

# Sandile Shongwe

Associate



Sandile Shongwe is an Associate in our Corporate & Commercial practice.

## About Sandile

Sandile worked in the legal division at Transnet Freight Rail SOC Ltd before pursuing his articles at Andersen South Africa (previous Mervyn Taback Inc.), where he was appointed as an Associate in the Corporate & Commercial: Mining practice. He was admitted to practice as an attorney in March 2021.

## Credentials

### Education

- Bachelor of Arts (Law), University of the Witwatersrand
- Bachelor of Law, University of the Witwatersrand
- Year of Admission: 2021

## Experience

- **Drafting various commercial agreements**

Drafting various commercial agreements, including shareholder agreements, sale of share agreements, subscription agreements, cession Agreements, non-disclosure and circumvention agreements, instalment sale agreements and sale of business agreements. Assisted with the drafting of various mining operational agreements, including offtake agreements, joint venture agreements, mining contractor agreements and coal supply agreements.

- **Due diligence investigations**

Assisted with a due diligence investigation for a client acquiring assets in a Mauritian based company that supplies back up and hybrid power solutions and products across Africa

- **Business rescue proceedings**

Member of the team that formed part of the business rescue proceedings for a large coal mining operation. Advising the largest creditor on the implementation of the business rescue plan, obtaining various regulatory approvals, most notably, the transfer of the mining rights and setting up the group structure to integrate the community development scheme and employee share ownership schemes in accordance with the requirements of the Mining Charter.

## Contact Sandile

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[Sandile on LinkedIn](#)

## Expertise

[Corporate & Commercial Law](#)

## Location

Johannesburg

## Language

English

## News

### [Does an indirect change of control by means of a rights issue or otherwise require section 11 consent in terms of the MPRDA?](#)

The Mineral and Petroleum Resources Development Act 28 of 2002 (MPRDA) provides for the Minister of the Department of Mineral Resources and Energy (DMRE) (Minister) to consent to the transfer of prospecting and mining rights, including the transfer of a "controlling interest" in companies or close corporations that hold such rights.

### [Where to from here? Considerations following the 2023 MPRDA Review Summit regarding the objects of transformation policy](#)

The Mineral and Petroleum Resources Development Act 28 of 2002 (MPRDA), which came into force on 1 May 2014, was a revolution in South Africa's regulation of mineral resources, specifically with regards to the exploitation of minerals, the vesting of custodianship in the minerals to the state in order to ensure equitable access to mineral and resources, and for ensuring the expansion of opportunities to historically disadvantaged persons.

### [Can further foreign direct investment be attracted by easing the limitations on mining exploration in South Africa?](#)

It is well documented that South Africa is rich in mineral resources such as gold, platinum-group metals, base metals and diamonds, however, exploration and prospecting to uncover the deposits of these and other unrealised minerals is seriously subdued.

### [Is equitable access into the mining industry ensured?](#)

South Africa's economy expanded by 1,6% in the third quarter of 2022, according to the Stats SA GDP outlook published on 6 December 2022, and the mining industry increased its economic output by 2,1%, maintaining its status as one of the main contributors to the country's GDP and employment. With this in mind, the questions to be asked are: What are the current barriers to entry? Is the industry exclusionary or accessible for small business entrepreneurs and historically disadvantaged communities looking to participate in the mining industry? What mechanisms/systems are in place to ensure transformation within the mining industry?

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