



# INSURANCE LAW






## OUR APPROACH

Partner-led teams, cost-effective resourcing of work and agile project management are all central to our delivery of quality legal services. We remain committed to providing clients with value for their legal spend through reliable, professional and commercial advice, efficiency and cost effectiveness, while maintaining the highest levels of service delivery.

## PRACTICE OVERVIEW

Cliffe Dekker Hofmeyr (CDH) offers multi-disciplinary insurance law expertise, allowing a seamless and dedicated service to our clients. Our insurance lawyers combine a detailed knowledge of the law with a commercial awareness of the insurance industry.

Our team brings extensive insurance experience to the full range of disputes, commercial transactions and regulatory issues. Clients include the top five life offices, several large short-term insurers, brokers and various financial services providers in South Africa and abroad. These industry leaders call on our M&A team to successfully negotiate key strategic commercial transactions and provide high-level regulatory guidance. When dealing with disputes, our Dispute Resolution team work hard to resolve issues early on where possible, avoiding litigation to preserve valuable business multi-disciplinary relationships. Insurers send repeat mandates to our team, demonstrating their confidence in our ability to successfully lead them through complex legal issues arising in their environment.



*"They have the ability to manage all our matters and take care in providing the best legal assistance to tend to the complexity of the matters."*

*"The team is extremely responsive and provides excellent service with quick turnaround times."*

CHAMBERS GLOBAL 2025

*"The lawyers immerse themselves in understanding the business; over time they become a partner to the business, so it is more like a partnership relationship."*

*"Cliffe Dekker Hofmeyr's promptness in addressing any enquiries or concerns is truly commendable."*

CHAMBERS GLOBAL 2024

## OUR SERVICES

We support clients in all aspects of insurance law locally, across the rest of Africa, and abroad, including:

### DISPUTE RESOLUTION

- Complex insurance-related litigation
- Disputes over insurance and reinsurance cover
- Guarantee disputes
- Claims handling, monitoring and coordination
- Drafting of arbitration clauses and agreements
- Directors and Officers (D&O) insurance, fiduciary, professional liability, and fidelity cover
- Product and general liability cover
- Environmental liability cover
- Claims related to insurance and reinsurance intermediaries
- Class action proceedings
- Cover and contribution litigation
- Cyber insurance and forensic investigations

- D&O and professional liability cover and defence
- Products liability defence
- Construction insurance
- Environmental claims
- Mining infrastructure claims
- Business interruption
- Suits between health insurers and providers
- Disability or regulatory issues arising out of personnel policies
- Restructuring and crisis management response
- Advising major renewable energy projects on the African continent on complex insurance disputes arising during the pre-commissioning construction phase and thereafter

### Corporate

- Corporate insurance mergers and acquisitions, joint ventures, restructurings and expansion into new markets
- Capital market raising
- Structuring and implementing insurance and reinsurance transactions
- Drafting insurance guarantees
- Distribution, outsourcing and other commercial contracts
- Cell captive arrangements
- Broad-based black economic empowerment

### Regulatory

- Compliance with relevant legislation and codes
- Drafting policies
- New product development and structuring
- Provision of opinions
- Policies for mining rehabilitation provisions

*"They are very approachable, make themselves available on short notice, can think out of the box, and are solutions-driven."*

THE LEGAL 500 EMEA 2025





## OUR EXPERIENCE

Our team brings extensive insurance experience to the full range of disputes, commercial transactions and regulatory issues.

We have acted as counsel for leading insurers in several big-ticket commercial transactions and defended numerous actions across the full range of claims faced by leading insurers and brokers including policy based:

1



Personal injury claims

2



Fraud claims

3



Professional indemnity claims

4



All other delictual claims

5



Assisting insurers and brokers in contractual disputes relating to:



Claims



Existence of cover



Limits of cover



**Our recent corporate insurance transactions, dispute and advisory work include:**

- Structuring of transactions and actions, including fundamental transactions and corporate actions, inclusive of drafting of relevant sale, transfer regulatory and company secretarial documentation
- Structuring of cooperative arrangements between FSPs and non-regulated partners and amongst themselves, including cell captive insurance and shariah-law compliant arrangements
- Preparation, execution and implementation of industry specific documentation and agreements such as policies, binder-, intermediary services- and administration agreements
- Assisting financial sector clients with the resolution of operational and financial related insurance considerations, including corporate recapitalisation requirements
- Assist in and prepare relevant documentation for purposes of compliance, exemptions and deviations from primary and secondary insurance legislation
- Advising insurers and intermediaries as well as other clients with commercial insurance related requirements, including restructuring of relationships in order to comply with regulation or to de-regularise the relationship structure
- Assist various local and foreign clients in the long-term, short-term, captive and cell captive insurance sector in regard to the aforesaid and otherwise, and whether from a product supply-marketing-, selling, servicing, leads referral and regulatory perspective
- Provision of legal opinions for financial services sector clients, including statutory and regulatory compliance opinions
- Establishment of new life insurers.
- Advising a leading insurance company on a defamation action
- Advising a major administrative entity in relation to litigation proceedings in a personal injury claim
- We regularly assist underwriters of commercial indemnity policies with advice on the merits of marginal claims and in defending subsequent litigation

## MARKET RECOGNITION

**Our Insurance Law team is externally praised for their depth of resources, capabilities and experience.**

*Chambers Global 2022–2025* ranked us in Band 3 for insurance.

*Chambers Global 2015–2025* ranked our practice in Band 1 for corporate/M&A.

*The Legal 500 EMEA 2018–2025* recommended us as Tier 1 in commercial, corporate/M&A.

**The way we support and interact with our clients attracts significant external recognition.**

**Tim Fletcher** is the Chairperson and a director in our Dispute Resolution practice. He was ranked by *Chambers Global 2025* as an 'Eminent Practitioner'; a category in which lawyers are ranked as highly influential lawyers and exceptional individuals. *Chambers Global 2022–2024* ranked Tim in Band 2 for dispute resolution. *Chambers Global 2019–2021* ranked him in Band 3 for dispute resolution. *The Legal 500 EMEA 2024–2025* recommended Tim in the 'Hall of Fame' for dispute resolution. *The Legal 500 EMEA 2016–2023* recommended him as a 'Leading Individual' for dispute resolution.

*The Legal 500 EMEA 2015–2021* recommended **Eugene Bester** for dispute resolution.

*The Legal 500 EMEA 2023–2025* recommended **Rachel Kelly** for mining. *The Legal 500 EMEA 2021–2022* also recommended her for corporate, commercial/M&A.

**Clive Rumsey** is the Head of our Construction & Engineering sector, and a director in our Dispute Resolution practice. *Chambers Global 2019–2025* ranked him in Band 1 for construction. *Chambers Global 2025* ranked Clive in Band 5 for dispute resolution and in Band 4 from 2021–2024. *The Legal 500 EMEA 2020–2025* recognised Clive as a 'Leading Individual' for construction. *The Legal 500 EMEA 2022–2024* recommended Clive for dispute resolution.

*The Legal 500 EMEA 2024–2025* recommended **Jaco Meyer** for commercial, corporate/M&A.

**Susan Meyer** is the Joint Head of our Healthcare & Pharmaceuticals sector, and a director in our Competition Law practice. *The Legal 500 EMEA 2021–2025* recommended Susan for competition. *IFLR1000 2018–2024* recommended her as a 'Notable Practitioner'.

**Tim Smit** is the Head of our Consumer Goods, Services & Retail sector, and a director in our Dispute Resolution practice. *Chambers Global 2025* ranked Tim in Band 3 for Corporate Investigations. *The Legal 500 EMEA 2025* recommended him for dispute resolution and from 2020–2023 recommended him as a 'Next Generation' lawyer.

**Roxanna Valayathum** is the Joint Head of our Healthcare & Pharmaceuticals sector, and a director in our Corporate & Commercial practice. *The Legal 500 EMEA 2023–2025* recommended for corporate, commercial/M&A.

*Chambers Global 2020–2025* ranked **Joe Whittle** in Band 3 for construction. *The Legal 500 EMEA 2017–2025* recommended him for construction.

*Chambers Global 2017–2025* ranked **Allan Reid** in Band 2 for energy & natural resources: mining. *The Legal 500 EMEA 2025* recommended Allan in the 'Hall of Fame'. *The Legal 500 EMEA 2020–2024* recommended him as a 'Leading Individual' for mining. From 2011–2019, it recommended him for mining.

*The Legal 500 EMEA 2025* recommended **Kananelo Sikhakhane** for construction.



## CLIENT TESTIMONIALS

*"The team is willing to go the extra mile."*

[Legal 500 EMEA 2025](#)

*"The team is very commercially savvy."*

[Legal 500 EMEA 2025](#)

*"The team provides reliable and well-thought-through advice."*

[Legal 500 EMEA 2025](#)

*"They prepare thoroughly for the case and maintain high levels of professionalism."*

[Legal 500 EMEA 2025](#)

*"The team's strength lies in the quality of its advice, and the continuous support offered to clients."*

[Legal 500 EMEA 2025](#)

*"Cliffe Dekker Hofmeyr provides effective communication and prompt responses."*

[Chambers Global 2025](#)

*"Cliffe Dekker Hofmeyr handles the biggest matters with ease."*

[Chambers Global 2025](#)

*"As clients, we appreciate his solution-oriented approach and leadership."*

[Chambers Global 2025](#)

*"The team is extremely responsive and provides excellent service with quick turnaround times."*

[Chambers Global 2020](#)

*"The firm gives excellent advice and insight into commercial matters and has deep knowledge of the law. It also has the ability to deal with shareholders from other geographies."*

[IFLR1000 2020](#)

*"The firm has incredible attention to detail and is very comprehensive in all aspects of its work."*

[IFLR1000 2020](#)

*"The firm is competent. They are leaders in their field of expertise and deliver on time."*

[IFLR1000 2020](#)

## OUR TEAM

For more information about our Insurance practice and services in South Africa, Kenya and Namibia, please contact:

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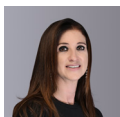
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**BBBEE STATUS: LEVEL ONE CONTRIBUTOR**

Our BBBEE verification is one of several components of our transformation strategy and we continue to seek ways of improving it in a meaningful manner.

**PLEASE NOTE**

This information is published for general information purposes and is not intended to constitute legal advice. Specialist legal advice should always be sought in relation to any particular situation. Cliffe Dekker Hofmeyr will accept no responsibility for any actions taken or not taken on the basis of this publication.

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