

2-Day Course: Upgrade Your Skills in Commercial Drafting

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

About this course

This practical skills course teaches the principles of contemporary commercial drafting.

Course venue and date

Midrand: 21 & 22 June | Duration: 8:30 – 16:00

Venue: To be advised on registration

Who should register?

- 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
- Building contractors
- Local government staff (metros, district and local councils)

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.

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.

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 a drafting manual and some precedents of contracts under discussion.

Course content

Session 1

Full explanation of techniques and procedure in competitive bid process including:

- How to bid for government tenders
- 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
- How to approach disputes involving the award of tenders. Applications for review

Session 2

- 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 including block-chain and smart contracts
- Contracts post Constitution

Session 3

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 4

- 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 5

- How to carry out due diligence in assisting clients with commercial transactions
- A full explanation of how to carry out due diligence. This will include advising your client on the purchase of assets, shares and a business

Session 6

- A comprehensive explanation on how to draft service level agreements

Certification

LEAD awards a certificate of attendance to participants for each course attended in full.

Registration

Registration fee categories (VAT incl.)

- Practising attorneys, candidate attorneys, support staff and advocates: R 3 180.00 per person
- Non-practising attorneys/others: R 4 490.00 per person

How to register

1. Complete registration form on pages 5 and 6.
2. Email your completed form, proof of payment and copy of ID/Passport to bettie@LSSALEAD.org.za.

If you do not receive confirmation of registration from LEAD within five business days, please follow up with Bettie Lubbe on (012) 441 4670.

Closing date for registration

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

Our bank details

Account Holder: Law Society of South Africa
Bank: First National Bank
Branch: Pretoria
Account Number: 6200 964 1079
Branch Code: 251445
Reference: Your name and surname

Enquiries

For more information about this course, email Bettie Lubbe on [Bettie@LSSALEAD.org.za](mailto:bettie@LSSALEAD.org.za) or call (012) 012 441 4670.

Please note

1. An applicant/employer 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 emailed to annelie@LSSALEAD.org.za or faxed to 086 743 1942.
3. Confirmation of the cancellation will be confirmed via email. Should a learner/employer not receive a cancellation confirmation from LEAD, it means that the cancellation request was not received and that he/she/the firm will still be held liable for the full course fee.
4. Learners who do not cancel and fail to attend the training will be held responsible for the full course amount.
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 this

be the case, registered learners will be given reasonable notice of the cancellation and all fees paid by the participant will be refunded.

What previous participants 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*

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.

[Click here to view more training events for professionals.](#)

REGISTRATION FORM: Commercial Drafting Course



Complete the form and email it together with the following documents to Bettie@LSSALEAD.org.za

- Copy of the participant's identity document/passport
- Proof of payment: All fees must be paid into the designated Law Society of South Africa (LSSA) bank account. The LSSA will not accept liability if fees are paid into any other bank account. The LSSA banking details are as follows:
Name of account: Law Society of South Africa | Bank: First National Bank (FNB) | Branch: Pretoria
Branch code: 251445 | Account number: 62009641079

If you do not receive confirmation of registration from LEAD within five working days, please immediately follow-up with Bettie Lubbe on Bettie@LSSALEAD.org.za or (012) 441 4652 or (012) 441 4000.

A. City and course details											
X	Midrand	Course name: Upgrade Your Skills in Commercial Drafting						Course date: 21 & 22 June 2018			
B. Applicant's details											
Surname:						Full names:					
Preferred name:										Title:	
ID number:											
Race (for reporting purposes only):		<input type="checkbox"/>	African	<input type="checkbox"/>	Asian	<input type="checkbox"/>	Coloured	<input type="checkbox"/>	White		
Postal address:										Code:	
Employer:						Occupation:					
Qualifications:						Tel (w): ()					
E-mail:						Cell:					
Special dietary requirements (if any):						If disabled, nature of disability:					
Where did you hear about the course?											
<input type="checkbox"/>	Email	<input type="checkbox"/>	SMS	<input type="checkbox"/>	Word of Mouth	<input type="checkbox"/>	Employer	<input type="checkbox"/>	Website	<input type="checkbox"/>	Online social media
<input type="checkbox"/>	Other	If other, please specify:									
C. Employer details (NB: Complete this section only if the Applicant 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 enter employer's VAT number:					
1. I, _____ (name of the employer's authorised account signatory) hereby declare the above information to be correct. 2. 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					

REGISTRATION FORM: Commercial Drafting Course



Name of Applicant:

D. Payment Method

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

Account Holder: Law Society of South Africa | Bank: First National Bank (FNB) | Branch: Pretoria
Branch Code: 251445 | Account Number: 62009641079 | Account Ref: WDL; surname and initials

If payment is not received by LEAD within 7 days of sending this form, the registration will unfortunately be discarded.

Cancellation

1. An applicant/employer 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 or faxed to 0867431942.
3. Confirmation of the cancellation will be confirmed via e-mail. Should a learner/employer not receive a cancellation confirmation from LEAD, it means that the cancellation request was not received and that he/she/the firm will still be held liable for the full course fee.
4. Learners who do not cancel and fail to attend the training will be held responsible for the full course amount.
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 this be the case, 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 Upgrade Your Skills in Commercial Drafting Course, I am liable for the full course fee.
2. I understand that all fees must be paid to the designated Law Society of South Africa (LSSA) bank account only. The LSSA will not accept liability if fees are paid into any other bank account, i.e Law Society of the Northern Provinces.
Name of account: Law Society of South Africa | Bank: First National Bank (FNB) | Branch: Pretoria
Branch code: 251445 | Account number: 62009641079.
3. I am familiar with the outcomes of the course specified above, and fully comprehend the specifics as explained in this document.
4. I acknowledge that payment needs to be made before attendance of the course.
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 by all the terms conditions relating to Upgrade Your Skills in Commercial Drafting Course as described in the website, brochure and registration form.

Applicant's Signature

Date

Course and registration queries: Bettie Lubbe | E: Bettie@LSSALEAD.org.za | T: 012 441 4652/00

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