

Clive Rumsey

Sector Head, Director



Clive Rumsey is a Director in our Dispute Resolution practice and the Head of the Construction & Engineering sector. Clive focuses on construction and engineering law.

About Clive

Credentials

Education

- BA LLB - University of the Witwatersrand
- LLM (International and Comparative Law) - Southern Methodist University of Dallas, Texas
- HDip Labour Law - Rand Afrikaans University

Experience

- **Non-contentious experience**
 - Part of the team that prepared particular conditions for new build power stations (FIDIC).
 - Preparation of and advice in regard to a new build project for a mining house involving 200 packages (FIDIC).
 - Advice in regard to EPC and EPCM contracts in various industries.
 - Part of the team appointed to provide legal advice on a renewable energy project, relating to wind power.
 - Contractual advice on Koeberg Power Station.
- **Nuclear**
 - Part of the team advising Eskom (a South African electricity public utility) on the Conditions of Contract for a nuclear programme in terms of the FIDIC Silver Book during December 2008. The bid did not proceed due to lack of financing.
 - Acting for Eskom in the negotiations and finalisation of the Conditions of Contract for the replacement of the steam generators at Koeberg Nuclear Power Station for Units 1 and 2.

Contact Clive

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Expertise

Dispute Resolution

Construction & Engineering

Insurance Law

International Arbitration

Mediation

Location

Johannesburg

Language

English

- **Contentious experience**

- Appointed to act on behalf of construction employees by the insurance underwriters in regard to the Grayston Bridge collapse in Sandton.
- Assisting an insurance company to defend a claim of over US\$50m brought against it in the Supreme Court of Victoria, Australia for defective pipeline welding undertaken by a contractor.
- Multiple adjudications/arbitrations involving NEC3 form of contract.
- ICC arbitrations relating to disputes in Mozambique.
- Conducting DAB and arbitrations involving FIDIC form of contract.

- **Contentious experience**

- Acting in numerous high-profile matters involving the engineering profession over the years.
- Acting in a large arbitration relating to a pumped storage scheme and involving multiple adjudications.
- Acting in an arbitration relating to a hotel in Namibia.
- Acting in an arbitration relating to an iron ore crushing plant.
- Acting in an arbitration relating to a dispute on the Hatfield Gautrain Station.
- Acting in a potential arbitration in Mauritius relating to a shopping centre.

News

Types of alternative dispute resolution

Alternative dispute resolution (ADR) methods have become the preferred mechanism to resolve commercial disputes. The traditional approach to dispute resolution used to be litigation. The popularity of alternative methods of dispute resolution can in part be attributed to the backlogs experienced by courts. This has also resulted in the incorporation of one of the alternative dispute resolution methods into the Uniform Rules of Court. The introduction of the new Rule 41A in March 2020 meant that an initiator of litigation proceedings was required to file a notice asking the other party whether they were amenable to mediation and the other party was required to respond with its own notice, but mediation was by agreement. Recently, the Gauteng Division of the High Court issued a directive introducing mandatory mediation in the Gauteng division and the accompanying protocol.

Courts are unlikely to grant relief where hardship results from a party's own inaction

In this alert, we look at the Supreme Court of Appeal's (SCA) decision in Kidrogen RF (Pty) Ltd v Erasmus and Others, which reminds us that the courts are unlikely to grant relief where hardship results from a party's own inaction or failure to comply with agreed timelines.

Capacity building and fostering expertise in international arbitration in Africa

The central theme of the Johannesburg Arbitration Week 2024 (JAW) was showcasing arbitration in Africa. This prompted engaging discussion and renewed calls for the Africanisation of international arbitration. This encompasses African disputes being arbitrated in Africa, presided over by African arbitrators, administered by African arbitral institutions, and argued by African lawyers. With expanding foreign direct investment in Africa and the expansion of BRICS to Egypt and Ethiopia, the calls to ensure that Africa has a voice in and imprint on the international arbitration proceedings it participates in are gathering momentum. This ensures that Africa's unique priorities and experiences are sufficiently taken into consideration.

Arbitration on top or a comeback for the courts?

A key discussion point at the inaugural Johannesburg Arbitration Week was the expansion of the use of international arbitration to resolve commercial disputes in Africa. In many instances this has been at the expense of the courts, with parties increasingly preferring to arbitrate rather than litigate.

[A new African order: Key initiatives and trends transforming international arbitration in Africa](#)

CDH, together with the Arbitration Foundation of Southern Africa (AFSA) and other local and international co-hosts, presented the inaugural Johannesburg Arbitration Week (JAW) earlier this month. The conference showcased Africa's increasing prominence in international arbitration, highlighting the continent's arbitration capabilities as well as key initiatives and trends shaping and transforming dispute resolution in Africa.

Videos

[Webinar Recording | Risks facing construction projects in Africa](#)

Our panel of experts gave an overview of the challenges and constraints that face players in the construction industry in Africa and practical insights on how to handle them.

Podcasts

[Performance guarantees in construction contracts](#)

Guarantees are common in construction and engineering contracts. In particular, the employer may require that the contractor provide a performance guarantee.

[Dispute resolution within construction and engineering: Arbitration](#)

Construction & Engineering Law experts Clive Rumsey and Sethu Khumalo discuss the role of arbitration in dispute resolution.

[Dispute resolution within construction and engineering: Mediation](#)

Construction & Engineering Law experts Clive Rumsey and Sethu Khumalo joined CDH Conversations where they discussed mediation as a form of dispute resolution within the construction and engineering sector, as part of their three-part podcast series.

[Dispute resolution within construction and engineering: Adjudication](#)

In the first episode of this three-part series focused on dispute resolution within the construction and engineering sectors, Director and Head of the Construction & Engineering sector, Clive Rumsey and Associate Sethu Khumalo discuss adjudication as a form of dispute resolution from both a legal and practical perspective to provide listeners with an overview of what they should expect from an adjudication clause in a contract.

[All news by Clive Rumsey →](#)

Recognition

- Chambers Global 2019–2025 ranked him in Band 1 for construction.
- Chambers Global 2025 ranked Clive in Band 5 for dispute resolution.
- Chambers Global 2021–2024 ranked Clive in Band 4 for dispute resolution.
- The Legal 500 EMEA 2020–2025 recognised Clive as a leading individual for construction.
- The Legal 500 EMEA 2022–2025 recommended Clive for dispute resolution.