

CURRICULUM VITAE
PROFESSOR (DOCTOR) MICHELLE LOUW



PERSONAL DETAILS

FULL NAME : Michelle Louw (Practicing/Writing as Michelle Kelly-Louw)

TITLES/POSITION : Doctor of Laws

Professor of Law (Banking Law)
Head of the Department of Commercial Law (1 January 2023 – to date),
University of Cape Town (UCT)

Admitted Advocate of the High Court of South Africa (31 October 2000)

**SOUTH AFRICAN NATIONAL
RESEARCH FOUNDATION (NRF)
RATED RESEARCHER** :

Holds a NRF B2 rating (that is, a researcher who enjoy considerable international recognition by her peers for the high quality and impact of their recent research outputs)

ORCID ID : <https://orcid.org/0000-0003-0145-3119>

GOOGLE SCHOLAR

https://scholar.google.co.za/citations?hl=en&view_op=list_works&gmla=AJsN-F5F8B9oQ0qWBLKC1CIEM2Ps5QnFY_bIPV7W6Pl4yH3av7Z1Lxx08ttjpHzXWsAE0IDnHgMqOVikJhFVlOrAVgXWDZw1-NZ7gi0o0zDRgfmZ26r45kk&user=kXp6_iQAAAAJ

ACADEMIA PROFILE

<https://unisouthafr.academia.edu/MichelleLouw>

RESEARCH GATE

https://www.researchgate.net/profile/Michelle_Kelly-Louw

DEGREES, BURSARIES AND RESEARCH AWARDS

- UNIVERSITIES ATTENDED** : University of South Africa: 1994–2008
University of Johannesburg: 1998
University of Pretoria 2019
- DEGREES /DIPLOMAS/OTHER** : BACCALAUREUS IURIS (BIuris) degree
(**with distinction**) (1996) (Unisa)
BACHELOR OF LAWS (LLB) degree (1998) (Unisa)
MASTER OF LAWS (LLM) with Specialisation in Commercial Law
(**with distinction**) (1999) (Unisa)
DOCTOR OF LAWS (LLD) (2009) (Unisa)
DIPLOMA: Insolvency Law and Practice (AIPSA) (1998) (UJ)
ADVANCED SHORT COURSE in Outcome-Based Assessment in Higher
Education and Open Distance Learning (**with distinction** – 99% 2009
Unisa)
SHORT PROGRAMME: CONSTRUCTION CONTRACTS (**with
distinction**) (UP) (2019)
- MASTER’S DEGREE
SUBJECTS** : Company Law I, Company Law II,
Insolvency, Winding-up and Judicial
Management, and Labour Law I
- DOCTORAL THESIS** : Entitled “Selective Legal Aspects of Bank Demand Guarantees” under the
supervision of Professor JT Pretorius (cited and/or quoted by the Supreme
Court of Appeal in *Compass Insurance Co Ltd v Hospitality Hotel
Developments (Pty) Ltd* 2012 (2) SA 537 (SCA) para 12; *State Bank of
India v Denel SOC Limited* [2015] 2 All SA 152 (SCA) para 8; and the
High Courts in *Denel Soc Ltd v Absa Bank Ltd* [2013] 3 All SA 81 (GSJ)
paras 31, 40 and 41; *Compass Insurance Company Limited v Cobus Smit
Projekbestuur CC; CS Property Group (Pty) Ltd v H W Brokers (Pty) Ltd*
(2019 (1) SA 413 (WCC); and the High Court of Namibia, Main Division,
Windhoek in *Karibib Construction CC v Standard Bank Namibia Limited*
(A280-2013) [2017] NAHCMD 110 (31 March 2017) in paras 35 and 38;
Nedbank Limited v Xanita (Pty) Limited (885/2019) [2023] ZAWCHC 144
(12 June 2023) in paras 19–20).
- FIVE RESEARCH AWARDS** : **The South African Department of Science and Technology’s award for
Distinguished Young Woman Scientist (Academic Excellence in Social
Sciences or Humanities) (national award).** (The award was awarded to
her by the Minister of Science and Technology, Naledi Pandor, at a Gala
Dinner. The profiles of all the winners were published in a supplement in
the Mail and Guardian Newspaper of 20–26 August 2010.)
**2013 University of South Africa (“Unisa”) Leadership in Research
Women Award.**
2011 Unisa Women’s Forum 2011 Woman of the Year Award for the

category Achievement.

2009 Unisa Resilience in Research Women Award.

2008 Unisa Principal's prize for excellence in research in the school of law (i.e., the under 35 age group).

- OTHER AWARDS** : In 2017 she received the Unisa **Accelerated Professional Excellence (Apex) Award** for consistent meritorious performance as full professor for the period 2011 to 2015.
- STUDY BURSARIES** :
- A three-year bursary from the South African Department of Justice (1994–1996) to obtain a BLuris through Unisa, while working full-time at the State's Attorneys in Pretoria.
 - A two-year bursary from the South African Department of Justice (1997–1998) to obtain the LLB degree through Unisa, while acting as a district prosecutor at the magistrate's courts in Pretoria and Johannesburg.
 - A merit bursary from Unisa for completing the BLuris (with distinction in 1996).
 - The H Bradlow merit bursary to pursue doctoral studies for being the most meritorious LLM student at Unisa (1999).
 - The National Research Foundation bursary for doctoral studies (2002–2006).
 - A Unisa bursary/grant to conduct foreign doctoral research in 2002 in the United Kingdom and the United States of America.

WORK EXPERIENCE

THE SOUTH AFRICAN DEPARTMENT OF JUSTICE

- TERM OF EMPLOYMENT** : January 1994–February 1998
- POSITION** : State Prosecutor and administration official
- BURSARY BACKGROUND** :
- Three-year bursary from the Department of Justice to obtain the BLuris degree in 1994.
 - The bursary requirements stipulated that classes be attended at the Justice College from May to October for three consecutive years (1994–1996). These courses were presented by magistrates, advocates and academic professors. At the end of each year, exams were written at Unisa. Thereafter (1994–1996) placed at the State Attorney's offices and the magistrate's courts to obtain practical experience.

STATE ATTORNEYS OFFICES

- TERM OF EMPLOYMENT** : 10 January 1994–November 1996

POSITION : Administration official

DUTIES : Assisting the attorneys in their daily tasks.

Some criminal matters, but mainly civil matters concerning departmental claims, motor collisions, contracts and civil disputes between different state departments.

Handled between 400–500 civil claims annually (mainly breaches of contracts between state departments and employees and departments internally).

After obtaining BLuris degree in November 1996, transferred to the Johannesburg magistrate’s court to act as a district prosecutor.

JOHANNESBURG MAGISTRATE’S COURT

TERM OF EMPLOYMENT : November 1996–February 1998

POSITION : State Prosecutor

DUTIES : Reading of dockets of criminal charges and deciding whether or not to prosecute.
Criminal litigation.
Assisting the public with enquiries in criminal matters.
Daily consultations with various state witnesses.
Prosecuting at the maintenance court: settlements and formal court enquiries/prosecuting arrear maintenance cases.
Reading of dockets where people died of unnatural causes and deciding whether a formal inquest should be held.

NEDCOR INVESTMENT BANK (LTD) AND NEDCOR BANK LTD

TERM OF EMPLOYMENT : 1 March 1998–20 June 1999

POSITION : Legal adviser in the Financial Loss Control Division

DUTIES :

- Controlling and managing bad debts and doubtful loans with the various team leaders and credit controllers.
- Ensuring prudent decision making within the Loss Control Division based on the individual merits of each case.
- Ensuring that all matters were pursued as far as possible from a recovery point of view, while still feasible.
- Supplying legal advice on the drafting of suretyship documents, bond documents, contracts etc.
- Proceeding with legal foreclosures against bad debts.

- Instructing the panel attorneys to obtain judgments against both, principal debtor and sureties.
- Instructing warrants of execution to be issued against all debtors.
- Instructing managing agents to invoke cession of rentals on various tenants occupying premises bonded to NIB.
- Establishing of arrear rates and taxes on bonded properties.
- Arranging sales in executions.
- Attending sales in executions and bidding.
- Ensuring that transfer took place after an execution sale.
- Deciding to sequestrate or liquidate debtors.
- Attending of creditors' meetings in insolvency matters.
- Requisition of liquidators and giving requests to hold insolvency inquiries, if necessary.
- Preparing settlement agreements.
- Monitoring and assessing whether insurance was in place/cancelled.

Transferred to Nedcor Bank Ltd's Property Investment Section to perform the same duties on 1 April 1999.

UNIVERSITY OF SOUTH AFRICA ("UNISA") 21 June 1999 to 31 March 2022

TERM OF EMPLOYMENT	:	21 June 1999– January 2003
POSITION	:	Lecturer in the Department of Mercantile Law, College of Law (Unisa)
TERM OF EMPLOYMENT	:	1 January 2003–1 January 2010
POSITION	:	Associate Professor in Banking Law, Department of Mercantile Law, College of Law (Unisa)
TERM OF EMPLOYMENT	:	1 January 2010–31 March 2022.
POSITION	:	Full professor in Banking Law, Department of Mercantile Law, College of Law (Unisa)
POSITION	:	Research professor in the Department of Mercantile Law, College of Law (Unisa) (three-year secondment).
TERM OF APPOINTMENT	:	March 2018–March 2021

UNIVERSITY OF CAPE TOWN ("UCT") 1 April 2022 to date

TERM OF EMPLOYMENT	:	1 April 2022 – to date
POSITION	:	Full professor in Banking Law, Department of Commercial Law, Faculty of Law, UCT

: Head of the Department of Commercial Law, UCT (1 January 2023 – to date) (around 30 permanent staff reporting, excluding temporary contract appointments)

GENERAL DUTIES

- Drafting and compiling of tutorial matter (study guides, tutorial letters, course outlines);
- setting and marking of exams and assignments;
- Subject Head for the Banking Law Group while at Unisa (various years since 2010 to 2022).
- student contact and support;
- course administration;
- supervision of LLM and LLD/PhD students;
- community service;
- participating in group visits;
- attending official university functions;
- being an academic citizen;
- mentoring of colleagues;
- serving on various committees (local and international);
- membership to professional bodies and law journals; and
- research

UNDERGRADUATE SUBJECTS LECTURED AND/OR DEVELOPED

- Mercantile Law: Negotiable Instruments and other payment methods;
- Commercial law (including Insolvency Law);
- Banking Law; and
- Advanced Bills of Exchange and Cheque law.

POSTGRADUATE SUBJECTS LECTURED AND/OR DEVELOPED

- Negotiable Instruments;
- Banking Law;
- Consumer Credit Law; and
- Law of Insolvency.

ACADEMIC CITIZENSHIP AND COMMUNITY ENGAGEMENT

- Actively takes part in academic citizenship activities.
- Attended mentoring workshop (August 2009).
- Actively took part in the round table discussions regarding the establishment of the Archie Mafeje Institute (Unisa) (2010 and 2011).
- Participated in the South African Law Reform Commission's Workshop on Administration orders that was held on 31 May 2011 at the University of Pretoria. She also submitted comments on the Commission's proposed amendments to legislation dealing with administration orders.
- Various interviews with the media regarding her expertise regarding the National Credit Act 34 of 2005.

- Successfully completed assessor training in 2009 with distinction (99%).
- Taught Insolvency law to school children at the Eldoraigne High School in Pretoria during (2003).
- Member of the Street Law Committee (2000–2001); and Management Council Member of the Academic and Professional Staff Association (APSA) (2001–2002).
- Presented the group discussions for Commercial Law (negotiable instruments and insolvency law) in Pretoria, Cape Town and Durban.
- Submitted comments to Mr André R Hermans, Committee Secretary: PC Trade and Industry (Parliament) on 8 March 2013 on the South African National Credit Amendment Bill of 2012 that was submitted by the late Dr MG Oriani-Ambrosini.
- Attended the public consultation meeting of the South African Department of Trade and Industry regarding the Draft South African National Credit Amendment Bill of 2013 (actively participated in the discussion) held on 28 June 2013 at the OR Tambo Airport. Submitted comments on 15 July 2013 to the Department of Trade and Industry regarding the Draft National Credit Amendment Bill of 2013.
- Submitted written comments to the Committee Secretary: PC Trade and Industry (Parliament) regarding the latest South African National Credit Amendment Bill of 2018, particularly regarding proposed debt intervention clauses, on 15 January 2018. Made public presentations in Parliament on the Amendment Bill on 30 January 2018.
- Co-created a successful community outreach project entitled “Responsible Use of Credit” (a flagship project hosted within the Banking Law Group at Unisa). Details of the project can be followed by accessing the following blog (see <http://consumerlawrsa.blogspot.com>) or by using twitter @consumerHints. Partners on this project include the South African National Credit Regulator, the South African Credit Ombud and the South African Credit Bureau Association. Regular educational talk shows are conducted on the UnisaRadio. An educational brochure informing consumers where they could turn to for assistance in dealing with their debt was also created. For instance, she co-organised a community engagement conference “Money Smart Week” (SA Treasury’s National Project) with Prof PN Stoop, CAS and the BMR of Unisa held on 8 October 2018. She organised all the speakers for morning panels (eg, DTI, NCR, NCT, CBA, Credit Bureaus and UP Law Clinic) and chaired the morning sessions.
- Attended and provided comments at the South African Law Reform Commission’s programme on “Prescription Reforms” held on 2 August 2018 in Pretoria.

MENTORING OF COLLEAGUES, PARTICULARLY FEMALE STAFF MEMBERS

- Attended a two-day mentoring workshop during August 2009 to enhance her mentoring skills. Mentored various junior females in Unisa’s Department of Mercantile Law. Mentored and assisted colleagues in preparing their applications for international and local bursaries and applications for rating to the South African National Research Foundation.
- Assisted mentees to publish articles in accredited journals by making substantial comments on their drafts (see Tennant, S “The incorrect understanding of an incidental credit agreement leads to undesirable consequences: *JMV Textiles Ltd v De Chalain Spareinvest*” (2011) 23 *South African Mercantile Law Journal* 123 and Mabe, Z “Alternatives to Bankruptcy in South Africa That Provides for a Discharge of Debts: Lessons from Kenya” *Potchefstroom Electronic Law Journal* (2019) 22 (available at <http://dx.doi.org/10.17159/1727-3781/2019/v22i0a5364>).
- Co-authored an article with a Unisa master’s student based on her successfully completed LLM thesis (Govender, S and Kelly-Louw, M “Delivery of the compulsory section 129(1) default notice as required by the National Credit Act of 2005” (2018) 21 *Potchefstroom Electronic Law Journal* (available at <https://journals.assaf.org.za/index.php/per/article/view/3466/7405>)).
- Assisted by organising and providing a reference to enable Mr MD Tuba to secure access to facilities at an Australian University (Swinburne University of Technology, Melbourne, Australia) to conduct research towards his LLD research in 2019.

- Organised for a Unisa LLD student (Prof PN Stoop's student Ms Tshepiso Scott) to present a paper based on her LLD thesis.
- Nominated and assisted Prof Stoop in bringing an application for an outside grant (see the TPR Zuid-Afrikaanse Wisselleerstoel).

CONFERENCES ORGANISED

Local conference:

- THE BLACK ECONOMIC EMPOWERMENT AND COMMERCIAL LAW WORKSHOP, A one-day Workshop, organised by the Centre for Business Law, Unisa and sponsored by Nedbank Professional Banking, held on 26 August 2004 in Sandton, Johannesburg (chair of the organising committee).
- THE 1ST INSOLVENCY AND BUSINESS RESCUE LAW CONFERENCE, on behalf of the Southern African Insolvency Lecturers' Association (SAILAS) in collaboration with the University of Johannesburg (Prof Juanitta Calitz) and the University of Pretoria (Prof Andre Boraine) held at the Faculty of Law, University of Cape Town on 29 and 30 August 2004. The conference was a huge success. The papers were outstanding and illustrated the many developments and need for more law reform in the area of insolvency law and business rescue. The dinner was sponsored by the South African Restructuring and Insolvency Practitioners Association.

International conference:

THE INTERNATIONAL ASSOCIATION OF CONSUMER LAW'S 11TH INTERNATIONAL CONSUMER LAW CONFERENCE held 11–13 April 2007 in Cape Town. Chaired the organising committee and arranged that the international conference be presented by the Centre for Business Law, Unisa. More than 70 prominent local and international speakers representing various consumer protection organisations, governmental bodies, the private sector and academic institutions participated. It was a very successful conference with over 170 delegates attending the conference. The countries the speakers and delegates came from included: South Africa, Africa (Nigeria), Canada, the United States of America, the United Kingdom, Columbia, Australia, Germany, Malta, India, Israel, New Zealand, Belgium, Finland, Netherlands, Italy, Romania, Brazil, and Taiwan.

REVIEWER FOR LAW JOURNALS

Peer-reviewed contributions submitted for publication to the following journals: *South African Mercantile Law Journal*, *South African Law Journal*, *De Jure*, *Speculum Juris*, *Tydskrif vir Hedendaagse Romeins-Hollandse Reg*, *The Comparative and International Law Journal of Southern Africa* and the *Potchefstroom Electronic Law Journal*. She also reviewed articles for *LitNet (Akademies) Regte* and the *EUVR (Journal of Consumer and Market Law)* (United Kingdom).

CONTRACT WORK FOR OTHER DEPARTMENTS AT UNISA

- Department of Jurisprudence: Updating of two modules (Insolvency Law and Company Law) for their Certificate Programme in Law (1999).
- Faculty of Economics and Management Sciences: Updating of modules and setting of examinations and assignment questions in respect of the Certificate Programme in the Basics of Business (2001–2009).

SOUTH AFRICAN NATIONAL RESEARCH FOUNDATION (“NRF”) RATED RESEARCHER
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B2 South African National Research Foundation rating (that is, a researcher who enjoy considerable international recognition by her peers for the high quality and impact of their recent research outputs).

APPOINTMENT TO SPECIALIST COMMITTEE OF THE SOUTH AFRICAN NATIONAL RESEARCH FOUNDATION (“NRF”) RATING SYSTEM

Appointed as a member of a Specialist Committee of the NRF Rating System (Law) for a period of three (3) years (that is, 1 March 2023 to 28 February 2026).

Co-Chairing the panel in 2024.

REVIEWER OF NRF RATINGS

Reviewed various NRF rating applications.

ADJUDICATION PANEL FOR THE SOUTH AFRICAN DEPARTMENT OF SCIENCE AND INNOVATION’S SOUTH AFRICAN WOMEN IN SCIENCE AWARDS (SAWISA)

She was also re-appointed by the South African Department of Science and Innovation for a period of three years (that is, 2023 to 2025) to serve on the adjudication panel for South African Women in Science Awards (SAWiSA).

MEMBER OF THE ACADEMY OF SCIENCE OF SOUTH AFRICA (ASSAF)

Member of the Academy of Science of South Africa (ASSAf) since 23 October 2024 to date.

VISITING/RESEARCH FELLOWSHIPS

- Visiting research fellow at the University of Westminster, London (UK) (31 August 2010–13 September 2010).
- Research fellow at the Institute of Advance Legal Studies in London (UK) (June 2016–August 2016).

INVOLVEMENT WITH OTHER UNIVERSITIES

University of Witwatersrand

External examiner for–

- Banking and Negotiable Instruments LLB module (2007–2010) and
- Banking Law LLM postgraduate module (2012).

University of Pretoria

External examiner for–

- Negotiable Instruments LLB undergraduate module (2007);
- Consumer Law LLM postgraduate module (2013 and 2014);
- Payment Methods LLB undergraduate module (2016);
- Insolvency Law LLB undergraduate module (2014–2016);
- Insolvency and Business Rescue LLM (2023)

Part-time lecturer (July 2001–November 2001 (second semester))

- Commercial Law II: Negotiable Instruments and Other Payment Methods;
- Commercial Law II: Negotiable Instruments and Other Payment Methods (a more advanced course); and
- Insolvency law.

University of Stellenbosch

- External moderator of Payments & Guarantees in International Contracts (LLM) (2022).
- Taught International Instruments of Payment and Guarantee LLM (semester 1 of 2023)

North-West University

- External moderator of International Trade Law (LLM) (2022).

University of South Africa

- External moderation of Credit Law (LLM) (2022).

Tshwane University of Technology

External marker for–

- Commercial Law Course (2003–2004).

External examiner (postgraduate)–

- Various LLM and LLD/Phd (doctoral) students from other universities, including University of Queensland (Australia), University of Pretoria, University of Johannesburg, University of the Witwatersrand, University of Cape Town and Stellenbosch University.

Served on various panels for the University of Pretoria for LLD/Phd defences/orals/approvals.

ACHIEVEMENTS IN RESEARCH AND LAW

MAIN ACHIEVEMENTS (June 1999-date)

- Published a number of articles, various chapters in books and three technical research reports in the fields of insolvency, banking and consumer credit law.
- Drafter of various pieces of legislation (see full details below).
- Obtained five research awards–
 - The South African Department of Science and Technology’s award for Distinguished Young Woman Scientist (Academic Excellence in Social Sciences or Humanities) (2010) (she was the first law academic at Unisa to have received this prestigious award);
 - The Unisa Women-in-Research-Leadership-Award (2013);
 - The Unisa Women’s Forum 2011 Woman of the Year Award for the category Achievement (2011);

- The Unisa Principal’s Prize for Excellence in Research (2008); and
 - The Unisa Resilience in Research Woman Award from Unisa (2009).
- Author of a specialised book on consumer credit law, *Consumer Credit Regulation in South Africa* (2012).
- Co-editor of two international books.
- Co-author of various international books.
- Co-editor with Prof Jason Chuah of City of London University of a special edition of an international law journal, *Journal of International and Comparative Law*, entitled “Debtor Responsibility and Financial Inclusion” (invited guest editors) (see (December 2023) 10:2 *Journal of International and Comparative Law*) Fourteen contributions managed, and authored aforementioned an article.
- Two articles published in international journals (both on invitation).
- An article written at the age of 25, was referred to with approval in the South African Law Reform Commission’s Report on the Apportionment of Damages Act 34 of 1956 (Project 96, July 2003) and a few of her proposals in this article were also accepted into the proposed Apportionment of Loss Bill of 2003.
- Co-author of *Mars: The Law of Insolvency in South Africa* 9 ed (2008).
- Co-author of *Mars: The Law of Insolvency in South Africa* 10 ed (2019).
- Drafted the chapter on “Consumer Credit Law” for the LexisNexis series *The Law of South Africa* in 2010 and updated it in 2014.
- Authored the Juta’s *Quarterly Review for Consumer Credit Law* (2009–2016).
- Presented over 70 local and international conference papers in the field of insolvency law, banking law and consumer credit law
- Keynote speaker on more than 20 occasions.
- Chaired various workshops at local and international conferences.
- Chaired three organising committees that arranged a local and an international conference.
- Visiting research fellow at the University of Westminster, London (2010).
- Research fellow at the Institute of Advance Legal Studies in London (June 2016–August 2016).
- In 2017 received the Unisa Accelerated Professional Excellence (Apex) Award for consistent meritorious performance as full professor for the period 2011 to 2015.
- Participated in two international research projects on the South African National Credit Act 34 of 2005 and its Regulations.
- Participated in an international research project on Letters of Credit (2022).
- Participated in an international research project based on the National Credit Act 34 of 2005. Four American MBA students from the Kellogg School of Management (USA) visited in 2007 as part of their research project.
- Managing editor of the *South African Mercantile Law Journal* in 2015. Compiled the 2015 index for the *South African Mercantile Law Journal* (published with vol 1 of 2016).
- Research contributions have been cited by–
 - The South African Supreme Court of Appeal,
 - The South African Constitutional Court,
 - Various Divisions of the South African High Court; and
 - A Namibian High Court.
- Interviewed by journalists and newspaper reporters based on recent research on consumer credit, both locally and internationally. For instance, she was interviewed by a reporter for the *USA Today Newspaper* and by a journalist for the *Indwe*, the South Africa Express Airways in-flight magazine, (see Maike Currie (2010) January *Indwe* “A Hard Act to Follow” 90–93) and in 2013 by a journalist of Media Services (Gerry Petersen) regarding the NCA and debt review (see www.iolproperty.co.za/roller/news/entry/no_plans_by_national_credit). See also various newspapers articles quoting Prof Kelly-Louw (see, eg, an article posted on polity.org.za (8 Nov 2013), Credit rule proposal a blow for debtors? *Personal Finance News* 7 March 2015 by Angelique Arde (<http://www.iol.co.za/business/personal-finance/news/credit-rule-proposal-a-blow-for-debtors-1828446>) and Credit providers must properly test affordability *Personal Finance News* 21 March 2015 by Angelique Arde (<http://www.iol.co.za/business/personal-finance/news/credit-providers-must-properly-test-affordability-1835207>).

- On 12 May 2023 Prof Vivienne Lawack (UWC DVC: Academic, founding chair) and Prof Michelle Louw (UCT, founding deputy-chair) launched the Banking Lawyers' Alliance in South African ("BLASA"). BLASA is an alliance that brings together banking and financial law academics, practitioners, the South African government, regulators and other stakeholders. The event was in hybrid form and in attendance was the Department of Trade, Industry and Competition, the Prudential Authority, the National Credit Regulator, Cenfri, academics, lawyers and postgraduate students. Juta publishers undertook to publish a peer-reviewed book, Contemporary Banking and Finance Law, in celebration of the launch of BLASA.

CITATIONS AND QUOTES OF RESEARCH BY SOUTH AFRICAN COURTS/TRIBUNALS AND NAMIBIAN COURTS

1. The South African Supreme Court of Appeal cited her with approval in *Nedbank Ltd v National Credit Regulator* 2011 (3) SA 581 (SCA) in para 39 (see Kelly-Louw (2007) 19 *South African Mercantile Law Journal* 337–345).
2. The South African Supreme Court of Appeal referred to her unpublished LLD (see Kelly-Louw *Selective Legal Aspects of Bank Demand Guarantees* (unpublished LLD, University of South Africa) (2008)) in *Compass Insurance Co Ltd v Hospitality Hotel Developments (Pty) Ltd* 2012 (2) SA 537 (SCA) in para 12.
3. The Constitutional Court of South Africa quoted and cited her with approval in *Sebola v Standard Bank of South Africa Limited* 2012 (5) SA 142 (CC) in paras 38 and 43 (see Kelly-Louw (2008) 20 *South African Mercantile Law Journal* 200–226).
4. The Constitutional Court of South Africa quoted and cited her with approval in *National Credit Regulator v Opperman* 2013 (2) SA 1 (CC) in para 19, particularly footnotes 30 and 31 (see Kelly-Louw (2007) 15(4) *Juta's Business Law* 147–159).
5. The South Gauteng High Court, Johannesburg in *Denel Soc Ltd v Absa Bank Ltd* [2013] 3 All SA 81 (GSJ) in paras 31, 40 and 41 and the Supreme Court of Appeal in *State Bank of India v Denel SOC Limited* [2015] 2 All SA 152 (SCA) in para 8 cited and quoted from her unpublished LLD.
6. The court in *FirstRand Bank Ltd v Papier (National Credit Regulator as Amicus Curiae)* 2011 (2) SA 395 (WCC) referred to Kelly-Louw "Consumer Credit" for the *Law of South Africa* Volume 5 Part 1, Second Edition, Replacement Volume (2010) LexisNexis Durban (Title: Consumer Credit 1–265).
7. The court in the North West Division, Mafikeng in Mafikeng in *Standard Bank of South Africa Limited v Botes t/a JHLS Botes Vervoer* (M85/15) [2015] ZANWHC 49 (3 September 2015) in para 11 cited her work (see Kelly-Louw (2015) 132 *South African Law Journal* 245–257).
8. The Supreme Court of Appeal cited her in *Bornman v National Credit Regulator* 2014 (3) SA 384 (SCA) in para 3, footnote 1 (see Kelly-Louw *Consumer Credit Regulation in South Africa* (2012)).
9. The court in *Standard Bank of South Africa Limited v Mkhwanazi* [2015] JOL 33472 (KZD) in footnote 1 cited her work (see Kelly-Louw (2015) 132 *South African Law Journal* 245–257).
10. The High Court of Namibia, Main Division, Windhoek in *Karibib Construction CC v Standard Bank Namibia Limited* (A280-2013) [2017] NAHCMD 110 (31 March 2017) in paras 35 and 38 referred to and cited from her unpublished LLD (Kelly-Louw *Selective Legal Aspects of Bank Demand Guarantees* (unpublished LLD, University of South Africa) (2008)).
11. The Supreme Court of Appeal cited her in *The National Credit Regulator v Lewis Stores (Pty) Ltd* (937/18) [2019] ZASCA 190 (13 December 2019) para 9 fn 5 (see Kelly-Louw *Consumer Credit Regulation in South Africa* (2012)).
12. Various courts have cited or referenced Bertelsmann, E *et al Mars: The Law of Insolvency in South Africa* 10 ed (2019) Juta & Co Ltd: Cape Town ISBN 978 1 48512 659 1 (co-author) (see, for instance, *Grobank Limited v Georgiou* (1105/2020) [2021] ZAECPEHC 48 (19 August 2021) paras 12, and 19–20)); and the 9 ed (2008) Juta & Co Ltd: Cape Town ISBN 978 0 7021 7926 6 (also a co-author).
13. The court in *Compass Insurance Company Limited v Cobus Smit Projekbestuur CC; C S Property Group (Pty) Ltd v H W Brokers (Pty) Ltd* (2019 (1) SA 413 (WCC) cited and quoted from her from her unpublished LLD.
14. The National Consumer Tribunal cited her work (see Kelly-Louw and Stoop (2019) 22 *Potchefstroom Electronic Law Journal*) in *Khumalo v Motor Finance Corporation (Pty) Ltd* NCT/201387/2021/141(1)(b) (12 October

- 2021) para 14, footnote 2 (available at <https://www.thenct.org.za/wp-content/uploads/2021/10/Khumalo-v-MFC-NCT-201387-2021-1411b.pdf>)
15. The court in *Wesbank (a division of Firstrand Bank Ltd) v Ralushe* 2022 (2) SA 626 (ECG) (31 August 2021) cited her research and in part relied upon it in footnote 16 (see Govender, S and Kelly-Louw (2018) 21 *Potchefstroom Electronic Law Journal*).
 16. The court in *Landrover Financial Services, a product of Wesbank, a Division of Firstrand Bank Limited v Phiri* (13690/2021) [2022] ZAGPJHC 394 (5 May 2022) cited and quoted her work in para 15 footnote 10 (see Kelly-Louw (2014) 26 *South African Mercantile Law Journal* 24–59).
 17. The court in *Bridge Taxi Finance no 5 (Pty) Ltd v Mongala* (973/2022) [2022] ZANCHC 81 (6 September 2022) para 6 and footnote 1 cited her research (see Govender, S and Kelly-Louw (2018) 21 *Potchefstroom Electronic Law Journal*).
 18. The court referred to and quoted from her unpublished LLD (see Kelly-Louw *Selective Legal Aspects of Bank Demand Guarantees* (unpublished LLD, University of South Africa) (2008)) in *Nedbank Limited v Xanita (Pty) Limited* (885/2019) [2023] ZAWCHC 144 (12 June 2023) in paras 19–20.
 19. The court in *Williams v Shackleton Credit Management (Pty) Ltd* (10771/2020) [2023] ZAWCHC 279 (10 November 2023) cited her research (see Govender, S and Kelly-Louw (2018) 21 *Potchefstroom Electronic Law Journal*) para 38 fn 15.
 20. The court in *Nedbank Ltd v Abrahams* (2023-003529; 2023-031890; 2023-053164; 2023-051021; 2023-039182; 2023-039212) [2024] ZAGPJHC 31 (12 January 2024) cited her book (see Kelly-Louw *Consumer Credit Regulation in South Africa* (2012)) in para 5 at footnote 2.
 21. The court in *Williams v Shackleton Credit Management* 2024 (3) SA 234 (WCC) in para 38 at footnote 15 cited her research (see Govender, S and Kelly-Louw (2018) 21 *Potchefstroom Electronic Law Journal*).

RESEARCH OUTPUTS

SOUTH AFRICAN BOOKS AND CHAPTERS IN SOUTH AFRICAN BOOKS

1. Joubert, WA et al *The Law of South Africa* Vol 25 (Part 1) (First Reissue) (2001) Butterworths Publishers Pty Ltd: Durban ISBN 0 409 00355 7 (Title: Sport and Recreation at 111–161).
2. Bertelsmann, E et al *Mars: The Law of Insolvency in South Africa* 9 ed (2008) Juta & Co Ltd: Cape Town ISBN 978 0 7021 7926 6 (Co-author) (Chapters 20, 21, 22 and 29 432–512, 645–659).
3. Kelly-Louw, M et al *Law of Commerce in South Africa* (2009) Oxford University Press: Cape Town ISBN 978 9 19 598582 5 (Co-author) (Chapter 4: Credit Agreements 167–197).
4. Kelly-Louw, M *Selective Legal Aspects of Bank Demand Guarantees: The Main Exceptions to the Autonomy Principle* (Published LLD, University of South Africa) (2009) VDM Verlag: Germany ISBN: 978 3 639 20918 1.
5. Kelly-Louw, M “Consumer Credit” in the *Law of South Africa* Volume 5 Part 1, Second Edition, Replacement Volume (2010) LexisNexis Durban ISBN 978 0 409 05069 1 (Title: Consumer Credit 1–265).
6. Kelly-Louw, M (with contributions by Stoop, PN) *Consumer Credit Regulation in South Africa* (2012) Juta & Co Ltd: Cape Town ISBN 978 0 7021 9551 8 (19 Chapters sole-authored).
7. Scott, J, Cornelius, S (eds), Baqwa, D, De Stadler, E, Eiselen, S, Evans, R, Humby, T, Kelly-Louw, M et al *The Law of Commerce in South Africa* 2 ed (2014) Oxford University Press, Cape Town ISBN 978 0 19 905473 2 (Co-author) (Chapter 4: The Law of Consumer Credit Agreements 169–216).
8. Visser, C, and Pretorius, JT, *Essays in Honour of Frans Malan* (2014) LexisNexis, Durban ISBN 978 409 12088 2 (Co-author) “Limiting exceptions to the autonomy principle of demand guarantees and letters of credit” 197–218 **(PEER REVIEWED AND WAS ACCREDITED BY THE SOUTH AFRICAN DEPARTMENT OF HIGHER EDUCATION)**.
9. Kelly-Louw, M “Consumer Credit” (1–375) in *The Law of South Africa* Volume 8, Third Edition, (2014) LexisNexis, Durban ISBN 978 0 409 12179 7.
10. Hugo, C and Kelly-Louw, M (eds) *Jopie: Jurist, Mentor, Supervisor and Friend – Essays on the Law of Banking, Companies and Suretyship* (2017) Juta & Co Ltd: Claremont ISBN 978 1 48512 091 9 (editor and co-author)

- “Construing whether a guarantee is accessory or independent is key” at 110–128 **(PEER REVIEWED AND WAS ACCREDITED BY THE SOUTH AFRICAN DEPARTMENT OF HIGHER EDUCATION)**.
11. Bertelsmann, E *et al Mars: The Law of Insolvency in South Africa* 10 ed (2019) Juta & Co Ltd: Cape Town ISBN 978 1 48512 659 1 (Co-author) (Chapters 20 and 29 468–516 and 707–728).
 12. Kelly-Louw, M and Pretorius JT Chapter 6: “Unlimited suretyships and the National Credit Act” in *De Serie Legenda: Developments in Commercial Law Volume I: Law of Specific Contracts and Banking Law* (2019) LexisNexis at 97–119 **(PEER-REVIEWED AND WAS ACCREDITED BY THE SOUTH AFRICAN DEPARTMENT OF HIGHER EDUCATION)**.
 13. Scott, J, Cornelius, S (eds), Baqwa, D, De Stadler, E, Eiselen, S, Evans, R, Humby, T, Kelly-Louw, M *et al The Law of Commerce in South Africa* 3 ed (2020) Oxford University Press, Cape Town ISBN 978 0 19 905473 2 (Co-author) (Chapter 4: The Law of Consumer Credit Agreements).
 14. Kelly-Louw, M and Stoop PN Chapter 4: “Alternative methods of validating unbanked consumers’ income and assessing their “creditworthiness” and “affordability” of repayments” in Van der Merwe, D (ed) *Magister: Essays vir/for Jannie Otto* (2020) LexisNexis ISBN 978 0 6390 1222 3 at 50–77 **(PEER-REVIEWED AND WAS ACCREDITED BY THE SOUTH AFRICAN DEPARTMENT OF HIGHER EDUCATION)**.
 15. Hugo, C (ed) *Annual Banking Law Update 2021: Recent Legal Developments of Special Interests to Banks* (2021) Juta & Co Ltd: Claremont ISBN 978 1 48513 916 4 (Co-Author) Kelly-Louw, M “Validity of the underlying contract and the independence principle of demand guarantees” 110–128 **(PEER-REVIEWED AND WAS ACCREDITED BY THE SOUTH AFRICAN DEPARTMENT OF HIGHER EDUCATION)**.
 16. Kelly-Louw, M “Recent developments regarding administration orders” in *De Serie Legenda: Developments in Commercial Law Volume IV: Insolvency Law* (2023) LexisNexis (ISBN-978-1-7761-7707-3) at 23–42 (published on invitation – book is a tribute/festschrift in honour of Prof A Boraine, former Dean of UP) (peer-viewed publication).
 17. Hugo, C (ed) *Annual Banking Law Update 2024: Recent Legal Developments of Special Interests to Banks* (2024) Juta & Co Ltd: Claremont ISBN 978 1 48515 332 0 (Co-Author) Hugo, C and Kelly-Louw, M “Developments (recent case law) in letters of credit and independent guarantees” 76–96 **(PEER-REVIEWED AND TO BE ACCREDITED BY THE SOUTH AFRICAN DEPARTMENT OF HIGHER EDUCATION)**.
 18. Kelly-Louw, M and Lawack, V (eds) *Contemporary Banking and Finance Law* (Juta) to be published during 2025 (also co-authored two chapters).

INTERNATIONAL BOOKS AND CHAPTERS IN INTERNATIONAL BOOKS

1. Kelly-Louw, M and Nehf, J and Rott, P (eds) *The Future of Consumer Credit Regulation* (2008) Ashgate Publishing Ltd: Hampshire, England ISBN 978 0 7546 7417 7 (editor and co-author) (Chapter 8 155–164).
2. Ramsay, I, Whitford, WC and Niemi-Kiesilainen J (eds) *Consumer Credit, Debt and Bankruptcy: Comparative and International Perspectives* (2009) Hart Publishing: Portland, USA ISBN 978 1 84113 258 7 (Co-author) (Chapter 9 175–197).
3. Backert, W, Block-Lieb, S and Niemi, J (eds) *Contemporary Issues in Consumer Bankruptcy* (2013) Peter Lang GmbH (Academic Research): Frankfurt am Main ISBN 978 3 631 63917 7 (Co-author) (Chapter 5 89–108)
4. Damar-Blanken, D and Kelly-Louw (eds) *Financial Inclusion Law & Over-Indebtedness* (Routledge) (to be published in 2025) (co-wrote the introduction chapter and the conclusion chapter as well as authored a chapter)

ARTICLES (PEER-REVIEWED & ACCREDITED BY THE SOUTH AFRICAN DEPARTMENT OF HIGHER EDUCATION)

1. Kelly, M “The presumption protecting a collecting bank in exercising its rights as a holder” (2000) 12 *South African Mercantile Law Journal* 340–345.
2. Kelly, M “Proceeding with transfer where an execution sale took place prior to sequestration or liquidation” (2000) 12 *South African Mercantile Law Journal* 369–381.

3. Kelly, M “The apportionment of damages between a negligent collecting bank and a thief of cheques: Does the Apportionment of Damages Act apply?” (2001) 13 *South African Mercantile Law Journal* 509–530. (Article was referred to with approval in the SA Law Reform Commission’s Report on the Apportionment of Damages Act 34 of 1956 (Project 96, July 2003. A few of her proposals made in this article were accepted into the proposed Apportionment of Loss Bill of 2003.)
4. Kelly, M “A transfer in terms of section 54 of the Banks Act as it applies to debtors: Similar to cession or sui generis?” (2001) 13 *South African Mercantile Law Journal* 552–561.
5. Kelly-Louw, M “Investigating the statutory preferential rights the Land Bank requires to fulfil its developmental role (Part I)” (2004) 16 *South African Mercantile Law Journal* 211–240.
6. Kelly-Louw, M “Investigating the statutory preferential rights the Land Bank requires to fulfil its developmental role (Part 2)” (2004) 16 *South African Mercantile Law Journal* 378–408.
7. Kelly-Louw, M “The Land Bank’s decision whether or not to join in the insolvency proceedings” (2004) 18 *Speculum Juris* 281–311.
8. Kelly-Louw, M “The preferential right of the local government or the body corporate above that of the mortgage bondholder during insolvency proceedings” (2004) 18 *Speculum Juris* 168–187.
9. Kelly-Louw, M “Defending the constitutionality of the Land Bank’s exclusion from the insolvency legislation” (2005) 19 *Speculum Juris* 164–180.
10. Kelly-Louw, M “Selling or leasing property? Beware of municipal debts! A note in two parts.” (Part I) (2005) 122 *South African Law Journal* 557–571.
11. Kelly-Louw, M “Selling or leasing property? Beware of municipal debts! A note in two parts.” (Part II) (2005) 122 *South African Law Journal* 778–792.
12. Kelly-Louw, M “Municipalities v bondholders – Who won?” (2006) 20 *Speculum Juris* 160–176.
13. Kelly-Louw, M “Better consumer protection under the statutory in duplum rule” (2007) 19 *South African Mercantile Law Journal* 337–345. (The South African Supreme Court of Appeal cited this article with approval in *Nedbank Ltd v National Credit Regulator* 2011 (3) SA 581 (SCA) in para 39. This article was also chosen by the editor of the *Journal of Consumer & Commercial Law*, an American Journal, to also be published there (see Vol 11, Number 1 (Fall 2007) *Journal of Consumer & Commercial Law* at 20–24). In addition, it was chosen by an independent international panel to be published in the international book *The Future of Consumer Credit Regulation* (2008) Ashgate Publishing (referred to above).)
14. Kelly-Louw, M “The prevention and alleviation of consumer over-indebtedness” (2008) 20 *South African Mercantile Law Journal* 200–226. (The South African Constitutional Court cited this article with approval in *Sebola v Standard Bank of South Africa Ltd* 2012 (5) SA 142 (CC) paras 38 and 43.)
15. Kelly-Louw, M “Collection of an arrear advance made under the repealed Land Bank Act” (2008) 22 *Speculum Juris* 58–73.
16. Kelly-Louw, M “The documentary nature of demand guarantees and the doctrine of strict compliance (Part 1)” (2009) 21 *South African Mercantile Law Journal* 306–321 (also republished in the international collection Byrne, JE & Byrnes, CS (eds) *2010 Annual Review of International Banking Law & Practice* (2010) Institute of International Banking Law & Practice, Inc (USA) 190–216).
17. Kelly-Louw, M “The documentary nature of demand guarantees and the doctrine of strict compliance (Part 2)” (2009) 21 *South African Mercantile Law Journal* 470–485 (also republished in the international collection Byrne, JE & Byrnes, CS (eds) *2010 Annual Review of International Banking Law & Practice* (2010) Institute of International Banking Law & Practice, Inc (USA) 190–216).
18. Kelly-Louw, M “Initiatives of the International Chamber of Commerce to prevent fraudulent calls on demand guarantees and standby letters of credit” (2009) 21 *South African Mercantile Law Journal* 710–733.
19. Kelly-Louw, M “Illegality as an exception to the autonomy principle of bank demand guarantees” (2009) 42(3) *The Comparative and International Law Journal of Southern Africa* 339–386 (see <http://www.jstor.org/discover/10.2307/23253107?sid=21104916863201&uid=2129&uid=2&uid=70&uid=4>) (also republished in the international collection Byrne, JE & Byrnes, CS (eds) *2010 Annual Review of International Banking Law & Practice* (2010) Institute of International Banking Law & Practice, Inc (USA) at 217–249).
20. Kelly-Louw, M “Protection for homeowners against various interest rate hikes” (2010) 22 *South African Mercantile Law Journal* 27–49.

21. Kelly-Louw, M “The default notice as required by the National Credit Act” (2010) 22 *South African Mercantile Law Journal* 568–594.
22. Kelly-Louw, M “The law applicable to demand guarantees and standby letters of credit” (2010) 24(2) *Speculum Juris* 1–40 (also republished in the international collection Byrne, JE, Saleeby RR, & Byrnes, CS (eds) 2012 *Annual Review of International Banking Law & Practice* (2012) Institute of International Banking Law & Practice, Inc (USA) at 143–176).
23. Kelly-Louw, M and Stoop, PN “The National Credit Act regarding suretyships and reckless lending” (2011) 14(2) *Potchefstroom Electronic Law Journal* 67–96 (the North Gauteng High Court, Pretoria in *ABSA Bank Ltd v Lowting* (unreported, case no 39029/2011, 19 August 2013 (GNP)) in paras 24, 34 and 35 quoted and cited this article).
24. Kelly-Louw, M “The statutory *in duplum* rule as an indirect debt relief mechanism” (2011) 23 *South African Mercantile Law Journal* 352–375.
25. Kelly-Louw, M “Categorising credit agreements, particularly credit guarantees, as small, intermediate or large agreements in terms of the National Credit Act 34 of 2005” (2012) 24 *South African Mercantile Law Journal* 211–217.
26. Kelly-Louw, M “Should all natural persons standing surety be protected by the National Credit Act 34 of 2005?” (2012) 24 *South African Mercantile Law Journal* 298–322.
27. Kelly-Louw, M “Construction of demand guarantees gone awry” (2013) 25 *South African Mercantile Law Journal* 404–417 (also republished in the international collection Byrne, JE & Byrnes, CS (eds) 2014 *Annual Review of International Banking Law and Practice* (2014) Institute of International Banking Law & Practice, Inc (USA) at 133–141).
28. Kelly-Louw, M “A credit provider’s complete defence against a consumer’s allegation of reckless lending” (2014) 26 *South African Mercantile Law Journal* 24–59 (cited in *Landrover Financial Services, a product of Wesbank, a Division of Firstrand Bank Limited v Phiri* (13690/2021) [2022] ZAGPJHC 394 (5 May 2022) para 15 footnote 10).
29. Kelly-Louw, M “The overcomplicated interpretation of the word ‘may’ in sections 129 and 123 of the National Credit Act” (2015) 132 *South African Law Journal* 245–257. The court in the North West Division, Mafikeng in *Botes t/a JHLS Botes Vervoer v Standard Bank of South Africa Limited* (M85/15) [2015] ZANWHC 72 (30 October 2015) in para 11 cited this publication.
30. Kelly-Louw, M & Locke, N “Exclusion of an instalment agreement as defined in the National Credit Act from the landlord’s hypothec in terms of the Security by Means of Movable Property Act” (2015) 78 *Tydskrif vir Hedendaagse Romeins-Hollandse Reg* 293–306.
31. Kelly-Louw, M “The 2014 credit-information amnesty regulations: What do they really entail?” (2015) *De Jure* 92–115.
32. Kelly-Louw, M “The doctrine of strict compliance in the context of demand guarantees” (2016) 49(1) *The Comparative and International Law Journal of Southern Africa* 85–129.
33. Kelly-Louw, M “Must all the required documents for a demand guarantee be presented at the same time? (2017) 80 *Tydskrif vir Hedendaagse Romeins-Hollandse Reg* 148–164.
34. Pearson, G, Stoop, PN and Kelly-Louw, M “Balancing responsibilities – financial literacy” (2017) 20 *Potchefstroom Electronic Law Journal* (available at <http://journals.assaf.org.za/per/article/view/1378/2118>).
35. Govender, S and Kelly-Louw, M “Delivery of the compulsory section 129(1) default notice as required by the National Credit Act of 2005” (2018) 21 *Potchefstroom Electronic Law Journal* (available at <https://journals.assaf.org.za/index.php/per/article/view/3466/7405>) (The court in *Wesbank (a division of Firstrand Bank Ltd) v Ralushe* 2022 (2) SA 626 (ECG) (31 August 2021) cited her research and in part relied upon it in footnote 16; and the court in *Bridge Taxi Finance no 5 (Pty) Ltd v Mongala* (973/2022) [2022] ZANHC 81 (6 September 2022) para 6 and footnote 1 also cited the research.)
36. Kelly-Louw, M and Stoop, PN “Prescription of debt in the consumer-credit industry” (2019) 22 *Potchefstroom Electronic Law Journal* (available at <http://dx.doi.org/10.17159/1727-3781/2019/v22i0a6571>).
37. Geldenhuys, J and Kelly-Louw, M “Jurisdictional and procedural technicalities in hate speech cases: *South African Human Rights Commission v Khumalo* 2019 1 SA 289 (GJ) (2020) 23 *Potchefstroom Electronic Law Journal* (available at <https://doi.org/10.17159/1727-3781/2020/v23i0a7145>). Based on this research the two

authors were invited to attend Facebook’s Oversight Board Inaugural South Africa Briefing on 21 July 2021 (only invited academics at the briefing). Facebook’s Oversight Board specifically invited authors to submit comments to the Facebook Oversight Board in regards to the first hate speech case that they dealt with in South Africa. Submissions made by authors were incorporated and accepted by the Oversight Board.

38. Geldenhuys, J and Kelly-Louw, M “Demystifying hate speech under the PEPUDA” (2020) 23 *Potchefstroom Electronic Law Journal* (available at <https://doi.org/10.17159/1727-3781/2020/v23i0a7520>).
39. Geldenhuys, J and Kelly-Louw, M “Hate speech and racial slurs in the South African Context: Where to start?” (2020) 23 *Potchefstroom Electronic Law Journal* (available at <http://dx.doi.org/10.17159/1727-3781/2020/v23i0a7043>). Based on this research the two authors were invited to attend Facebook’s Oversight Board Inaugural South Africa Briefing on 21 July 2021 (only invited academics at the briefing). Facebook’s Oversight Board specifically invited authors to submit comments to the Facebook Oversight Board in regards to the first hate speech case that they dealt with in South Africa. Submissions made by authors were incorporated and accepted by the Oversight Board.
40. Lupton, C and Kelly-Louw, M “Emergence of Illegality in the Underlying Contract As an Exception to the Independence Principle of Demand Guarantees”. (2020) 53(3) *Comparative and International Law Journal of Southern Africa* 37 pages (available at <https://doi.org/10.25159/2522-3062/8077>).
41. Kelly-Louw, M and Fayers R “The ‘breach of a negative stipulation’ as an exception to the autonomy principle in England and South Africa” (2021) 84 *Journal of Contemporary Roman-Dutch Law* 515–542.
42. Kelly-Louw, M “Beneficiary fraud and demand guarantees” (2022) 25 *Potchefstroom Electronic Law Journal* 1–26 (available at <https://doi.org/10.17159/1727-3781/2022/v25i0a14062>).
43. Kelly-Louw, M “Fraud in the wide sense and demand guarantees” (2022) 85 *Journal of Contemporary Roman-Dutch Law* 522–533.
44. Kelly-Louw, M “An interpretation of a “compliant demand” for a demand guarantee gone wrong: *Uitspan Colliery (Pty) Ltd v Lombard Insurance Company Ltd* (24814/2020) [2022] ZAGPJHC 389 (25 May 2022) (2023) 86 *Journal of Contemporary Roman-Dutch Law* 261–273.
45. Kelly-Louw, M “South African micro-, small- and medium-sized enterprises (MSMES): Challenges in accessing microcredit and the need for microcredit legislation” (December 2023) 10:2 *Journal of International and Comparative Law* 167–188. Co-editor with Prof Jason Chuah of City of London University of a special edition of an international law journal, *Journal of International and Comparative Law*, entitled “Debtor Responsibility and Financial Inclusion” (invited to co-edit). Fourteen contributions managed, and authored aforementioned article.
46. Smith, J and Kelly-Louw, M “Increasing cashless payments using debit cards will promote financial inclusion in South Africa” (2024) 87 *Journal of Contemporary Roman-Dutch Law* 231–243.

OTHER PUBLICATIONS, REPORTS, AND CONTRIBUTIONS

Published conference proceedings

1. Hugo, C (ed) *Annual Banking Law Update 2016: Recent Legal Developments of Special Interests to Banks* (2016) Juta & Co Ltd: Claremont ISBN 978 1 4851 1930 2 (Co-Author) Kelly-Louw “General update on the law of demand guarantees and letters of credit” 43–69.

Peer-reviewed publications in international journals (non-subsidy carrying journals)

1. Kelly-Louw, M “International measures to prohibit fraudulent calls on demand guarantees and standby letters of credit” (Fall 2010) *George Mason Journal of International Commercial Law* 74–120 (George Mason University (USA)). (Large portions of this article were republished in Gordon, MW, Spanogle (Jr), JA, Fitzgerald, PL & Van Alstine, M *International Business Transactions: A Problem-Oriented Coursebook* 11th ed (2012) West Publishing Co ISBN 978 0 314 27446 5. Special copyright permission was sought by one of the authors, Prof MP Van Alstine, Professor of Law, University of Maryland, Francis King Carey School of Law (USA)).

2. Kelly-Louw, M “Demand Guarantees and ‘Pay or Extend’ or ‘Extend or Pay’ Requests” (2024) 40.2 *Banking and Finance Law Review* 245–271.

Publications in international journals and other compilations–

1. Kelly-Louw, M “Better consumer protection under the statutory ‘in duplum’ rule” Vol 11, Number 1 (Fall 2007) *Journal of Consumer & Commercial Law* at 20–24 (article published in this USA journal because of an invitation received from the editor of this journal after he heard Prof Kelly-Louw’s presentation at the International Association of Consumer Law’s 11th International Consumer Law Conference held in Cape Town 11–13 April 2007).
2. Two Case Abstracts (*Lombard Insurance Co Ltd v Landmark Holdings (Pty) Ltd* 2010 (2) SA 86 (SCA) and *Petric Construction CC t/a AB Construction v Toasty Trading t/a Furstenburg Property Development* 2009 (5) SA 550 (ECG)) published in Byrne, JE & Byrnes, CS (eds) *2010 Annual Review of International Banking Law & Practice* (2010) Institute of International Banking Law & Practice, Inc (USA) 566–570, 596–598.
3. Two case abstracts (*Dormell Properties 282 CC v Renasa Insurance Co Ltd* 2011 (1) SA 70 (SCA) and *Minister of Transport and Public Works, Western Cape v Zanbuild Construction (Pty) Ltd* 2011 (5) SA 528 (SCA)) published in Byrne, JE, Saleeby RR, & Byrnes, CS (eds) *2012 Annual Review of International Banking Law & Practice* (2012) Institute of International Banking Law & Practice, Inc (USA) 406–10 and 469–72).
4. Kelly-Louw, M “Dormell Properties 282 CC v. Renasa Insurance Co. Ltd. 2011 (1) SA 70 (SCA)” (February 2012) 16(2) *Documentary Credit World* 16–20.
5. Kelly-Louw, M and Hugo, C “Documentary credits and independent guarantees” published in Byrne, JE, Byrnes, CS, Saleeby, RR, & Chamberlain, JD (eds) *2013 Annual Review of International Banking Law and Practice* (2013) Institute of International Banking Law & Practice, Inc (USA) at 126–149.
6. Three case abstracts and one case note (*Basil Read (Pty) Ltd v Nedbank Ltd* 2012 (6) SA 514 (GSJ); *Hentiq 1320 (Pty) Ltd v Mediterranean Shipping Co* 2012 (6) SA 88 (SCA); *Compass Insurance Co Ltd v Hospitality Hotel Developments (Pty) Ltd* 2012 (2) SA 537 (SCA); and *Paul Casey v First National Bank Ltd* 2013 (4) SA 370 (GSJ)) published in Byrne, JE, Byrnes, CS, Saleeby, RR, & Chamberlain, JD (eds) *2013 Annual Review of International Banking Law & Practice* (2013) Institute of International Banking Law & Practice, Inc (USA) 349–352, 355–360, and 407–410.
7. Four case abstracts and two case notes published in Byrne, JE & Byrnes, CS (eds) *2014 Annual Review of International Banking Law and Practice* (2014) Institute of International Banking Law & Practice Inc (USA) 408–410, 420–423, 433–436, 444–447, 451–452 and 465–470.
8. Kelly-Louw, M “*Sulzer Pumps (South Africa) (Proprietary) Limited v Covec-MC Joint Venture*” (1672/2013) [2014] ZAGPPHC 695 (2 September 2014) [South Africa] (May 2015) Vol 19(5) *Documentary Credit World* 17–22.
9. Two case abstracts in Byrne, JE & Byrnes, CS (eds) *2015 Annual Review of International Banking Law and Practice* (2015) Institute of International Banking Law & Practice Inc (USA) 480–486 and 488–492.
10. Two case abstracts in Byrne, JE & Byrnes, CS & Berger, JB (eds) *2016 Annual Review of International Banking Law and Practice* (2015) Institute of International Banking Law & Practice Inc (USA) 400–406; and 459–461.
11. Kelly-Louw, M & Marxen, K “General update on the law of demand guarantees and letters of credit” published in Byrne, JE, Byrnes, CS, & Berger, JB (eds) *2016 Annual Review of International Banking Law and Practice* (2016) Institute of International Banking Law & Practice, Inc (USA) 69–86.
12. Three case abstracts and one case notes and one article “General update on the law of demand guarantees and letters of credit” published in Byrne, JE & Byrnes, CS (eds) *Annual Review of International Banking Law and Practice* (2017) Institute of International Banking Law & Practice Inc (USA) 544–548; 571–575; and 604–607.
13. Kelly-Louw, M “*Mutual and Federal Insurance Company Limited v KNS Construction (Pty) Limited* (unreported) (208/2015) [2016] ZASCA 87 (31 May 2016)” (January 2017) 21(1) *Documentary Credit World* 16–20.
14. Two case abstracts (ie, *Bryte Insurance Company Limited v Raubex Construction (Pty) Limited*; and *Karibib Construction CC v Standard Bank Namibia Limited*) in Byrne, JE & Byrnes, CS (eds) *Annual Review of International Banking Law and Practice* (2018) Institute of International Banking Law & Practice Inc (USA).
15. Kelly-Louw, M “*Bryte Insurance Company Limited v Raubex Construction (Pty) Limited* unreported, case

- number13787/2015) [2017] ZAGPJHC 373 (8 December 2017) [South Africa]” (October 2018) 22(9) *Documentary Credit World* 18–23.
16. Kelly-Louw, M “Group Five Power International (Pty) Limited v Cenpower Generation Company Limited and Others (2008/41068) [2018] ZAGPJHC 663 (16 November 2018) [South Africa]” (February 2019) 23(2) *Documentary Credit World* 18–23.
 17. Kelly-Louw, M “Bombardier Africa Alliance Consortium v. Lombard Insurance Company 2021 (1) SA 397 (GP) (7 October 2020) [South Africa]” (March 2021) 25(3) *Documentary Credit World* 17–22.
 18. Kelly-Louw, M “Joint Venture between Aveng (Africa) (Pty) Ltd and Strabag International GmbH v South African National Roads Agency Soc Ltd 2021 (2) SA 137 (SCA) (13 November 2020) [South Africa]” (April 2021) 25(4) *Documentary Credit World* 13–19.
 19. Kelly-Louw, M “*Uitspan Colliery (Pty) Ltd v Lombard Insurance Company Ltd* (24814/2020) [2022] ZAGPJHC 389 [South Africa]” (January 2023) 27(1) *Documentary Credit World* 14–20

International research reports

1. Goodwin-Groen, RP (with input from Kelly-Louw, M) *The National Credit Act and its Regulations in the context of access to finance in South Africa* (November 2006) (research done for FinMark Trust, South Africa) (available at http://www.finmark.org.za/wp-content/uploads/NCA_regulations.pdf (last accessed on 1 June 2014)).

Additional Research Outputs: Technical/Policy Reports

1. Kelly, M “Investigating the preferential rights of the Land Bank: Comparing sections 34, 55 and 56 of the existing Land Bank Act with clauses 29 and 30 of the Land and Agricultural Development Bank Bill 12 of 2002”. The South African Land and Development Bank requested a research report investigating the constitutionality of certain clauses in the proposed Land Bank Bill 12 of 2002 (as it was then). A comprehensive research report was compiled and it formed the basis for amending/introducing new clauses in the final act (Act 15 of 2002). The research report was also submitted to the drafting team of the Act, the Department of Agriculture and Land Affairs and the Minister of Agriculture and Land Affairs.
2. Kelly-Louw, M “Consequential amendments for the National Credit Act”. Prof Kelly-Louw was requested by the South African Department of Trade and Industry and the South African Micro Finance Regulatory Council in 2005 to analyse the areas in the legislation that would be affected by the enactment of the National Credit Act 34 of 2005 and to draft the necessary consequential amendments. She also assisted with the drafting of the 2006 Regulations to National Credit Act.
3. Deloitte (with Kelly-Louw, M and Krull, W and Mostert, W) “Revision of the Deeds Registries Act (Act No. 47 of 1937) and other land registration legislation for the Chief Registrar of Deeds: Department of Land Affairs” (April 2005). During 2005–06 Prof Kelly-Louw acted as one of the initial drafters (appointed by the Minister of Agriculture and Land Affairs) of legislation that was going to replace the Deeds Registries Act of 1936 and the Sectional Titles Act of 1986. A detailed report was submitted to the Department of Agriculture during April 2005 containing proposed changes to both acts.

Book reviews

1. *Hahlo’s South African Company Law through the Cases*, 6 ed, by JT Pretorius *et al.*
2. *Business Transactions Law*, 5ed, by R Sharrock.
3. *Commercial Law*, 2ed, by CJ Nagel *et al.*
4. *The credit guide: manage your money with the National Credit Act*, by Nicky Campbell and Stephan Logan. Juta & Co, Ltd: Cape Town.
5. *The law of international trade: cross-border commercial transactions*, by Jason C.T. Chuah. Sweet & Maxwell: London.

Other South African articles

1. Kelly, M “Increased public protection results in high costs for banks” (2000) 8(3) *Juta’s Business Law* 121–124.
2. Kelly, M “Constitutionality of executions by agricultural banks without debtors having recourse to a court” (2000) 8(4) *Juta’s Business Law* 167–171.
3. Kelly, M “Onderhoud — eers weeskind, nou stiefkind” *Codicillus XXXXI* No 1 (May 2000) 53–58.
4. Kelly, M “Who’s more to blame?” (2001) 9(2) *Juta’s Business Law* 56–62.
5. Kelly, M “May the directors throw in the towel themselves?” (2001) 9(4) *Juta’s Business Law* 163–167.
6. Kelly, M “The new Land Bank Act” (2003) 11(2) *Juta’s Business Law* 99–103.
7. Kelly, M “More about the new Land Bank Act” (2003) 11(3) *Juta’s Business Law* 182–188.
8. Kelly-Louw, M “Owners liable for tenants’ arrear water and electricity consumption charges” (2004) 12(3) *Juta’s Business Law* 132–188.
9. Kelly-Louw, M “Collection of levies by a body corporate” (2004) 12(2) *Juta’s Business Law* 94–99.
10. Kelly-Louw, M “Municipal debts – are they killing mortgage bonds?” (2005) 13(3) *Juta’s Business Law* 121–128.
11. Kelly-Louw, M “The Land Bank – Out with the old and in with the new!” (2006) 14(2) *Juta’s Business Law* 69–73.
12. Kelly-Louw, M “The common-law versus the statutory in duplum rule” (2006) 14(2) *Juta’s Business Law* 141–144.
13. Kelly-Louw, M “Levelling the playing field between the Land Bank and commercial banks” (2007) 15(1) *Juta’s Business Law* 11–16.
14. Kelly-Louw, M “The right of access to adequate housing? Does it prevent an execution order?” (2007) 15(1) *Juta’s Business Law* 35–39.
15. Kelly-Louw, M “Introduction to the National Credit Act” (2007) 15(4) *Juta’s Business Law* 147–159 (the South African Constitutional Court quoted and cited this article with approval in *National Credit Regulator v Opperman* 2013 (2) SA 1 (CC) in para 19, particularly footnotes 30 and 31).
16. Kelly-Louw, M “Sometimes bank guarantees need to be similar to cash” (2007) 15(4) *Juta’s Business Law* 177–179.
17. Stoop, PN and Kelly-Louw, M “The National Credit Act as a tool to protect and educate” (Edition 6: September 2017) The South African Department of Trade and Industry’s *The Regulatory Debates* 10–12.

INVOLVEMENT WITH THE DRAFTING OF SOUTH AFRICAN LEGISLATION

- **Land and Agricultural Development Bank Act 15 of 2002**

During March 2002 the Land Bank requested an opinion from Prof Kelly-Louw (at the age of 26) regarding the constitutionality and workability of certain clauses in the proposed South African Land and Agricultural Development Bank Bill 12 of 2002 (as it was then). These clauses conferred preferential rights on the Land Bank. A comprehensive research report was compiled and it formed the basis for amending certain clauses as well as introducing new clauses to make provision for the preferential rights of the Land Bank in the Bill. Her research report was submitted to the drafting team of the Act, the Land Bank, the Department of Agriculture and the Deputy Minister of Agriculture (the late Mr DC du Toit). During April 2002 she officially became a member of the drafting team of the Act. The applicant represented the Land Bank and the Department of Agriculture (i.e., the Minister and Deputy Minister of Agriculture) during the proceedings at Parliament. See also the letter of praise and appreciation received from the Deputy-Minister of Agriculture and Land Affairs.

- **Unified Insolvency and Business Recovery Bill**

She was a member of Business South Africa’s Technical Team who investigated the proposed Unified Insolvency and Business Recovery Bill of 2003.

- **South African Law Reform Commission’s Report on the Apportionment of Damages Act 34 of 1956 (Project 96, July 2003)**

Her published research article entitled “The apportionment of damages between a negligent collecting bank and a thief of cheques: Does the Apportionment of Damages Act apply?” (2001) 13 *South African Mercantile Law Journal* 509 (the 3rd peer-reviewed article she wrote at the age of 25) was referred to (cited) in the South African Law Reform Commission’s Report on the Apportionment of Damages Act 34 of 1956 (Project 96, July 2003). A few of her proposals made in this article were accepted into the proposed Apportionment of Loss Bill of 2003.

- **The new Deeds Registries Act and the new Sectional Titles Act**

She acted as one of the initial drafters during 2005–2006 (appointed in January 2005 together with Deloitte & Touche by the South African Minister of Agriculture and Land Affairs) of legislation that would have replaced the Deeds Registries Act 47 of 1936 and the Sectional Titles Act 95 of 1986. A detailed report was submitted to the Department of Land Affairs containing proposed changes to both said acts.

- **The National Credit Act 34 of 2005 and its Regulations**

On 10 February 2005 she was requested by the South African Micro Finance Regulatory Council (as representatives of the South African Department of Trade and Industry) to analyse the areas in the South African legislation that would be affected by the enactment of the National Credit Bill, 2005 (as it was then) and which might require consequential amendments. She was also requested to provide the wording for such amendments. Consequently, she drafted the Consequential Amendments contained in the National Credit Act 34 of 2005 for the Micro Finance Regulatory Council.

Assisted the Micro Finance Regulatory Council with the drafting of the Regulations to the National Credit Act.

- **Financial Misconduct Regulations and the Disciplinary Regulations for Senior Managers**

In April 2010, appointed by the South African National Treasury and the Department of Cooperative Governance and Traditional Affairs to be the drafter of the Financial Misconduct Regulations to be issued in terms of the Municipal Finance Management Act 56 of 2003 and the Disciplinary Regulations for Senior Managers that were issued in terms of the Municipal Systems Act 32 of 2000.

- **South African Law Reform Commission’s Discussion Paper on the Review of Administration Orders (2021)**

The South African Law Reform Commission cited her research and submissions made in their Discussion Paper on the Review of Administration Orders, Project 127 (October 2021). She also attended and participated in the workshop organised by the South African Law Reform Commission held on their Discussion Paper on the Review of Administration Orders held on 26 January 2021 (from 11h00 to 13h00) via Teams.

PAPERS PRESENTED AT LOCAL AND INTERNATIONAL CONFERENCES AND WORKSHOPS CONDUCTED

1. “Apportionment of liability between a negligent collecting bank and a thief”, paper presented at the 2001 Current Commercial Law Seminar organised by the Centre for Business Law, University of South Africa held in Midrand on 21 March 2001.
2. “Cross-border insolvency”, paper presented at the Insolvency Conference organised by the University of Pretoria and held at the University of Pretoria on 11 May 2001.

3. “Sequestrations”, Nedcor Bank Ltd staff training presented at the Property Finance Division of Nedcor Bank Ltd in Sandton during July 2001.
4. “Liquidations”, Nedcor Bank Ltd staff training presented at the Property Finance Division of Nedcor Bank Ltd in Sandton during August 2001.
5. “The statutory preferential right of the local government or body corporate above that of the mortgage bondholder in terms of a mortgaged property during insolvency proceedings”, paper presented at the Law Teachers’ Conference held at Rhodes University in Grahamstown during 21–24 January 2002.
6. “The statutory preferential right of the local government or body corporate above that of the mortgage bondholder during insolvency proceedings”, keynote speaker at the Corporate Law Update 2002 organised by the Institute for International Research held at the Crown Plaza Hotel in Sandton during 12–13 February 2002.
7. “Is the preferential right of the local government or body corporate above that of the mortgage bondholder during insolvency proceedings justified?” Invited keynote speaker at the meeting of the Afrikaanse Handelsinstituut (AHI) in Pretoria on 28 February 2002.
8. “The statutory preferential rights of the Land Bank: Justified or not?” Keynote speaker at the 2nd Annual Banking Law Symposium organised by the Institute for International Research held at the Rosebank Hotel in Johannesburg during 10–11 April 2002.
9. “The provisions of the Land and Agricultural Development Bank Act 15 of 2002”, invited keynote speaker at the Land Bank’s Board Workshop organised by the Land Bank in conjunction with Village Management held in Cape Town on 20 June 2002. (During this workshop the previous Minister of Agriculture (Ms T Didiza at the time) appointed the new board of directors for the Land Bank.)
10. “The Land and Agricultural Development Bank Act 15 of 2002”, paper presented at the Law Teachers’ Conference held in Windhoek at the University of Namibia during 29 June–4 July 2003.
11. “How safe is internet banking?” Paper presented at the E-Commerce and Current Commercial Law Workshop organised by the Centre for Business Law, Unisa in conjunction with Nedcor Bank held at Nedcor Bank, Sandton on 28 August 2003. (Based on this presentation Prof Kelly-Louw was invited by the head of the forensic team of PricewaterhouseCoopers Inc, Pretoria to be a keynote speaker at one of their workshops held during September 2003).
12. “The statutory preferential right of the local government or body corporate above that of the mortgage bondholder during insolvency proceedings”, paper presented at the International Insolvency Law (INSOL) Conference held in Cape Town during 2–4 April 2004.
13. “The National Credit Bill, 2005: An information session”, keynote speaker and presenter of a workshop held at the Land Bank in Pretoria on 10 March 2005.
14. “Over-indebtedness, reckless credit and debt enforcement”, keynote speaker at the Law Society of the Northern Provinces’ Seminar on the National Credit Bill, 2005 held at the offices of the Law Society of the Northern Provinces in Pretoria on 8 April 2005.
15. “Implications of core components of the National Credit Bill of 2005”, keynote speaker and presenter of a workshop for the top management of Land Bank held at the Burger’s Park Hotel in Pretoria on 3 August 2005.
16. “Implications of core components of the National Credit Bill and credit provider compliancy”, keynote presenter at the Compliance Institute of South Africa’s 6th Annual Conference held at the Indaba Hotel in Johannesburg on 4 August 2005.
17. Made an oral and written presentation on the National Credit Bill 18 of 2005 before the Portfolio Committee on Trade and Industry (National Assembly) at the public hearings held at Parliament in Cape Town on 17 August 2005.
18. “Better consumer protection under the statutory in duplum rule”, paper presented at the International Association of Consumer Law’s 11th International Consumer Law Conference held in Cape Town during 11–13 April 2007 (chair of the committee that organised this international conference and also chair of two workshop sessions).
19. “Prevention of over-indebtedness and mechanisms for resolving over-indebtedness of South African consumers”, paper presented at the Law and Society Association and the Research Committee on Sociology of Law’s International Conference held in Berlin, Germany during 25–28 July 2007.

20. “The National Credit Act and access to finance”, keynote speaker at the Centre for Financial Services Innovations’ (CFSI) United States’ Exchange Programme’s South African workshop, held in Johannesburg on 29 January 2008.
21. “Consumer protection against various interest rate hikes”, paper presented at the 12th International Conference on Consumer Law, Hyderabad, India during 25–27 February 2009 (also chaired two workshop sessions at the conference).
22. “Various interest rate hikes – is government causing over-indebtedness?”, paper presented on invitation at the International Meeting in Chemnitz, Germany in March 2009.
23. “Homeowners require protection against various interest rate hikes”, paper presented at the 2009 Law Teachers’ Conference held in Pietermaritzburg during 13–16 July 2009.
24. “Initiatives of the ICC to prevent fraudulent calls on bank demand guarantees and standby letters of credit”, paper presented at the Banking Law Seminar organised by the Black Lawyers Association Cape Town on 24 July 2009.
25. “International attempts made by the ICC to prevent fraudulent calls on demand guarantees and standby letters of credit”, paper presented at the 1st International Workshop on Trans-Border Commercial Law organised by the Centre for Business Law, Unisa and Nedbank held in Sandton, Johannesburg (19–20 October 2009).
26. “A brief overview of the South African National Credit Act”; and
“Does the National Credit Act protect consumers against various interest rate hikes?”
Two papers presented at the International Conference: Consumer Finance Post-Apartheid: The South African Experience held in Hartford, United States of America (20–21 November 2009).
27. “Documentary credits and independent guarantees”, paper presented together with C Hugo at the Annual Banking Law Update organised by the University of Johannesburg held at the Indaba Hotel, Johannesburg on 21 April 2010.
28. “Recent case law on demand guarantees”; “URDG Pros & Cons”; and “Special issues of demand guarantees”.
Three panelist discussions/papers presented at the 2010 Hong Kong Guarantee and Standby Forum organised by the Institute of International Banking Law & Practice, Inc (USA) held in Hong Kong on 13 July 2010.
29. “The Statutory *in duplum* rule as an indirect debt relief mechanism” Inaugural Lecture, held at the University of South Africa on 6 October 2011.
30. “Documentary credits and independent guarantees”, paper presented together with C Hugo at the Annual Banking Law Update organised by the University of Johannesburg held at the Indaba Hotel, Johannesburg on 23 May 2012.
31. “Should all natural persons standing surety for the debts of another have the protection of the National Credit Act 34 of 2005?”, paper presented at the 2012 Law Teachers’ Conference held in Port Elizabeth on 10 July 2012.
32. “Recent case law on demand guarantees”, panelist discussion/paper presented at the 2012 Hong Kong Guarantee and Standby Forum organised by the Institute of International Banking Law & Practice, Inc (USA) held in Hong Kong on 13 July 2012.
33. “A practical approach to legislative drafting” workshop presented to the Ministry of Justice, Namibia and organised by the International Association of Legislative Drafting Lawyers and Law Reform Lawyers held in Walvisbay on 19 November 2012.
34. “National Credit Act 34 of 2005: An overview of the latest developments”, paper presented at the Annual Banking Law Update organised by the University of Johannesburg held at the Indaba Hotel, Johannesburg on 17 April 2013.
35. “The statutory *in duplum* rule: Still a necessary debt relief mechanism?”, paper presented at the Law and Society Annual Meeting held at the Sheraton Hotel in Boston, USA (30 May–2 June 2013).
36. “A credit provider’s defence against a consumer’s allegation of reckless lending”, paper presented at the 14th International Association of Consumer Law Conference held in Sydney, Australia (2–4 July 2013). Also chaired the session: The Regulator’s Scorecard Panel on 3 July 2013.
37. “A credit provider’s complete defence against reckless lending”, a paper presented at the MicroFinance Annual General Meeting and Conference, held in Durban, South Africa on 12 August 2013.
38. Panelist at the Day Seminar: Credit and the Constitution – The Opperman Case, presented by the South African Research Chair in Property Law (University of Stellenbosch), held at the University of South Africa on 29 October 2013.

39. “Properly assessing a South African consumer’s affordability in credit applications” and “National Credit Act 34 of 2005: An overview of the latest developments”, paper presented at the Annual Banking Law Update organised by the University of Johannesburg held at the Indaba Hotel, Johannesburg on 15 May 2014.
40. “United Nations Convention on Independent Guarantees and Stand-By Letters of Credit – Worthy of Being Adopted by South Africa?”, a paper presented at the International Conference: The use of UNCITRAL instruments to promote regional harmonization, held at the Intundla Lodge, Dinokeng, South Africa on 26 May 2014.
41. “The assessment of a South African consumer’s affordability in credit applications”, paper presented at the Law and Society Annual Meeting held at the Hilton Hotel in Minneapolis, USA on 29 May 2014.
42. “Perspectives on affordability assessments”, delivered a keynote address at the South African Department of Trade and Industry’s Seminar on the Impact of the National Credit Act & Affordability Assessment Regulations held in Pretoria on 16 September 2014.
43. “Perspective on the draft affordability assessments”, delivered a keynote address at the Rural Housing Loan Fund 18th Annual Workshop held at Misty Hills in Muldersdrift, South Africa on 13 November 2014.
44. “The 2014 Credit Amnesty Regulations – The Good, the Bad and the Ugly”, delivered a keynote address at the University of Pretoria’s International Consumer Law Conference 2014, held at the University of Pretoria, South Africa on 26 to 27 September 2014.
45. “Perspectives on the draft affordability assessment regulations and the 2014 credit-information amnesty regulations”, delivered a keynote address at Cliffe Dekker Attorneys in Johannesburg, South Africa on 5 February 2015.
46. Panelist (Session: Perspectives on the Affordability Assessment Regulations) for the South African Department of Trade and Industry’s Conference on the National Credit Act held in Kempton Park, South Africa on 19 March 2015.
47. Presented a full-day workshop on demand guarantees and standby letters of credit at the Sheraton Hotel in Uganda on 31 March 2015.
48. “General update on the law of demand guarantees and letters of credit”, paper presented together with Karl Marxen at the Annual Banking Law Update organised by the University of Johannesburg held at Norton Rose Fulbright, Johannesburg, South Africa on 28 May 2015.
49. “The role of credit bureau reports and the impact of the 2014 credit-information amnesty regulations on conducting proper affordability assessments”, paper presented at the 15th International Association of Consumer Law Conference held in Amsterdam (28 June to 1 July 2015). Also chaired a session.
50. Presented a paper entitled “Demand guarantees and Letters of Credit” presented at the Banking Conference, co-hosted by the University of Johannesburg (UJ), the Johannesburg Chamber of Commerce and Industry (JCCI), and the Institute of International Banking Law & Practice (IIBLP) held in Johannesburg (11–12 April 2016).
51. Presented a paper entitled “Duty to create financially literate consumers” with Prof PN Stoop at the University of Pretoria’s International Consumer Law Conference held in Pretoria (20–22 September 2016).
52. Presented a paper entitled “General update on the law of demand guarantees and letters of credit” at the Annual Banking Law Update organised by the University of Johannesburg held at Webber Wentzel, Johannesburg, South Africa (19 October 2016).
53. Presented a paper entitled “Performance guarantees: Fraud and strict compliance” with Mr R Scott of Clyde Co at the International Construction Law Conference held in Cape Town (27–28 October 2016).
54. Delivered a keynote address entitled “Correct delivery of default notices in terms of the South African National Credit Act of 2005: Straight forward or still confusing?” at the 16th International Association of Consumer Law (IACL) Conference held in Porto Alegre, Brazil (16–19 July 2017).
55. Delivered a keynote address entitled “South African National Credit Act to promote a fair and responsible credit market” at The Office of Financial System Mediator’s International Conference on Consumer Credit Regulation and Prevention of Over-Indebtedness, Yerevan, Armenia, (11–12 December 2017).
56. Presented a paper entitled “South Africa’s proposed debt forgiveness programme for certain classes of over-indebted debtors” at the Law and Society Annual Meeting held at the Sheraton Hotel in Toronto, Canada (6–10 June 2018).

57. Presented a paper entitled “The necessity of submitting payslips and bank statements during affordability assessments” at the 2018 Global Forum for Financial Consumers (GFFC) held at the Waseda University in Tokyo, Japan (27 and 28 July 2018).
58. Delivered a keynote address entitled “The proposed draft Prescription Bill and its Impact on the Credit Industry” at the 2018 Credit and Decision Analytics Conference held at Fancourt, George, South Africa (5–7 September 2018).
59. Presented a keynote address entitled “Does a lower maximum interest rate on the second short-term loan taken within a year from the first loan truly provide relief to a consumer?” at the 17th International Association of Consumer Law (IACL) Conference held in Indianapolis, United States of America (12–15 June 2019).
60. Two panelist discussions/papers at the 2019 New York Guarantee and Standby Forum organised by the Institute of International Banking Law & Practice, Inc (USA) held in New York (31 October–1 November 2019).
61. Co-presented (with Prof PN Stoop) a paper entitled “Prescription of debt in the consumer-credit industry”) at the 2020 Southern African Law Teachers’ Conference held at Skukuza, Kruger National Park, South Africa (20–24 January 2020).
62. Presented a virtual seminar entitled “Debt relief initiatives for South African consumers during the Covid-19 crisis” to Brazilian LLM students and staff (at 18h00 South African time; and 13h00 Brazilian time) (28 July 2020).
63. Co-presented (with Prof PN Stoop) a paper entitled “Plain and Understandable Language & Financial Literacy” at Inclusive Insurance in the Central and Eastern Europe and Transcaucasian (CEET) region organized by the Munich Re Foundation (2 September 2021) (virtually).
64. Delivered a guest lecturer “Alternative ways of assessing “creditworthiness” and “affordability” of repayments for developmental credit” for the International Executive Development Programme on Development Finance (Regenesys Business School) (8 November 2021) (virtually).
65. A panelist discussion/paper (discussion of the International Standard Demand Guarantee Practice (ISDGP) for URDG 758) at the 2021 Standby & Guarantee Forum hosted by the International Institute of Banking Law and Practice (IIBL&P) (13 October 2021) (virtually).
66. A panelist discussion/paper (discussion of *Shanghai Shipyard Co Ltd v Reignwood International Investment (Group) Company Limited* [2021] EWCA Civ 1147 [England] (23 July 2021) at the at the 2021 LC Law Summit hosted by the International Institute of Banking Law and Practice (IIBL&P) (14 October 2021) (virtually).
67. Panelist at the Microfinance webinar “The Future of the Microfinance Industry in the New Digital Age” organised by the Regenesys Business School (29 October 2021) (virtually).
68. Delivered a keynote paper for the South African Department of Trade and Industry and Competition part of their Academic Session on Micro-credit (special request) (2021).
69. Presented a paper entitled “Demand guarantees and “pay or extend” or “extend or pay” requests” at the 21th Biennial Meeting of the International Academy of Commercial and Consumer Law, hosted by the Bar Ilan University, and held in Tel Aviv in Israel (9–12 July 2023).
70. Co-presented (with Dr M Vession of Exeter University) a paper entitled “Comparing mechanisms to curb interest for over-indebted consumers under English and South African law” at the 17th International Association of Consumer Law (IACL) Conference held in Hamburg, Germany (19–21 July 2023).
71. Presented a keynote address entitled “South African micro- and small-sized enterprises: Challenges in accessing microcredit during and post the Covid-19 pandemic” at the 2018 Global Forum for Financial Consumers (GFFC) held at the Waseda University in Tokyo, Japan (28 July 2023) (presented virtually).

PARTICIPATION IN JOURNALS, PROFESSIONAL BODIES AND ASSOCIATIONS

- Member of the *International Academy of Commercial and Consumer Law* (IACCL) (<https://www.iaccl.org/>). The academy is composed of more than hundred specially selected leading scholars from throughout the world. The Academy recognises persons in various countries who have achieved renown in their fields through research, writing of books, major articles, teaching and law reform in the fields of commercial and consumer law.

Membership is on invitation only.

- Immediate past president of the International *Association of Consumer Law* (IACL) (<http://www.iacl.net.au/>) (served two terms; and remain a board member).
- Appointed by the South African Minister of Science and Technology in 2019 to serve on the adjudication panel of the South African Women in Science Awards (SAWiSA) from 2019–2023 and reappointed in 2023 to serve a second term from 2023 to 2026 (only law academic on this panel in South Africa).
- Member of a Specialist Committee of the South African National Research Foundation (NRF) Rating System (Law) for a period of three (3) years (that is, 1 March 2023 to 28 February 2026).
- Member of the Academy of Science of South Africa (ASSAf) since 23 October 2024 to date.
- Managing editor of the *South African Mercantile Law Journal* (2015).
- Member of the Editorial Advisory Board of the *Documentary Credit World* (published by the Institute of International Banking Law & Practice Inc (USA)).
- Member of the editorial advisory board of the *International Journal of Law and Management* (UK).
- Editorial member of the International Review of Financial Consumers (IRFC) published by the International Academy of Financial Consumers (IAFICO).
- Member of the International Academy of Financial Consumers (IAFICO).
- Advisory member of the *Journal for Estate Planning Law* (University of the Free State).
- Appointed by the International Institute of Banking Law and Practice (USA) to serve as a board member of the International Standby Practices.
- On the panel of legal experts (legislative drafting) for the South African National Treasury (2006–2012).
- Appointed to the national database for legal professionals for the South African National Roads Agency.
- Member of the Advisory Board of the *International Journal of Legislative Drafting and Law Reform* (UK).
- Member of the South African Rescue and Insolvency Practitioners of South Africa (SARIPA) (2003–2018).

EXTERNAL / PART-TIME WORK

Presiding Officer: South African Department of Labour (Compensation Fund)

Was a part-time Presiding Officer in terms of section 4(2)(a) of the Compensation for Occupational Injuries and Diseases Act of 1993 (COIDA) for the South African Department of Labour (Compensation Fund) (2005).

On the panel of legal experts

- Was part of the panel of legal experts (legislative drafting) for the South African National Treasury (for three years).
- Was appointed to the national database for legal professionals for the South African National Roads Agency Limited Property Portfolio (for three years).
- On the adjudication panel of the South African Women in Science Awards (SAWiSA) from 2019–date.

Other

- Acted as an independent legal adviser for the South African Land and Agricultural Development Bank of South Africa. Assisted their legal recovery team (insolvency team) with legal opinions.
- Between May and July 2005, assisted the former South African Minister of Agriculture and Land Affairs with a court case in which constitutional challenges were made against the Land and Agricultural Development Bank Act 15 of 2002.
- Provides legal opinions to various attorneys, liquidators and banks.
- Conducted presentations and seminars in conjunction with various attorneys' firms in banking and insolvency law.

- Participated in the South African Law Reform Commission's Workshop on Administration orders held on 31 May 2011 at the University of Pretoria, South Africa. Also submitted comments of the Commission's proposed amendments to legislation dealing with administration orders.
- Author of *Juta's Quarterly Review for Consumer Credit Law* (2010–2015).