

# John Gillmer

Joint Sector Head, Fund Formation and Structuring, Director



John Gillmer is a Director in our Corporate & Commercial practice and Joint Sector Head for the Private Equity sector. He specialises in the formation of investment funds and structuring of financial products. John has advised and acted for local and international financial institutions, including banks, private equity and hedge fund managers, long term insurers and investors seeking to invest in various investment funds. His expertise in investment funds includes advising on fund and product structuring and related regulatory aspects including the Banks Act, the Collective Investment Schemes Control Act, the Financial Advisory and Intermediary Services Act, the Pension Funds Act, the Long-Term Insurance Act, the Financial Markets Act and exchange control regulations.

## About John

John is an experienced corporate and financial services lawyer having advised clients on establishing investment funds, structuring of financial products, acquisitions and disposals (private and public), legal due diligences and equity capital raisings in Africa, Australia and the United Kingdom.

John began his career in 1998 at Deneys Reitz. He moved to London in 2001 and joined Slaughter & May (where he worked in the corporate team as an Associate for two years). In 2003 John returned to Deneys Reitz in their Cape Town office as a Senior Associate and was appointed a Director in 2006. He moved to Australia and worked at Minter Ellison in their corporate department in Brisbane as a senior foreign lawyer in 2009. John re-joined Deneys Reitz (now Norton Rose Fulbright South Africa) in 2010 as a Director.

He was appointed Director at Cliffe Dekker Hofmeyr in 2016.

## Credentials

### Education

- B Com (Economics), University of KwaZulu-Natal
- LLB (summa cum laude), University of KwaZulu-Natal
- Year of admission as an attorney: 2000
- Enrolled with the Legal Practice Council

### Memberships

- Member of the Legal and Risk Committee of the South African Venture Capital Association (SAVCA).

## Contact John

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## Expertise

Corporate & Commercial Law

Financial Services

Corporate Governance

Listings, Stock Exchanges & Public Documents

Mergers & Acquisitions

Private Equity

The Companies Act

Pensions & Employee Benefits

## Location

Cape Town

## Language

English

## Experience

- **27four Investment Managers**

27four Investment Managers with the establishment of the Black Business Growth Fund which is a fund of funds.

- **PAPE Fund Managers**

PAPE Fund Managers with the establishment of the PAPE Fund III private equity fund.

- **Investec Bank**

Investec Bank Limited with the establishment of an infrastructure private equity fund.

- **ABSA Capital**

ABSA Capital with respect to the restructure of its investment in a private equity fund.

- **AfriCap Microfinance Investment Company**

AfriCap Microfinance Investment Company on the disinvestment in its holdings in a Mozambique bank and the winding up of its South African operation.

- **UCKI**

UCKI (joint venture between the UK Green Investment Climate International Limited (a subsidiary of UK Green Investment Bank plc) and the Department of Energy and Climate Change of the Government of the United Kingdom) with establishing a private equity fund focusing on renewable energy projects in South Africa.

- **Coronation Fund Managers**

Coronation Fund Managers on the transition from unregulated hedge funds to compliant hedge fund structures, as well as advising in respect of regulatory and common law provisions relating to management fees.

- **Investec Bank**

Investec Bank Limited with the establishment of a collective investment scheme platform for alternative investment funds.

- **Investec Asset Management**

Investec Asset Management in relation to the establishment of several hedge funds.

- **Old Mutual**

Old Mutual Investment Group South Africa in relation to the establishment of several hedge funds in South Africa.

- **RMB/FirstRand**

RMB Asset Management/FirstRand Alternative Investment Management in relation to the establishment of an alternative investment product and its subsequent restructuring.

- **Dimensional Funds Public Limited Company**

Dimensional Funds Public Limited Company, a UCITS collective investment scheme registered in Ireland, in relation to an application for registration as a foreign collective investment scheme with the South African Financial Services Board, as well as reviewing and negotiating the representative agreement to be entered into with a local representative.

- **Matrix Fund Managers**

Matrix Fund Managers, in respect of the migration of two funds from debenture trust structures to collective investment scheme trust structures.

- **CoreShares Index Tracker Managers**

CoreShares Index Tracker Managers with the establishment of two exchange traded funds in Mauritius to be listed on the Mauritius stock exchange (SEM) and a subsequent secondary listing on the South African JSE, as well as with the registration of the Mauritian exchange traded funds as foreign collective investment schemes with the Financial Services Board.

- **Sands Capital Funds Public Liability Company**

Sands Capital Funds Public Liability Company in relation to an application for registration as a foreign collective investment scheme with the South African Financial Services Board.

- **Novare**

Novare Equity Partners (Novare) in setting up its second property private equity fund, Novare Africa Property Fund II. The fund, has raised \$350 million (R5.25 billion) for investment in a portfolio of new developments in, amongst others, Nigeria, Zambia and Mozambique.

- **Mbuyu Capital Partners,**

Mbuyu Capital Partners, a UK based fund adviser, in respect of various investment fund related transactions entered into by its clients, being UK pension funds, as well as in respect of the proposed establishment of a Mauritian feeder fund.

- **Coronation Fund Managers**

Coronation Fund Managers in respect of their reinsurance policy, fund policy and sinking fund policy product offerings.

- **CoreShares Index Tracker Managers**

CoreShares Index Tracker Managers with the drafting and negotiation of market maker and authorised participant agreements.

- **JP Morgan**

JP Morgan with the appointment of a juristic representative and general financial services advice.

- **SAQA approvals**

Northern Trust Global Services Limited, Aureos Africa Healthcare Managers Ltd, Rogge Global Partners PLC and EFG Private Bank in obtaining the necessary SAQA approvals and Financial Advisory and Intermediary Services Act, 2002 (FAIS) licences to become authorised financial services providers.

- **Bank of America Merrill Lynch**

Bank of America Merrill Lynch in relation to the marketing and selling of financial products in South Africa.

- **BNP Paribas S.A.**

BNP Paribas S.A. in its acquisition of Cadiz Holdings Limited's subsidiaries. This involved conducting a legal due diligence investigation of certain target companies belonging to Cadiz Holdings Limited in respect of a proposed acquisition, assisting with the negotiation and completion of the transaction documents, including a service level agreement.

- **Sun Capital Partners**

Sun Capital Partners in the due diligence phase of its acquisition of the Finlays horticulture group of companies in South Africa and Kenya.

- **China Seas Basket and International Titans Basket**

China Seas Basket Limited and International Titans Basket Limited, investment companies registered in Guernsey and listed on the Bermuda Stock Exchange, in relation to a review of their prospectuses and the submission thereof to the South African Companies and Intellectual Property Commission. Investec Corporate and Institutional Banking acts as investment advisor for these investment funds.

- **Kirkland & Ellis LLP**

Kirkland & Ellis LLP in respect of its client's acquisition of an interest in an insurance company.

## News

### [New accountable institutions beware: Deadline ahead for submission of a risk and compliance return](#)

On 31 March 2023 the Financial Intelligence Centre (FIC) issued Directive 7 in terms of section 43A(3)(a) of the Financial Intelligence Centre Act 28 of 2001 (FIC Act). Directive 7 makes it mandatory for a specified list of accountable institutions to submit a risk and compliance return to the FIC by 17h00 on 31 July 2023.

### [Understanding South Africa's FATF greylisting](#)

On 24 February 2023, the Financial Action Task Force (FATF) took the decision to include South Africa on its "grey list", thereby classifying it as a jurisdiction under increased monitoring. This decision follows the mutual evaluation report published by the FATF in 2021 (2021 Report) in which South Africa's compliance with the FATF 40 Recommendations (Recommendations) and the level of effectiveness of South Africa's anti-money laundering (AML) and counter-terrorist financing (CTF) system were assessed.

### [FSCA declares crypto assets as a financial product in terms of the Financial Advisory And Intermediary Services Act](#)

On 19 October 2022 the Financial Sector Conduct Authority (FSCA) issued General Notice 1350 of 2022 (Declaration) in terms of which it declared a crypto asset as a financial product under the Financial Advisory and Intermediary Services Act 37 of 2002 (FAIS Act).

### [Recent High Court judgment on duties of collective investment scheme managers in implementing redemptions](#)

The judgment handed down by the Gauteng High Court in Living Hands (Pty) Ltd N.O. and Others / Old Mutual Unit Trust Managers Ltd ZAGPJHC 456 has a notable impact on the asset management industry and the duties upon investment managers when legitimate redemption requests are received.

### [Webinar Recording | The growth of the FinTech industry in Africa: the good, the bad and the legal considerations](#)

It is widely expected that we will see continued growth of FinTechs and fundraising in Africa in 2022 and 2023.

[All news by John Gillmer →](#)

## Recognition

- Market recognition
  - The Legal 500 EMEA 2016, 2019 - 2024 he was recommended in Investment Funds.
  - The Legal 500 EMEA 2018 recommended him in Commercial, Corporate/M&A.