

**Durban:** Ncondo Chambers, 45 Vuna Close, Umhlanga Ridge, Durban | Dx 50, Durban  
P O Box 913, Umhlanga Rocks  
**Tel:** 031 536 8500 | **Fax:** 086 573 5236  
**Sandton:** 4 Sandown Valley Crescent, Sandton | Dx 33 Sandton Square  
**Tel:** 010 0155 800  
**Cape Town:** Unit 801, Touchstone House, 7 Bree Street, Cape Town | Dx 74 Cape Town

[www.coxyeats.co.za](http://www.coxyeats.co.za)

**CoxYeats**

# Independent Legal Insight



## About us

Cox Yeats is a leading South African law firm, founded in 1964, with offices in Durban, Johannesburg and Cape Town. Over the past six decades, the firm has built a reputation for providing high-quality legal advice strategically tailored to meet clients' specific requirements. With a unique structure, Cox Yeats has become known for its ability to foster meaningful, long-term relationships with clients, helping businesses navigate the complexities of the South African legal landscape.

## Firm History

Founded by Graham Cox in 1964, Cox Yeats quickly grew to prominence with the addition of Jeremy Yeats as a partner in 1967. Their partnership, built on a foundation of legal excellence and astute business sense, has shaped the firm into one of South Africa's most respected legal institutions. The firm has continuously set industry benchmarks, drawing on its proud history to provide innovative counsel while maintaining a commitment to excellence.

## Our Approach to Client Engagement

The firm's structure allows for close collaboration between clients and professionals, ensuring that the legal advice provided is tailored to meet the strategic objectives of the client's business. Cox Yeats' partners operate with a significant level of independence while remaining connected to a network of experts. This approach fosters a personalised, hands-on experience for clients, where the legal team understands their business and goals, offering proactive solutions and practical advice.

The firm has always prioritised attracting and retaining the best legal talent in South Africa. Our professionals are recognised leaders in their fields and bring a diverse array of expertise to our clients. Many of our lawyers have been with the firm for over a decade and have been acknowledged for their contributions on both the national and international stages. The team's collective knowledge and creativity ensure that clients receive the highest standard of legal service, underpinned by practical insight and legal innovation.

## Expertise & Diversity

Cox Yeats provides a broad range of legal services across various industries, driven by expertise in numerous disciplines. When you choose Cox Yeats as your legal partner, you gain access to:

- **Top Legal Talent:** Our lawyers are experts in their fields, whether working independently or collaborating with colleagues across different specialisations.
- **Efficient Solutions:** We approach each legal matter with an eye on the broader strategic picture, delivering cost-effective, resourceful solutions to meet our clients' needs.
- **Comprehensive Service Portfolio:** We provide integrated legal solutions across a variety of sectors, including business law, competition law, construction and infrastructure law, maritime law, property law, intellectual property, corporate mergers and acquisitions, and more.

## Commitment to Transformation

- Cox Yeats is committed to transformation in South Africa. As a testament to this commitment, the firm has recently been assessed as a **Level 1 B-BBEE Contributor** under the Broad-Based Black Economic Empowerment (B-BBEE) scorecard system. With a **135% B-BBEE Recognition Level**, our clients can claim this percentage against their legal procurement costs as B-BBEE expenditure.

We are a full-service law firm offering a wide range of legal services, including the following:

## **Administrative and Procurement Law**

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*Ensuring compliance, avoiding disputes, and successfully managing tender processes.*

We provide expert legal guidance in administrative and procurement law, ensuring compliance with legal frameworks and successfully navigating tender processes. Since 1994, South Africa's state-owned entities have been required to adopt fair, transparent, and cost-effective procedures for procurement, all governed by constitutional principles to ensure fairness and accountability.

### **Our Expertise:**

- **Legal Framework Consultation:** We provide comprehensive advice on the legal requirements for administrative law and the procurement process, helping you understand the regulations and procedures involved.
- **State-Owned Entities Compliance:** We ensure that clients comply with the legal framework when engaging with state-owned companies/entities.
- **Legal Representation:** If issues arise regarding compliance, our team offers expert legal representation to resolve disputes and protect your interests.

## **B-BBEE & Transformation**

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*We provide tailored solutions to optimise your scorecard, foster enterprise development, and drive socio-economic transformation.*

We provide tailored solutions to optimise your B-BBEE scorecard, foster enterprise development, and drive socio-economic transformation in line with South Africa's commitment to equitable opportunities.

The Broad-Based Black Economic Empowerment (B-BBEE) Act (53 of 2003) aims to address historical imbalances and

enhance the participation of previously marginalised people in the South African economy. Today, B-BBEE compliance is not just a legal requirement but a symbol of corporate progress and commitment to transformation.

### **Our Expertise Includes:**

- **B-BBEE Advisory:** Guiding clients through the B-BBEE criteria and compliance requirements.
- **Compliance Assurance:** Ensuring that your business adheres to B-BBEE legislation and regulations.
- **B-BBEE Improvement:** Helping businesses enhance their B-BBEE level for better opportunities and impact.
- **Transformation Targets:** Assisting companies in setting and achieving meaningful transformation goals.

## **Business Rescue, Restructuring and Insolvency**

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*Providing strategic guidance that ensures a smooth path through financial distress.*

### **Business Rescue**

Business rescue is a rehabilitation process designed to return financially distressed companies to profitability, as outlined in Chapter 6 of the Companies Act (Act 71 of 2008). It balances stakeholders' interests while focusing on restructuring the company's operations, debts, and liabilities.

Our services include:

- Addressing tax-related litigation and assisting with the legal process for exiting business rescue.
- Conduct an independent business review to identify the root cause of financial distress.
- Developing and presenting a business rescue plan to creditors.
- Facilitating creditor meetings and representing clients in court.

- Sourcing pre- and post-commencement financing to fund the rescue plan.

## Business Restructuring and Turnaround

When formal business rescue is not ideal, business restructuring and turnaround offer an alternative. This process focuses on modifying a company's financial and operational structure to prevent formal insolvency and restore financial health.

Our team assists with:

- Assisting with company reorganisations, acquisitions, mergers, and due diligence.
- Conducting a comprehensive business review to assess financial distress.
- Developing and implementing cash management systems to improve cash flow.
- Debt restructuring and optimising accounts payable and receivable.
- Providing tax-related legal services during the restructuring process.
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## Insolvency (Liquidation)

When business rescue or restructuring is not feasible, liquidation may be the only viable option. Liquidation involves selling company assets to settle debts and is governed by a strict legal framework under the Companies Act. We assist in both voluntary and court-mandated (compulsory) liquidation processes.

Our insolvency expertise includes:

- Advising on voluntary liquidation and representing companies in compulsory liquidation.
- Facilitating the sale of core and non-core assets and engaging with creditors for a favourable outcome.
- Handling cross-border insolvencies, tax-related litigation, and securities perfection.
- Managing liquidations, sequestrations, and business rescue procedures.

## Competition Law

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*Ensuring fair competition to avoid antitrust penalties.*

We help businesses navigate the Competition Act (89 of 1998) to ensure compliance and avoid antitrust penalties. Our expert team works to foster fair competition across all sectors of the economy, protecting your company from legal risks and promoting a level playing field.

The Competition Act aims to:

- Promote economic efficiency, adaptability, and growth.
- Ensure competitive prices and product choices for consumers.
- Advance employment and social welfare in South Africa.
- Expand local participation in global markets and support foreign competition.
- Provide small and medium-sized enterprises with equitable access to the economy.
- Increase ownership stakes for historically disadvantaged persons.

### Our Expertise Includes:

- **Competition Act Compliance:** Assessing and ensuring your business complies with the Competition Act.
- **Regulatory Recommendations:** Advising companies on how to meet the Act's requirements.
- **Representation in the Competition Tribunal:** Defending and representing clients in competition-related matters before the Competition Tribunal.

## Construction, Engineering & Infrastructure

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*Providing strategic legal solutions for the built environment across South Africa and Africa.*

At Cox Yeats, we provide industry-leading construction law solutions across South Africa and Africa, specialising in construction, engineering and infrastructure law. Our

practical, results-driven approach helps deliver major developments in energy, mining, transport, and more.

We offer comprehensive legal service support throughout the project lifecycle—from contract drafting and negotiation to dispute resolution. We work closely with developers, contractors, financiers, and specialists to ensure your project's success.

## Why Choose Us?

As leaders in construction law, we shape industry standards and policies through our involvement with bodies like the Construction Alliance of South Africa (CASA) and the Joint Building Contracts Committee® NPC (JBCC®) Drafting Committee. Our expert team provides pragmatic legal solutions that align with your business goals and minimise risk.

## Key Legal Expertise:

- **Contractual Mastery:** Tailoring complex agreements, including PPP Agreements, Power Purchase Agreements (PPAs), and EPC Contracts, to your project's needs.
- **Dispute Resolution:** We offer mediation, arbitration, adjudication, and litigation services, ensuring minimal disruption to your project and business.
- **Cross-Border Advisory:** Offering expert guidance for cross-border projects, blending legal and commercial perspectives.

## Corporate and Commercial Law

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*Navigating corporate law with precision and expertise.*

We provide expert guidance in corporate and commercial law, helping businesses navigate the complexities of both commercial and company law. With a deep understanding of the Companies Act, we help companies streamline their operations and ensure compliance with legal frameworks.

Corporate law pertains to the legal principles that govern companies and legal entities, while commercial law deals with the principles that apply to business transactions. These areas often present challenges for businesses, and expert legal guidance is essential to ensure compliance and success.

## Our Expertise Includes:

- **Compliance with the Companies Act:** Assessing and aligning your business's operational and managerial procedures with the guidelines of the Companies Act.
- **Recommendations for Improvement:** Offering practical advice and solutions to address gaps and improve business practices.
- **Implementation Support:** Guiding your company through the process of rolling out necessary interventions and adjustments.

## Corporate Investigations, Fraud and Cybercrime

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*Advising on proactive measures that instil trust and prevent fraud and cybercrime.*

We help businesses prevent and address fraud and cybercrime by providing proactive legal advice and strategic solutions. Mismanagement, fraud, and employee error often lead to financial distress, and our team is experienced in guiding businesses through the necessary investigations and remedial actions.

With South Africa being one of the countries most impacted by cybercrime globally, safeguarding your business from cyber-attacks has never been more critical. Our expert team ensures your company is protected against evolving threats, building trust with stakeholders and securing your operations.

## Our Expertise Includes:

- Conducting financial and cybersecurity audits to identify vulnerabilities and assess risk.

- Identifying pain points within your organisation that expose you to fraud and cybercrime risks.
- Implementing effective interventions to address and mitigate these risks.

## **Dispute Resolution: Adjudication, Arbitration, Mediation & Litigation**

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*Tailored dispute resolution solutions to meet your specific needs.*

We provide tailored dispute resolution solutions to effectively address and resolve conflicts through adjudication, arbitration, mediation, and litigation. Our expertise in alternative dispute resolution (ADR) offers faster, more cost-effective alternatives to the traditional court system.

### **Adjudication**

Adjudication provides a quicker and more affordable method to settle disputes compared to the conventional court process. We facilitate adjudication by collating evidence, assessing the information, and delivering legally binding decisions enforceable in court.

### **Arbitration**

Arbitration involves a neutral third party who renders a legally binding arbitration award. This ADR process reduces court congestion and often leads to faster resolutions. We handle all aspects of arbitration, from arranging meetings to delivering binding awards.

### **Mediation**

Mediation is a flexible and cost-effective way to resolve disputes through negotiation, guided by a neutral mediator. Our mediation services help parties identify key issues, explore compromises, and achieve a fair resolution without the need for litigation.

### **Litigation**

When ADR outcomes are unsatisfactory, litigation provides an avenue for formal resolution. We offer expert advice, assess the

merits of the case, and represent clients in court proceedings to appeal ADR decisions or resolve disputes that require legal action.

## **Employment**

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*Providing comprehensive employment law solutions from assessment to representation.*

We provide comprehensive employment law solutions, helping businesses navigate the complexities of Labour Relations and Employment Equity. We ensure compliance with key South African legislation, including the Labour Relations Act (66 of 1995) and the Employment Equity Act (55 of 1998).

The Labour Relations Act governs employer-employee relationships, focusing on collective bargaining and conflict resolution, while the Employment Equity Act promotes equal opportunities and seeks to eliminate unjust discrimination in the workplace.

### **Our Expertise Includes:**

- Assessing compliance with the Labour Relations Act and Employment Equity Act.
- Providing strategic recommendations to ensure regulatory compliance.
- Leading negotiations in labour disputes and employee dismissals.
- Representing clients at hearings before the CCMA.
- Advising on best practice labour principles for companies.

## **Energy and Natural Resources**

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*Partnering with you to ensure reliable energy and sustainable solutions.*

We provide expert legal services to clients in the energy and natural resources sectors, offering tailored solutions for challenges in renewable energy, mining, agriculture, and more. Our team of experienced attorneys works closely with clients to navigate complex legal landscapes and achieve business goals.

We offer strategic advice and practical solutions for a wide range of issues, from mining rights to water rights, and the legal requirements surrounding agriculture and natural resource management.

## **Our Expertise Includes:**

- Structuring mining companies for mining charter compliance.
- Securing and converting mining rights and prospecting rights.
- Acquisition and protection of water rights.
- Navigating legal requirements for irrigation schemes, genetic material, and crop and livestock sales.
- Managing land claims, land tenure, and community rights.

## **Environmental law**

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*Ensuring environmental compliance and sustainable operations.*

We provide expert legal advice on environmental law, ensuring your business complies with South Africa's environmental regulations while promoting sustainable practices. Our deep understanding of key environmental legislation allows us to offer strategic solutions that help you navigate the complexities of environmental compliance.

The National Environmental Management Act (NEMA) is the cornerstone of South Africa's environmental governance framework. It governs environmental impact assessments, sustainable development, and environmental protection across various sectors. Our expertise in NEMA ensures your business meets all legal requirements, helping you manage environmental risks and remain compliant with the act's provisions.

## **Key Legal Expertise:**

- Biodiversity Conservation: We advise on compliance with the National Environmental Management: Biodiversity Act (NEMBA), protecting endangered species and biodiversity.

- Air & Water Quality: Expertise in the National Environmental Management: Air Quality Act and National Water Act to safeguard environmental health.
- Waste Management: Compliance with the Waste Act (NEMWA) for sustainable waste disposal and recycling.
- Climate Change & Energy: Guidance on policies like the Carbon Tax Act, addressing climate change mitigation and energy regulations.
- Mining & Land Use: Legal support for mining activities and land use planning under the Mineral and Petroleum Resources Development Act (MPRDA).
- Environmental Enforcement: We ensure compliance with NEMA's enforcement measures, minimising penalties for non-compliance.
- Public Participation: We guide businesses in integrating public participation into environmental decision-making processes.

## **Banking and Finance**

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*Safeguarding your financial interests with expert legal support.*

We provide expert legal support in banking and finance law, safeguarding your financial interests with comprehensive advice on private equity, corporate finance, lending transactions, and more. Our team helps you navigate complex legal landscapes, ensuring compliance with regulatory requirements and mitigating risk.

We assist clients in areas such as project finance, asset finance, debt structuring, and cross-border finance, addressing issues like financial mismanagement and corporate scandals.

## **Our Expertise Includes:**

- Assessing compliance with banking and finance regulations.
- Providing strategic recommendations to ensure legal alignment with current legislation.

- Representing clients in civil litigation and assisting with court rulings.

## Healthcare

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*Providing trusted guidance around healthcare compliance.*

We provide trusted legal guidance in the evolving field of healthcare law, offering expert advice on compliance, regulation, and dispute resolution. We serve a range of stakeholders, including medical schemes, healthcare providers, insurers, and brokers, ensuring that they meet the legal requirements of the sector.

We assist clients with compliance with the Medical Schemes Act, which governs the operations of medical aid schemes in South Africa and prepare them for the upcoming changes related to National Health Insurance (NHI).

### Our Expertise Includes:

- **Regulatory Compliance:** Ensuring adherence to the Medical Schemes Act and healthcare regulations.
- **Litigation & Representation:** Representing clients in disputes with the Council for Medical Schemes (CMS) and other regulatory bodies.
- **Governance & Operations:** Helping healthcare providers, insurers, and brokers meet governance standards.
- **NHI Advisory:** Preparing clients for the implementation of South Africa's National Health Insurance, ensuring compliance with emerging regulations.
- **Healthcare Disputes:** Resolving disputes related to medical schemes, claims, and regulatory decisions.

## Insurance

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*Simplifying complex insurance issues with innovative legal solutions*

We provide innovative legal solutions for complex insurance issues, specialising in marine, cargo insurance, construction,

engineering, and professional indemnity. Our team acts for some of the largest insurers in South Africa, offering cross-border and reinsurance advice to brokers and insurers.

We focus on delivering practical, cost-effective solutions for claims and empowering clients through training and workshops on legal developments and industry trends.

### Our Expertise Includes:

- Specialist insurance work, including indemnity claims, cyber, fire, D&O, trustees' liability, employment, and medical negligence claims.
- Regulatory advice to help clients manage and mitigate regulatory risks.

## Maritime, Transport & International Trade

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*Maritime expertise with an impact that transcends borders*

We are a sector leader in maritime, international trade, and insurance law, offering comprehensive solutions and practical legal advice. We serve a wide range of local and international clients, providing expert representation in the South African context.

Our team has extensive experience in all areas of shipping, marine insurance, and international trade law, from general advice and claims handling to the drafting and interpretation of commercial agreements.

### Our Expertise Includes:

- Handling ship arrests, charter party disputes, collision and casualty work, and salvage.
- Managing customs and port tariff disputes, ship sale applications, and enforcement of claims.
- Advising on letters of credit, international trade transactions, and contracts of sale and carriage.



## **Mergers and Acquisitions (M&A)**

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*Guiding you in reshaping your business through strategic M&A.*

We guide businesses through strategic Mergers and Acquisitions (M&A), providing expert legal support for company acquisitions, joint ventures, partnerships, and minority investments. Our team offers a comprehensive range of services to help you navigate the complexities of M&A transactions.

We assist with due diligence, negotiations, contract drafting, and regulatory compliance while leveraging an extensive network to identify potential acquisition targets.

### **Our Expertise Includes:**

- Conduct diligence, financial, anti-trust, and deal jump risk assessments.
- Provide strategic guidance on M&A transactions and regulatory compliance.

## **Notarial Law**

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*Providing expert notarial services at your convenience.*

We provide expert notarial services to ensure the authenticity of your important legal documents, including contracts, birth and marriage certificates, and legal declarations. Our services are essential for both local and international use, including document submission to authorities such as the Health Professions Council of South Africa (HPCSA).

We offer guidance on authentication and apostille processes, helping you navigate the differences between the two methods. Apostilles are for countries part of the Hague Convention, while authentication applies to non-signatory countries, requiring steps through the High Court, DIRCO, and relevant embassies.

### **Our Expertise Includes:**

- Document Authentication: Certifying copies of contracts, certificates, and other legal documents.

- Apostille Services: Providing apostilles for Hague Convention countries.
- Document Processing for Emigration: Assisting with document submissions for work or emigration, including relevant authorities like the HPCSA.

## **Occupational Health & Safety**

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*Navigating the intricacies of OSH legislation*

We provide expert guidance in Occupational Health and Safety (OHS) law, helping clients navigate the complexities of South African OHS legislation. With over 30 years of experience, we serve a wide range of sectors, including mining, construction, engineering, and insurance, ensuring compliance and managing risk.

We go beyond legal defence by offering seminars, training, and proactive policy development to ensure effective safety practices and risk mitigation.

Our Expertise Includes:

- **Dispute Resolution:** Handling OHS-related disputes for fair and just outcomes.
- **Compliance Assessments:** Conducting audits to ensure adherence to OHS standards.
- **Policy Drafting:** Creating practical and compliant OHS policies.
- **Internal Hearings:** Advising and conducting proceedings on workplace safety matters.
- **Health & Safety Audits:** Performing detailed workplace inspections.
- **Legal Representation:** Advocating in OHS investigations, inquiries, and legal proceedings.

## **Pro Bono and Human Rights**

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*Empowering vulnerable communities through expert pro bono services.*

We are committed to empowering vulnerable communities through pro bono services, ensuring that all individuals have access to

expert legal representation. We uphold the fundamental rights enshrined in South Africa's Bill of Rights, including equality, freedom from discrimination, and human dignity.

Since 1994, South Africa has shifted towards a restorative justice system, and Cox Yeats actively supports this transition through pro bono work, ensuring equitable access to justice for all.

#### **Our Expertise Includes:**

- Providing pro bono legal representation to those in need.
- Offering expert legal opinions and assessments on human rights cases.

#### **Real Estate and Property Law**

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*Ensuring a smooth and hassle-free property experience.*

We offer expert legal advice in real estate and property law, ensuring a smooth and hassle-free property experience. South Africa's property law is known for its comprehensive nature and reliable land registration system, which ensures secure ownership through registered land titles such as freehold, sectional title, and long lease.

We assist clients with both private and public property matters, ensuring that their property rights are protected and well-aligned with legal requirements.

#### **Our Expertise Includes:**

- Determining property ownership and verifying land claims.
- Advising on the most suitable ownership structures.
- Offering solutions to make property purchases more affordable.
- Establishing ownership rights and identifying potential property claims.
- Reviewing contracts, deeds, and mortgages to ensure fairness in property transactions.

#### **Regulatory and Compliance Law**

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*Guiding you to avoid regulatory pitfalls and focus on growth.*

We guide businesses through the complexities of regulatory compliance, helping you navigate South Africa's evolving legal framework. With over 108 new Bills introduced since 1994, ensuring compliance can be challenging, especially as regulations continue to change. Our team offers expert guidance to help you avoid pitfalls and focus on growth.

We provide strategic advice on regulatory compliance, represent clients in court, and assist with compliance-related matters, ensuring your business stays aligned with South African law.

#### **Our Expertise Includes:**

- **Compliance Assessments:** Evaluating your company's adherence to South African law.
- **Key Recommendations:** Offering actionable advice on how to meet regulatory requirements.
- **Legal Representation:** Providing support in court for compliance-related matters.
- **Court Orders & Rulings:** Assisting businesses and individuals subject to court decisions.

#### **Tax law**

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*Minimising your tax burden while maximising your compliance and planning.*

We provide expert guidance on tax law, helping businesses and individuals minimise their tax burden while ensuring full compliance with South Africa's tax regulations. With a comprehensive understanding of the legal framework, we assist clients in navigating the complexities of tax law and the South African Revenue Service (SARS).

We offer strategic advice on tax planning, compliance, and representation in SARS hearings to ensure your business meets all legal obligations.

#### **Our Expertise Includes:**

- **Tax Consulting:** Offering expert advice on tax issues and planning strategies.

- **Compliance Recommendations:** Ensuring your business adheres to South African tax laws.
- **Representation:** Representing clients in hearings before SARS and other legal proceedings.
- **Court Orders & SARS Directives:** Assist clients with compliance related to court orders and SARS directives.

## Trusts & Estates

*Assisting you throughout the estate planning and asset protection process.*

We provide expert guidance in trusts and estate planning, ensuring that your assets are distributed according to your wishes and in the most efficient manner. We help you

navigate the complexities of estate planning, offering peace of mind through proper asset protection and legal compliance.

Our team helps you consider key factors like liquid assets, minimising estate duty, fulfilling maintenance obligations, and appointing guardians for minor children. We provide personalised strategies to meet your wishes and legal requirements.

## Our Expertise Includes:

- **Trust & Estate Planning:** Consulting on and managing the trust and estate planning process.
  - **Asset Protection:** Offering strategies to protect your estate and minimise liabilities.
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