

IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)

1
3 June 2022
James

CASE NO.: 3412/2021

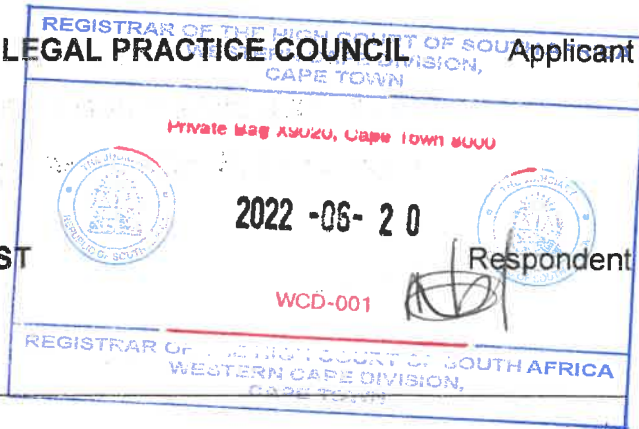
Before: The Honourable Mr Justice Binns-Ward
The Honourable Mr Justice Francis
Judgment delivered: 3 June 2022

In the matter between:

THE SOUTH AFRICAN LEGAL PRACTICE COUNCIL Applicant

and

NOEL RAYMOND FROST Respondent



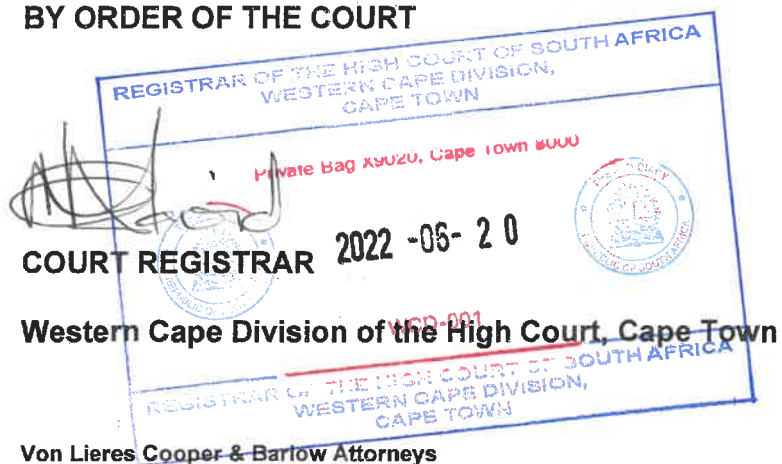
ORDER

IT IS HEREBY ORDERED THAT:

1. The name of the respondent be struck off the rolls of attorneys and conveyancers.
2. The respondent shall forthwith surrender and deliver to the Registrar of this Honourable Court his certificates of enrolment as an attorney and conveyancer of this Honourable Court.

3. If the respondent fails to comply with the provisions of paragraph 2 above within 1 (one) week from service of this Order upon him, the Sheriff for the district in which such certificate may be, is hereby empowered and directed to take possession of and deliver the same to the Registrar of this Honourable Court.
4. The Order must be served on the respondent within 14 days or as soon as possible after it has been issued by the Registrar, such service to be effected in like manner to that authorised in the Order granted on 13 October 2021 in the related edictal citation application.
5. The applicant is directed to send a copy of the Judgment and Order in this matter to the statutory regulatory body in respect of the solicitors' profession in England and Wales for information purposes.
6. The respondent is directed to pay the costs of, and incidental to, this application on a scale as between an attorney and client.

BY ORDER OF THE COURT



Von Lieres Cooper & Barlow Attorneys
 N Moodley
 nevashni@vlcb.co.za
 021 422 1870
 Box 383

IN THE HIGH COURT OF SOUTH AFRICA

WESTERN CAPE PROVINCIAL DIVISION, CAPE TOWN

CASE NO: 3412/2021

DATE: 2022.06.03

In the matter between:

SOUTH AFRICAN LEGAL PRACTICE COUNCIL Applicant

and

10 NOEL RAYMOND FROST Respondent

JUDGMENT

BINNS-WARD, J (FRANCIS, J concurring):

This is an application by the South African Legal Practice
20 Council in terms of the Legal Practice Act 28 of 2014 for an
order that the respondent be struck off the rolls of attorneys and
conveyancers and ancillary relief.

The application arises from a number of complaints about the
respondent by his clients. The complaints are dealt with in some
detail in the supporting papers, but it is unnecessary for present
purposes, particularly as the application was unopposed and by

implication the alleged conduct therefore admitted, to describe the respondent's transgressions in any detail.

The Legal Practice Council's legal representative before us today has reminded us of the approach commended in *Jasat, Natal Law Society* 2000 (3) SA 44 (SCA) [2000] 2 All SA 310 (SCA) which, in the context of previous equivalent legislation, laid down a three-staged inquiry in matters of this kind. Having regard, however, to the nature of the respondent's misconduct
10 in this matter, its gross degree and its starkly adverse affect on the clients concerned, it is unnecessary, in my view, in this matter to undertake a nice analysis as to whether or not the respondent has been shown not to be a fit and proper person to remain on the roll of attorneys.

His conduct has involved the theft of hundreds of thousands of rand entrusted to him by his clients. He was, furthermore, also involved in decidedly fraudulent conduct by forging documents to make them appear as if they purported to come from the tax
20 authorities, with the evident purpose of using the forged documents to extort from her, in the case described in the supporting papers, over half a million rand of his client's money, which he obviously had no intention to pay over to the tax authority but rather to appropriate for himself.

It is obvious in the context of that sort of conduct that the respondent is a grossly dishonest individual, who is a threat to the public and a disgrace to the profession. In the circumstances it is quite clear that one, in this matter, does not have to weigh whether the appropriate sanction is a striking-off or a suspension. The Court would be doing a disservice to both the profession and the public were it not to grant the relief sought by the applicant.


- 10 The applicant's legal representative in her submissions today submitted that it would be appropriate in the circumstances, where the respondent has left this country and apparently taken up residence in the United Kingdom for us to direct that a copy of the judgment and the order in this case be forwarded to the equivalent professional regulatory body in England and Wales, lest the respondent contrives to obtain admission to the profession in that country, and having regard to his conduct here, probably does not disclose his record of misdemeanours while in practice here. A direction to that effect will be included
- 20 in the order to be made.

For all those reasons it is ordered that:

1. The name of the respondent be struck off the rolls of attorneys and conveyancers.

2. The respondent shall forthwith surrender and deliver to the Registrar of this Honourable Court his certificates of enrolment as an attorney and conveyancer of this Honourable Court.
3. If the respondent fails to comply with the provisions of paragraph 2 above within 1 (one) week from service of this Order upon him, the Sheriff for the district in which such certificate may be, is hereby empowered and directed to take possession of and deliver the same to the Registrar of this Honourable Court.
4. The Order must be served on the respondent within 14 days or as soon as possible after it has been issued by the Registrar, such service to be effected in like manner to that authorised in the Order granted on 13 October 2021 in the related edictal citation application.
5. The applicant is directed to send a copy of the Judgment and Order in this matter to the statutory regulatory body in respect of the solicitors' profession in England and Wales for information purposes.

6. The respondent is directed to pay the costs of, and incidental to, this application on a scale as between an attorney and client.



A. G. BINNS-WARD
Judge of the High Court

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M. FRANCIS
Judge of the High Court