

Advanced drafting skills for contracts

Contracts

Improving your contract skills one contract at a time

About this course

This course gives insight into commercial agreements and specifically those agreements as set out under 'outline/content of the course'. The legislative requirements and challenges pertaining to these specific agreements will be discussed, as well as dealing with the complicated foundation that must be taken into regard when dealing with contracts such as these.

This is not a 'Drafting of Contracts' course, but more of an academic approach to what must be considered when drafting such agreements correctly. Attention will also be given to the relevant legislation and case precedents forming the basis for these agreements, and the required content of such agreements to render them valid and enforceable.

Drafting guidelines will, however, be presented for setting up these specific contracts.

Course venues and dates

Midrand:

15 and 16 July 2020 | Time: 8:30 – 16:00

Venue: To be advised after registration.

Course duration

Contract drafting cannot be classified as a purely academic

learning module as it involves a skills development, which cannot be ignored.

It is imperative for a learning outcome such as this to run the lecturing of course material parallel to the specific contracts guide to bring about an effective empowerment of knowledge to the delegate.

To enable this outcome, it is imperative that delegates are given training on various forms of commercial contracts, to prevent delegates from complaining. Previous complaints under course evaluations stated that too few types of commercial agreements were trained on.

Who should register?

This course was specifically developed for delegates who wish to expand their knowledge in commercial agreements, especially the agreements that are dealt with in this course, and to be brought up to date on the latest legislation and case precedents pertaining to such agreements.

This is not a course for newcomers to the field of contracts. Newcomers should rather attend the 'basic drafting skills for contracts' course, before attending this course.

This course is intended for senior management level personnel and junior professionals already in practise. Seasoned professionals might find this course inadequate for their level of experience.

Benefits of attending

This course will expand the delegates knowledge in terms of commercial agreements and specifically the agreements that will be dealt with in this course. The delegates will also be brought up to date on the latest legislation and case precedents pertaining to said agreements.

Expert presenter

Dr James Clark has been practising as an advocate in the High Court of South Africa for the past 15 years. He is well-known for civil and criminal litigation and the drafting of contracts. Due to years of litigation experience he is well-versed in the mitigation of risk when it comes to the pitfalls of contracts. The drafting of contracts is a passion for him and he has also through the Law Society of South Africa's (LSSA's) Legal Education and Development (LEAD) division, Damelin and KMA lectured on the topic for years. He also has international exposure in the drafting of contracts for the South African government and with other international institutions. He is very knowledgeable in the National Credit Act 34 of 2005 and the Consumer Protection Act 68 of 2008, specifically in the drafting of contracts but also in terms of litigation. He has also been the author of various legal training curriculums for a variety of institutions and is also an internationally published author. Dr Clark also carries a Doctoral in Divinity (DD).

Topics –

- Introduction to commercial contracts;
- The general structure of a contract;
- Electronic contracting;
- Credit agreements;
- Surety;
- Cession;
- Acknowledgement of debt;
- Partnership agreement;
- Pre-incorporation agreements;
- Sale agreement movables;
- Sale agreement immovables;
- Shareholders agreement;
- Association agreement;
- Lease agreement; and
- Non-disclosure and confidentiality agreement.

Necessity of being knowledgeable in contracts

In today's society, one cannot escape, either privately or professionally, dealing with commercial agreements. From the sale of a vehicle, the lease of a commercial property or

to other business agreements of all sorts. Whether one is making a living out of setting up such agreements or just finding yourself in the commerce where you are dealing with such agreements every day, it is imperative to be knowledgeable in these types of contracts, either to protect your own interests, to render a satisfactory service in providing such agreements, or being more productive, knowledgeable and confident in the environment you are employed in.

Course content

- Introduction to commercial contracts.
- The general structure of contracts –
 - heading of the contract/parties to the contract/agreement to the contract in whole/index/preamble/interpretation/definitions/specific terms/legislative clauses/common terms/annexures/dating and location of signing the contract/signatures.
- Contracting electronically –
 - Electronic Communications and Transactions Act 25 of 2002.
- Credit agreements –
 - National Credit Act 34 of 2005/Consumer Protection Act 68 of 2008/Protection of Personal Information Act 4 of 2013.
- Surety.
- Cession.
- Acknowledgement of debt.
- Partnership agreement.
- Pre-incorporation contracts.
- Sale agreement (movables).
- Sale agreement (immovables).
- Shareholders agreement.
- Association agreement.
- Lease agreement.
- Non-disclosure and confidentiality agreement.



Registration

Registration fee categories (including VAT):

- Practising legal practitioners and other staff from law firms: R 3 700 per person.
- Non-practising legal practitioners/others: R 5 240 per person.

How to register

- Complete the registration form on page 4 and 5 of this document.
- E-mail your completed form, proof of payment and a copy of your ID/Passport to Merlin@LSSALEAD.org.za.
- Space is limited, and registration is based on a first-come first-serve basis.
- Registration closes one week prior to the commencement of the course.

For more information on this course, e-mail Merlin September at Merlin@LSSALEAD.org.za or telephone (012) 441 4652 (direct) or (012) 441 4600 (switchboard).

Please note: LSSA LEAD reserves the right to cancel a learning activity should the number of participants not justify the cost involved.

Bank details

Account holder: Law Society of South Africa

Bank: First National Bank

Branch: Pretoria

Account number: 6200 964 1079

Branch code: 251445

Reference: ADC/surname and initials.

Other LEAD product offers

LEAD is one of the largest providers of legal and professional education in South Africa and provides access to quality learning that is relevant, accessible and affordable. LEAD offers an extensive range of learning activities and training options. For more information on seminars and courses on offer, visit www.LSSALEAD.org.za.



REGISTRATION FORM

Advanced Drafting Skills for Contracts



Complete the registration form digitally or in clear, block letters. Please e-mail the form, proof of payment and a copy of your ID document to Merlin@LSSALEAD.org.za. Registration closes **one week prior to commencement**.

A. Venues and dates (Select your preferred date with an 'X')

Midrand: 15 and 16 July 2020

B. Participant's details

Surname:				Initials:				Title:			
Preferred name:						Race (for reporting purposes):					
ID number:											
Postal address:										Code:	
Employer:						Occupation:					
Tel (w): ()						Cell: ()					
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"/> Internet	<input type="checkbox"/> Employer	<input type="checkbox"/> E-mail	<input type="checkbox"/> Other						
If other, please specify:											

C. Employer details (NB: Complete this section **only** if the delegate is being **sponsored** by their 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 participant.

_____ Employer Signature										_____ Date		NB: Company Stamp	
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The Law Society of South Africa's Legal Education and Development Division reserves the right to cancel a learning activity should the number of participants not justify the cost involved. Registered participants will be given reasonable notice of cancellation.

PAYMENT DETAILS:

Advanced Drafting Skills for Contracts

Surname and initials of participant:

C. Payment details

Payment by Electronic Funds Transfer (EFT): by Employer by Applicant

Amount: R

Name of account: Law Society of South Africa | **Bank:** First National Bank (FNB)

Branch: Pretoria | **Branch code:** 251445 | **Account number:** 6200 964 1079 | **Reference:** ADC/surname and initials.

Terms and conditions

1. A delegate who wishes to cancel must do so seven or more working days prior to the commencement of the training. A substitute may be sent in your place. A completed registration form for the substitute must be forwarded to the LSSA/LEAD for the attention of Merlin September.
2. Cancellations must be done in writing and e-mailed to Merlin@LSSALEAD.org.za.
3. You may transfer (at no additional cost and only once) to another training programme with the provision that it is not in the seven-day period as stipulated above.
4. Confirmation of the cancellation will be e-mailed to you. Should a delegate not receive a cancellation confirmation from LEAD, it means that the cancellation request was not received. Delegates should follow up or it will result in full liability of the training amount.
5. Delegates who do not cancel and fail to attend the training will be held responsible for the full course amount.
6. LEAD has the right – in its sole discretion – to postpone or cancel training in any programme initially advertised and offered based on insufficient demand. Should LEAD cancel the proposed training, registered delegates will be given reasonable notice of the cancellation and all fees paid by the delegate will be refunded.
7. Registration is on a first-come first-serve basis. If payment is not received within seven days of sending the registration form, the registration will unfortunately be discarded.

General declaration

1. I am familiar with the outcomes of the training specified above and fully comprehend the specifics as explained in this document.
2. I acknowledge that payment needs to be made before attendance of the training.
3. I understand that all fees must be paid to the designated LSSA bank account only. The LSSA will not accept liability if fees are paid into any other bank account.

Name of account: Law Society of South Africa | **Bank:** First National Bank (FNB)

Branch: Pretoria | **Branch code:** 251445 | **Account number:** 6200 964 1079 | **Reference:** ADC/surname and initials.

4. I acknowledge that I have read and understood the above, and that submission of this registration form constitutes acceptance of the Terms and Conditions and hereby, sign as proof.

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

Applicant's Signature

Date

Course and registration queries: Merlin September | E-mail: Merlin@LSSALEAD.org.za | Tel: (012) 441 4652/00

Legal Education and Development | LEADers in training of legal professionals and support staff