



Clinton van Loggerenberg

Executive | banking and finance, debt capital markets
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"no boundaries"

practical experience

Clinton van Loggerenberg is an Executive in ENSafrica's Banking and Finance practice. He specialises in banking, derivatives, capital markets, regulatory capital, finance, structured finance, distressed debt and restructuring, financial markets, exchange control and regulatory work.

He has acted for a number of local and international banks in establishing operations in South Africa and in M&A-related work involving banks. He was lead South African counsel when Barclays Plc acquired a majority stake in Absa Capital Limited which, at the time, was South Africa's largest foreign direct investment with a deal value of approximately ZAR33 billion. He recently assisted both Discovery Bank and Tyme Bank with obtaining full banking licences in South Africa- the first full banking licences granted in South Africa since 1999.

Clinton regularly assists financial institutions with the raising of finance and the granting of loans. His practice experience includes advising dealers, arrangers and issuers such as BMW on its ZAR2.5 billion bond issue and Sasol on its USD1 billion bond issue. He advises on DMTN Programmes and Securitisations and Euro Note Programmes. He advises various banks on capital-qualifying loans- including Sasfin Bank concerning its Tier 2 capital-qualifying loan from the International Finance Corporation and offshore capital-qualifying bond issues such as Absa Bank's USD400 million Tier 2 issuance and FirstRand Bank's USD500 million Tier 2 issuance.

Clinton advises on complex debt restructurings. He recently advised Edcon Limited on the restructuring of debt in excess of ZAR20 billion. This included the capitalisation of a portion of the debt and the conversion of debt into notes convertible into equity. He advised a consortium of banks in the successful recovery of almost ZAR22 billion of debt from the distressed Steinhoff group. He has also advised on the distressed refinancing of bonds issued by listed entities which include PPC, CIG and Cell C. He advised a consortium of banks in the ZAR10 billion recapitalisation of African Bank which was under curatorship.

He is the author of a number of published Annexures for the International Swaps and Derivatives Association, and was the original author of the Credit Support Documentation opinion for South Africa. He has acted as local counsel to ISDA, the International Capital Markets Association and the International Securities Lending Association and writes the South African industry-netting opinions for ICMA and ISLA.

Clinton assisted the Banking Association of South Africa with the drafting of the current Section 35B of the Insolvency Act, which ensured that post-insolvency netting may take place in respect of certain derivatives contracts.

He co-authored the South African legislation chapter in the 2010 and 2015 IFLR1000 Guides to the World's Leading Advisors. He also co-authored the South African chapter in The International Capital Markets Review (Law Business Research) in 2011, 2012, 2013, 2014 and 2015.

Clinton is recognised as a leading/recommended lawyer by:

- IFLR1000 Financial and Corporate Guide; Banking, Capital markets : Debt – 2023, 2022, 2021, 2020, 2019, 2018, 2017, 2016, 2015 (South Africa)
- Chambers Global Guide 2022, 2021, 2020, 2019, 2018, 2017, 2016, 2015 – Capital Markets: Debt (South Africa)
- The Legal 500 EMEA 2020, 2019, 2018, 2016 – Banking and Finance (South Africa)
- Who's Who Legal 2022, 2021, 2020, 2019, 2016 – Banking: Regulatory; 2022, 2021, 2020, 2019 2018 Capital Markets: Structured Finance (South Africa) and 2022 Global Banking Regulation Review- Thought Leader
- Best Lawyers® 2023, 2022, 2021, 2020, 2019, 2018, 2017, 2016– Capital Markets Law, Banking and Finance Law (South Africa)

qualifications

- BA (Law) (University of the Witwatersrand)
- LLB (University of the Witwatersrand)
- Admitted as an attorney of the High Court of South Africa (1997)

