



Tusani Fakude

ASSOCIATE

Phone: +27 21 405 5145 Email: tfakude@werksmans.com Location: Cape town

Tusani Fakude is an Associate in the Corporate M&A practice area.

PRACTICE AREAS

- Corporate Mergers & Acquisitions

EXPERTISE

Commercial

- Business Transactions
- Business Agreements
- Commercial Property

RELEVANT EXPERIENCE

Below are some of the notable matters I have worked on, as part of a team of attorneys:

Candidate Attorney: 2017 – 2019

- Advised Liberty Group Limited, Liberty Two Degrees and Tuscaloosa 131 Proprietary Limited in Phase II of the development by the abovementioned companies of a 200-bed hospital in Richards Bay, KwaZulu Natal to be operated by Melomed;
- Preparing of legal opinions for Adcock Ingram Holdings Limited (“Adcock”) relating to the Long-Term Insurance Act, No. 52 of 1998, and the Companies Act regarding the distribution of proceeds due to a wholly owned subsidiary of Adcock (“Subsidiary”) in respect of a policy taken by the Subsidiary on the lives of executive employees of the Subsidiary; and
- Preparing of legal opinions for Excellerate Real Estate Services Proprietary Limited trading as JHI Properties Limited in respect of the termination of a supply agreement by effluxion of time concluded between Easigas Proprietary Limited and Liberty Group Limited.

Associate Designate: 2019 – 2020

- Preparing legal opinions for Land and Agricultural Development Bank of South Africa (“Land Bank”) relating to, without limitation, the Companies Act, No. 71 of 2008, (“Companies Act”), the King IV Report on Corporate Governance for South Africa, 2016 (“King IV”) and Land Bank Act, No. 15 of 2002, (“Land Bank Act”) regarding the delegation of power of executives within Land Bank;
- Preparing legal opinions for the Land Bank relating to, without limitation, the Companies Act, the King IV, Public Finance Management Act, No. 1 of 1999, as amended (“PFMA”) regarding the effect of the suspension of the Company Secretary of Land Bank on wholly owned subsidiaries of Land Bank;
- Preparing legal opinions for Land Bank relating to the PMFA, Land Bank Act, Constitution of the Republic of South Act, No. 108 of 1996, PAIA and the Protection of Personal Information Act, No. 4 of 2013, regarding the disclosure of personal information of politically exposed clients of Land Bank;
- Advised the Public Investment Corporation of South Africa Limited in its conducting of due diligence investigations in the proposed loan transaction in regard to Premier Group Limited and its related entities;
- Advised and assisted Industrial Development Corporation of South Africa Limited following its acquisition of the business formerly known as Glodina from KAP Homeware Proprietary Limited;
- Advised and assisted Industrial Development Corporation of South Africa Limited in its acquisition all of the issued shares owned by Edcon Limited in Celrose Proprietary Limited;
- Advised and assisted Lennings Rail Proprietary Limited in its acquisition of the business formerly known as Aveng Rail from Aveng Africa Proprietary Limited; and
- Preparing of legal opinions for Lanxess Chrome Mining Proprietary Limited in respect of the warranties and representations contained in Facility Agreements to be concluded between Lanxess Chrome Mining Proprietary Limited and funders within the Lanxess Group of companies.

Associate: March 2020 – June 2022

- Advised the Public Investment Corporation of South Africa Limited in its standardisation of numerous in-house transaction agreements;
- Advised Public Investment Corporation of South Africa Limited in the transaction where it made available to Mazwe Financial Services Proprietary Limited a senior loan facility;
- Advised Public Investment Corporation of South Africa Limited in its Standardisation of its loan agreements and governance documents to be used in commercial transactions;
- Advised ADOWA Property Developers Proprietary Limited on its dispute with South African Reserve Bank in regard to a property disposal issued by the South Africa Reserve Bank;
- Advised Amira Property Fund Limited in regard to certain commercial property issues including the rights and use of the access road to each of the Redefine Properties Limited offices and Amira Property Fund Limited offices; and
- Advised Public Investment Corporation of South Africa Limited in its conducting of due diligence investigations in the proposed loan transaction into a renewable energy project.

Associate (ENSAfrica): July 2022 – September 2024

- Assisted Sanlam Life Limited in its conducting of due diligence investigations in the proposed acquisition of IDM Holdings Proprietary Limited;
- Assisted Foschini Retail Group Proprietary Limited in its conducting of due diligence investigations in the proposed acquisition of BMT Street Fever Proprietary Limited;
- Advised Vuna Partners Fund I in respect of (i) the restructure of Dynamic Bedding Holdings and its subsidiaries and (ii) its acquisition of 60% of all of the issued shares in the share capital of Dynamic Bedding Proprietary Limited;
- Advised Petroleum Nasional Berhad on its vendor due diligence investigations in respect of the proposed sale of its 74% shareholding in Engen Petroleum Limited to Vivo Energy PLC;
- Advised Attacq Limited in regard to the subscription of 30% of the ordinary shares in the share capital of Attacq Waterfall Investment Company, a wholly owned subsidiary of Attacq Limited, by the Government Employees Pension Fund represented by the Public Investment Corporation SOC Ltd.;
- Advised Ocean Basket Holdings Proprietary Limited in regard to its internal restructure, deregistration of dormant subsidiaries, amalgamation of internal companies and streamlining of franchising operations in South Africa and internationally;
- Assisted Scorebet South Africa Proprietary Limited in regard to the exit of previously disadvantage shareholders in Scorebet North West Proprietary Limited; and
- Advised Arise B.V. in respect of its acquisition of 20% of the issued shares in the share capital of iidentifii Proprietary Limited and negotiating, drafting and settling of the Shareholders Agreement and Memorandum of Incorporation.

CAREER

Bachelors of Law, University of Kwa-Zulu Natal 2015

HIGHLIGHTS

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