out a *prima facie* case that Mr. Bhayat has made himself guilty of this conduct with regards to the LPC. An unanswered *prima facie* case is a proven case.

[35] Since the LPC was never notified of the application and Mr. Bhayat has not complied with the statutory requirements for admission, an order is sought rescinding under rule 42(1)(a)⁷ of the uniform rules of Court, the order granted on 21 January 2025.

[36] The basis for the rescission in terms of the rule is that the order was "erroneously granted in the absence of a party affected thereby".⁸ However, more fundamental than reliance upon the rule, which in any event sustains the order, which is sought and which will be granted, is the proposition that "*fraud unravels all*".⁹ Put differently, "*Fraud and justice never dwell together.*"¹⁰

[37] In *Takhar v Gracefield Developments Ltd & Ors*¹¹, the Supreme Court of the United Kingdom, expressed the position as follows:

"The cause of action to set aside a judgment in earlier proceedings for fraud is independent of the cause of action asserted in the earlier proceedings. It relates to the conduct of the earlier proceedings, and not to the underlying dispute."

⁷ *De Wet v Western Bank Ltd* 1977 (4) SA 770 (T) at 780H-781A.

⁸ *Backoven Ltd v GJ Howes (Pty) Ltd* 1992 (2) SA 466 (E) at 471E-F; *Promedia Drukkers & Uitgaveurs (Edms) Bpk v Kaimowitz* 1996 (4) SA 411 (C) at 417B-I.

⁹ *Lazarus Estates Ltd v Beasley* [1956] 1 ALL ER341 at 345, [1956] 1 QB702 at 712 per Denning LJ, a dictum well accepted in our law. See *Namasthethu Electrical (Pty) Ltd v City of Cape Town and Another* [2020] ZASCA 74 (29 June 2020) at para [29].

¹⁰ *United India Insurance Co Ltd v Rajendra Singh & Ors* AIR 2000 SC 1165 quoted with approval in *Meghmala & Ors v G. Narasimha Reddy & Ors* 2010 AIR SCW 5281 at para 23.

¹¹ [2019] UKSC 13 (20 March 2019) at para 61.

[38] In *ABSA Bank Ltd v Moore and Another*,¹² the Constitutional Court held:

"The maxim is not a flame-thrower, withering all within reach. Fraud unravels all directly within its compass, but only between victim and perpetrator at the instance of the victim. Whether fraud unravels a contract depends on its victim, not the fraudster or third parties."

[39] When the application was originally brought, the LPC sought in its notice of motion an order that the papers in this matter be referred to the National Director of Public Prosecutions (NPA) for investigation and consideration of criminal prosecution against Mr. Bhayat arising out of both the forgery of documents and the fraud committed on the LPC. After the service of the process between the parties and in consequence of an agreement reached between them in terms of which Mr. Bhayat would abide the decision of the Court, the order sought in this regard were abandoned.

[40] While the matter was being argued, this issue was raised with counsel for the LPC, and clarification sought on whether Mr. Bhayat (who did not appear) understood that the Court was not bound only to the terms of the draft order that had been agreed between the LPC and himself. The Court was informed that Mr. Bhayat had indicated that he was "on standby" and could be readily contacted.

[41] The hearing was adjourned for an hour so that this aspect could be clarified with Mr. Bhayat, and it subsequently was. While Mr. Bhayat did not appear, he addressed a letter to the Court, which was uploaded onto CaseLines when the Court resumed (that same day on 16 March 2026) in which he said *inter alia* that:

¹² 2017 (1) SA 255 (CC) at para [39].

"I only agreed to abide by the order of the Court on an understanding that the opposed order would be granted".

[42] Besides this assertion, Mr. Bhayat also addressed several other aspects relating to an order of referral of this matter to the NPA in his letter of 16 March 2026. In particular, he requested that if the Court were to make an order for referral, the proceedings be delayed for a further two weeks. Satisfied that he understood the concerns of the Court and in the absence of any answer having been filed, a postponement was declined. This Court cannot be held to ransom by someone who, having been given the opportunity to answer on oath, elects not to do so and then seeks time to "trim his sails to his best advantage."

[43] It is a matter of some concern that Mr. Bhayat does not appear to properly appreciate the predicament in which he finds himself. His misunderstanding of the proceedings is underscored by his statement in his letter of 16 March 2026 that *"I must stress that this is a rescission application and that no factual determination is required"*. He is wrong in this regard.

[44] For this Court to grant the order sought, a finding must be made that the order was obtained "fraudulently" or "erroneously granted." The LPC has made out its case overwhelmingly and Mr. Bhayat has been advertant in choosing not to address the very serious and damning allegations made against him in respect of his conduct in his application for admission.

[45] Mr. Bhayat does not appreciate the gravity of his conduct. In summary, it is this:

[45.1] He forged several documents (examination results, correspondence from the LPC and affidavits by third parties) and presented them as authentic to both the LPC and the Registrar of this Court.

- [45.2] He misrepresented to both his counsel, who appeared for him as well as to the Judges before whom he appeared that he had complied with the provisions of the LPA and was entitled to admission as a legal practitioner.
- [45.3] He went through the charade of being admitted and of taking the oath of office in circumstances where he knew that he was neither entitled to do so nor should he have done so because he did not meet the legal requirements.
- [46] Neither the interests of the LPC nor the Court or the public at large would be served by any delay in the hearing or decision of this matter. It is not only within the remit of the LPC but also this Court, to refer the matter for investigation. The unanswered case of fraud and forgery cannot be left simply at that. However, the order sought by the LPC in its original affidavit is prescriptive of what is to be done by the NPA in their investigation of the matter.
- [47] This is inapposite in the present matter. Besides the fact that the NPA is not a party to these proceedings, this Court ought not to unnecessarily interfere with the discretion of the NPA in both the investigation and prosecution of matters. It suffices that the LPC be ordered to furnish a complete copy of the Court file together with this judgment to the NPA for them to consider whether any prosecution is merited and if so, to take such steps as the law may permit.
- [48] Regarding costs, since Mr. Bhayat agreed to abide the order in its terms, the punitive order for costs will follow since that is what is sought.
- [49] There is one final aspect which bears mention in this matter. In his application for admission, Mr. Bhayat attached a statement of results for the LLB degree he

was enrolled at with the University of South Africa (UNISA). The statement of results records that:

"The degree will be conferred at a graduation ceremony to be held during March/April/May 2020".

- [50] The statement of results was dated 13 March 2021. Quite clearly, the statement of results was furnished after the date of the date upon which the graduation ceremony was to have taken place. The relevant period in 2020 was at the height of the Covid-19 Lockdown and ordinary life and day to day events were severely disrupted for all during that time.
- [51] During its investigation of Mr. Bhayat's application, a question arose on the part of the LPC as to whether the statement of results could be accepted and whether the LLB degree had in fact been conferred upon him.
- [52] The LPC made a request to UNISA for verification of the academic transcript. The request was made by its attorneys who specified clearly that the request was made on behalf of the LPC in its capacity as the professional regulator and was made in terms of the Promotion of Access to Information Act.¹³ Attached to the request was a copy of the transcript that Mr. Bhayat had attached to his application.
- [53] Inexplicably, although the transcript that had been furnished by Mr. Bhayat was furnished to UNISA, they refused to verify the veracity of the document instead stating that:

"Access to this information cannot be granted without consent, unless the requestor can prove they are authorised or have a legitimate legal basis."

¹³ 2 of 2000.

- [54] Even though the LPC made a formal request in terms of PAIA, set out the basis for the request and even furnished a resolution authorizing the request, UNISA failed to respond positively.
- [55] It is simply not acceptable for an institution such as UNISA to obstruct the verification of documents purportedly issued by it on such a nonsensical basis. In doing so, it has impeded the LPC in the discharge of its statutory function and caused a matter which could easily have been put to rest, had UNISA responded properly, to now be left unanswered.
- [56] Whether or not the transcript provided by Mr. Bhayat is accurate or not and whether the degree was ever conferred on him, are matters that remain unconfirmed and in respect of which he, if he decides in the future to apply for admission as a legal practitioner, will now have to address. The LPC is directed to deliver a copy of this judgment to the Chancellor of the University of South Africa for his attention so that he is aware of the failure that has occurred here.
- [57] In the circumstances, I propose the following order:
- [57.1] The Court order granted by the Honourable Judges Mosopa and Phahlane on 21 January 2025 admitting Mr. Reza Bhayat as a legal practitioner and authorizing his enrolment on the roll of attorneys, is hereby rescinded.
- [57.2] The Notice to Abide signed on 29 January 2026 read together with the letter of 16 March 2026 by Mr. Reza Bhayat establishes his agreement to abide by the decision of this Court to rescind the order dated 21 January 2025.

- [57.3] Nothing in this order shall be construed as precluding Mr. Reza Bhayat from applying for admission as a legal practitioner in the future, provided that any such application complies fully with the Legal Practice Act, its regulations and rules, and provided further that he satisfactorily addresses each and every issue raised in both the recission application and in this judgment to the satisfaction of both the Legal Practice Council and the Court.
- [57.4] That the Mr. Reza Bhayat immediately surrenders and delivers to the registrar of this Court his certificate of admission as a legal practitioner and enrolment on the roll of attorneys of this Court dated 21 January 2025.
- [57.5] That in the event of non-compliance with the terms of paragraph [57.4] of this order, within two (2) weeks from the date of this order, the sheriff of the district in which the certificate is, be authorised and directed to take possession of the certificate and to hand it to the Registrar of this Court.
- [57.6] Mr. Reza Bhayat is ordered to pay the costs of the application on the scale as attorney and client.
- [57.7] The Legal Practice Council is directed to deliver a copy of this judgment to the Chancellor of the University of South Africa (UNISA).

[57.8] The Legal Practice Council is directed to deliver a complete copy of the Court file in this matter together with a copy of this judgment to the National Prosecuting Authority for their consideration.


A MILLAR

JUDGE OF THE HIGH COURT
GAUTENG DIVISION, PRETORIA

I AGREE AND IT IS SO ORDERED


E VAN DER SCHYFF

JUDGE OF THE HIGH COURT
GAUTENG DIVISION, PRETORIA

HEARD ON: 16 MARCH 2026
JUDGMENT DELIVERED ON: 26 MARCH 2026

COUNSEL FOR THE APPLICANT: ADV. C JOOSTE
INSTRUCTED BY: IQBAL MAHOMED ATTORNEYS
REFERENCE: MS. M NAIDOO

COUNSEL FOR THE RESPONDENT: NO APPEARANCE
INSTRUCTED BY: BERNHARD VAN DER HOVEN
ATTORNEYS
REFERENCE: MR. VAN DER HOVEN