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Our Presence in Africa

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).

In the 2021 DealMakers Africa Awards we ranked first in East Africa for both deal value and deal flow, with a 52% and a 40% share of the market respectively. We also advised on the deals named East Africa Deal of the Year and East Africa Private Equity Deal of the Year. In the 2021 DealMakers Awards we placed first by deal flow and second by deal value in the Unlisted M&A Transactions category; first by deal flow and third by deal value in the BEE Deals category; third and fourth by value and flow respectively, in the Listed Company M&A Transactions category; and fourth by deal value and deal flow in the General Corporate Finance category.

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 Education Sector

Education globally has been characterised by expansion and fundamental change in recent decades. These developments have created opportunities for innovation and investment, but have also been accompanied by increasing operational complexity and proliferating regulation.

Growth in private-sector education in Africa has been prolific. World Bank statistics indicate that private school enrolment in Africa increased by 113% over a period when corresponding public school figures increased by 52%. Between 2000 and 2016, the number of private schools in South Africa doubled, and the number of pupils enrolled in private schools increased by 130%.

Likewise, there has been considerable expansion in tertiary education. In developing countries, increasing numbers of students enrol at higher education institutions, signifying growing demand and opportunity.

Historically, the education sector has been highly regulated by sector-specific laws and policy measures – frequently at both national and provincial levels. This remains the case universally, even though there has been liberalisation and deregulation in many other fields.

In addition, educational institutions’ operations are governed by a range of general laws, including anti-trust/competition, employment, data protection and tax laws and, in some jurisdictions, local ownership/indigenisation laws. Although these are laws of general application, they have particular nuances in the context of educational institutions.

Moreover, schools and universities are required to have in place various policies (e.g. admissions, disciplinary, human resource, social media) and also need to set up structures equipped to implement these policies.

Commercial transactions in the education sector need to be conducted not only with due regard to corporate and tax complexities, but also in a way that ensures due regulatory compliance with sector-specific laws.

Over the last decade, we have developed a significant body of collective expertise through our involvement in a variety of transactional and advisory matters in the education field. As a result, we are now in a singular position to provide clients entering or operating in this field with a comprehensive spectrum of services. Unlike most firms, which tend to specialise in niche aspects of the education sector, we offer a full panoply of services covering the entire field – not only in one jurisdiction but in several jurisdictions.

Our multi-disciplinary team comprises specialists with expertise in the relevant statutory and policy areas. Several of our partners have served on governing and consultative bodies in the secondary and tertiary spheres. These attributes enable us to provide a multifaceted and encyclopaedic Africa-wide service offering covering transactional, regulatory, tax and employment law in the education sector.

Our transactional and advisory experience includes matters at secondary and tertiary levels, across the private and public sectors. In addition, we have longstanding relationships with regulatory bodies, which allows us to facilitate efficient completion of transactions in the African market.

Our involvement in the education sector, at transactional, advisory and governance levels, has kept us abreast of technological and pedagogical changes. New education institutions enter the market on a regular basis, and new teaching methodologies are being introduced. Traditional models of lectures and tutorials are being replaced or supplemented by innovative forms of online and distance learning, using various platforms. This creates new opportunities for investment and expansion, but in an increasingly competitive environment characterised by increasing regulatory complexity. Our lawyers are ideally placed to enable clients to explore these opportunities and navigate these challenges.
In the education sector, we have acted for clients in corporate and commercial transactions; provided guidance on local ownership/indigenisation matters; given regulatory and employment law advice; and helped with dispute resolution.

Some of our recent experience includes advising/acting for:

**Corporate and commercial transactions**

- Apollo Global Education Group, Inc. (Apollo Global Education), an international education group, on the:
  - acquisition of a controlling interest in Milpark Education (Pty) Ltd (Milpark Education) from Leaf Capital and other investors; and
  - sale of its entire interest in Milpark Education to Stadio Holdings Ltd and Brimstone Ltd, valued at ZAR 320 million.
- Investec in acquiring a controlling stake in the holding company of the Richfield Group.
- Laureate Education Inc. on the:
  - sale of the education business by Monash South Africa Ltd, its joint venture with Monash University, to The Independent Institute of Education (Pty) Ltd (IIE), a subsidiary of AdvTECH Ltd; and
  - sale of its entire shareholding interest in Laureate South Africa (Pty) Ltd to IIE.
- EDUCAS International on its acquisition of a majority stake in the Reddam Schools.
- A leading English public school on a possible franchise agreement with a local private school in Nairobi.
- Old Mutual Alternative Investments on:
  - various Schools Fund and Housing Fund developments, including the financing arrangements; and
  - the investments of the Schools and Education Investment Impact Fund of South Africa in a variety of educational projects, including the financing of infrastructure requirements for upgrading existing, and building new, schools and further education and training colleges.
- Edulink Holdings Ltd, an investment fund that specialises in education, on the establishment of Victoria University in Uganda; and subsequently also on their exit from the investment.
- Uganda Christian University, Mukono, a leading university in Uganda established and owned by the Anglican Church of Uganda.
- A bidder for Hillcrest Schools (a leading private school group in Kenya).
- A Kenyan university in a proposed private equity investment in it.
- Actus on its investment in Riara Group of Schools (a leading private school group in Kenya).
- Realema Teacher Internship Programme on various aspects of its establishment, registration and tax status.
- PSG, the Curro Group and its funders on setting up a secured funding vehicle for all its banking and capital markets funding, including a ZAR 2 billion DMTN programme.
Local ownership/ indigenisation
• Apollo Global Education on broad-based black economic empowerment (BBBEE) requirements in the context of the provision of corporate education services by Milpark Education.
• Standard Bank South Africa on BBBEE aspects of contributions made to the Feenix Trust, set up in response to the #FeesMustFall movement.

Regulatory advice
• A private equity client on regulatory aspects of the acquisition and restructuring of various independent schools.
• The Independent Schools Association of Southern Africa (ISASA) on the application of consumer laws and data protection laws to learner enrolment contracts for independent schools, and also on copyright issues affecting independent schools.
• The National Association of Independent Schools (NAIS) on the powers of the Council for Quality Assurance of General and Further Education and Training (Umalusi) in relation to quality assurance and assessment of independent schools.

Employment
• Independent schools, such as Roedean School and St Stithians College, on employment-related issues.
• Tertiary institutions (including the University of Cape Town, University of Stellenbosch, Cape Peninsula University of Technology, the University of the Witwatersrand, the University of Venda and the University of South Africa) on a range of employment matters, including: insourcing, collective bargaining, strike action, dismissal disputes and unfair labour practices; employment policies; investigations and disciplinary proceedings against employees and students; and High Court, Labour Court, Labour Appeal Court and CCMA proceedings.

Dispute Resolution
• ISASA in Supreme Court of Appeal proceedings concerning Pridwin Preparatory School’s termination of its contract with pupils’ parents.
• Monash University in a ZAR 18 million dispute with the City of Johannesburg over utilities charges.
**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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