

SERVICE GUIDE



The guide to services listed hereunder reflects in our experience the type of legal services which are generally required from a legal perspective in order for a business to be legally protected and assisted on a comprehensive basis:

CIVIL ACTION INSTITUTED BY OR AGAINST THE BUSINESS

As with any business it is inevitable that civil litigation will result from its business activities from time to time. RBA is highly experienced in the field of civil and commercial litigation, and is supported by a network of highly competent advocates to assist if and when this might be required. RBA will for instance be in a position to assist in respect of the following type of civil actions:

- General and commercial litigation;
- Engineering and construction disputes;
- Insurance disputes;
- Professional, product liability, public liability and personal claims;
- Property law disputes;
- Alternative dispute resolution, arbitration, mediation and conciliation.

LEGAL ACTION BY OR AGAINST THE BUSINESS IN RESPECT OF LABOUR-RELATED MATTERS

In our experience, the following labour related matters are typically the type of matters which RBA will assist its clients with:

- CCMA matters;
- Workplace dispute resolutions;
- Compliance with Labour Relations Act and basic conditions of Employment Act;
- Employee contracts;
- Disciplinary hearings;
- HR Policies and procedures;
- Dismissals and retrenchment procedures;
- Other labour related matters that effects the business.

RBA will be in a position to provide assistance in respect of any legal action taken by or against a business in respect of labour related matters such as disciplinary hearings, CCMA referrals, actions instituted against the business by the Department of Labour and negotiations with employees and unions, such as:

- the defence of any legal proceedings brought to the Commission for Conciliation, Mediation and Arbitration, arising from a dispute with an employee, former employer or prospective employee relating to:
- the contract of employment with the client;
- actual or alleged breaches of their statutory rights.



CRIMINAL ACTION INSTITUTED AGAINST THE BUSINESS OWNERS AND DIRECTORS FOR BUSINESS-RELATED MATTERS

RBA is also highly experienced in the field of criminal matters and is similarly supported by a network of highly competent advocates to assist with criminal matters, if and when this might be required. RBA will for instance be in a position to assist business owners and directors immediately in cases of drunken driving.

RBA will assist:

- where it is alleged that a business owner or director has or may have committed a criminal offence; or
- following an event which leads to the business owner or director being prosecuted in a Court of Criminal jurisdiction; or
- defend the business owner or director's legal rights following civil action taken against the business owner or director for wrongful arrest in respect of an accusation of theft;

defend the business owner or director's legal rights if:

- an event arising from their work as an employee leads to civil action being taken against them under legislation for unlawful discrimination on the grounds of sex, sexual orientation, race, disability, age, religious believe or particular opinion; or
- civil action is taken against them as a trustee of a pension fund set up for the benefit of the business owner or director's employees;
- in appealing the imposition of terms of any statutory notice issued under legislation affecting the business.

DRAFTING AND REVIEW OF COMMERCIAL CONTRACTS

RBA has been involved in major projects, and we are in a position to play a support role to operations during a project. RBA also, regularly drafts major contracts for clients and has been involved in big mergers and consequently has drafted complex merger agreements. As such, RBA can assist with the negotiation process as well as drafting all the necessary contracts. Examples of such contracts are:

- Association Agreements;
- Confidentiality and Non-Disclosure Agreements;
- Sales of Shares Agreements;
- Shareholder Agreements;
- Building Agreements;
- Cession Agreements;
- Co-operation Agreements;
- Contracts of Indemnity;
- Constitutions of Voluntary Associations;
- Credit Applications;
- Disciplinary Codes and Deeds of Donation and Trusts;
- Franchise Agreements;
- Employment Agreements;
- Agreements Creating Single and Exclusive and Joint Mandates;
- Lease Agreements;
- Loan Agreements;
- Maintenance and Support Agreements;
- Power of Attorneys;
- Partnership Agreements;
- Sale of Business Agreements;



- Service Agreements;
- Agency and Representation Agreements;
- Sole Marketing and Distribution Agreements;
- Deeds of Sale of Immovable Property;
- Trust Deeds;
- Service Level Agreements;
- Assisting with mergers;
- Binder Agreements;
- Master Services Agreements;
- Sub-Contractor Service Level Agreements;
- Agreements for provision of Payroll Services;
- Agreements for provision of Security Services;
- Agreements for provision of Gardening Services;
- Agreements for provision of Legal Services;
- Agreements for provision of Maintenance Services;
- Agreements for provision of Recruitment Services;
- Memorandums of Understanding;
- Provider Agreements;
- Agreements of Purchase and Sale;
- Pin Entry Device Equipment Rental Agreements;
- Agreements for provision of Human Resources;
- Fidic Agreements;
- Agreements for the provision of Cash in Transit Services;
- Agreements for the provision of Internet Solutions;
- IT Maintenance and Support Agreements;
- Master Services Agreements for the provision of Telecommunication services; Agreements for the provisions of HR Software Solutions;
- Agreements for the provision of Spill Kits and Specialised Hazardous Cleaning Services;
- Agreements for the provision of Public Relations, Strategy Developments, Communications Plans, Support and Counsel Services;
- Agreements for the provision of Risk Management Services;
- Agreements of Purchase and Sale pertaining to Surveillance Systems;
- Agreements for the provision of Budgetary Analysis, Financial Management and Operations Mobilisation;
- Agreements for the provision of Consultancy Services;
- Agreements for the provision of Black Economy Empowerment, Strategy and Procurement Support Services;
- Agreements for the provision of HR Policies Services;
- Agreements for the provision of Site Survey Services;
- Agreements for the provision of Consulting and Relating Services in respect of Debt Collection;
- Agreements for the provision of Health, Safety and Security Plans;
- Agreements for the provision of Trenching Services;
- Agreements for the provision of Consulting Support Services in the Information Technology Sector;
- Agreements for the provision of Products;
- Agreements for the provision of Printing Services;



- Agreements for the provision of Web Design Services;
- Agreements for the provision of Banking Services;
- Agreements for the provision of Scan Display Solution Services;
- Retainer/Remuneration Agreements;
- Management Agreements;
- Authorisation Agreements.

CIVIL AND CRIMINAL ACTION INSTITUTED BY OR AGAINST THE SOUTH AFRICAN REVENUE SERVICES

RBA will be in a position to assist with a civil or criminal action instituted by the South African Revenue Services pertaining to:

- employer's compliance;
- negotiate on behalf of a business and represent them in any appeal proceedings in respect of a dispute concerning the business owner's compliance with PAYE, SITE or UIF following a review by SARS;
- VAT disputes – we will negotiate on behalf of the business owner and represent them in any appeal proceedings following an assessment issued by SARS in respect of value added tax due.

DEBT COLLECTION

RBA will be in a position to assist with debt collection services which will include inter alia attending and perusal of client documentation, letters of demand, telephonic attendances and correspondence to and from debtors, instructing tracing agents, perusing and considering their reports, attending to ITC enquiries, drafting witness statements, drafting and issuing of summons, attending on receipt of and perusal of sheriff's returns of service, drafting damages affidavits, drafting default judgements, warrants of execution, drawing notices in terms of Section 65(A)(1), attending to financial enquiries and interrogation of debtors, opposing applications for administration, drafting extracts from civil judgement proceedings, attending to rescission of judgements on client's behalf, obtaining emolument attachment orders and garnishee orders, drafting of acknowledgement of debts, drawing consents to emolument attachment orders, attending sales in execution on behalf of client, drawing conditions of sale, attending to publication of notices of sale in execution, drawing notices of sale in execution of immovable and movable property, liaising with managers and representatives of client which will include telephonic attendances, correspondence and consultation, attending to Magistrate's queries regarding interest and other aspects and consulting with debtors.

RENDERING OF CORPORATE SERVICES

With any business it is inevitable that during operational business activities, legal questions can arise on a daily basis. RBA will provide legal advice and support on any commercial or contractual or legal question that might arise and has the necessary research resources to provide the necessary legal opinions.

REVIEW/DRAFTING OF COMPANY POLICIES

- RBA can assist companies who are in the process of developing or who has developed company policies.
- RBA propose to assist in the development of these policies where assistance and advice might be required from time to time by the specific business units that are developing such services.
- RBA can perform the review and refinement of policy documents, for example in the field of compliance, in order to ensure that such policies fall within the legal framework of the South African legal environment, and to make sure that these are also in line with any other standards that might be applicable, such as group policy principles that might be set at an international level.