



MINING & MINERALS



Cliffe Dekker Hofmeyr (CDH)
is the mining legal partner for
your business across Africa.
We know that there's
nothing simple about
the mining industry.

Labour disputes, regulatory uncertainty, changing policies and laws, and stringent environmental regulation all add up to one truth – you need the right legal team working with you. A team with experience and insight not only in all aspects of law, but in the mining industry as a whole. A team like CDH. We have been key to some of the largest, most prominent resource industry matters and transactions in South, East, and Sub-Saharan Africa including BEE deals, regulatory issues, mining M&A, mining sector restructurings and funding transactions. And we can help you too.



SECTOR OVERVIEW

Our mining team understands the market and has a wealth of industry experience in all facets of this specialist sector.

Participants in the mining industry face many complex challenges and the legal landscape is intricate and evolving. Our mining team understands the market and has a wealth of industry experience in all facets of this specialist sector, built over many years of in-depth involvement.

WHO ARE WE?

Our team is multi-disciplinary and includes a number of leading legal experts across a broad range of areas of speciality in south and eastern Africa. Our immersive and longstanding association with the resources sector means we have sound, practical knowledge and are capable of offering a full range of services in a comprehensive and commercial way.

Our lawyers are highly skilled and have extensive experience. We are a solution driven and dynamic team, and are well placed to offer relevant advice at a strategic level as well as on day-to-day legal issues.

OUR EXPERIENCE

We have long-standing relationships with a large number of key players in the South African and Kenyan industry and also act for many mid-tier and junior miners. We have been engaged by a number of foreign companies seeking to invest across Africa's mining industry, including clients from Europe, North America, India, Russia and China.

Our team has been involved in many of the largest and most prominent and complex resource industry transactions and matters in South, East, and sub-Saharan Africa, including recent headline landmark black economic empowerment (BEE) transactions.

Whatever your needs in the sector, we have the technical expertise and provide a cohesive and integrated service based on excellence.

GLOBAL CAPABILITY

Mining is a global business. Commercial and financing transactions and disputes increasingly have an international dimension. As well as providing local and national support, we can support your business needs wherever in the world you do business.

"The team is very commercially aware. It is in touch with current trends both locally and internationally and always strives to bring these perspectives in their work."

"Cliffe Dekker Hofmeyr is a very good law firm and I am very happy with the service. It's is responsive and gets the work done."

CHAMBERS GLOBAL 2024

"The Cliffe Dekker Hofmeyr team is experienced and extremely knowledgeable in all things mining. They continuously assist and advise us on complex legal matters with skill."

CHAMBERS GLOBAL 2023

"Experienced, good care and attention to detail, dedicated, prompt, good legal and industry connections, practical and excellent skill sets."

THE LEGAL 500 EMEA 2022

"The team is extremely knowledgeable and is always on top of new laws, amendments to laws, regulations, etc. They go the extra mile and have good turnaround times."

THE LEGAL 500 EMEA 2023

OUR FULL SERVICES

TRANSACTIONAL

- Mergers, acquisitions and disposals, including cross-border transactions
- Joint ventures and partnerships
- Private equity
- Foreign direct investment
- Listings, IPOs, capital raises
- Corporate structuring and restructuring
- Due diligence investigations and risk identification
- Share incentive schemes

COMMERCIAL

- Exploration and prospecting agreements
- Development agreements
- Royalty agreements
- Contractor agreements
- Off-take and supply agreements
- Services and management agreements

BLACK ECONOMIC EMPOWERMENT

- Mining Charter
- BEE structuring and transactions
- Broad-based schemes and employee share ownership schemes
- BEE strategies
- Registration of empowerment trusts
- Community projects

REGULATORY

- Mining title opinions
- Regulatory applications
- Advice on all aspects of the Mineral and Petroleum Resources Development Act and compliance therewith
- Section 11 applications for the transfer of mineral rights and/or shareholdings
- Section 102 applications for the amendment of mineral rights
- Notarial executions and registration of rights

HEALTH & SAFETY

- Legal compliance reviews
- Reporting safety incidents
- Statutory appointments
- Mine health and safety investigations, inquiries, compliance audits and legal proceedings
- Reviews and appeals in respect of closures
- Staff training and employee education

EMPLOYMENT LAW

- All employment aspects of restructurings, mergers and acquisitions, redundancies and business transfers
- Litigation and dispute resolution, including private conciliation and arbitration
- Employee relations and strategic planning
- Training and development
- Restraint of trade

Clients find that, *"their experience and expertise in the sector we are involved in is outstanding."*

THE LEGAL 500 EMEA 2023

OUR FULL SERVICES... *continued*

ENVIRONMENTAL LAW

- All aspects of environmental compliance
- Planning issues and environmental impact assessments
- Programme development
- Environmental litigation, appeals and objections
- Land use and heritage law
- Advising on financial provisions for rehabilitation

BUSINESS RESCUE, RESTRUCTURING & INSOLVENCY

- Care and maintenance
- Financial corporate overexposure and managing restructuring debt
- Business rescue
- Liquidation proceedings and sequestration

PROPERTY

- Lease and land use agreements
- Liaising with communities and Department of Rural Development and Land Reform regarding community land

TAX & EXCHANGE CONTROL

- Corporate and mining taxation
- Structuring
- Exchange control
- Customs and excise

FINANCING

- Acquisition finance
- Preference share funding
- Commodity and leveraged finance
- Listings, IPOs and capital raises

PROJECTS & ENERGY


- Public Private Partnerships
- Joint ventures, pool and share agreements and PPPs
- Section 53 applications for approval to use the surface of land for projects

COMPETITION LAW

- Preparing merger notification documents
- Merger investigation proceedings and representation at merger hearings
- Advice on all aspects of competition law

INSURANCE

- Policy
- Risk management issues



Clients comment that *"the research that goes into the matters is also excellent."*

THE LEGAL 500 EMEA 2023

MARKET RECOGNITION AND EXPERIENCE

Our Mining & Minerals team is externally praised for its depth of resources, capabilities and experience.

Chambers Global 2017–2023 ranked our Mining & Minerals sector in Band 2 for energy & natural resources: mining. *Chambers Global 2012–2016* ranked our Mining & Minerals sector in Band 3 for energy & natural resources: mining. *The Legal 500 EMEA 2012–2023* recommended us in Tier 2 for mining. *IFLR1000 2016–2023* ranked us in Tier 2 for project development: mining.

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

Vivien Chaplin is Head of the Mining & Minerals sector, and a director in our Corporate & Commercial practice. The *Legal 500 EMEA 2021–2023* recommended Vivien for commercial, corporate/M&A. *The Legal 500 EMEA 2021–2023* also recommended her for mining. *IFLR1000 2021–2022* ranked Vivien as highly regarded in M&A.

Ian Hayes is the Practice Head of the Corporate & Commercial team. *Chambers Global 2021–2023* ranked him in Band 1 for corporate/M&A. *The Legal 500 EMEA 2022* recommended Ian for banking & finance. *The Legal 500 EMEA 2015–2023* included him in the 'Hall of Fame' for commercial, corporate/M&A. *The Legal 500 EMEA 2022–2023* also recommended Ian in the 'Hall of Fame' for mining. *IFLR1000 2021–2022* ranked Ian as highly regarded in capital markets: debt, capital markets: equity, energy and infrastructure, M&A, and private equity.

Emil Brincker is the Practice Head of the Tax & Exchange Control team. *Chambers Global 2003–2023* has consistently ranked him in Band 1 for tax. *The Legal 500 EMEA 2017–2023* recommended Emil as a leading individual for tax and named him Lawyer of the Year for tax in 2021. Emil has managed precedent-setting tax disputes and rulings which define legal practice in the field of taxation for South Africa across a wide range of industry sectors, including mining and minerals.

Jackwell Ferris is Head of the Industrials, Trade & Manufacturing sector, and a director in our Dispute Resolution practice. *Chambers Global 2023* ranked him as an up and coming dispute resolution lawyer. *The Legal 500 EMEA 2022–2023* recommended him for dispute resolution. The *Association of Young Arbitrators* recognised Jackwell as an expert arbitration practitioner. Jackwell is a Director in our Dispute Resolution practice focused on the mining, energy and natural resources sector, including the Africa and international factors. Jackwell's is focused on the entire value chain within such sectors to provide client with holistic advice and assistance.

Willem Jacobs is a director in the Corporate & Commercial team. *Chambers Global 2014–2023* ranked Willem in Band 2 for corporate/M&A and in 2022–2023 ranked him in Band 3 for corporate/M&A: Private Equity. *The Legal 500 EMEA 2016–2023* recommended him as a leading individual for commercial, corporate/M&A. Willem was also recommended in 2012–2016 for mining. *IFLR1000 2018–2022* recommended Willem as a highly regarded lawyer for M&A, and private equity.

Fiona Leppan is a director in our Employment Law practice. *Chambers Global 2018–2023* ranked her in Band 2 for employment. *The Legal 500 EMEA 2022–2023* recommend Fiona for mining. *The Legal 500 EMEA 2019–2023* recommended her as a leading individual for employment, and recommended her from 2012–2018.

The Legal 500 EMEA 2023 recommends **Burton Meyer** for mining.

Rishaban Moodley is the Practice Head of the Dispute Resolution team and Head of the Gambling & Regulatory Compliance sector. *The Legal 500 EMEA 2016–2023* recommended Rishaban for dispute resolution. Rishaban has extensive experience in open cast mining acting for and advising mining houses both in South Africa and other parts of Africa for over six years. The service and advice provided includes the application for prospecting permits, mining licenses, employment agreement, union negotiations, transport agreements, various sale agreements, including the sale of material and ferro alloy and commercial litigation.

MARKET RECOGNITION AND EXPERIENCE...continued

Aadil Patel is the Practice Head of the Employment Law team, and the Joint Sector Head of the Government & State-Owned Entities sector. *Chambers Global 2015–2023* ranked him in Band 2 for employment. *The Legal 500 EMEA 2021–2023* recommended Aadil as a leading individual for employment and recommended him from **2012–2020**. Aadil is particularly highly skilled in advising clients in highly-regulated industries on ground-breaking areas of employment law, helping them comply with fast-changing legislation in this space. A key focus for Aadil is energy & natural resources.

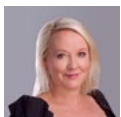
Allan Reid is a director in our Corporate & Commercial practice. *Chambers Global 2017–2023* ranked him in Band 2 for energy & natural resources: mining. *The Legal 500 EMEA 2020–2023* recommended him as a leading individual for mining. From **2011–2019**, it recommended him for mining. Allan is one of the leading advisers to the South African mining sector, bringing almost three decades of experience of mining and the mining industry for clients. He has also advised major clients with regard to compliance and mineral issues on mines in Zambia, Zimbabwe, Niger, Mozambique, Chad and the DRC. Allan has led work for South African platinum and gold majors on a diverse range of mining & mineral law interests, property, securities exchange and funding matters.

Chambers Global 2021–2023 ranked **Deon Wilken** in Band 3 for banking & finance. *The Legal 500 EMEA 2013–2023* recommended him for banking & finance. *IFLR1000 2018–2022* recommended Deon as a highly regarded lawyer for capital markets: debt, energy and infrastructure, and for project finance.



OUR TEAM

For more information about our Mining & Minerals sector and services in South Africa and Kenya, please contact:



Vivien Chaplin

Sector Head: Mining & Minerals
Director: Corporate & Commercial
T +27 (0)11 562 1556
E vivien.chaplin@cdhlegal.com



Ian Hayes

Practice Head & Director:
Corporate & Commercial
T +27 (0)11 562 1593
E ian.hayes@cdhlegal.com



Emil Brincker

Practice Head & Director:
Tax & Exchange Control
T +27 (0)11 562 1063
E emil.brincker@cdhlegal.com



Claudette Dutilleux

Director:
Dispute Resolution
T +27 (0)11 562 1896
E claudette.dutilleux@cdhlegal.com



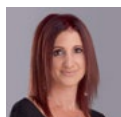
Jackwell Feris

Sector Head:
Industrials, Manufacturing & Trade
Director: Dispute Resolution
T +27 (0)11 562 1825
E jackwell.feris@cdhlegal.com



Willem Jacobs

Director:
Corporate & Commercial
T +27 (0)11 562 1555
E willem.jacobs@cdhlegal.com



Rachel Kelly

Director:
Corporate & Commercial
T +27 (0)11 562 1165
E rachel.kelly@cdhlegal.com



Fiona Leppan

Director: Employment Law
T +27 (0)11 562 1152
E fiona.leppan@cdhlegal.com



Burton Meyer

Director:
Dispute Resolution
T +27 (0)11 562 1056
E burton.meyer@cdhlegal.com



Jaco Meyer

Director:
Corporate & Commercial
T +27 (0)11 562 1749
E jaco.meyer@cdhlegal.com



Rishaban Moodley

Practice Head & Director:
Dispute Resolution
Sector Head:
Gambling & Regulatory Compliance
T +27 (0)11 562 1666
E rishaban.moodley@cdhlegal.com



Aadil Patel

Practice Head & Director:
Employment Law
Joint Sector Head:
Government & State-Owned Entities
T +27 (0)11 562 1107
E aadil.patel@cdhlegal.com



Allan Reid

Director:
Corporate & Commercial
T +27 (0)11 562 1222
E allan.reid@cdhlegal.com



Clarice Wambua

Consultant | Kenya
T +254 731 086 649
+254 204 409 918
+254 710 560 114
E clarice.wambua@cdhlegal.com



Deon Wilken

Director:
Finance & Banking
T +27 (0)11 562 1096
E deon.wilken@cdhlegal.com



Alistair Young

Director:
Environmental Law
T +27 (0)11 562 1258
E alistair.young@cdhlegal.com



Anton Ackermann

Associate:
Corporate & Commercial
T +27 (0)11 562 1895
E anton.ackermann@cdhlegal.com



Sandile Shongwe

Associate:
Corporate & Commercial
T +27 (0)11 562 1242
E sandile.shongwe@cdhlegal.com



Alecia Pienaar

Counsel:
Environmental Law
M +27 (0)82 863 6279
E alecia.pienaar@cdhlegal.com

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.

JOHANNESBURG

1 Protea Place, Sandton, Johannesburg, 2196. Private Bag X40, Benmore, 2010, South Africa.

Dx 154 Randburg and Dx 42 Johannesburg.

T +27 (0)11 562 1000 F +27 (0)11 562 1111 E jhb@cdhlegal.com

CAPE TOWN

11 Buitengracht Street, Cape Town, 8001. PO Box 695, Cape Town, 8000, South Africa. Dx 5 Cape Town.

T +27 (0)21 481 6300 F +27 (0)21 481 6388 E ctn@cdhlegal.com

NAIROBI

Merchant Square, 3rd floor, Block D, Riverside Drive, Nairobi, Kenya. P.O. Box 22602-00505, Nairobi, Kenya.

T +254 731 086 649 | +254 204 409 918 | +254 710 560 114

E cdhkenya@cdhlegal.com

STELLENBOSCH

14 Louw Street, Stellenbosch Central, Stellenbosch, 7600.

T +27 (0)21 481 6400 E cdh Stellenbosch@cdhlegal.com

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