

**KIRSTEN KERN**

Partner
Johannesburg,

T: +27 11 669 9553

E: kirsten.kern@bowmanslaw.com

Overview

Kirsten Kern is a partner in our Johannesburg office, in the Banking and Finance Department.

She specialises in banking and financial services regulatory law and has practiced in this field for the firm's account since 2006.

Kirsten has significant experience and expertise in all aspects of banking, financial services and investment management regulatory law, and regularly advises clients, both local and foreign, on the content and implications of the Collective Investment Schemes Control Act, 2002, the National Credit Act, 2005, the National Payment Systems Act, 1998, the Financial Advisory and Intermediary Services Act, 2002, the Banks Act, 1990, the Financial Intelligence Centre Act, 2001, the Financial Markets Act, 2012, the new Insurance Act, 2017, the Companies Act, 2008, the Electronic Communications and Transactions Act, 2002 and the Consumer Protection Act, 2008. Kirsten also advises clients on the recently introduced Financial Sector Regulation Act, 2017 and its implications for the future of the South African financial services landscape.

She has strong contacts with the various regulatory bodies and agencies operative under the Acts on which she advises and she regularly engages on behalf of clients with the South African Reserve Bank, the Prudential Authority, the Financial Sector Conduct Authority, the Financial Intelligence Centre, the National Credit Regulator and the National Consumer Commission.

Kirsten is also a senior lecturer at the Faculty of Law of the University of Johannesburg, where she is responsible for the Law of Contract and, at post-graduate level, Financial Services Regulation.

She has LLB and LLM (Banking Law) degrees (both awarded *cum laude*) from the Rand Afrikaans University (RAU) (now the University of Johannesburg).

Experience

- Regularly advises a host of top-tier foreign asset and fund managers on the registration of their foreign funds in South Africa and ongoing compliance matters
- Regularly advises a host of top-tier global banking institutions regarding the current and future regulation of lending and banking activities in South Africa
- Advised LiquidCapital, Capitec Bank, Mitsubishi, Jaguar Landrover and Clearscore (among others) on a host of aspects relating to the regulation of consumer credit in South Africa
- Advised wiGroup Proprietary Limited on the regulatory implications of a mobile application which facilitates peer-to-peer money transfers
- Advised Wirecard South Africa Proprietary Limited on the issuance of pre-paid debit cards supported by Mercantile Bank Limited
- Advised Airbnb Payments UK Limited on its proposed offering of peer-to-peer payment capabilities in South Africa
- Acted as African counsel for Validus Holdings in its acquisition of Flagstone Reinsurance Holdings RSA, a New York Stock Exchange listed entity, and specifically in relation to Flagstone's subsidiary, Flagstone Reinsurance Africa Limited, a South African-domiciled short-term insurer

- Advised Midbrook Lane Pty Ltd, Riskowitz Value Fund, Protea Asset Management LLC and Khrom Investments Fund, LP regarding the acquisition of increased indirect shareholding in three registered insurers forming part of the Constantia group
- Advised Alexander Forbes Group Holdings on its dual track M&A and ZAR 9.8 billion IPO process, which resulted in Alexander Forbes Group Holdings listing on the JSE. After announcing its intention to float, the company launched an offer for subscription and a concurrent offer for sale by existing shareholders.
- Regularly advises Credit Suisse AG (Switzerland), Morgan Stanley, J.P.Morgan, Bank of America, N.A., Barclays Bank plc, Bank of New York Mellon, BNP Paribas, Investec Asset Management and the T. Rowe Price Group regarding all aspects of South African banking and financial services, asset and fund management regulation.
- Kirsten was named as a Leading Lawyer in *Who's Who Legal Banking: Regulatory* in both 2017 and 2018.
- Kirsten was also recognised by *Who's Who Legal Banking: Fintech* in 2018.

Publications & Insights

- [Amendment of the Notice on Qualifications, Experience and Criteria for Approval as Compliance Officer](#)
- [Fintech is on the fast track but so is cybercrime](#)
- [Thomson Reuters Practical Law Q&A guide to FinTech in South Africa](#)