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REPUBLIC OF SOUTH AFRICA



IN THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA

Case Number: 095647-2026

(1) REPORTABLE: YES / **NO**
(2) OF INTEREST TO OTHER JUDGES: YES/**NO**
(3) REVISED: **YES**/NO
DATE **31 August 2026**
SIGNATURE

In the *Ex Parte* Application of:

ORE-OLUWA OLADAYO

Applicant

(IDENTITY NUMBER: 6[...])

For his admission as a legal practitioner and the provision of authorisation to the Legal Practice Council to enrol the Applicant as an Attorney in terms of Section 24 read with Section 30 of the Legal Practice Act, No. 28 of 2014 (as amended)

JUDGMENT

MAZIBUKO J et RAUBENHEIMER AJ

Introduction

[1] The Applicant brought an application to be admitted to practice as an attorney of this Court.

[2] The application was launched in April 2026. In the founding affidavit the Applicant deals with all the customary requirements. He was born in Nigeria in 1967 and the name contained on his birth certificate is indicated as Kolawole Oladayo. He states that his name was changed to Ore-oluwa Keith Oladayo on application to the High Court of the Ogun State in Nigeria. As proof of this change, the Applicant attaches an affidavit indicating that an application was made to the mentioned court.

[3] He has been granted citizenship in the Republic of South Africa in terms of a Certificate of Naturalisation number R 292381 dated 23 October 2007 and a South African Identity Document was issued to him on 24 March 2017.

[4] The Bachelor of Laws (LLB) degree was conferred on him by the University of South Africa on 20 November 2019.

[5] On 7 November 2019, he concluded a twenty-four-month Practical Vocational Training Contract (PVTC) with Dingaane Andries Lance Mmekwa at Mmekwa Incorporated Attorneys, which was registered with the Legal Practice Council (LPC) on 11 November 2019. On the same date he was granted a Certificate of Right of Appearance.

[6] His principal, Dingaane Andries Mmekwa, passed away on 6 July 2021, and the Applicant did not complete a twenty-four-month period under a Practical Vocational Training Contract.

[7] The Applicant attended a structured coursework program presented by the Law Society of South Africa (LSSA) School for Legal Practice from 8 June 2020 to 8 December 2020.

[8] He disclosed in his founding affidavit that while serving under the PVTC, he was a director of two private companies, namely, Keeke Trades (Pty) Ltd with registration number 2012/012066/07, and Keekee Security and Projects (Pty) Ltd with registration number 2021/1826215/07. The former is indicated on the CIPC Certificate as being in the process of deregistration, while the latter is indicated as being in business. He is also a member of two Close Corporations namely, Dayonel

Greatbol Consulting and Properties with registration number 2008/218648/23 which is indicated on the CIPC Certificate as being in business, and Keekee Trades (Pty) Ltd with registration number 2001/069739/23. The Applicant however, does not attach any CIPC Certificate in respect of this entity.

[9] The LPC requested the Applicant to provide a supplementary affidavit clarifying his involvement in the thirteen entities attached to the LPC's request as an annexure. He deposed to a supplementary affidavit and addressed four private companies and one Close Corporation. The Paradise Hospitality Management (Pty) Ltd, registration number 2014/120559/07, was deregistered on 30 March 2023 due to non-compliance with the filing of Annual returns since 2016. The next company, Mount Sinai Cherubim and Seraphim Gospel Outreach, registration number 2015/280078/07, was deregistered on 20 January 2024 due to non-filing of Annual Returns since 2017.

[10] The Applicant stated that he remained a nominal member of the Dayonel Greatbol Consulting Close Corporation together with his wife. He alleges that he is not actively involved in the day-to-day running of the business. He has not attached a confirmatory affidavit from his wife.

[11] The Applicant states that he is a director of South African Diamond Express with registration number 2020/569435/07 and that he became a director on 24 January 2012 on incorporation. He has not attached CIPC Certificates in respect of this entity and does not explain the inconsistency between his alleged becoming a director in 2012 and the entity's incorporation in 2020.

[12] In the founding affidavit and the first supplementary affidavit, he consequently dealt with a total of nine entities in which he held either membership or directorship.

[13] The Applicant deals with his non-compliance with Rule 22 by stating that he did not think it necessary to obtain prior written consent from the LPC to continue to hold the mentioned positions. He further avers that he did not have any pecuniary interests in any of the mentioned entities and also did not receive any remuneration from any of the mentioned entities. He does not explain the discrepancy with the

purpose for which the entities were created namely as family businesses with the aim of generating long-term stability and generating a legacy for his children. The Applicant states that his principal was aware of his involvement in the mentioned enterprises.

[14] In its request to be provided with this supplementary affidavit the LPC required the Applicant to address specific issues such as:

- (a) The reason for his failure to obtain prior written consent from the LPC in accordance with Rule 22.1.5.1;
- (b) His duties and functions in the mentioned entities, the extent of those duties and functions, when the duties and functions were performed, and complete details of any income derived therefrom;
- (c) Provide a record that occupying the positions in the mentioned entities did not, during the period of service in terms of the PVTC, interfere with his daily duties as a candidate attorney;
- (d) Explain the effect of the holding of such positions in the mentioned entities on the provisions of clause 1.4 of the PVTC, which states as follows: “subject to any applicable rule or regulation, not to engage in any business whatsoever other than that of a candidate attorney unless the written consent of the principal and the Legal Practice Council has been granted.”
- (e) Clearly disclose whether it was disclosed to his principal that he held the positions in the mentioned entities during the period of service in terms of the PVTC;
- (f) The Applicant was informed that it is irrelevant whether the entity was active, dormant, or undergoing a deregistration process, or whether or not he derived any income from any of the entities, or whether the duties were performed outside normal working hours. In this regard, the Applicant was referred to the judgment of *Ex Parte Galela and Another*.¹

[15] Not satisfied with this disclosure, the LPC requested that the Applicant depose to a second supplementary affidavit dealing with the entities on the list that was

¹ [2023] ZAGPPHC 716 (18 August 2023).

provided in the request for the first supplementary affidavit that he had failed to deal with.

[16] In his second supplementary affidavit, the Applicant dealt with three Non-Profit companies. The first is One Love Progressive Union (NPC), registration number 2012/158620/08, where he has been registered as a director since its incorporation on 31 August 2012. The entity was in the process of deregistration at the time of the application for admission. The second is BSD Schools (NPC), registration number 2015/069426/08, where he has been registered as a director since its incorporation on 3 March 2015. The deregistration commenced in July 2018 and was finalised on 20 January 2024. The third is Ikenne Development Association (NPC), registration number 2011/119660/08, where he has been registered as a director since its incorporation on 26 September 2011. This entity remains in business, and the Applicant remains registered as a director.

[17] In all three affidavits, the Applicant dealt with eleven entities, leaving two entities that he did not deal with despite being requested to deal with all the entities on the list. The two entities that he did not deal with are The Federation of Ogun State Patriot and One Love Progressive Organisation Pretoria, both of which are indicated as being in business on the list provided by the LPC. The Applicant does not provide any explanation why he did not deal with these entities.

Discussion

[18] Section 24 (2) of the Legal Practice Act² provides that the High Court must admit a person who, upon application, satisfies the Court that the statutory requirements have been met. The requirements stipulated in section 26 of the Legal Practice Act include that an applicant must be a South African citizen or a South African permanent resident, a fit and proper person, and has served the application on the LPC containing the information prescribed by the Rules. The Court is not simply required to determine whether an applicant has obtained an LLB degree, completed the Practical Vocational Training and complied with the formal procedural

² Act 28 of 2014.

requirements. The Court must be satisfied that the applicant is fit and proper to be admitted.

[19] In *Ex Parte Galela* the Court stated as follows:

“The admission of legal practitioners is governed by the Legal Practice Act 28 of 2014 (the LPA). Section 24(6) (footnote omitted) provides that the high court must admit to practice: a person who is duly qualified; is a South African citizen or permanent resident; who has served an application containing information as determined by the rules; and who is a fit and proper person to be so admitted. Section 26 (footnote omitted) of the LPA sets out the minimum qualifications and the vocational training required. These include having satisfied the requirements for an LLB degree obtained at any registered university in South Africa, after pursuing it for the required number of years.”³

[20] Rule 22.1.5 of the Rules in terms of the Legal Practice Act regulates the position in respect of candidate legal practitioners’ involvement in other business entities whilst serving under a PVTTC.

[21] The Rule provides as follows:

“A candidate attorney shall not have any pecuniary interests in the practice and service of an attorney, other than in respect of bona fide remuneration for his or her services as a candidate attorney, and shall not, without prior written consent of the Council, hold or occupy any office in respect of which he or she receives any form of remuneration, directly or indirectly, or engage in any other business other than that of candidate attorney, where holding that office or engaging in that business is likely to interfere with the proper training of the candidate attorney.”

[22] The Rule contains an absolute prohibition to the effect that a candidate attorney shall not have pecuniary interest in the practice and service of an attorney, other than the remuneration for services as a candidate attorney. The Rule contains a second prohibition which is conditional, namely that the candidate attorney may not

³ *Ex Parte Galela* above n 1 at para 2.

occupy any office for remuneration or engage in any other business without the prior written consent of the Council.

[23] The question about who has the power to grant consent for a candidate attorney to hold or occupy any office or engage directly or indirectly in any other business other than that of candidate attorney has been authoritatively dealt with in *Ex Parte Galela and Another*⁴ and *Rensburg v South African Legal Practice Council and related matters*.⁵

[24] In *Ex Parte Galela*, the Court concluded that it is only the Council that has the authority to grant written consent to a candidate attorney to be involved in another business whilst serving under a PVTC. The Court further held that it is peremptory for such written consent is to be obtained prior to the registration of the PVTC. The Court identified the purpose of the rule as “to guard against candidate attorneys becoming involved in other business whilst undergoing the proper envisaged training as candidate attorney.”

[25] In *Rensburg*,⁶ the Court established that Rule 22.1.5 creates two scenarios. In the first scenario, established in Rule 22.1.5.1, there is an absolute prohibition against a candidate attorney having a pecuniary interest in the practice and service of an attorney, apart from *bona fide* remuneration as a candidate attorney. The second scenario, also established in Rule 22.1.5.1, regulates the holding of other offices or engagement in other businesses, where prior written consent of the LPC is required in the circumstances specified by the Rule.

[26] Rule 22.1.5.2 states that the effect of a contravention of the provisions of Rule 22.1.5.1 is that the “contract concerned shall be *void ab initio* and service rendered thereunder shall be ineffective unless the court on good cause shown otherwise directs”. In *Rensburg*, the Court stated as follows:

“I have indicated above that it remains the LPC's prerogative to decide whether an individual applicant has to obtain prior written consent in terms of the applicable Rule

⁴ [2023] ZAGPPHC 716 (18 August 2023).

⁵ [2020] JOL 56977 (GP).

⁶ *Rensburg* above n 6 at para 13-14.

in regard of the second scenario set out in par [13] above. The purpose of the relevant Rule is to ensure that a candidate attorney does not occupy any other office other than that of candidate attorney or engaging in any other business that is likely to interfere with his/her proper training as candidate attorney. The new insertion is to make it possible for an applicant to approach the Court on good cause shown that the non-compliance with Rule 22.1.5.1; and that it does not interfere with the envisaged training and that the PVTC ("contract") be declared valid and the service rendered be effective. Failure to obtain the necessary prior written consent of the Council renders the contract *ab initio void* and the service *ineffective*.”⁷

[27] Furthermore, in *Rensburg*, the Court held that the applicant’s averment that the involvement in a company did not interfere with proper training as a candidate attorney is of no instance.

[28] The essence is that neither the candidate nor the principal may assess whether the candidate attorney's involvement in other businesses may or may not interfere with the proper required and prescribed training as a candidate attorney. This assessment is reserved for the LPC, who, on a full and frank disclosure of all the relevant facts and circumstances, exercises its discretion contained in Rule 22.1.5.1 before granting the permission. In *Rensburg*, the Court stated as follows:

“I am of the view that the wording in Rule 22.1.5.1 is clear and that a candidate attorney must obtain prior written consent to hold such office and/or to receive remuneration as set out in the Rule. It is not for the candidate attorney to decide whether the holding of such office is likely to interfere with his/her training. If that was allowed, there will be no norm to be applied what is meant with “*likely to interfere with the training of the candidate attorney*” and it will defeat the purpose of the Rule. The purpose of the Rule is clearly to guard against candidate attorneys becoming involved in other business whilst under-going the proper envisaged training as a candidate attorney.”⁸

[29] Should the LPC not be approached with an application for permission, the Court retains authority to direct that the contract will be void *ab initio* and the service rendered under the contract is ineffective.

⁷ *Rensburg* above n 6 at para 24.

⁸ *Rensburg* above n 6 at para 25.

[30] The Applicant states in par 6.2.2 of his founding affidavit that he “did not hold or occupy any office or engage in any other business other than that of candidate attorney, as required by Rule 22.1.5.1 and Rule 17.2.9 of the Rules.” However, in paragraph 11 of the founding affidavit he deals with his pecuniary interest and mentions the three entities referred to above.

[31] In considering Applicant’s application for condonation regarding not seeking the permission of the LPC, the Applicant advances that he did not think it necessary to do so, that his non-compliance amounts to a mere technical contravention of the Rules and that his non-compliance was “inadvertent, non-prejudicial, and devoid of any improper motive”; and that he at all times “acted in good faith and in full appreciation of the ethical and professional responsibilities imposed upon me.”

[32] He refers to unnamed instances where the Court, on previous similar occasions, adopted a “pragmatic and equitable” approach to the effect that mere technical non-compliance does not warrant a refusal to condone non-compliance.

[33] The application for condonation must be assessed against the background that the Applicant was requested on two occasions to depose to a supplementary affidavit. These affidavits were requested by the LPC because the Applicant did not make a full and frank disclosure of his business activities in his founding affidavit.

[34] In the LPC’s first request for a supplementary affidavit, the Applicant was asked to respond to specific queries raised by the LPC. One of the essential queries was whether he had complied with the requirement of obtaining written consent from his principal as required by clause 1.4 of the contract. The Applicant merely responded that he had informed his principal. He provided no proof of his principal’s written consent.

[35] In *Ex Parte Cassim*,⁹ it was established that the legal profession demands utmost good faith from all applicants seeking admission as an advocate or an

⁹ 1970 (4) SA 476 (T).

attorney. In addressing the issue of full and frank disclosure/non-disclosure, the Court in *Makgolo v South African Legal Practice Council*¹⁰ held that:

“His reluctance to disclose those facts, combined with the serious omissions of facts as recorded earlier, severely and seriously impact on a character who claims to be a fit and proper person to be admitted as a legal practitioner and to be enrolled as an attorney of this Honourable Court. His integrity has been seriously compromised.”

[36] In *Mukwevho v Legal Practice Council*,¹¹ the Court, in addressing the issue of non-disclosure, held as follows:

“Even if the court accepts the supplementary affidavits, the facts therein support the contention of the LPC that the applicant is not a fit and proper person to enter the profession. The offending conduct of making a dishonest statement is established on a preponderance of probabilities. Good faith is a *sine qua non* for an application brought *ex parte*. When any material facts are not disclosed, be it wilfully or negligently omitted a court may on that ground alone dismiss an *ex parte* application... Honesty is considered an important prerequisite for a legal practitioner to be fit and proper... The attorneys profession is an honourable one and demands “*complete honesty, reliability and integrity from its members*.”...”

[37] In *Vatsha v Johannesburg Society of Advocates*,¹² in addressing the issue of non-disclosure, stated that “[t]his failure advertises the applicant’s inability to appreciate the sacrosanctity of full and frank disclosure, a critical dimension of an ethical lawyer’s character.”

[38] The LPC required full and comprehensive disclosure of his duties and functions in the mentioned entities. This request was not complied with, and the Applicant merely responded that he was not involved.

[39] Of great concern is the fact that two of the entities mentioned in the list provided by the LPC were not dealt with at all in any of the affidavits filed by the Applicant.

¹⁰ [2024] ZAGPPHC 831 para 20.

¹¹ [2022] ZAGPPHC 962 at paras 12-14.

¹² [2023] ZAGPJHC 453 at para 20.

[40] It is incomprehensible that an Applicant for application as a legal practitioner can aver that non-compliance with a peremptory requirement coupled with a specific sanction for non-compliance could amount to a mere technical non-compliance. Even more unacceptable is that a condonation application refers to unnamed previous situations where a court made a specific ruling in favour of technical non-compliance despite specific and authoritative authority to the contrary.

[41] The Applicant's claim, both in his founding affidavit and his supplementary affidavits, that the businesses were dormant or minimally active during his tenure as a candidate legal practitioner, and that he was not involved in the day to day running of the businesses listed above do not, by themselves, dispose of the issue.¹³ According to the Applicant, his role in the businesses listed in his founding affidavit was purely "nominal and honorary". The Applicant also deposed in his founding affidavit and supplementary affidavits that he is a director of several companies. In *Ex Parte Gasa*,¹⁴ the Court, when dealing with the issue of directorship of the applicant, stated as follows:

"Notwithstanding the assistance available to directors in terms of s 76(5) of the Companies Act, it is clear that only some duties may properly be left to an employee or official, as the case may be, and neither the Companies Act nor the common law allows for a director to effectively abandon his or her duties and entrusting those duties to a manager, as the applicant did. It remains that a director may not accept information and advice blindly. On the contrary, a director must give it due consideration and exercise his or her own judgment in the light thereof. A director may not shelter behind culpable ignorance or an alleged failure to understand the company's affairs." (footnote omitted)

[42] The Court in *Ex Parte Gasa* further explains that in terms of section 76 (5) of the Companies Act,¹⁵ a director who abandons their duties as a director is in breach of their fiduciary duties "as director to act with the necessary care, skill and diligence

¹³ *Ex Parte Gasa* (10845/23P) [2026] ZAKZPHC 33 (25 March 2026).

¹⁴ *Ex Parte Gasa* above n 14 at para 55.

¹⁵ Act 71 of 2008.

and in good faith, in the best interests of the company for a proper purpose”.¹⁶ The fiduciary and statutory duties of a director arise from the assumption of the office of director and are not extinguished merely because the director characterises his or her role as nominal, honorary or inactive.¹⁷ The common law continues to operate alongside these statutory duties. A director may, in appropriate circumstances, rely upon employees, advisers or other persons in terms of section 76(5), of the Companies Act but may not thereby abandon the responsibilities attaching to the office or shelter behind culpable ignorance. The Court further states that an Applicant for admission who breaches their fiduciary duties as a director during their period of Practical Vocational Training is not a fit and proper person to be admitted as a legal practitioner.¹⁸

[43] This Court finds that the Applicant has failed to show good cause as required in Rule 22.1.5.2.

The View of the LPC

[44] Despite the patent and glaring shortcomings in the Founding and Supplementary Affidavits, the LPC indicated that it had no objection to the Applicant's application for admission to practice as an attorney. The applicant's conduct contains clear elements of impropriety. The LPC's position raises concerns. These concerns have been raised on previous occasions in the *Galela* matter, as well as in the matter of *Thulani Ambrose Vatsha v The Johannesburg Society of Advocates*.¹⁹ The failure of the LPC to heed the warnings in the mentioned decisions is unacceptable and is contrary to the role and function of the LPC as the custodian of the Legal Profession established in section 4 of the Legal Practice Act.

Conclusion

[45] Based on the above reasons, the following order is made:

1. The application for condonation for non-compliance with the requirements of Rule 22.1.5.2 is hereby dismissed;

¹⁶ *Ex Parte Gasa* above n 14 at para 56.

¹⁷ Section 76(3) of the Companies Act 71 of 2008.

¹⁸ *Ex Parte Gasa* above n 14 at para 57.

¹⁹ (0978/2021) [2023] ZAGPJHC 453 (10 May 2023).

2. The application to be admitted to practice as a legal practitioner and to be enrolled as an attorney by the Legal Practice Council is hereby dismissed.
3. The Registrar is to serve a copy of this judgment on the Legal Practice Council.

E RAUBENHEIMER
ACTING JUDGE OF THE HIGH COURT
GAUTENG DIVISION, PRETORIA

NGM MAZIBUKO
JUDGE OF THE HIGH COURT
GAUTENG DIVISION, PRETORIA

Delivered: This judgment was prepared and authored by the Judges whose names are reflected and is handed down electronically by circulation to the parties or their legal representatives by e-mail and by uploading it to the electronic file of this matter on Caselines. The date for hand-down is deemed to be 31 August 2026.

Appearances:

Applicant: Adv Z Sotyato

Instructed by: OM Ogunsanwo Attorneys info@omattorneys.co.za

Date of hearing: 3 August 2026

Date of Judgment: 31 August 202

