An Introduction

Grounded in proud heritage, the history of Garlicke & Bousfield Incorporated began in 1867, when a young Harry Escombe was admitted to practise as an attorney and advocate before the Supreme Court of the Colony of Natal. Destined to become Prime Minister of Natal, he practised under his own name until 1893.

In that year, on Escombe’s appointment as Attorney-General, the practice was continued by Thomas Garlicke, with whom Escombe had been in partnership since March 1885, and Escombe’s son-in-law Henry Richings Bousfield.

Now, more than a century after our founding, we offer our clients specialised services in all areas of legal practice. Although primarily based in KwaZulu-Natal, we handle commercial transactions and disputes throughout South Africa as well as in other parts of Africa.

By combining the latest technology and trends in the legal profession with personal attention to clients, we continue to meet the challenges of practice in the 21st century with benchmark standards in service. Our mission remains constant - to serve our clients’ needs with legal excellence, efficiency and integrity.
Garlicke & Bousfield recognises the need for meaningful transformation. We are committed to harnessing and nurturing the value and strength of diversity and to eliminating all forms of discrimination whether based on race, gender or disability. The firm has a focused and coherent policy which has as its ultimate objective the empowerment of previously disadvantaged persons.

In that regard, our approach is directed towards the accomplishment of employment equity, skills development and black economic empowerment. This policy also has as its ultimate objective the transformation of the composition of our management structures, the promotion of black equity participation, and the creation of equitable procurement practices.
Building, engineering & construction

The Building, Engineering and Construction Division deals with all commercial and litigious matters relating to the building, engineering and construction industries including:

- Mediation, arbitration and court litigation in local, national and international forums including other African states, such as Angola, Nigeria, Zambia, Lesotho, Botswana and Malawi
- Drafting and vetting of payment guarantees, performance guarantees and other securities
- Drafting and vetting of building agreements, supply agreements, and agreements for the appointment of the professional team or members thereof
- Advice on standard forms of contracts such as FIDIC, JBCC, GCC, and NEC
Commercial

The Commercial Division offers a full range of expert services in all aspects of corporate and commercial law. This Division is involved locally, nationally and internationally with:

• Mergers and acquisitions
• Takeovers, sales of businesses, offers to minorities, and management buyouts
• Formation and reconstruction of companies, trusts, partnerships and joint ventures
• Flotations, offers to the public, the Securities Regulation Code and securities exchange practice
• Commercial contracts
• Local and international financing agreements
• Exchange control matters
• Competition law proceedings and advice
Employment

The Employment Division has as its aim the sensible management, avoidance and resolution of employment disputes, and focuses on the following areas:

- Employment-related contracts
- Employment issues arising out of the transfer or restructuring of businesses
- Retrenchments
- Strikes
- Disputes relating to unfair labour practices, discrimination, occupational health and safety, social security, basic conditions of employment, pension and provident funds, and restraints of trade
- Land tenure, evictions, and relocations under the Extension of Security of Land Tenure Act
- Tender processes
- Administrative decisions by organs of State
- Local government
- Class actions
- Compliance with employment equity
- Black Economic Empowerment Charters
- Constitutionally related matters and issues in respect of employment law
Environment

Environmental and town planning concerns permeate legal and public-policy decision-making in South Africa. Most projects of any size must deal with complex environmental and land use regulations developed by national, provincial, and local governments.

The Environment & Planning Division provides an extensive service that will assist clients in evaluating and coping with the environmental risk inherent in many commercial transactions today.

Areas of assistance include:

• Compliance with statutory environmental regulations
• Location and licensing of environmentally sensitive facilities
• Land use planning (including subdivision and consolidation of property) and environmental impact analysis
• Advice in relation to pollution incidents, clean-up claims and liability
• Occupational health and safety
• Hazardous and solid waste management and transportation
• Assistance in obtaining, or objecting to, environmental and development approvals
• Litigation of environmental disputes and representation at statutory tribunals dealing with environmental matters
• Corporate SHE audits
The Estates Division, through its longstanding links with individuals and institutions, handles:

- Winding up of deceased estates
- Administration of testamentary and inter vivos trusts
- Preparation of wills and deeds of trust
- Advice on estate planning
- Administration of clients' personal affairs
- Preparation of clients' income tax returns
- Curatorship appointments
- Administration of pension and provident fund dependants' trusts
- Preparation of ante-nuptial contracts
Intellectual Property

Intellectual property refers to creations of the mind: names, symbols, inventions, literary and artistic works and designs used in commerce.

The Intellectual Property Division provides a service that is aimed at enabling clients to realise the value of their intangible assets and to assist them in the protection and enforcement of their intellectual property rights.

The services offered by the Intellectual Property Division include the following:

- Preparing, filing and prosecuting trade mark applications nationally and internationally
- Execution of intellectual property audits and due diligence reports
- Patent searches and renewals
- Drafting, filing and prosecuting design applications
- All aspects of anti-counterfeiting, anti-piracy and copyright law
- Internet and e-commerce law
The Litigation Division is concerned with all matters which involve actual or potential court hearings, whether by way of trials, applications or other hearings in the High Court, Magistrates’ Court or other tribunals, including:

**BANKING:**
- Mortgage bonds and foreclosures
- Notarial bond applications to perfect security
- Vehicle and asset finance recoveries
- Business lending recovery
- Credit card debt recovery
- Insolvency and recovery solutions
- Credit and consumer legislation and advice thereon

**INSOLVENCY:**
- Insolvency, winding up and business rescue proceedings, offers of compromise and schemes of arrangement

**MATRIMONIAL**
- Divorce, custody, maintenance and matrimonial property matters

**PROPERTY**
- Landlord and tenant disputes
- Evictions in terms of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act
- The perfection of security held under notarial bonds
- Property related litigation

**INSURANCE:**
- Long and short term insurance disputes, litigation and advice
- Medical malpractice
- Professional indemnity suits
- Insurance liability matters

**COMMERCIAL:**
- Monetary contractual and commercial claims and disputes
Property

The Property Division has a close association with the business and banking communities in KwaZulu-Natal and is actively involved in advising property developers.

The Property Division handles all aspects of conveyancing for these entities as well as for individuals, including the following:

- The acquisition and disposal of residential, commercial, industrial and agricultural property
- Sectional title schemes, both new and existing
- Township development, including advice on property usage and all related matters
- Registration of mortgage bonds for developments and for private acquisitions
- Town planning and the conceptualisation of appropriate structures for property development
The Tax Division provides specialised advice on the wide range of taxes that affect clients’ businesses.

It is closely aligned with the Commercial Division and this allows for transactions and structures to be implemented in a manner that is tax efficient as well as legally and commercially sound.

The services offered by the Tax Division include the following:

- Consulting and advisory services relating to all taxes and duties, including income tax, capital gains tax, customs and excise duties, VAT and estate duty
- Consideration of the tax implications of transactions as well as assistance with tax planning and structuring
- Tax litigation services and the resolution of disputes with the South African Revenue Service, incorporating initial settlement negotiations, formal objections, alternative dispute resolution processes and appeals through the courts
- Income tax compliance services
The increasing sophistication of our society and its laws calls for levels of expertise which can only result from the specialised study of, and concentration upon, defined branches of the law.

We have a number of practitioners within the various Divisions whose training and experience relate to the following specific areas of law:

- ENERGY
- ENTERTAINMENT
- MEDIATION
- MINING
- SPORTS
- SUGAR
- TOWN PLANNING
- WATER