

Reportable:	NO
Circulate to Judges:	NO
Circulate to Magistrates:	NO
Circulate to Regional Magistrates:	NO



**IN THE HIGH COURT OF SOUTH AFRICA
NORTH WEST DIVISION MAHIKENG**

CASE NO: 2735/2025

In the *Ex Parte* Application of:

CALVIN JABULANI PADI

APPLICANT

Heard: 13 March 2026

Delivered: 30 April 2026

Summary: Application for admission to practice as a legal practitioner (Advocate) Legal Practice Council North West Province (LPC) unable to reach a decision – deadlocked – not assisting the court. Function of the LPC to assist court.

ORDER

Resultantly, the following order is made:

- (i) This matter is postponed until Friday, 24th July 2026.

- (ii) The Legal Officer – Professional Affairs of the North West Provincial Office of the Legal Practice Council must file a comprehensive affidavit within ten (10) days of the date of this order, indicating why a decision could not be reached with regard to this application, and why a comprehensive report to this effect was not previously filed with the Office of the Registrar of this Court. Furthermore, it must explain why this matter not escalated to the National Office of Legal Practice Council LPC for intervention.
- (iii) This order, together with a copy of this application, must be filed with the Office of the National Director of the Legal Practice Council for his input, comments and directives within twenty (20) days of the date of this order. The National Director of the Legal Practice Council, or his duly appointed representative, must file an affidavit explaining what steps, if any, will be taken with regard to this application within thirty (30) days of the date of this order.
- (iv) A copy of this judgment and order must be sent to the Chairman of the North West Bar Association and the Chairman of the General Council of the Bar of South Africa.

JUDGMENT

HENDRICKS JP (MORGAN AJ concurring)

Introduction

- [1] The applicant approached this Court for an order admitting him as a legal practitioner (advocate) in terms of section 24(2) read with section 115 of the Legal Practice Act 28 of 2014 (LPA), as amended. Furthermore, the applicant sought an order authorising the Legal Practice Council (LPC) to enrol his name on the list of legal practitioners (advocates) in terms of section 30 of the LPA, as amended. At the hearing of this application on 13 March 2026, judgment was reserved, although this was an unopposed *ex parte* application.
- [2] In the affidavit attached to the Notice of Motion, deposed to by the applicant, the applicant avers that he has fully complied with all the requirements of his admission as a legal practitioner (advocate) stipulated in the LPA. However, he discloses that he has a criminal record comprising two previous convictions for robbery, dated 21 February 1992, and for rape, dated 09 September 2002. A copy of his SAPS criminal record is attached to his application.
- [3] The following explanation is proffered by the applicant with regard to his aforementioned previous convictions.

“ROBBERY CASE

12.1 I wish to bring it to the court's attention that the previous criminal case or record is/was a politically motivated crime. This happened during the scuffle of the Inkatha Freedom Party (IFP), which was based in the different hostels in Soweto and the surrounding locations, versus the African National Congress (ANC) with its allies. The hostel dwellers Inkatha Freedom Party (IFP) would attack and kill ordinary people who lived next to the hostels and/or those who

were passing by the hostels. We were deployed and mandated to go hijack a motor vehicle that is fast and powerful which is a BMW make. It was said that this car is going to be used as a drive by shooting vehicle pass the hostels. We were given a toy gun that appeared real for the purpose of the robbery of the car.

We were unfortunately arrested, with that hijacked BMW 535 (i) on our way back from Johannesburg town to Soweto we were then convicted and sentenced to 6 years imprisonment, of which 3 years imprisonment is suspended for five years on condition that the accused is not convicted of the crime of robbery or attempted robbery committed during period of suspension. We served our prison sentence and the probation release, ultimately our entire sentence. We joined rehabilitation entrepreneur program offered by NIGRO - National Institute for Crime Prevention and the Reintegration of Offenders - which helped us to start a business range of hair salons in and around Soweto.

- 12.2 *In 1996, we approached our ANG leaders with an aim of scrapping our criminal records through a political amnesty that was running under the Truth Reconciliation Commission at that time, since our motive behind the commission of that robbery was not a personal benefit or gain but for the protection of the community. Our plea was not successful and given a reason that we were not high standing or ranking members within the political party and still youth by then. Secondly, there is no sufficient evidence to prove that our crime was politically motivated because the leader who mandated us refused to come forward and take responsibility.*

RAPE CASE

- 12.3 *I hereby wish to give the Honourable Court a bit of my personal background and standing prior to my case of rape and after it -*

I. Prior to being charged, convicted and sentenced with a case of

rape in 2001, I was a socialite, an elite member within the communities I used to live. Firstly, I was a socialite in the business sector. I owned 2 (two) well established hair salons, one in Reagile Location, Koster and one in Rustenburg Town. I was also a shareholder in 3 (three) other well established hair salons based in different locations of Soweto, Johannesburg.

- II. Secondly, I was a socialite with the "Socio-Political" rotations within the communities I lived in. I was actually born and bred in Soweto where politics were a day-to-day life especially as a youth in school by then. I was a youth in organisations like the Congress of South African Students (COSAS). I became a member of the South African Students Congress (SASCO) when I was doing my sophomore at North West University (Mafikeng) doing my law degree. I became an additional member of the Executive Committee of the Law Students Council (LSC). I was also elected and became the chairperson of the Black Lawyers Association (Students' Charter). I was an Executive Member of the Community Forum in 1994 in Koster. I also have a track record of voluntary participating and pertaining in a lot of community building projects through NGO's or NPO's in communities I lived in.*
- III. Thirdly, I was active in the entertainment world. I was a vocal backing artist for several well renowned artists in South Africa. I was an actor in youth drama and films broadcasted by the South African Broadcasting Corporation (SABC). I also had an organisation which promoted youth talent and events management called Glamour Promotions.*
- IV. I also wish that the Honourable Court should note that when this rape dilemma happened in the year 2001, It was my" senior Quadrennials" or rather the final year of my LLB Degree study and left with a couple of courses left for me to can graduate my degree.*

12.4 *It is indeed very true that I have a criminal record of rape in which I was charged with a co accused Mr Itumeleng Mphatswe under case number: RCB 214/01. We were both found guilty as charged on 09 August 2002. By the Mmabatho Regional Court and the case was referred to the Mafikeng High Court for sentencing under case number CC154/02. We were then sentenced to sixteen (16) years imprisonment on the 09th December 2002.*

12.5 *I served my sixteen (16) years imprisonment sentence until I got released on parole by the Parole board of Boksburg Correctional Centre on 18 November 2010 due to good behaviour after having served eight (8) years and six (6) months of my sentence. I have finished serving my parole period and holistically the sixteen (16) years imprisonment term on 08 December 2017 under the supervision of the Mafikeng Community Corrections. Please find attached a copy of a declaration of the Department of Correctional Services Mafikeng Community Corrections marked hereto as annexure "P10".*

- [4] The applicant also goes to great lengths in his founding affidavit to explain the impact that the previous convictions and sentences had on his personal life. However, it is not necessary at this stage to take this into account, given the decision reached. It is worth noting that the applicant previously unsuccessfully applied for admission on 28 August 2015. This Court handed down a written judgment on 10 September 2015 under case number ADM 30/2014 in the matter of 'The North West Bar Association and Calvin Padi'. I need not deal in any detail with the merits of that application; suffice to state that the applicant also disclosed this judgment in his founding affidavit.

[5] The North West Bar Association issued a 'Certificate of No Objection' stating that *"...to the knowledge of the aforesaid Bar Council, there is no cause or reason why the above-named applicant should not, accordingly, be admitted."* The 'Certificate of No Objection' is dated 25th August 2025.

[6] On 03 December 2025, the Legal Officer - Professional Affairs of the LPC's North West Provincial Office addressed a letter to the applicant stating:

"Your application for admission application as a legal practitioner, Advocate was considered by the Legal Practice Council (NW) Provincial Affairs Committee ("the Committee") on the 26th of November 2025 and the Committee after thorough deliberations was deadlock and could not reach a consensus. The committee resolved to refer your matter to the Provincial Council of the North West for a decision.

We shall accordingly advise you when the date for Council meeting is set."

[7] This letter was followed by a letter dated 09 December 2025, which repeated the contents of the letter dated 03 December 2025 and added the following paragraph:

"On 8 December 2025, your application was considered by the North West Provincial Council ("the Council") and after deliberations on your application, the Council took a vote and the majority resolved to object to your admission application. Therefore, we cannot issue a letter of no objection."

[8] The LPC did not consider it appropriate either to depose to an affidavit or to file a report in court concerning the applicant's application. On the contrary, the LPC sent an e-mail to the applicant forwarding the resolution of the Council (LPC) and added, *'In this regard, we advise you come uplift the files and go argue your application in court.'* To say the least, this is not at all helpful to this Court.

[9] The LPC is the regulatory body for legal practitioners in South Africa. It is tasked, *inter alia*, to ensure that competent practitioners (Attorneys or Advocates) are admitted to the profession. It is wholly inappropriate for the LPC to simply tell an applicant to go and argue his/her case in court without stating the basis for refusing to issue a 'letter of no objection' or a 'certificate of good standing'. I am of the view that if the provincial office of the LPC could not reach consensus or was deadlocked in its decision, it should have escalated the matter to its national office for assistance or a decision. As the regulatory body of the legal profession, it cannot simply 'leave it in the capable hands of the court', proverbially speaking.

Order

[10] Consequently, the following order is made:

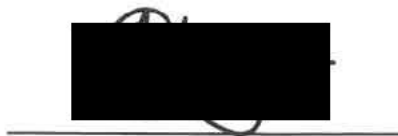
- (i) This matter is postponed until **Friday, 24th July 2026**.
- (ii) The Legal Officer – Professional Affairs of the North West Provincial Office of the LPC must file a comprehensive affidavit within ten (10) days of the date of this order, indicating why a decision could not be reached with regard to this application, and

decision could not be reached with regard to this application, and why a comprehensive report to this effect was not previously filed with the Office of the Registrar of this Court. Furthermore, it must explain why this matter not escalated to the National Office of the LPC for intervention.

- (iii) This order, together with a copy of this application, must be filed with the Office of the National Director of the LPC for his input, comments and directives within twenty (20) days of the date of this order. The National Director of the LPC, or his duly appointed representative, must file an affidavit explaining what steps, if any, will be taken with regard to this application within thirty (30) days of the date of this order.
- (iv) A copy of this judgment and order must be sent to the Chairman of the North West Bar Association and the Chairman of the General Council of the Bar (GCB) of South Africa.


R D HENDRICKS
JUDGE PRESIDENT OF THE HIGH COURT,
NORTH WEST DIVISION, MAHIKENG

and


L M MORGAN
ACTING JUDGE OF THE HIGH COURT,
NORTH WEST DIVISION, MAHIKENG

Appearances

Counsel for the Applicant: Mr. Letswalo

Instructed by: RS Tau Attorneys