

**FRANCOIS TRICHARDT**

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Overview

Francois Trichardt is a senior associate in our Governance, Compliance and Investigations Practice.

He is experienced in forensic investigations and specialises in the investigation of contraventions of the Banks Act, which include:

- assisting various inspectors appointed by the South African Reserve Bank to carry out inspections in terms of the South African Reserve Bank Act;
- assisting various repayment administrators appointed by the Prudential Authority (previously “*the Registrar of Banks*”) to manage the repayment of money obtained in contravention of the Banks Act;
- instructed to institute or defend matters on behalf of the South African Reserve Bank, the Prudential Authority, repayment administrators and temporary inspectors;
- drafting correspondence and reports addressed to the Prudential Authority, institutions inspected and/or their attorneys, all major banks, the South African Police Service, the National Prosecuting Authority and third parties;
- drafting and executing of notices in terms of the erstwhile Inspection of Financial Institutions Act and the Financial Sector Regulation Act, and
- drafting, obtaining and execution of more than 250 search warrants, including, but not limited to, warrants issued in terms of the provisions of the Financial Sector Regulation Act (and the erstwhile Inspection of Financial Institutions Act) in all divisions of the High Court of South Africa on behalf of various temporary inspectors and repayment administrators.

Experience

- Representing the South African Reserve Bank, the Prudential Authority, repayment administrators and/or temporary inspectors in, *inter alia*, constitutional challenges to the relevant banking legislation, review applications in terms of the common law and review applications in terms of the Promotion of Administrative Justice Act, numerous applications for interdicts and applications for search warrants;
- Representing the Prudential Authority in reviews before the Financial Services Tribunal and the erstwhile Board of Review;
- Advised the Prudential Authority on compliance with the Promotion of Administrative Justice Act;
- Currently assisting a repayment administrator with the recovery of approximately R80 million from Switzerland;
- Currently advising the Prudential Authority on proposed amendments to the Banks Act and other applicable legislation pertaining to unlawful deposit taking, and
- Assisted the attorney appointed in the reported matter of CorpClo 2290 CC t/a U-Care v Registrar of Banks (755/2011) [2012] ZASCA 156; [2013] 1 All SA 127 (SCA) (2 November 2012).

Francois has an LLB degree from the University of Johannesburg and certificates for the Economic Crime Schemes course, the Money Laundering Investigation and Detection course the Investigation in Financial Crime course and the Investigation and Management of Cyber and Electronic Crime course from the University of Pretoria. He is currently attending the Law for Forensic Practitioners and Fraud Risk Management courses at the University of Pretoria. It is his ultimate goal to obtain a MPhil (Fraud Risk Management) degree in 2020.

Memberships

- The Law Society of the Northern Provinces, and
- Association of Certified Fraud Examiners.