

# Nelisiwe Khumalo

Senior Associate



Nelisiwe Khumalo is a Senior Associate in our Competition Law practice. Nelisiwe specialises in a range of competition law matters and has experience in mergers, prohibited practices (cartels and abuse of dominance), competition law compliance, and litigious aspects of competition law.

## About Nelisiwe

Nelisiwe began her legal career as a Candidate Attorney with Cliffe Dekker Hofmeyr in 2019 where she became an Associate in 2021 and a Senior Associate in 2024.

During her tenure, Nelisiwe worked on various aspects of competition law including merger filings, legal due diligences for intermediate and large mergers, and has represented clients on various litigation on matters in the Competition Tribunal. Nelisiwe has had vast experience in dealing with the Competition Commission regarding merger filing processes, has vast research and drafting skills and has experience as an antitrust enforcer for industry association conferences.

## Credentials

### Education

- LLB – University of Johannesburg
- Admitted as an Attorney of the High Court of South Africa – 2021

### Memberships

- Association of Competition Law Practitioners - Main chapter
- Association of Competition Law Practitioners - Junior chapter

## Experience

- Competition Act

Nelisiwe provides advice regarding the implementation of Competition Act compliance programmes and interpretation of the Competition Act.

- VKB and GWK

Represents VKB Beleggings Ltd (VKB) and Griekwaland Wes Korporatief Ltd (GWK) in merger proceedings before the Competition authorities.

## Contact Nelisiwe

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## Expertise

[Competition Law](#)

## Location

Johannesburg

## Language

English

- **Trade Retail Holdco and Agrifin Holdco**

Represented Trade Retail Holdco And Agrifin Holdco, newly incorporated private companies Established by BKB Ltd (BKB) And VKB Landbou (Pty) Ltd (VKB) in merger proceedings before the Competition authorities.

- **Vodacom**

Representing Vodacom (Pty) Ltd ("Vodacom") in large merger between Vodacom and Business Venture Investments no 2213 (Pty) Ltd in before the Competition authorities.

- **AFHCO and Indluplace**

Represented AFHCO and Indluplace in a large property merger before the competition authorities.

- **Nthoese and PIC**

Represented Nthoese and the Public Investment Corporation in a large property merger before the competition.

- **Hollard**

Conducted compliance investigations and produced reports for Hollard Insurance

## News

### [The inquisitorial nature of complaint and merger proceedings under the Competition Act](#)

Complaint and merger proceedings under the Competition Act 89 of 1998 (Competition Act) are not conducted in a purely adversarial fashion and rely on inquisitorial processes. This has implications for the status of hearsay evidence and the way in which disputes are identified in pleadings prior to the commencement of a hearing. This article examines the inquisitorial character of proceedings before the Competition Tribunal (Tribunal), located within a South African court system where an adversarial approach prevails, and considers the potential benefits of exploring the extent to which the inquisitorial nature of procedures may be harnessed to achieve greater speed and efficiency in concluding complex proceedings.

### [Navigating merger waters: The Competition Commission's final guidelines on indivisible transactions](#)

On 4 October 2024, the Competition Commission (Commission) published its final guidelines on indivisible transactions (Guidelines). The Guidelines provide clarity on the Commission's approach when determining whether two or more separate transactions should be notified as a single, indivisible transaction. The Guidelines aim to ensure that merger parties understand when they are required to notify mergers as a single indivisible transaction.

### [Trade associations: Viewed by the competition authorities as a "breeding ground" for prohibited practices](#)

A number of industries have formed associations where competing firms meet to discuss their mutual interests. Such associations play a valuable role as forums for the discussion of important issues of common interest for industry players. However, trade associations also create a platform for the discussion of matters that may result in a restriction of competition or even collusion between members.

### [What the DTIC's Draft Block Exemption Regulations mean for joint purchasing agreements and buyer groups amongst SMMES](#)

The Department of Trade, Industry and Competition (DTIC) recently published an invitation for the public to comment on the Draft Block Exemption Regulations for Small, Micro and Medium-Sized Businesses (Draft Exemption Regulations).

### [Character matters! A discussion of the developing characterisation principle in competition law](#)

In the recent *Tourvest Holdings (Pty) Ltd v Competition Commission and Another* (195/CAC/Oct21) ZACAC 5 (30 June 2022) decision, the Competition Appeal Court (CAC) upheld Tourvest's appeal and set aside the Competition Tribunal's (Tribunal) decision in terms of which the Tribunal found that the conduct of Tourvest Holdings (Pty) Ltd (Tourvest) and Siyazisiza Trust (the Trust) was in contravention of Section 4(1)(b) of the Competition Act 89 of 1998 (Act) and specifically that their conduct amounted to collusive tendering, which is a per se violation of the Act.

[All news by Nelisiwe Khumalo →](#)

