



**KAMANGA & ASSOCIATES**

ATTORNEYS AT LAW

Where the heart of your matter meets simple legal solutions.

# COMPANY PROFILE

[www.kamanga-attorneys.co.za](http://www.kamanga-attorneys.co.za)



# Contents



- 2 About Us
- 3 Why Us
- 4 Our Ethos
- 5 Our Services
- 6 Corporate And Commercial Legal Services
- 7 Data Privacy And POPIA Compliance Services
- 8 Employment Legal Services
- 9 Debt Collection And Legal Recovery Services
- 10 Construction And Engineering
- 11 Notarial Services
- 12 Drafting And Registration Of Trusts
- 13 Company Secretarial Services
- 14 Seminars, Capacity Building And Training



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# About Us



Kamanga & Associates is an Attorneys' firm, with its main offices in Johannesburg and 2 other offices In Mpumalanga and the Eastern Cape. It was established by Carol-Rosalie Kamanga with the focus of providing customized and hands-on legal services to its clients. While we focus primarily on Corporate, Commercial, and Notarial matters, we also assist our clients with other areas of the law where the need arises.

We are not only attorneys, but we are also entrepreneurs. This helps us to understand business and its different cycles. Carol-Rosalie Kamanga's years of experience in running several of her own and client businesses, contribute to the firm's hands-on practical approach.


Carol-Rosalie Kamanga and her team's knowledge of the daily challenges that business owners endure, has made Kamanga & Associates a unique player in the legal and business services arena. We represent clients in all major fields of commercial activity, including but not limited to the construction industry, financial services, logistics, professional services, and real estate. As attorneys who pride themselves in excellence and an intimate understanding of their clients' business and needs; our clients rely on us for insightful and practical legal strategies and solutions.




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# Why Us





 We understand different companies have unique and varying dynamics; thus, each case presents unique challenges, and we are dedicated to providing a customized solution that answers to that client's specific needs.

 We understand the economic, political, and business landscape of the African market. We are therefore able to successfully operate in it.

 Our team has advised clients in several sectors.

 We are no strangers to international transactions. We know how to structure, negotiate, and document complex international transactions.

 We are passionate about what we do and are driven by our ambition to succeed.

 We believe in planning and structure. Therefore, each case is handled as a project regardless of how big or small it may be.



# Our Ethos



**Our** aim is to be a leading legal and business services firm throughout Africa and to deliver un-paralleled excellent services. We intend to achieve this by continuing to respect our team members' diversity and respect for ideas and creativity in providing our clients with trustworthy solutions that are specifically tailored for their challenge and their business.



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# Our Services



CORPORATE AND COMMERCIAL LEGAL SERVICES



DATA PRIVACY AND POPIA COMPLIANCE SERVICES



EMPLOYMENT LEGAL SERVICES



DEBT COLLECTION AND LEGAL RECOVERY SERVICES



CONSTRUCTION AND ENGINEERING



NOTARIAL SERVICES



DRAFTING AND REGISTRATION OF TRUSTS



COMPANY SECRETARIAL SERVICES



SEMINARS, CAPACITY BUILDING AND TRAINING



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# Corporate And Commercial Legal Services



Kamanga & Associates offers a full spectrum of Corporate and Commercial Legal services. Whilst corporate law deals with the formation and operations of corporations, the core of commercial law is to govern business and commercial transactions and to deal with the principles of business and commerce.

We have an in-depth knowledge of corporate law to assist our clients with business transactions and to ensure that these transactions don't conflict with any statutory laws and regulations. We familiarize ourselves with the industries in which our clients operate to be able to advise them on their legal rights, responsibilities, and duties. We try to make the legal and financial aspects of commercial transactions as uncomplicated as possible for our clients.

Our corporate and commercial law services include but are not limited to:

-  Advising on appropriate forms of business enterprises for transactions.
-  Registration of business enterprises and making relevant changes to such registrations.
-  Drafting all contracts and legal documentation for commercial contracts such as Sale Agreements, Leases, Partnerships, Joint Ventures and Shareholders Agreements.
-  Structuring transactions (e.g., share sales, sale of businesses and assets).  
Advising on legislative implications for commercial transactions, to the extent that it is incidental to the other advice being provided.



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-  Consulting and advising on regulatory aspects of transactions
-  Due diligence investigations
-  Takeovers , mergers, and acquisitions in both private and public markets
-  Black economic empowerment transactions
-  Group restructuring and reorganisation
-  Private equity
-  Corporate finance and structuring



# Data Privacy And POPIA Compliance Services



The Protection of Personal Information Act (“POPI” or “POPIA” as it is commonly referred to), is the South African data privacy law that affects most business organisations in South Africa. If you operate in South Africa or have customers in the country, you use personal information in some form or other in your business dealings, and you are thus, also subject to the Protection of Personal Information (POPI) Act.

In a nutshell, the implementation of this Act is to ensure better data management, data security and make businesses more accountable when it comes to how they use the public's data – bringing South Africa's privacy laws in line with international standards. It limits how companies can use and store data such as customer email addresses e.t.c. With a greatly noticeable rise in data breaches, this new Act works to better protect consumers from security breaches, theft, and discrimination. POPIA holds all data processors accountable, regardless of the size of their databases. The POPI Act broadly requires businesses to limit their use of personal data, get consent before using it, and allow users the opportunity to withdraw their consent later, should they wish to do so.










In the process of acquiring “informed” consent, one needs to publish several details to their data subjects (these could be employees, customers or other third parties), which details cover the 8 crucial points set out in the POPI Act. Publishing your Privacy Policy is the easiest way to make sure consent is truly informed. The policy must thus cover all the 8 important factors set out in the POPI Act.

Complying with POPIA is not a case of one size fits all. Different organisations need to take different actions to comply. For example, what a small enterprise (or SME) must do is very different from what a medium or large-sized organisation must do. An organisation's actions are also dependant on the foundations already built to protect personal information. Some organisations may have many securities in place while others are new to the issue.



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At Kamanga and Associates, we can assist your organisation with its data protection and POPIA compliance journey. Some of our services include:

-  Data risk assessment;
-  Drafting of a POPIA compliant Privacy Policy;
-  Drafting of POPIA compliant Employment Agreements;
-  Putting together a Retention Policy;
-  Drafting of an Incident Response Plan;
-  Third party agreements;
-  Drafting of Disclaimer Policy;
-  POPI monitoring;
-  POPI training; and
-  Drafting new or updating existing PAIA Manuals to be in line with the POPI Act.








# Employment Legal Services



Employment law governs the many different facets of the relationship between employers, employees, trade unions and the government. We understand that compliance with employment law is a crucial element of any efficient business. We therefore make it our mission to ensure that we provide our clients with advice that is relevant, up to date and understandable. We have a balanced view of the challenges which our clients could face and endeavour to support our clients to align their business with correct labour law practices and procedures.

Our employee law services include:

-  M&A employment related issues
-  Employment agreements, and policies and procedures
-  General employment advice
-  Organisational restructuring
-  Workplace training

# DEBT COLLECTION AND LEGAL RECOVERY SERVICES



Through our interactions with our various clients, we realised that many companies and individuals were having financial and cashflow challenges because their debtors owed them large amounts of money and prospects of receiving payments were not looking too promising. Others could not collect on their debt as the details of the debtor had changed and this made it difficult to contact the debtor as they were not equipped with the correct tracing tools.

At Kamanga & Associates we assist our clients with verification services, tracing services; commercial debt collections; consumer debt collections; monitoring of debtors' payments and payment arrangements; asset recovery services; full legal process; default listing of debtors; and provision of monthly reports to our clients. Collectively, our team has over a decade of experience between staff members in the legal, tracing, verification, and debt recovery arena. That is the reason we can provide a vast selection of tracing, verification, and debt recovery solutions to our clients, resulting in tailor-made processes and solutions to suit your business. We are constantly challenging ourselves to improve performance in all aspects. We have a close and open relationship with our clients, that generates trust, and we work in partnership for mutual benefit. We specialize in providing a full range of verification, tracing and debt/asset recovery solutions designed to meet the unique challenges of today's world and our clients' needs.

Our Debt Collection and Legal Recovery services therefore include:

-  Tracing Solutions
-  Verification Solutions
-  Debt Collection and Legal Recovery Solutions
-  Default listing Services



# CONSTRUCTION AND ENGINEERING




The construction life cycle generally involves Pre-Contract, Post-Award and Construction Disputes (either pre-contract or post-award). Our team has an exceptional grasp of the needs and concerns of all stakeholders in the engineering and construction value chain, ranging from employers, contractors and sub-contractors to professional teams and specialist consultants. It also has the required business acumen, technical know-how and combined industry experience to grasp opportunities and resolve regulatory obstacles for clients as they arise.

We appreciate the importance to our client of the project being completed on time and the cost implications of finalising a project within the applicable time frame. It is therefore our role to help our clients facilitate these key success factors.

Our services include:

 Drafting and negotiating of all contractual arrangements whether bespoke contracts or customising the suite of FIDIC (Fédération Internationale Des Ingénieurs-Conseils), NEC (New Engineering Contract), JBCC (Joint Building Contracts Committee) contracts, SAACE (South African Association of Consulting Engineers) engineers' contracts, GCC (General Condition of Contract), SAIA (South African Institute of Architects) architects' contracts, SAIA principle agents' contracts, ASAQS (Association of South African Quantity Surveyors) contracts and PROCSA (Client/Consultant Professional Services Agreement).

 Advice on the impact of regulatory and environmental legislation.

 Dispute resolution including mediation, arbitration and litigation, nationally and regionally.










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# NOTARIAL SERVICES



We have experience in various forms of notarial related transactions.

These include:

-  Authentication of Copies
-  Cession of Exclusive Use Areas.
-  Antenuptial Contracts.
-  General Power of Attorney.
-  Notarial Bond Registrations and Leases.
-  Servitudes (Right of way etc.).
-  Notarial Agreements: Usufruct, Usus and Habitatio.
-  Co-habitant / Life Partnership Agreements.

# DRAFTING AND REGISTRATION OF TRUSTS



With our experience in trust law, drafting and registration of trusts, our team can advise you on the specific type of Trust you need to register to suit your desired needs and outcome. Should you require assistance with drafting and registration of any form of trust, we are your team.



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# COMPANY SECRETARIAL SERVICES



As corporate law service providers we provide several company secretarial services to our clients. As we handle their entire company secretarial duties, our clients can focus on running their business.

 Our services include:








-  Notices
-  Minutes
-  Resolutions
-  Compliance
-  Distributions (share allotments)
-  Company (CIPC) amendments
-  Company authorizations
-  Declarations and disclosures
-  Statutory record establishment
-  Statutory record maintenance

# SEMINARS, CAPACITY BUILDING AND TRAINING



As Kamanga & Associates (Pty) Ltd, we value the power of imparting and sharing knowledge with our clients, colleagues, and upcoming brilliant legal minds. That is why our seminars and training department is an important and integral part of our organisation. We have a clear understanding and in-depth knowledge of the different laws that apply to our field. We believe that as we share our knowledge and experiences through the seminars and training sessions we host and attend, we are adding value to the lives and businesses of our clients.

We provide in-house training courses, aimed at addressing specific topics or issues, as selected by the client. Each course is developed in accordance with the client's needs and expectations and in consideration of the audience capabilities and expected outcomes. Courses vary in scope, depth, and duration in accordance with the client's brief. We, however, also provide generic programmes from time to time in various areas of law that affect businesses. Some of these topics are:

-  Data Privacy and Protection of Personal Information Act (POPI Act) - POPIA
-  Company law overview
-  Company law in depth
-  Drafting and understanding a Memorandum of Incorporation
-  Business Rescue
-  Directors' Liabilities
-  Contract Law and Drafting Techniques



# Our Team



Carol Rosalie Kamanga  
Managing Director



Noluthando Nkosi  
Senior Associate



Malefa Tshabalala  
Office Manager



Pinky Ntshoko  
Office Manager



Gold Mashabane  
Legal Assistant



D.R ZOLISA CHITIYO  
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