

# Storm Arends

Associate



Storm Arends is an Associate in our Corporate & Commercial practice.

## About Storm

After completing our vacation programme and accepting an offer for Practical Vocational Training in 2018, Storm joined the firm as a Candidate Attorney in 2021. During her time as a Candidate Attorney, Storm gained experience in our Dispute Resolution, Employment Law, Oil & Gas and Corporate & Commercial practice areas. In 2023, Storm was retained as an Associate in our Corporate & Commercial practice.

## Credentials

### Education

- LLB, University of Johannesburg
- Year of admission as an attorney: July 2023
- Registered with the Legal Practice Council

## Experience

### • Due diligence investigations

Assisting with managing and conducting due diligence investigations and preparing due diligence reports.

### • Commercial transactional agreements

Drafting and reviewing commercial agreements such as sale of shares agreements, share purchase agreements, asset sale agreements, sale of business agreements, subscription agreements, marketing agreements, services agreements, technical feasibility funding agreements and consultancy agreements.

### • Company secretarial matters

Assisting various clients with company secretarial matters such incorporating companies and amending their existing memorandums of incorporation.

### • Memorandums of incorporations

Drafting bespoke memorandums of incorporations and shareholders agreements for various clients.

## Contact Storm

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[Storm on LinkedIn](#)

## Expertise

[Corporate & Commercial Law](#)

## Location

Johannesburg

## Language

English

- **Company restructures**

Assisting various clients with company structuring and restructures and asset-for-share transactions in terms of section 42 of the Income Tax Act 58 of 1962 for onshore and offshore structures.

- **PPC Limited**

Advising PPC Limited in respect of the disposal of its 51% of the issued share capital of CIMERWA PLC to National Cement Holding Limited.

- **Telesure Investment Holdings**

Assisting with Telesure Investment Holdings Proprietary Limited's sale of 100% of the issued share capital of 1Life Insurance Limited to Clientèle Limited in exchange for 26% of the issued share capital of Clientèle Limited.

- **Vodacom Tanzania**

Assisting Vodacom Tanzania Public Limited Company in respect of the acquisition of 100% of Smile Communications Tanzania Limited.

## News

### Monetary claims in events of contractual breach

At the outset of a commercial transaction, contracting parties typically do not conceive of the consequences that may arise should a breach occur, and thus do not always fully consider breach provisions and potential remedies for such breaches, especially in the event of financial loss. Some of the potential remedies for breach are penalties and damages claims, and the inclusion of indemnities, all of which we consider in more detail below.

### The need to know of "casual vacancies"

The stability of a company's board of directors is vital in maintaining good corporate governance. This stability may be challenged where unforeseen circumstances, such as death, sudden resignations or incapacity, give rise to vacancies on the board. The Companies Act 71 of 2008 (Companies Act) provides a process to be followed for filling such vacancies, which is, of course, subject to the company's memorandum of incorporation (MOI). The question that often arises is: how soon does a casual vacancy have to be filled before it is no longer considered a "vacancy"?

### Directors' duties as they approach the abyss

A director is required at all times to act in the best interests of the company. "Company" in this context, is widely considered to be the present and future shareholders of the company, collectively. Essentially, for as long as a company operates as a going concern, a director must act in the interests of the general body of shareholders. However, the King IV Code adopts a stakeholder-inclusive approach to company governance, being a balancing of the needs, interests and expectations of material stakeholders in the best interests of the company. While the interests of the collective shareholders retain primacy, the interests of other stakeholders such as creditors have also become relevant in determining the best interests of the company.

### The story of the Vrrr Pha (Volkswagen Golf) gone wrong

It is trite in law that a company is a separate juristic entity. This means, among other things, that the debts of the company cannot be regarded as the debts of its shareholders or directors. This is, however, not cast in stone as seen in the recent High Court judgment regarding *Kolisang v Alegrand General Dealers and Auctioneers and Another* ZAGPJHC 431 (Kolisang case).

### Call for public comments on the Upstream Petroleum Resources Development Bill

In our previous alert, we discussed the outcome of the meetings held by the Portfolio Committee on Mineral Resources and Energy (Portfolio Committee) insofar as it relates to the public participation process for the Upstream Petroleum Resources Development Bill (UPRDB), currently before Parliament.

[All news by Storm Arends →](#)

## Recognition

- The Legal 500 EMEA 2025 recommended Storm for commercial, corporate/M&A.