

Sandile Shongwe

Associate



Sandile Shongwe is an Associate in our Corporate & Commercial practice. Sandile has a focus in mining and energy law and advises clients on various commercial and operational transactions, as well as assisting clients on various commercial matters in the downstream oil and gas sector.

About Sandile

Sandile commenced his legal journey at Transnet Freight Rail SOC Ltd, assisting on all litigious, labour, commercial and procurement matters, before pursuing his articles at Andersen South Africa (previously Mervyn Taback Inc.), where he was appointed as an Associate in the Corporate & Commercial: Mining practice before joining CDH in 2022.

Sandile 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

Negotiating and drafting of various transactional agreements, including sale of business agreements, sale of share agreements, subscription agreements, shareholder agreements, cession Agreements and non-disclosure agreements.

Negotiating and drafting of various commercial agreements, including joint venture and co-development agreements, supply and distribution agreements, offtake agreement and contract mining agreements.

• Due diligence investigations

Attending to the facilitation and management of due diligence investigations and the compilation of due diligence reports.

Contact Sandile

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[Sandile on LinkedIn](#)

Expertise

[Corporate & Commercial Law](#)

[Mining & Minerals](#)

Location

Johannesburg

Language

English

- **Business rescue proceedings**

Assisting clients with various regulatory matters at the Department of Mineral Resources and Energy, such as, the preparation of section 11 applications for the transfer or cession of rights, lodgment of renewal applications, lodgment of section 96 appeals.

News

[Draft Mineral Resources Development Bill indicates clear policy direction on interpretation of “controlling interest”](#)

One of the major issues of contention for mineral right holders when transacting in the mining sector by way of a share purchase agreement, joint venture or co-development arrangement amongst others, is whether ministerial consent is required in terms of section 11 of the Mineral and Petroleum Resources Development Act 28 of 2002 (MPRDA) to transfer the mineral rights in the event of an direct or indirect change of control.

[The overlapping rights saga continues: Clarifying the first in time, first in right principle and whether a prospecting right is a prerequisite to an application for a mining right](#)

One of the cornerstones of the Mineral and Petroleum Resources Development Act 28 of 2002 (MPRDA) is to ensure the sustainable development of South Africa’s mineral resources and to promote economic growth, employment and the advancement of the social and economic welfare of all SouthAfricans.

[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.

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