

# Tamarin Tosen

Director



Tamarin Tosen is a Director in our Corporate & Commercial practice. Tamarin has experience in mergers and acquisitions, drafting and negotiating commercial contracts, due diligence investigations and general corporate and commercial work.

## About Tamarin

Tamarin began her career as a Candidate Attorney in 2010 at Roodt Incorporated and was appointed as an Associate in 2012. Tamarin joined Read Hope Phillips as an Associate in 2012 and joined Cliffe Dekker Hofmeyr as an Associate in 2013. She was promoted to Senior Associate in 2015. Tamarin was appointed Director in April 2018.

## Credentials

### Education

- BSc (Microbiology), University of Pretoria
- LLB, University of Pretoria
- Advanced Company Law I (Certificate of Competence), University of the Witwatersrand
- Advanced Company Law II (Certificate of Competence), University of the Witwatersrand
- Year of admission as an attorney: 2012
- Registered with the Legal Practice Council

## Experience

### • Drafting and negotiation of commercial agreements

Involved in the drafting and negotiation of various commercial agreements, including, share sale agreements, sale of business agreements, share repurchase agreements, supply agreements, confidentiality and non-disclosure agreements, cession and pledge agreements, employee share ownership schemes, broad-based ownership schemes and memoranda of incorporation for private companies and public unlisted and listed companies as well as the underlying company secretarial documents.

### • Due diligence investigations

Involved in conducting due diligence investigations and the drafting of due diligence reports.

## Contact Tamarin

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## Expertise

Corporate & Commercial Law

Corporate Debt, Turnaround & Restructuring

## Location

Johannesburg

## Language

English

- Researching and drafting opinions

Involved in researching and drafting opinions on various aspects of the law of contract and the Companies Act, No 71 of 2008.

## News

### [Deferred purchase price and interest in share sale agreements: The National Credit Act](#)

The National Credit Act 34 of 2005 (NCA) is not a piece of legislation that springs to mind when negotiating share sale transactions. This is mainly since share sale transactions typically do not constitute credit agreements and, if they do (due to payment deferral provisions), the NCA still wouldn't apply where the purchaser (being the "credit consumer") is a juristic person whose annual turnover or asset value equals or exceeds R1 million or where the purchase price is R250,000 or more, and the purchaser's annual turnover or asset value is below R1million.

### [Draft Companies Amendment Bill: Some good news for companies undertaking share buy-backs](#)

On 1 October 2021, the Department of Trade, Industry and Competition published the Draft Companies Amendment Bill, 2021 (Draft Amendment Bill) for public comment. The Draft Amendment Bill seeks to propose various amendments to the Companies Act 71 of 2008 (Companies Act) and, amongst the various proposed amendments, it seems that one in particular could finally put to bed an issue that has, for over a decade, created a great deal of uncertainty with respect to share buy-backs.

### [The Steinhoff saga: Do directors of a company owe fiduciary duties to its shareholders?](#)

It is trite that in terms of South African common law, directors of a company owe fiduciary duties to such company and that generally, such fiduciary duties do not extend to the shareholders of the company.

[All news by Tamarin Tosen →](#)

## Recognition

- IFLR1000 2021-2024 recommended Tamarin as a rising star partner leading lawyer for M&A.