



LAW SOCIETY  
OF SOUTH AFRICA



2-DAY COURSE

# Upgrade Your Skills in **Contemporary Commercial Drafting**

*In commercial environments, concise and sound contracts are crucial for success.  
Drafted correctly, they prevent disputes and save money.*



## What previous students **LIKED MOST** about the training?

- ✓ Fluent, lucid, audible, good dash of humour
- ✓ The practical examples as well as the structured manner in which areas of commercial law was explained
- ✓ Emphasis on technology aspects on drafting
- ✓ Relevant to everyday practice with practical examples. Adv Hussain is an excellent lecturer!!
- ✓ Counsel Hussain was very pragmatic and provided plenty of good advice
- ✓ Up-to-date information and unique learning opportunity
- ✓ Detailed explanations about new developments in law
- ✓ Relevant issues which I deal with when drafting contracts

**2017**

**LEAD | Lifelong learning  
towards a just society**

Legal Education and Development (L.E.A.D)

Tel: +27 (0)12 441 4600 (switchboard)

Website: [www.LSSALEAD.org.za](http://www.LSSALEAD.org.za)

Address: PO Box 27167 Sunnyside 0132 | Docex 227 Pretoria  
Old Main Building, 145 Steve Biko Street, Sunnyside, Pretoria

## Benefits of attending

- Enhance your knowledge and understanding of commercial agreements. Receive practical and applicable training in key drafting skills.
- Master practical drafting techniques to draw up concise and effective agreements.
- Understand the effect of exclusion and limitation clauses and how they can be used to manage your exposure.
- How to become a more effective commercial lawyer. Ensure good legal health and have satisfied clients.

## Who should attend?

- Contract and commercial managers
- Corporate lawyers and paralegals
- Attorneys and candidate attorneys
- Risk managers
- Financial controllers
- Sourcing and procurement professionals both in Government departments and private sector
- Engineers and building contractors
- Municipal staff (local government) including metros, district and local council.

## Instruction techniques

- The course will guide you step by step in how to deal with facts, laws and procedures. The emphasis will be on understanding concepts and practical skills transfer.
- The presentation will be interactive and participants will be encouraged to ask questions and engage in discussion.
- Participants will engage in drafting exercises using case studies.
- Participants will receive comprehensive documentation including contracts precedents and drafting manuals.

## Expert presenter

**Ismail Hussain SC** is a former Judge of the High Court and Competition Appeal Court. He has been a highly popular LEAD trainer for many years. Mr Hussain SC is an expert in commercial drafting, opinion writing, litigation and case management. He is a published author.

## Cities, dates, times and fees

### Cities

**Midrand:** 11 & 12 May 2017

**Cape Town:** 22 & 23 June 2017

**Durban:** 29 & 30 June 2017

**Time:** 08:30 – 16:00

**Venue:** To be advised on registration

### Fees (VAT inclusive)

- Staff from a practising attorney's firm: R2 900
- Other professions: R4 200

## How to register

1. Complete registration form on pages 4 and 5
2. Email your completed form, proof of payment and copy of ID/Passport to [annelie@LSSALEAD.org.za](mailto:annelie@LSSALEAD.org.za).
3. If you do not receive confirmation of registration from LEAD within **five business days**, please follow up with Bettie Lubbe on (012) 441 4670.

## Course information contact person

Bettie Lubbe: Tel: +27 (0)12 441 4670

Email: [Bettie@LSSALEAD.org.za](mailto:Bettie@LSSALEAD.org.za)

Find information about other up-coming LEAD events on [www.LSSALEAD.org.za](http://www.LSSALEAD.org.za).

## CLOSING DATE FOR REGISTRATION

Registration closes **one week prior to commencement** of the course.

## COURSE CONTENT

NEW for this year:

Full explanation of techniques and procedure in competitive bid process:

- ✓ How to make a successful tender;
- ✓ How tenders are evaluated – from bid specifications, functionality, scoring, to bid evaluation and assessment;
- ✓ There will be full explanation of the Law including legislation, regulations and notices.
- ✓ There will be reference to the most recent cases involving disputes over tenders.

## SESSION 1

- ✓ Brief discussion on general principles for the formation of contracts.
- ✓ Classes of contract and the necessary elements.
- ✓ The effect of non-variation clauses.
- ✓ Enforcement of contracts, including dispute resolution.
- ✓ Statutory requirements, disclosure and compliance.
- ✓ Obtaining instructions (how to deal with the facts specific to your case).
- ✓ Finding the law.
- ✓ Brief discussion on interpretation.
- ✓ Brief discussion on business structures in South Africa.
- ✓ Brief discussion on the effect of the Electronic Communications and Transaction Act 25 of 2002.
- ✓ The effect of the internet and cloud technology

## SESSION 2

- ✓ Contents of a contract:
  - Invariable provisions
  - Express provisions
  - Implied provisions
  - Residual provisions
  - Terms, conditions and warranties
  - Variation and waiver
  - Breach and dispute resolution
  - Boilerplate clauses
  - Dealing with electronic transactions

## SESSION 3

- ✓ Commonly used words and phrases in commercial contracts
- ✓ General techniques in drafting commercial contract:
  - Obtaining instructions
  - Understanding the law and procedure
  - The basic provisions for effective contracts
  - The structure of a contract (international best practice)
  - Plain language drafting

## SESSION 4

- ✓ Sale/Purchase of the various business/commercial structures
- ✓ Full discussion on how to conduct due diligence for sale/purchase of shares in respect of a business.
  - Sale/purchase of a business
  - Sale/purchase of a company
  - Sale/purchase of goodwill of a partnership
  - Asset purchase
  - Share purchase

## SESSION 5

- ✓ Contracts in procurement and supply-chain management
  - Service level agreements
  - Introduction to FIDIC contracts

## ABOUT THE LAW SOCIETY OF SOUTH AFRICA

The Law Society of South Africa (LSSA) is the umbrella body for the attorneys' profession in South Africa. Its mission is to uphold and protect the values and principles of the Constitution, the rule of law and the independence and integrity of the attorneys' profession.

**Legal Education and Development (LEAD)**, the educational division of the LSSA, is responsible for the management of the course.

With 30 years of experience, LEAD is well placed to understand the needs of a modern-day law practice. A wide range of top-quality courses, seminars and certificate programmes are offered which are designed to give legal practitioners the knowledge and skills to manage their practices successfully.

**Please turn over for registration form to be returned to [annelie@LSSALEAD.org.za](mailto:annelie@LSSALEAD.org.za).**

# REGISTRATION FORM

## Contemporary Commercial Drafting



Please complete the form in clear, block letters. Thereafter, please email the form, proof of payment and a copy of your ID document to your registration form must be e-mailed to [annelie@LSSALEAD.org.za](mailto:annelie@LSSALEAD.org.za)

Please select the preferred date and venue to attend:

Cape Town 22 & 23 June

Durban 29 & 30 June 2017

A. Applicant's Details		
Surname:	Preferred Name:	Title:
Full names:	ID number:	Race:
Postal address		Code
Employer:	Occupation:	
Tel no (w): (      )	Cell no:	
E-mail address:		
Special dietary requirements (if any):	If disabled, nature of disability:	
Where did you hear about the course? <input type="checkbox"/> SMS <input type="checkbox"/> Word of mouth <input type="checkbox"/> Newspaper <input type="checkbox"/> Employer <input type="checkbox"/> E-mail <input type="checkbox"/> Other		
If other, please specify:		
B. Employer Details (NB: Complete this section <u>only</u> if the delegate is being sponsored by his/her Employer)		
Firm/company name:		
Contact person:	Contact person's e-mail:	
Tel: (      )	Contact person's Job title:	
Postal/docex address:		Code
Do you need an invoice? <input type="checkbox"/> Yes <input type="checkbox"/> No. If "yes", please provide the employer's VAT number: _____		
I, _____ (name of the employer's authorised account signatory) hereby declare the above information to be correct. I accept full responsibility for fees payable to the Law Society of South Africa for the above-mentioned applicant.		NB Company Stamp
Employer Signature _____	Date _____	
LEAD reserves the right to cancel a learning activity should the number of students not justify the costs involved. Registered students will be given reasonable notice of cancellation		
<b>Contact Bettie Lubbe at LEAD   E-mail: <a href="mailto:bettie@LSSALEAD.org.za">bettie@LSSALEAD.org.za</a> / Tel +27(0)12 441 4670</b> LEAD switchboard: Tel +27 (0)12 441 4600		

## REGISTRATION FORM (CONTINUED) PAYMENT DETAILS: COMMERCIAL DRAFTING

Surname and names of applicant:

### C. Payment Details

Payment by Electronic Funds Transfer (EFT):  by Employer  by Applicant Amount: R\_\_\_\_\_

Bank: First National Bank (FNB) Account Holder: **Law Society of South Africa** Branch: Pretoria

Branch code: 251445 Account Number: 62009641079 Account Ref: (CC Surname, Initials)

### Terms and Conditions

#### Cancellation

1. A learner who wishes to cancel must do so at least 7 (seven) working days prior to commencement of the selected course.
2. Cancellations must be done in writing and e-mailed to [bettie@LSSALEAD.org.za](mailto:bettie@LSSALEAD.org.za) or faxed to 086 743 1942.
3. Confirmation of the cancellation will be confirmed via e-mail. Should a learner not receive a cancellation confirmation from LEAD, it means that the cancellation request was not received. Learners should follow up ASAP or it will mean that he/she will be held liable for the full course amount.
4. Learners who do not cancel and fail to attend the training will be held responsible for the full course amount. The only exceptions are if the reasons for cancellation are one of the following:
  - Death of a close family member (death certificate should be submitted);
  - Severe medical condition which results in the participant no longer being able to continue with the course (medical certificate should be submitted);
5. LSSA/LEAD shall have the right in its sole discretion to postpone or cancel tuition in any programme initially advertised and offered on the basis of insufficient demand. Should the LSSA/LEAD cancel the proposed training, registered learners will be given reasonable notice of the cancellation and all fees paid by the learner will be refunded.

#### General declaration

1. I agree that having registered for the \_\_\_\_\_ course, I am liable for the full course fee.
2. I am familiar with the outcomes of the course specified above, and fully comprehend the specifics as explained in this document.
3. I acknowledge that payment needs to be made before attendance of the course.
4. I understand that the fees must be paid to the designated LSSA bank account. The LSSA will not accept liability if fees are paid into any other bank account.
5. I accept that a certificate will be issued only if I comply with the attendance and payment requirements.
6. I acknowledge that I have read and understood the above, and hereby, sign as proof.

I, hereby, agree to abide to all the above terms and conditions

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date