



SJNM & Co. Attorneys

One Power Trio. Every Case Covered.

Comprehensive Information Pack

Twenty-four South African legal practice areas, run under the same discipline: a named, admitted Attorney reviews and authorises before anything leaves the office.

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24 Practice Areas Under One Roof

From trusts to debt review, twenty-four practice areas run on one discipline: a qualified case handler works your file, and an admitted Attorney reviews and authorises it before anything is drafted, signed, or sent.

What Sets Us Apart

We work smarter, not just harder, by using modern technologies throughout the practice. We have built our own legal technologies and continue to refine and evolve those systems. Including the practical and supervised use of Artificial Intelligence, to move faster through the repetitive 80% of every matter — intake, document review, drafting — so more of our Professional time goes to the 20% that genuinely needs a qualified legal mind: better quality work, delivered in less time. This allows us to pass on savings to our clients.

Responsible Use of Technology

Every document our systems produce is watermarked as a draft until that authorisation happens. That is not a formality — it is the control that keeps a software-assisted practice accountable to the people it represents.

At SJNM & Co. Attorneys we are acutely aware of the damage irresponsible use of technology, especially Artificial Intelligence, can do to a law firm's reputation and a client's legal standing if implemented irresponsibly and left unmonitored.

Meet the Team

Here is exactly who is behind your file — and why that combination of experience sets us apart from every other law firm in South Africa.

Dr Situmise Joyce Nkuna-Maleka

Senior Advocate & Practice Lead

Eight postgraduate degrees spanning law and compliance, built up over years of practice — the kind of breadth that catches how a matter in one practice area affects another before it becomes a problem. That cross-disciplinary instinct protects clients' interests before small issues turn into costly, drawn-out legal setbacks.

Tumi Nkuna

LLB Graduate Paralegal & Resident Genius

Already deep in the supervised, practical work of the profession — deliberately building the hands-on experience the Bar expects to see before admission, not just the theory behind it. That close supervision means clients always get careful, thoroughly reviewed legal work at every stage, well before full admission, always under senior counsel's guidance.

Douglas Bailey

Software Engineer & Technology Lead

An IT veteran from before AI was mainstream, fluent across five languages, with recent hands-on DevOps experience and two years spent testing frontier and local lightweight AI models. He joined the practice to keep its technology — and how it is used — fit for clients, not just fashionable.

The 24 Practice Areas

What each service actually involves, what it covers in more detail, and how long it typically takes.

01 · TRUST PROPERTY CONTROL ACT

Trusts

An inter vivos trust set up now to hold and protect family assets, or a testamentary trust created through your will (often to hold a minor child's inheritance until they come of age) — drafted around your actual family and asset structure, then registered with the Master of the High Court.

For an existing trust, we also handle ongoing administration: trustee changes, annual duty-of-care and record-keeping compliance under the Trust Property Control Act 57 of 1988, and amendments to the trust deed.

In more detail

A trust separates legal ownership (held by the trustees) from beneficial enjoyment (held by the beneficiaries) — this is what gives it asset protection and estate planning value, but only if it is run properly as a genuine trust and not just as an extension of one person's personal affairs, which is where poorly administered trusts run into trouble with SARS or creditors.

Trustees have statutory fiduciary duties under the Trust Property Control Act, including keeping proper accounting records, acting jointly where the deed requires it, and lodging with the Master — failure here can expose trustees personally, which is why we build compliance into the trust's ongoing administration rather than treating registration as the end of the job.

A testamentary trust only comes into existence on your death, via your will, and is commonly used to hold a minor beneficiary's inheritance until a specified age — we coordinate this directly with your will drafting so the two documents work together rather than at cross purposes.

TYPICAL TIMELINE

a new trust is usually drafted and registered with the Master within 2 to 4 weeks. Ongoing administration then continues for the life of the trust.

02 · NATIONAL CREDIT ACT

Debt Review

We assess your income, expenses, and every debt to work out what you can actually afford, then put a restructured, single monthly instalment to your credit providers.

Once you are formally under debt review and keeping to the plan, credit providers cannot repossess goods or take further legal action against you on the included debts.

In more detail

The process starts with a debt counsellor issuing a Form 17.1 (application) to your credit providers and credit bureaus, which immediately flags your accounts. We then prepare a Form 17.2 restructuring proposal based on your actual affordability, negotiate it with each credit provider, and, once agreed, apply to the Magistrate's Court (or via consent order) to make it a binding court order.

You typically stay under review for the remaining term of your restructured debts. Paying off a debt early does not remove it from the plan until we issue a clearance certificate confirming all included debts are settled and your credit record is updated accordingly.

Debt review is not the same as sequestration or administration orders — it does not affect your ability to keep working, does not require surrendering your estate, and (unlike administration orders) has no fixed debt ceiling under the National Credit Act.

TYPICAL TIMELINE

getting the restructuring proposal negotiated and made a binding court order usually takes 6 to 12 weeks. The review itself then continues for the remaining term of your restructured debts, commonly 3 to 5 years.

03 · CRIMINAL RECORD

Expungement

A two-minute, non-binding screening tells you which route your conviction likely falls under before you create an account or send us a document.

Only an admitted Attorney can turn a screening result into a binding opinion, and nothing is lodged with any authority without that sign-off.

In more detail

Under the Criminal Procedure Act, most qualifying convictions can be expunged after a waiting period that depends on the sentence — commonly 5, 7 or 10 years from the date of conviction (not the date of sentence completion, in most cases) — provided you were not sentenced to certain terms of direct imprisonment and have no disqualifying subsequent convictions.

The application is lodged with the Department of Justice's Expungement office, referencing your SAPS clearance certificate and case details, and can take several months to be processed once submitted. Sexual Offences Register and Child Protection Register listings follow a separate process.

Our screening tool checks the waiting period, offence type, and sentence against the current rules and flags anything that needs a lawyer's judgment call before we lodge anything on your behalf.

TYPICAL TIMELINE

once your waiting period has passed and we lodge the application, the Department of Justice generally takes 3 to 6 months to process it.

04 · FAMILY LAW

Divorce

Divorce matters are opened and worked directly by our team, not self-service — every file gets a conflict check, a structured intake, and a named Attorney from day one.

Tell us a little about your situation below and we will get back to you to open a file, or to answer questions first if that is where you are at.

In more detail

We handle both unopposed divorces (where both parties agree on the terms, usually finalised via a settlement agreement made an order of court) and opposed divorces, which go through pleadings, discovery, and potentially trial where parties disagree on issues like asset division, maintenance, or care of children.

Matrimonial property regime matters — in community of property, out of community with accrual, or without accrual — directly shape how assets are divided, and we work this out early so there are no surprises later in the process.

Where children are involved, we also handle parenting plans and, where necessary, referrals to the Family Advocate's office, and can carry a related maintenance enforcement matter through afterward under the same file.

TYPICAL TIMELINE

an unopposed divorce can often be finalised in 6 to 10 weeks once both parties sign a settlement agreement. A contested divorce that proceeds to trial commonly takes 12 to 24 months, sometimes longer.

05 · DATA PROTECTION

POPIA Compliance

A short questionnaire checks your business against all 8 of POPIA's conditions for lawful processing, plus special personal information, and gives you a scored report immediately.

From there we can generate your PAIA manual, privacy policy, and Information Officer registration pack — reviewed by our team before you rely on them. A separate tool handles breach response if something goes wrong.

In more detail

POPIA's eight conditions cover accountability, processing limitation, purpose specification, further processing limitation, information quality, openness, security safeguards, and data subject participation — our scoring tool checks each one against how your business actually collects and uses personal information, not just what a template policy claims.

Every business that processes personal information must register an Information Officer with the Information Regulator; we handle that registration, plus the PAIA manual now required to be published under the amended PAIA/POPIA regime.

If a data breach happens, POPIA requires notifying the Information Regulator and affected data subjects "as soon as reasonably possible" — our separate breach-response tool walks you through that notification and containment process on its own timeline.

TYPICAL TIMELINE

your scored report is immediate. A full compliance pack — privacy policy, PAIA manual, and Information Officer registration — is usually ready within 2 to 4 weeks.

06 · MAINTENANCE ACT

Unpaid Maintenance

If a maintenance order is not being paid, we track the missed payments and follow a set escalation ladder — letter of demand, then a default/enforcement application to the Maintenance Court, then (for a pattern of wilful default) a s26 criminal complaint referral and/or an emoluments attachment order against the payer's salary.

This most often continues on from a divorce matter we already hold, but you do not need an existing file with us to raise it — tell us below and a named Attorney will pick it up from there.

In more detail

We keep a running ledger of what was ordered, what was actually paid, and the shortfall each month — this record is what the Maintenance Court relies on when deciding an enforcement application, so accuracy from day one matters.

An emoluments attachment order (EAO) instructs the payer's employer to deduct the maintenance directly from their salary and pay it to the court or the recipient, which is often the most reliable enforcement route once wilful non-payment is established.

Wilful failure to pay maintenance is a criminal offence under section 31 of the Maintenance Act, and a pattern of default can also support a section 26 warrant of execution against the payer's property, alongside or instead of the EAO route.

TYPICAL TIMELINE

a letter of demand can prompt payment within days. A formal enforcement or EAO application through the Maintenance Court usually takes 4 to 8 weeks to be heard and granted.

07 · CRIMINAL LAW

Criminal Defence

If you have been arrested, charged, or are being investigated, a named Attorney handles your file from the first consultation — bail application, plea, and trial, if it gets that far.

Speed matters here more than in most matters, especially around a bail hearing. Tell us below and, if this is urgent, say so — we will treat it accordingly.

In more detail

An arrested person must be brought to court within 48 hours (subject to court hours and weekends), and bail can often be applied for at that first appearance — for Schedule 5 and 6 offences the onus shifts to the accused to show why release is justified, which is why early, specific legal representation at the bail stage matters.

Beyond bail, we handle the full trial process: consulting on your version of events, requesting and reviewing the docket, cross-examining state witnesses, and where appropriate negotiating a plea and sentence agreement under section 105A.

If you are only being investigated and have not yet been charged, we can also advise on your rights during a police interview and whether to exercise your right to silence, before matters escalate to an arrest.

TYPICAL TIMELINE

bail applications are usually heard within days of arrest. The trial itself, from first appearance to verdict, commonly runs 6 to 18 months depending on court rolls and complexity.

08 · CRIMINAL LAW

Private Prosecution & Victim Representation

In South Africa, only the National Prosecuting Authority can normally bring a criminal charge to trial. What we can do is represent you as the complainant or victim — a watching brief through the state's own prosecution, help preparing your statement and testimony, and support through what can be a difficult process.

In the narrow set of cases where the NPA has certified that it declines to prosecute, section 7 of the Criminal Procedure Act allows a private prosecution in your own name. We will tell you plainly, after reviewing your matter, whether that route is realistically open to you.

In more detail

A watching brief means our Attorney sits in on the state's proceedings on your behalf, keeps you informed of developments the NPA may not proactively communicate, and can make representations to the prosecutor on charge decisions, plea agreements, or sentencing where victim impact is relevant.

A private prosecution under section 7 requires a nolle prosequi certificate from the Director of Public Prosecutions confirming the state declines to prosecute, plus security for costs lodged with the court — it is a real but narrow and procedurally demanding route, and we assess honestly whether the evidence and certificate requirements are realistically met before recommending it.

We also assist with Criminal Injuries Compensation and victim impact statements at sentencing, which can shape the outcome even where you are not driving the prosecution yourself.

TYPICAL TIMELINE

obtaining a nolle prosequi certificate from the NPA alone can take several months. A private prosecution that proceeds then runs on a timeline similar to an ordinary criminal trial.

Wills & Deceased Estates

A will drafted around your actual assets, dependants, and wishes — not a template that leaves the hard questions unanswered. We also handle deceased estate administration: reporting to the Master of the High Court, liquidation and distribution, and liaison with the executor and beneficiaries.

Dealing with an estate already? Open a file below and we will immediately show you the document checklist the Master will ask for. Starting a new will instead, or have a question first? Use the contact form further down.

In more detail

Estate administration starts with reporting the death to the Master of the High Court (via a J192 death notice and inventory), who then appoints an executor by Letters of Executorship or Authority. From there we advertise for creditors, gather and value assets, settle debts and estate duty, and prepare the liquidation and distribution account for the Master's approval before distributing to heirs.

Where there is no valid will, intestate succession under the Intestate Succession Act determines who inherits and in what shares — this often surprises families, particularly around a surviving spouse's share versus children's shares, which is exactly the kind of thing a properly drafted will avoids leaving to chance.

For smaller estates (currently under R250,000 gross value) the Master can dispense with a full executor process in favour of a simplified section 18(3) procedure, which we can advise on if that applies to your situation.

TYPICAL TIMELINE

a will can usually be drafted and signed within 1 to 2 weeks. Deceased estate administration, from reporting to the Master through to final distribution, commonly takes 6 to 18 months depending on the estate's complexity.

Eviction & Rental Disputes

For landlords: a PIE Act eviction application done properly — the notice periods and the "just and equitable" factors a court must weigh are what usually trip up a DIY eviction. For tenants: a defence against an eviction, or a rental housing tribunal complaint over a deposit, repairs, or a lease dispute.

Tell us which side of the dispute you are on below, and roughly where things currently stand.

In more detail

The Prevention of Illegal Eviction Act requires a court order before anyone can be evicted — "self-help" evictions (changing locks, cutting utilities, removing belongings) are illegal regardless of what the lease says, and can expose a landlord to a counter-claim. We make sure notices, service, and the court application itself meet PIE's procedural requirements so the process is not delayed or thrown out on a technicality.

Courts weigh factors like the length of occupation, whether children, elderly, or disabled people are affected, and whether alternative accommodation is available — these "just and equitable" factors are often where eviction applications succeed or fail, not the underlying lease breach itself.

Tenants can raise deposit disputes, unlawful lock-outs, or unresolved repairs through the Rental Housing Tribunal, which is free to use and faster than litigation for most disputes falling under the Rental Housing Act.

TYPICAL TIMELINE

an eviction application under PIE usually takes 6 weeks to 4 months from launch to a court order, longer if opposed.

11 · LABOUR LAW

Labour & CCMA Disputes

For employees: an unfair dismissal or unfair labour practice referral to the CCMA, within the strict time limits that apply (usually 30 or 90 days depending on the referral). For employers: representation defending a referral, and guidance on a disciplinary process before it becomes one.

Because CCMA referrals are time-barred, starting your file below — rather than just sending a message — is what actually starts the clock being tracked from today. Employer, or want to talk first? Use the contact form further down instead.

In more detail

Unfair dismissal disputes must be referred within 30 days of the dismissal, and unfair labour practice disputes within 90 days — the CCMA can condone a late referral in limited circumstances, but only on good cause shown, so we prioritise getting the referral filed correctly and on time above almost everything else on a new labour file.

Most CCMA matters go through conjoined conciliation and arbitration: a commissioner first tries to mediate a settlement, and if that fails, the matter proceeds to arbitration where evidence is led and a binding award is made. Certain dismissals (large-scale retrenchments, automatically unfair dismissals) instead go to the Labour Court.

For employers, we also advise on getting the disciplinary process right the first time — proper notice, a fair hearing, and a defensible sanction — since most CCMA losses trace back to a procedural or substantive flaw in that initial process rather than the merits of the underlying misconduct.

TYPICAL TIMELINE

conciliation is usually scheduled within 30 days of referral. Where it proceeds to arbitration, a final award is commonly issued within 2 to 4 months of the referral.

12 · ROAD ACCIDENT FUND

RAF Claims

If you were injured, or lost a breadwinner, in a motor vehicle collision anywhere in South Africa, the Road Accident Fund can be liable regardless of whose fault the collision was — medical expenses, loss of earnings, and general damages for serious injuries.

RAF claims are notoriously slow and heavily procedural, and there is a hard three-year prescription period from the date of the collision. Tell us the date of the collision below so we can check where you stand on time.

In more detail

A valid RAF1 claim form, supported by a police accident report, medical records, and (for loss of earnings or general damages) a serious injury assessment report, must be lodged before the three-year prescription period runs out — missing this deadline generally ends the claim entirely, with almost no exceptions.

General damages (for pain, suffering, and loss of amenities) are only payable where a qualifying medical practitioner certifies the injury as "serious" under the RAF's narrative test or a whole-person impairment threshold — this assessment is often disputed by the Fund and is where a large part of claim value is won or lost.

Because the RAF is a state-funded entity handling a very high volume of claims, delays of a year or more between lodging and settlement are common; we manage the follow-up and, where necessary, litigation to compel a response, so the claim keeps moving rather than sitting in a queue.

TYPICAL TIMELINE

RAF claims are notoriously slow — expect 12 months at the earlier end, with many claims taking 2 to 3

years or longer to settle.

13 · CIVIL LITIGATION

Small Claims & Debt Collection

If someone owes you money and will not pay, we work out the fastest route that actually recovers it — a letter of demand is often enough on its own, failing which a small claims court referral (for smaller, simpler amounts) or a full magistrate's court summons.

Tell us roughly how much is owed and what it is for, and we will tell you plainly which route fits and what it is likely to cost to get there.

In more detail

Small claims court has a monetary jurisdiction limit (currently R20,000) and does not allow legal representation at the hearing itself — we can still draft the claim and prepare you thoroughly, but for larger amounts or where the debtor is likely to dispute liability, a magistrate's court summons with full representation is usually the better route.

A well-drafted letter of demand, sent by an Attorney, resolves a meaningful share of debt matters on its own — it signals that litigation will follow if ignored, and starts the clock on mora interest where applicable.

Where a summons is not defended, we can obtain default judgment and proceed straight to enforcement — a warrant of execution against the debtor's movable property, or garnishee proceedings against their salary or bank account, depending on what recovery route is realistic.

TYPICAL TIMELINE

an undisputed letter of demand often resolves within 2 to 4 weeks. An undefended summons can reach default judgment in 6 to 10 weeks, with enforcement to follow.

14 · DOMESTIC VIOLENCE ACT

Domestic Violence & Protection Orders

An interim protection order under the Domestic Violence Act can usually be obtained the same day, without the other party present, if a magistrate is satisfied it is needed — we help prepare the application and supporting affidavit, then represent you at the return date when the order can be made final.

If you are in immediate physical danger, please contact the South African Police Service or a domestic violence helpline first — this form is not monitored around the clock. Once you are safe, tell us below and we will move quickly.

In more detail

The Domestic Violence Act covers a broad range of abuse — physical, sexual, emotional, verbal, psychological, economic, and harassment or stalking — and applies between spouses, partners, family members, and others in a domestic relationship, not only married couples.

An interim order is granted ex parte (without notice to the other party) where there is a genuine risk of harm, and takes effect once served by the police. At the return date, both parties can put their version before the court, and the magistrate decides whether to confirm the order as final, often with conditions like a no-contact provision or removal from a shared home.

Breaching a protection order is a criminal offence — we help you and the SAPS document breaches properly (with a warrant of arrest that can accompany the order) so enforcement is not left to chance if the order is violated.

TYPICAL TIMELINE

an interim protection order can often be granted the same day it is applied for. The return date, where it

may be made final, is usually scheduled within 10 to 14 days.

15 · IMMIGRATION LAW

Immigration & Visas

Work visas, study visas, relative's and spousal visas, and permanent residence applications, prepared to actually survive Home Affairs' well-known scrutiny of incomplete applications — plus appeals and reviews where a visa has already been refused or someone has been flagged as overstaying.

Tell us where you are in the process below — starting an application, waiting on one already lodged, or dealing with a refusal — and roughly your visa category.

In more detail

Work visas (general, critical skills, or intra-company transfer) each carry different documentary requirements, including in some cases a Department of Employment and Labour certificate confirming no suitable South African candidate is available — we identify the correct category upfront rather than letting an application fail on a mismatch.

A visa refusal can usually be appealed internally to the Department of Home Affairs within a strict window (commonly 10 working days for some categories), and, failing that, taken on judicial review to the High Court — timing is critical, so we prioritise an initial assessment of an appeal's prospects as soon as a refusal comes in.

Permanent residence applications (direct residence, work-based, or via a spousal/life partner relationship) generally require a longer qualifying period and materially more supporting evidence than a temporary visa, and can take well over a year to be decided.

TYPICAL TIMELINE

standard visa applications commonly take 4 to 8 weeks to be decided by Home Affairs. Permanent residence applications often take well over a year.

16 · PROPERTY LAW

Property Transfer & Conveyancing

Transfer of ownership when you buy or sell a property, bond registration and cancellation with your lender, and disputes with a sectional title body corporate or homeowners' association over levies, rules, or maintenance.

Tell us below whether you are buying, selling, or already in a dispute, and we will get a conveyancer or Attorney on it.

In more detail

Transfer runs on three linked but separate processes — the conveyancer handling registration at the Deeds Office, the bank's bond Attorney registering the new mortgage, and (where relevant) the seller's bond cancellation Attorney — and delays almost always come from one of these three not being ready when the others are, which is what we actively manage.

Before transfer can be lodged, rates clearance from the municipality and, for sectional title units, a levy clearance certificate from the body corporate must both be obtained — outstanding amounts here are a common last-minute hold-up we check for early.

Body corporate and HOA disputes over levies, conduct rules, or maintenance obligations are governed by the Sectional Titles Schemes Management Act (for sectional title) or the relevant HOA constitution, and can often be resolved through the Community Schemes Ombud Service before litigation is needed.

TYPICAL TIMELINE

a straightforward transfer, from signed offer to registration, usually takes 6 to 10 weeks — longer where a bond needs to be registered or cancelled at the same time.

17 · COMMERCIAL LAW

Business Registration & Commercial Law

Registering a new company with the CIPC, drafting founder, shareholder, and partnership agreements that hold up when a relationship turns sour, general commercial contracts, and B-BBEE compliance structuring.

Tell us a little about your business and what you need below — a new registration, a contract, or an existing dispute.

In more detail

Beyond the CIPC registration itself, we draft the Memorandum of Incorporation to match how the business will actually be run — director powers, share transfer restrictions, and deadlock-breaking mechanisms — rather than leaving the CIPC's bare-bones default MOI in place, which rarely fits a real founder relationship.

A shareholders' agreement is what actually governs disputes between founders when they arise — drag-along/tag-along rights, restraint of trade, exit valuation methods, and what happens if a founder wants out or is pushed out. Most of the commercial disputes we see trace back to gaps left in this document at formation.

B-BBEE structuring covers ownership, management control, skills development, and enterprise/supplier development elements of the scorecard — we advise on what is realistically achievable for your size and sector rather than generic advice that does not match your actual business.

TYPICAL TIMELINE

CIPC company registration is often completed within 5 to 10 business days. Shareholder and founder agreements typically take 1 to 3 weeks to draft and negotiate.

18 · DELICT / CIVIL CLAIMS

Medical Negligence Claims

A civil claim against a doctor, other practitioner, or hospital for harm caused by care that fell below what a reasonably skilled practitioner in that field would have provided — these matters turn heavily on expert medical evidence, which we arrange as part of assessing the claim.

There is generally a three-year prescription period from when you knew, or should reasonably have known, of the negligence. Tell us what happened and roughly when below.

In more detail

To succeed, a claim must show the practitioner owed a duty of care, breached the applicable standard of care, and that the breach actually caused the harm suffered — each element typically needs its own independent expert opinion in the relevant medical specialty, which is why these claims take longer and cost more to assess than most civil matters.

Prescription generally runs three years from when you knew, or reasonably ought to have known, of both the harm and that it was caused by negligence — not necessarily the date of the treatment itself, which matters for injuries that only become apparent later.

Claims against public hospitals or provincial health departments carry additional procedural requirements, including statutory notice periods under the Institution of Legal Proceedings against Certain Organs of State Act, which we build into the timeline from the outset.

TYPICAL TIMELINE

these claims usually take 12 to 24 months to assess and negotiate given the expert evidence required, and longer still if litigation becomes necessary.

19 · SHORT-TERM & LIFE INSURANCE

Insurance Claim Disputes

If a short-term (car, home, business) or life insurance claim has been repudiated, we assess whether the insurer's stated reason actually holds up against your policy wording, then either lodge a complaint with the Ombudsman for Short-Term Insurance or the Long-term Insurance Ombudsman — both free to use — or litigate if that fails.

Tell us below what was claimed, what the insurer said, and roughly when the repudiation letter arrived.

In more detail

Common repudiation grounds — non-disclosure at inception, an alleged policy exclusion, or a claimed breach of a warranty condition — each have specific legal tests under the Policyholder Protection Rules and the Insurance Act, and insurers do not always apply them correctly, particularly around what counts as a "material" non-disclosure.

The Ombudsman for Short-Term Insurance and the Long-Term Insurance Ombudsman are free, and their rulings carry real weight with insurers, so we generally pursue that route first before litigation — it is faster and does not close off the option to sue if it fails.

There are strict time limits in most policies (and under the Ombudsman schemes) for referring a disputed repudiation, so acting promptly after a repudiation letter arrives matters as much as the substance of the dispute itself.

TYPICAL TIMELINE

an Ombudsman complaint is typically resolved within 3 to 6 months. Litigation, if it becomes necessary, generally takes considerably longer.

20 · CONSUMER PROTECTION ACT

Consumer Protection Complaints

Defective goods a supplier will not replace or refund, unfair or misleading contract terms, or unsafe products — the Consumer Protection Act gives you real rights here, enforced through a complaint to the National Consumer Commission or, for some disputes, the National Consumer Tribunal.

Tell us what you bought, what went wrong, and what the supplier has said so far.

In more detail

The CPA's implied warranty against defects gives you the right to a repair, replacement, or refund (your choice, in most cases) for goods that fail within six months of delivery, without needing to prove the supplier was at fault — a right many suppliers do not volunteer, and one worth invoking directly by reference to the Act.

Unfair, unreasonable, or unjust contract terms — including terms buried in fine print that a consumer would not reasonably expect — can be challenged and set aside under the CPA, regardless of what the consumer signed.

Most disputes go first to the National Consumer Commission or an accredited industry ombud (motor, retail, etc.), and only escalate to the National Consumer Tribunal or the courts where that process does not resolve things — we work out the fastest effective route rather than defaulting to litigation.

TYPICAL TIMELINE

a National Consumer Commission complaint is typically resolved within 3 months. Where escalation to the Tribunal is needed, expect several months more.

21 · LAND RESTITUTION

Land Claims & Restitution

Lodging or pursuing a claim under South Africa's land restitution and land reform framework, and representation before the Land Claims Court and Regional Land Claims Commission where a claim is disputed or delayed.

These matters often involve historical evidence going back generations — tell us what you know below and we will help work out what is still needed.

In more detail

Restitution claims under the Restitution of Land Rights Act cover land dispossessed as a result of racially discriminatory laws or practices after 19 June 1913 — establishing the historical dispossession and the claimant's link to it is usually the central evidentiary task, often drawing on oral history, old title deeds, and Commission records.

Claims are lodged with and investigated by the Regional Land Claims Commissioner, who can attempt to settle a claim by agreement or refer it to the Land Claims Court for a binding decision — we represent claimants at both stages, including where a claim has stalled in the Commission's backlog and needs to be actively pushed forward.

Where restitution is not possible (for example, the land has since been developed), the Act provides for alternative remedies such as financial compensation or alternative state land, and we advise on which remedy is realistically available given the specific history of the land in question.

TYPICAL TIMELINE

these are typically the slowest matters we handle — claims can take several years to move through the Commission and, where necessary, the Land Claims Court, given the historical evidence involved.

22 · PROPERTY PRACTICE / AGENCY LAW

Legal Advice for Property Agents

On-call legal support for estate agencies and individual agents handling both rental and sales mandates — reviewing sole/open mandate agreements and lease agreements before they go out, and advising on FICA, FFC (Fidelity Fund Certificate), and PPRA/EAAB compliance obligations.

When a deal or tenancy goes wrong, we step in directly: commission disputes, defective disclosure claims, deposit and trust account disputes, and disputes between landlord and tenant or buyer and seller that land on the agent's desk.

In more detail

Estate agents sit in a legally exposed position on every transaction — a defective mandate, an unsigned disclosure form, or a poorly worded offer to purchase can expose the agent personally to a commission dispute or a professional conduct complaint, so we review agency documentation before it is used, not after a dispute has already started.

The Property Practitioners Act 22 of 2019 replaced the old Estate Agency Affairs Act, changing registration, trust account, and Fidelity Fund Certificate requirements for every property practitioner — we advise agencies on staying compliant under the current Act, including trust account audits and PPRA disciplinary matters.

For rentals, we advise on lease agreement drafting and the Rental Housing Act's obligations, including deposit handling and the agent's duties to both landlord and tenant; for sales, on the Offer to Purchase, voetstoots and latent defect disclosure, and CPA obligations where the seller is a juristic person.

TYPICAL TIMELINE

mandate and lease reviews are usually turned around within days. Compliance advice and dispute matters vary with the issue, from a quick same-week review to months for a contested commission

dispute.

23 · WORKPLACE WELLNESS & LABOUR LAW

Employee Wellness

Combined social work and legal support for workplace wellbeing matters — incapacity due to ill health or injury, workplace harassment and interpersonal conflict, burnout, and requests for reasonable accommodation — for both the employee raising the issue and the employer trying to handle it fairly.

A registered social worker on our team handles the human side (assessment, mediation, referral to counselling or medical support) while an Attorney handles the legal side (incapacity procedure, disciplinary process, and the employer's obligations under the LRA and Employment Equity Act), so the two run together instead of the legal process outrunning the person's actual wellbeing.

In more detail

For an employee: if ill health, injury, or a mental health condition is affecting your ability to work, or you are experiencing harassment or a hostile environment, we can advise you on your rights, including incapacity procedure fairness, reasonable accommodation duties, and, where it has gone that far, a CCMA referral — alongside a social worker's support in dealing with the personal impact.

For an employer: incapacity dismissals and harassment complaints are two of the easiest ways to end up with an unfair dismissal or unfair labour practice finding at the CCMA if the process is rushed or undocumented — we help run a fair, properly documented incapacity enquiry or workplace investigation, informed by a social worker's assessment rather than guesswork.

Where the underlying issue is a diagnosed condition or disability, we also advise on the employer's duty to reasonably accommodate under the Employment Equity Act, and on drawing the line between legitimate accommodation and an undue operational burden.

TYPICAL TIMELINE

an initial assessment is usually available within a week. A full incapacity or workplace investigation process commonly runs 4 to 8 weeks.

24 · REGULATORY & DATA COMPLIANCE

Regulatory & Data Compliance

Compliance advisory and documentation across the frameworks that actually apply to South African businesses handling personal data, card payments, or customers abroad: POPIA, PCI DSS, GDPR (for EU customers or data), FICA, King IV, ISO 27001, Companies Act governance, and CCPA (for California customers).

We assess which of these actually apply to your business, run a gap analysis against each, and produce the documentation a regulator, auditor, or acquiring bank will actually ask to see — not a generic template, but one built around how your business actually collects, stores, and moves data and money.

In more detail

POPIA and GDPR overlap heavily but are not identical — a business serving both South African and EU customers needs a data protection approach that satisfies both regimes at once, including cross-border transfer rules, which we build as one coherent framework rather than two competing checklists.

PCI DSS applies to any business that stores, processes, or transmits card data, including via a third-party payment gateway — we advise on which PCI DSS SAQ (self-assessment questionnaire) level applies and what compensating controls and documentation your acquiring bank will expect.

FICA (Financial Intelligence Centre Act) duties — client due diligence, record-keeping, and suspicious transaction reporting — catch more businesses than expected, including estate agents, attorneys, and

certain retailers, not just banks.

King IV is a corporate governance code, not a statute, but is treated as a compliance benchmark by JSE-listed entities, their suppliers, and increasingly by funders and B-BBEE verification agencies — we advise on applying it proportionately for a smaller or unlisted business rather than over-engineering it.

ISO 27001 (information security management) and the Companies Act's governance and record-keeping duties are frequently required by enterprise customers or investors as a precondition of doing business — we help build the policy and evidence trail needed to pass that due diligence.

TYPICAL TIMELINE

a gap analysis is usually completed within 2 to 3 weeks. The resulting documentation pack typically follows within a further 3 to 6 weeks, depending on scope.

About This Law Practice

This practice has been open for the past 20 years, serving the Gauteng market and extending to the entire country. It is led by Senior Advocate Dr Situmise Joyce Nkuna-Maleka, joined by a highly talented LLB graduate paralegal, and by an incredibly talented Software Engineer who builds and maintains the LegalTech systems behind this portal — keeping it private, secure, and running the way it should.

This portal is how our practice runs case work: it handles the repetitive 80% — intake, document collection, calculations, drafting — so the people qualified to give legal advice spend their time on the 20% that actually needs judgement. Every workflow ends the same way: a named, admitted Attorney reviews and authorises before anything leaves the office.

None of the twenty-four services above share a client's case file with the others — a debt review matter, a criminal defence brief, an RAF claim, a deceased estate, a trust, an immigration application, and a POPIA compliance file, for example, are all kept entirely separate, even when it's the same client.

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This document is not legal advice — it is a summary of our services. A named, admitted Attorney reviews and authorises any advice or document specific to your matter.