Recognising the size and enormous diversity of Africa, our approach to providing legal services across the continent is intended to offer on-the-ground advice in the countries that matter for our clients. Our presence in Africa is always evolving to meet the changes that are shaping the future of this vast continent.

Currently, we have our own offices in six African countries: Kenya (Nairobi), Mauritius (Moka), South Africa (Cape Town, Durban, Johannesburg), Tanzania (Dar es Salaam), Uganda (Kampala) and Zambia (Lusaka). We work closely with our Bowmans Alliance firms in Ethiopia (Aman Assefa & Associates Law Office) and Nigeria (Udo Udoma & Belo-Osagie). These are two of the leading corporate and commercial law firms in their jurisdictions.

We have special relationships with competent practitioners in Malawi and Mozambique. We also have a non-exclusive co-operation agreement with French international law firm Gide Loyrette Nouel that provides our clients access to assistance in francophone west and north Africa. The arrangement provides complementary access for Gide’s clients and lawyers to markets in central, southern and eastern Africa.

On the global front, Bowmans has long-standing and excellent relationships with a range of international law firms with whom we often work on Africa-focused client mandates. We are also a member firm of Lex Mundi, a global association of more than 160 independent law firms in all the major centres across the globe. Lex Mundi gives us the ability to connect our clients with the best law firms in each of the countries represented.

Our Presence in Africa

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Our Commercial Property Practice

Our Commercial Property Practice is at the forefront of real estate acquisition, development and finance across the length and breadth of the African continent. We successfully safeguard the interests of all industry role players, whether they be developers, landlords, lenders, property funds or tenants.

Our team comprises a dynamic group of talented real estate legal practitioners situated in our various offices across the African continent.

Our geographical reach and our knowledge of the real estate industry throughout Africa, enables us to provide hands-on legal solutions across a wide array of multijurisdictional transactions, ensuring seamless collaboration and solutions to even the most complex of projects.

Bowmans in South Africa, “is known for major property developments, real estate financing and investments”. Bowmans in Kenya, has “sound legal, industry and commercial knowledge.”

– Legal 500, 2017

Bowmans provides an “excellent service in terms of response times, business acumen/industry knowledge, appropriateness of advice, strength in depth of team, and value for money”. Craig Schafer has “in-depth knowledge” and “tenacity in finding solutions.”

– Legal 500, 2018

Our Specialist Services

Commercial Property

- Development
- Finance
- Acquisition
- Development Finance
- Restructuring
- Mixed Use
- Freehold
- Sectional Title
- Leasing
- Litigation
- Due Diligence
- Tax
- Fund Formation
- Structuring and Planning
- Acquisitions and Disposals

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Our imperative is to provide industry role players with practical and cost-effective counsel throughout the property ‘life cycle’, from structuring, acquisition, development, tenanting and financing, through to eventual disposal, drawing on the collective experience of some of Africa’s finest real estate legal practitioners.

The core services offered by our Commercial Property Practice include:

**STRUCTURING AND PLANNING**

Behind every successful real estate acquisition or development lies careful planning and structuring. The haste to acquire and build can often result in the omission of the crucial preliminary structuring and planning stage.

We recognise the pivotal role which careful structuring and planning plays in every successful real estate venture and offer the full spectrum of expert advice required at the outset of every real estate venture.

Our services include:

- completing due diligence investigations aimed at highlighting potential risks associated with intended ventures (be they environmental, tax related or deficiencies in title);
- undertaking any preliminary deeds registry procedures required to mitigate risks associated with title identified through due diligence investigations (whether this involves the removal of incompatible conditions of title, the rectification of errors in holding deeds, or the cancellation of outdated servitudes);
- providing structuring guidance on, and set up of, the vehicles (and associated underlying structures) through which to acquire and develop real estate (whether by way of joint venture companies, co-ownership structures or ring-fenced special purpose vehicles). We pay particular attention to the purpose of the intended development and the associated tax consequences;
- preparing and negotiating the full suite of implementation documents required to structure a real estate venture (from initial heads of terms or memoranda of understanding to joint venture or collaboration agreements, shareholders agreements, or co-owners agreements);
- advising on REIT formation and structuring; and
- structuring and implementing offshore property fund ownership structures.

**ACQUISITIONS AND DISPOSALS**

The acquisition of real estate by a purchaser very often represents a fundamental implementation step in a real estate venture’s life cycle. Conversely, for a seller, the disposal of real estate represents the final chapter in the seller’s real estate venture in respect of that property. Both seller and purchaser have important interests which require safeguarding.

We ensure that the interests of our principal (whether the seller or the purchaser) are protected in a practical and solutions-orientated manner. We represent the interests of sellers and purchasers on an ongoing basis in:

- negotiating the acquisition or disposal of real estate assets;
- identifying and mitigating potential risks;
- advising on the tax and other regulatory consequences flowing from the acquisition or disposal of real estate;
- preparing, negotiating and setting the full suite of implementation documents required to acquire or dispose of real estate assets (whether the sale or purchase is of individual real estate assets or large portfolios of real estate assets); and
- implementing sales or acquisitions in effecting registration of transfer in the applicable Deeds Registry.

**FINANCING**

Without finance, there can be no successful acquisition or development of real estate. Real estate financiers are crucial role players in the life cycle of real estate assets and are invested in ensuring the successful implementation of real estate ventures.

We represent most of the leading real estate financiers across Africa and ensure that their interests are safeguarded when providing acquisition, development, term or restructuring finance to real estate investors, developers or real estate funds.

We provide an integrated, end-to-end service. Our involvement commences with negotiating and preparing deal and term sheets and continues through drafting and settling the full suite of loan and security documentation, auditing underlying sale and lease agreements relevant to the venture being financed, attending to the registration of all registrable securities (whether notarial or mortgage bonds) and monitoring the fulfilment of advance pre-conditions.

We also represent the interests of borrowers seeking acquisition, development, term or restructure finance and guide them through the negotiation and execution of the applicable financing and security documents in a way that they can commit with full knowledge of the liabilities they are assuming.

Our acclaimed real estate experts have successfully assisted developers in launching multiple developments on time and within budget. We:

- prepare and negotiate all required building contracts, development agreements and end-user sale agreements;
- advise developers on the implementation of residential, industrial, retail, commercial and mixed-use developments;
- provide a thorough understanding of land usage rights, zoning issues and other regulatory hurdles relevant to developments;
- establish sectional title schemes and simultaneously co-ordinate the transfer of multiple units to end-users;
- effect any sub-divisions, consolidations, notarial ties, register any servitudes or open any township registers required for developments;
- structure and establish property owners associations and body corporates and fractional ownership structures; and
- collaborate with Deeds Registrars to ensure a seamless registration process for large batches of development transactions.

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LEASING
For developers and landlords, leasing real estate represents a crucial phase in realising these assets’ potential. It often forms the basis upon which real estate ventures will be financed. Ensuring the integrity of lease agreements concluded with anchor tenants or tenants otherwise identified as being critical to the viability of a real estate venture is central to the role which we play in representing the interests of landlords and developers in leasing real estate.

We represent the interests of many of the most influential property funds and developers across the African continent throughout the leasing process by:
• drafting and negotiating industrial, retail and commercial leases for varying durations; and
• executing long-term leases in notarial form and ensuring registration in the applicable Deeds Registries.

LITIGATION
The real estate life cycle unfortunately often includes the need for dispute resolution services. A fact of life is that disputes over real estate and between parties to real estate acquisitions, disposals, developments, leases and financing transactions arise from time to time.

Our real estate experts work with our specialist dispute resolution lawyers to offer a cost-effective, practical and solutions-based dispute resolution service in respect of real estate disputes.

We also represent the interests of numerous retailers across Africa in ensuring that their interests, as tenants, and the specific needs of their businesses, are safeguarded in the lease negotiation and preparation process.

ACCOLADES

AFRICAN LEGAL AWARDS 2021
Bowmans won awards in five categories, more than any other single firm. The firm was named Capital Markets Team of the Year, Environmental and Renewables Team of the Year, Restructuring Team of the Year, and Transportation and Infrastructure Team of the Year, and won the Crisis Management Initiative of the Year Award.

CHAMBERS AFRICA AWARDS 2022
Bowmans’ Kenyan practice was named Kenya Law Firm of the Year and chairman and senior partner, Ezra Davids, was named South Africa Lawyer of the Year.

DEALMAKERS AFRICA AWARDS 2021
Bowmans was DealMakers top dealmaker in East Africa for 2021 by number of M&A transactions worked on. The firm had more than 26% market share and advised on the deal named Deal of the Year.

DEALMAKERS SOUTH AFRICA AWARDS 2021
Bowmans placed first by deal flow and second by deal value in the Unlisted M&A Transactions category; and first by deal flow and third by deal value in the BEE Deals category.

IFLR AFRICA AWARDS 2021
Bowmans received three awards including the awards for National Law Firm of the Year in both South Africa and Zambia. The firm was also named National Law Firm of the Year: South Africa (Project Finance) for its work on various project finance matters including the Beitbridge Border Post Modernisation Project, which was named Project Finance Deal of the Year.
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