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NOTICE TO THE LEGAL PROFESSION AND THE PUBLIC, CONVEYANCING FEES, FIXED-FEE PRICING MODELS AND THE REGULATION OF LEGAL FEES

1. INTRODUCTION

- 1.1 The South African Legal Practice Council (“the Council”) has noted recent media reports concerning the introduction by a conveyancing practice of a fixed-fee pricing model for conveyancing services, marketed at fees substantially below the prevailing fee guidelines, and the public discussion which has followed. The Council has equally noted the concerns raised by members of the profession on various platforms regarding the effect of deeply discounted conveyancing fees on the sustainability of legal practices, and the enquiries directed to the Council as to its response.
- 1.2 The purpose of this notice is to set out the current legal position regarding conveyancing fees; to record the professional standards which apply to every pricing model adopted by a legal practitioner; and to inform the profession and the public of the substantial work under way, through the Council’s Fees Committee, on the regulation of legal fees.

2. THE CURRENT LEGAL POSITION

- 2.1 The [conveyancing fee guidelines currently in use](#) in the profession are guidelines. They are not statutory tariffs, and they do not prescribe binding minimum fees. There is at present no provision in the Legal Practice Act 28 of 2014, the Rules or the Code of Conduct which prescribes minimum fees for conveyancing services, or which prohibits a legal practitioner from charging a fee below the guideline tariffs or from adopting a fixed-fee pricing model.
- 2.2 The adoption by a legal practice of a fixed-fee or discounted pricing model is accordingly not, in itself, a contravention of the Act, the Rules or the Code of Conduct, and the Council does not, at this stage, have an operative statutory mandate to prescribe minimum conveyancing fees or to prohibit a practitioner from charging below the guideline tariffs. The prescription of minimum fees, or the limitation of permissible discounts, in the absence of an express statutory mandate would, moreover, raise serious considerations under the Competition Act 89 of 1998.
- 2.3 Every legal practitioner remains entitled to a reasonable fee for professional work properly performed, and all fees remain subject to the duties referred to in paragraph 3 below.

3. THE REGULATORY CONTEXT AND THE NEED FOR UNIFORM RULES

3.1 Whatever pricing model a legal practitioner adopts, the practitioner remains fully bound by the Act, the Rules and the Code of Conduct, a breach of which constitutes misconduct in terms of paragraph 2A of the Code. In particular:

3.1.1 all publicity and marketing must be accurate and transparent: it must not misrepresent the nature of the service offered, must not bring the legal profession into disrepute, and must comply in every respect with paragraph 7 of the Code of Conduct. Advertised fees must disclose clearly and prominently what is included in, and what is excluded from, the advertised fee - including value-added tax, disbursements, Deeds Office fees, transfer duty and other statutory charges - together with any conditions attaching to the offer;

3.1.2 the standard of the professional service may not be compromised: conveyancing work, at whatever fee, must be performed with the degree of skill, care and attention, and to the quality and standard, reasonably expected of an attorney and conveyancer (paragraphs 3.11 and 18.14 of the Code);

3.1.3 a pricing model may not be combined with touting, the buying of instructions, or the payment or giving of any consideration, reward or other inducement to any third party - including estate agents, bond originators or financial institutions - for the referral of professional work (paragraphs 12.1, 18.9, 18.10 and 18.22 of the Code); and

3.1.4 the independence of the legal practitioner must be preserved, and all obligations relating to trust money and the practitioner's trust account remain unaffected by the fee charged.

3.2 Members of the public are advised that advertised fixed "transfer fees" ordinarily relate to the conveyancer's professional fee only. Consumers are encouraged to request a written, itemised quotation before committing to any transaction, and to satisfy themselves as to what is included in, and excluded from, an advertised fee.

3.3 The Council will, where appropriate, request information from practices which introduce novel pricing models, and will monitor such models to ensure that the applicable advertising is accurate and transparent, that all exclusions and additional costs are properly disclosed, and that reduced fees do not result in compromised service standards or conduct contrary to the Code of Conduct. Should evidence of misleading advertising, touting, improper inducements, compromised independence or other misconduct emerge, the Council will investigate and take appropriate action in terms of the Act.

4. THE REGULATION OF LEGAL FEES: WORK UNDER WAY

4.1 The broader question - whether, and how, attorney-and-client fees, including conveyancing fees, should be regulated - is the subject of a structured reform process arising from the South African Law Reform Commission's Report on Project 142: Investigation into Legal Fees, which the Council, through its Fees Committee, has been actively driving.

- 4.2 That work includes: the detailed review and augmentation of the recommendations of the SALRC Report, having regard to the comments received from the profession; the adoption of a considered position on the division between litigious fees, which fall within the domain of the courts, the Taxing Masters and the Rules Board for Courts of Law, and non-litigious fees, which include conveyancing fees; the preparation of a proposed legislative amendment to section 95(1) of the Act to empower the Council to make rules in respect of fees and tariffs payable to legal practitioners for non-litigious legal services; and structured engagements with the South African Law Reform Commission and the Department of Justice and Constitutional Development - most recently on 5 May 2026 - on the processing of the Report, the operationalisation of the outstanding provisions of section 35 of the Act, and the establishment of the fee-guideline structure contemplated in the Report.
- 4.3 In the interim, the constitution of an Ad Hoc Fee Guidelines Committee in terms of section 18 of the Act is at an advanced stage. That committee will undertake the foundational and preparatory work for service-based fee guidelines for non-litigious legal services, with representation drawn from attorneys, advocates, notaries, conveyancers and relevant specialist practitioners, and its work will be conducted under a competition-law compliance protocol. A call for nominations will be published to the profession in due course.
- 4.4 The Council has also been engaging the banking sector, the Law Society of South Africa, the Black Conveyancers Association and the structures of the Competition Commission on the separate but related concern of fee discounts required of conveyancers appointed to the panels of financial institutions, including through a joint stakeholder engagement convened by the Council on 6 May 2026, and continues to pursue those engagements in the interests of the profession.
- 4.5 These processes will, once completed, provide the statutory and regulatory foundation for fee guidelines for non-litigious legal services. Until such time, the position set out in paragraph 2 of this notice applies.

5. GENERAL

- 5.1 The Council is seized with these matters and will keep the profession informed of material developments in the fee-regulation reform process.
- 5.2 Practitioners and members of the public who have information indicating misleading advertising, touting, improper inducements or other conduct contrary to the Code of Conduct may lodge a complaint, with supporting information, with the Council's provincial offices.
- 5.3 This notice is issued for the information and guidance of the profession and the public. It does not amend the Act, the Rules or the Code of Conduct and must be read subject to them.
- 5.4 Enquiries concerning this notice may be directed to the Office of the Executive Officer at info@lpc.org.za.

Issued by: The South African Legal Practice Council.

