

Roy Barendse

Executive Consultant: South Africa, Director: Namibia



Roy Barendse is an Executive Consultant in our Dispute Resolution practice specialising in insurance related civil litigation and commercial litigation.

About Roy

Roy holds a BProc from the University of the Western Cape and was admitted as an attorney in 1989. In addition he attended a training course in Arbitration at the University of Stellenbosch and completed a Medical Negligence Law course through UCT. Roy also completed a course in Commercial Mediation at UCT and is an accredited commercial mediator.

He is admitted and enrolled as a legal practitioner in Namibia. Roy also completed a training course for aspirant judges hosted by the Office of the Chief Justice of South Africa. He served as an acting judge in the Western Cape High Court during 2024.

Experience

• Insurance law

Recognised for his in-depth expertise in insurance law, Roy has acted extensively for short term insurers across South Africa and Namibia. He was one of the forerunners in the field of business interruption insurance claims arising from the Covid 19 pandemic, acting for insurers and insureds alike. His insurance expertise spans across the areas of material damages claims, public liability, products liability, construction and engineering, professional indemnity and fidelity insurance. He attended to insurance due diligences for mergers and acquisitions over a large spectrum of industries.

• General commercial litigation

He has vast experience spanning over 30 years in general commercial litigation involving contractual disputes and delictual damages claims in the High Court.

Roy represented clients in motion proceedings in the High Court in matters involving oil and gas exploration permits, judicial reviews of administrative decisions by local authorities, disputes involving body corporates and disputes concerning approvals under the Land Use Planning Act, National Building Regulations and Building Standards Act and various By-Laws applicable in the Western Cape.

• Long term insurers

Roy has, and is still advising and acting for long term insurers in disputes arising from insurance contracts, regulatory matters, binder agreements and intermediary services agreements.

Contact Roy

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[Roy on LinkedIn](#)

Expertise

[Dispute Resolution](#)

[Insurance Law](#)

[Mediation](#)

Location

[Cape Town](#)

[Windhoek](#)

Language

[English](#)

[Afrikaans](#)

- **Renewable energy operations**

Roy has also successfully advised large renewable energy operations on insurance issues arising from mechanical failure/breakdown, marine cargo and business interruption claims.

- **Personal Injury claims**

He is highly experienced in the quantification of personal injury claims. Roy advised and represented a statutory insurer in this field for over 16 years and was pivotal in a leading reported case on loss of income.

News

[Legal fees gone wild: A case of costs, controversy and common sense](#)

The South African legal system witnessed a sobering showdown in the case of Sports Tavern & Restaurant and Others v Executor Estate Late Santos (HCAA 01/2023) ZALMPPHC 17 (5 February 2025), with arguments revolving around what constitutes "reasonable legal fees". The matter centred on a bill of costs submitted by the appellants (Sports Tavern and Others), where a striking R20,000 was claimed as a day fee by an attorney in an unopposed Rule 30 application that became postponed.

[Dying for a cash in: Life insurance claims amid criminal investigations](#)

South Africa grapples with one of the highest crime rates in the world, driven by a multitude of factors. The South African Police Service (SAPS) is significantly outnumbered by offenders, and its efforts are hampered by a lack of resources and inadequate training. Unfortunately, this situation has become a norm rather than an anomaly for South Africans.

[Can you unscramble the egg? The retrospective effect of forfeiture clauses for partly fraudulent insurance claims](#)

Insurers are the 'masters of their own policies' and, accordingly, they are free to devise their own policies unilaterally. The insured often has no say in the process and derived terms and they simply elect to buy into what the insurer is selling, or not.

[Good riddance to 'gag orders'? South African courts move away from prior restraint orders](#)

Freedom of expression in South Africa is guaranteed by the Bill of Rights. This includes, inter alia, freedom of speech, access to information, and, importantly, media freedom. The right to freedom of expression is fundamental and a prerequisite in any democracy. The post-1994 South African media landscape is turbulent and often somewhat adversarial. However, just like any other right enshrined in the Constitution, the right to freedom of expression may be limited where it is justifiable and reasonable. Even the media's freedom may be constrained to protect another constitutional right or to preserve the integrity of the administration of justice.

[Challenging another Goliath? Ma-Afrika's new Constitutional Court battle to mitigate the impacts of the COVID-19 pandemic on the tourism sector](#)

Force majeure, is a clause in contracts which absolves both parties from liability or obligations in terms of that contract when an extraordinary event or circumstance beyond the control of the parties occurs. What happens in the absence of such a clause you may ask?

Videos

[WEBINAR | Protecting your business during COVID-19](#)

Our panel of experts hosted a webinar where they unpacked relief available to businesses negatively affected by covid-19 as well as protection of personal information and cybersecurity during covid-19.

[All news by Roy Barendse →](#)