



VAUGHAN BERTRAM HATTINGH

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Academic Qualifications:

University of Witwatersrand

- Bachelor of Arts (BA), Legal Theory, English Literature
- Bachelor of Laws (LLB),

Witwatersrand Business School

- Certificate Programme in Business Project Management
- Certificate in Project Management

Kings College London

- Msc in Construction Law and Dispute Resolution (with merit)-
- Post graduate certificate in adjudication

Experience and fields of work:

Legal and Commercial Advisors

Vaughan Hattingh BA, LLB (Wits), PG Cert Construction Adjudication (Kings College, London), MSc in Construction Law and Dispute Resolution (Kings College, London) is a qualified attorney and director of Hattingh Massey Bennett T/A MDA Attorneys (Pty) Ltd. In providing commercial and legal advisory services to both the South African and international construction industries for the past 15 years Vaughan has been involved across all levels of the implementation of the adjudication process. Vaughan has, together with Professor M. J Martiz (Head of Department of Construction Economics, University of Pretoria) developed the Certificate Programme in Construction Adjudication currently presented by the Centre for Continuing Education @ the University of Pretoria.

December 2000 to date provides specialist professional advice to Employers, Contractors and Sub Contractors in both the South African and international construction industries in the execution of various alternative dispute resolution procedures (including adjudication, mediation and expert determination)



and provides commercial, training and legal advisory services assisting across all levels of the implementation of various bespoke and standard form construction contracts typically employed across the South African and international construction and engineering industries including the FIDIC 1999 (1st Edition), the NEC 2 (November 1995), the NEC 3 (June 2005), the Joint Building Contracts Committee Series 2000 and the General Conditions of Contract for Construction Works (2004 and 2010 editions), specialising in the FIDIC 1999 (1st Edition) suite of standard form contracts.

- Advising on contractual / commercial structures for capital construction expansion and major infra structure development projects to Employers, Contractors and Sub Contractors;
- Drafting of bespoke and standard form construction and engineering contracts for regulating all construction (and related) activities necessary for the successful execution of multi disciplinary construction projects for Employer, Contractor and Sub Contractor organizations;
- Managing and advising in the negotiation of bespoke and standard form construction and engineering contracts employed to regulate construction (and related) activities on multi disciplinary infra structure development and capital expansion construction projects for Employer, Contractor and Sub Contractor organizations;
- Formulating, prosecuting and defending Employer, Contractor and Sub Contractor claims under various bespoke and standard form construction contracts including the FIDIC 1999 (1st Edition), the NEC 2, the NEC 3, the Joint Building Contracts Committee Series 2000 and the General Conditions of Contract for Construction Works (2004 and 2010 editions) for both Employer and Contractor organizations in both the South African and international construction and engineering industries.
- Representing Employer, Contractor and Sub Contractor organizations in litigation under various bespoke and standard form construction contracts including the FIDIC 1999 (1st Edition), the NEC 2, the NEC 3, the Joint Building Contracts Committee Series 2000 and the General Conditions of Contract for Construction Works (2004 and 2010 editions) primarily in the High Court of the South Africa;
- Representing and advising Employer, Contractor and Sub Contractor organizations in South African (domestic) and international arbitrations under various sets of arbitration rules and administrative models including those of the Arbitration Association of Southern Africa, the Arbitration Federation of South Africa and the International Chamber of Commerce in matters arising under various bespoke and standard form construction contracts including the FIDIC 1999 (1st Edition), the NEC 2, the NEC 3, the Joint Building Contracts Committee Series 2000 and the General Conditions of Contract for Construction Works (2004 and 2010 editions);
- Representing and advising both South African and international Employer, Contractor and Sub Contractor organizations through various alternative dispute resolution procedures including adjudication, mediation and expert determination in disputes arising under various bespoke and standard form construction contract documentation including the FIDIC 1999 (1st Edition), the NEC 2, the NEC 3, the Joint Building Contracts Committee Series 2000 and the General Conditions of Contract for Construction Works (2004 and 2010 editions);
- Designing, preparing and presenting both 'in house' training programmes and public seminars in various bespoke and standard form construction contract documentation including the FIDIC 1999 (1st Edition), the NEC 2, the NEC 3, the Joint Building Contracts Committee Series 2000



and the General Conditions of Contract for Construction Works (2004 and 2010 editions), construction contract law, construction claims and conflict management, alternative dispute resolution (particularly adjudication) and construction contract commercial administration. Developing, administering and lecturing on the Certificate Programme in Construction Adjudication for the University of Pretoria being managed by the CE @ UP;

- Acting as adjudicator and mediator in disputes between Employer, Contractor and Sub Contractor organizations arising under various bespoke and standard form construction contract documentation including the FIDIC 1999 (1st Edition), the NEC 2, the NEC 3, the Joint Building Contracts Committee Series 2000 and the General Conditions of Contract for Construction Works (2004 and 2010 editions);
- Founding member of the Construction Adjudication Association of South Africa (CAASA);
- Commercial compliance audits on contracts regulating capital construction expansion and infrastructure development multi disciplinary projects employing various bespoke and standard form construction contract documentation including the FIDIC 1999 (1st Edition), the NEC 2, the NEC 3, the Joint Building Contracts Committee Series 2000 and the General Conditions of Contract for Construction Works (2004 and 2010 editions);
- Commercial management of contract implementation on capital construction expansion projects / EPCM Contracts for clients including Anglo Operations Limited, Anglo Gold Ashanti Limited, B H P Billiton Limited, Bindura Nickel Corporation Limited, Biwater Limited, Lesedi Nuclear (Pty) Ltd and Wetback Contracts (Pty) Ltd under various bespoke and standard form construction contract documentation including the FIDIC 1999 (1st Edition), the NEC 2 and the NEC 3
- Contributing author of the South African chapter in the International Contractual and Statutory Adjudication publication from Informa Law.

Activities

- Specialist Adjudication practitioner
- Claim management
- Arbitrations
- Contract drafting
- Training

Oct 1998 – Apr 2000 Ikon East Africa Ltd (Dar Es Salaam, Tanzania) Consultant

Activities

- Consulted on managerial, administrative, financial, legal and marketing aspects relating to a fishery project on Mafia Island, Tanzania in a total project value of approximately \$800 000.00
- Registration of Tanzanian Companies in Dar es Salaam and Off Shore Company's in British Virgin Islands and Jersey. Dealt extensively with the Tanzanian Companies office and Revenue Authority and various secretarial / Trustees Company's in Jersey with regard to administration of



the off shore companies. The companies were specifically structured to obtain transfer-pricing benefits and maximize tax advantages.

- Applied for Tanzanian Investment Certificate to the Tanzanian Investment Center.
- Assisted in designing and implementing management systems for the Dar es Salaam administration and distribution centres.
- Designed and implemented a marketing strategy of sale of seafood product into the Dar es Salaam and East African markets.
- Assisted in designing, implementing and monitoring a project plan for construction of the seafood processing facility on Mafia Island, Tanzania and a cold storage facility in Dar es Salaam.
- Responsible for dealing with Clearing agents and Custom's authorities in clearing capital goods and related items into Tanzania. Generally dealt with import and export of items, including seafood product from Dar es Salaam to South Africa and ex South Africa.
- Dealt extensively with Tanzanian financial institutions in securing local financing for the Project.
- The project required specific project planning and management skills especially necessary in the Tanzanian Third World environment. Opportunity exists for skilled project managers who are acquainted with the particular Third World Environment and, therefore, decided on pursuing a career path in Business Project Management and formalizing the practical knowledge gained in Tanzania by completing the Certificate Program in Business Project Management at University of Witwatersrand Business School.

Dec 1993 – Aug 1999

Hattingh and Van Heerden Inc- Attorney

Activities

- Managing and operating a medium sized legal practice with a staff compliment of eleven for own account in partnership with Mr. A. Van Heerden (Deceased April 1995).
- A general practice dealing in the following:
 - Magistrate and High Court Civil and Criminal Litigation
 - Negotiating and drafting various forms of commercial agreements
 - Estate Planning and Administration
 - Drafting Wills
 - Insolvency's and Liquidations
 - Creating corporate structures
 - Company Law matters generally
 - Managing a Conveyancing Department and dealing in various aspects of Property Transfer, Development projects and management



- Divorce proceedings and Family Law matters
- Small scale mergers and acquisitions
- Creating and administering Trusts
- Practice Sold