

Belinda Scriba

Director



Belinda Scriba is a Director in our Dispute Resolution practice. She is a member of our Corporate Debt, Turnaround & Restructuring sector. Her extensive experience includes litigation and arbitration (international and local) in the areas of insolvency and business rescue, corporate and commercial contractual disputes, Companies Act disputes, maritime, and international trade. She has more recently trained and qualified as a mediator.

About Belinda

Belinda completed her articles in 2004 and thereafter went to England for two years, predominantly to travel. In England Belinda worked as a corporate private mergers and acquisitions professional support paralegal at Freshfields Bruckhaus Deringer. She joined Hofmeyr Herbststein and Gihwala as an Associate in April 2007 and was promoted to Senior Associate in 2012. Belinda was appointed as a Director in 2017.

Credentials

Education

- BCom Law, LLB, University of Stellenbosch
- Year of admission as an attorney: 2004
- Mediation in Motion, University of Cape Town: 2020
- Registered with the Legal Practice Council

Membership

- Mediation in Motion

Experience

- Advising international and local clients on the aspects of South African maritime and admiralty law, both from a litigious and commercial contract drafting perspective.
- Representing international clients in launching or defending maritime proceedings, including proceedings with the view of preserving assets located in South Africa through ship arrests.

Contact Belinda

+27 (0)21 405 6139

belinda.scriba@cdhlegal.com

[Belinda on LinkedIn](#)

Expertise

[Dispute Resolution](#)

[Corporate Debt, Turnaround & Restructuring](#)

[Corporate & White Collar Investigations](#)

[International Arbitration](#)

Location

Cape Town

Language

English

- Advising clients in terms of litigation or applications relating to the Consumer Protection Act, the National Credit Act, the Promotion of Access to Information Act and the Companies Act.
- Representing clients in seeking the recognition of foreign judgments and bankruptcy/re-organisation proceedings.
- Advising clients on business rescue proceedings, either as creditors or the entity requiring rescue.
- Assisting clients in defending or bringing insolvency proceedings. Advising major public institutions on maritime concession rights.
- Acting for and advising clients on commercial disputes (contractual and otherwise).

News

[Tribunal takes no nonsense with director removals](#)

Section 71 of the Companies Act 71 of 2008 (Act) sets out the process of removing a director of a company. Usually, subsections 3 and 4 would apply, which prescribe (i) a shareholder or board resolution authorising such removal; and (ii) prior notice of such resolution being given to the affected director. In the case of *Howard N.O v Powell and Another* (CT01682ADJ2024) COMPTRI 57 (24 May 2024), the Companies Tribunal (Tribunal) confirmed the process of the alternative mode of removal of a director when there are fewer than three directors in the board.

[Can directors be held liable to creditors under section 218, read with section 22 of the Companies Act?](#)

This is the question that the Supreme Court of Appeal (SCA) had to answer in the recent case of *Venator Africa (Pty) Ltd v Watts and Another* (053/2023) ZASCA60.

[Pasiya and Others v Lithemba Mining \(Pty\) Ltd and Others: An exercise in discretion](#)

Pasiya and Others v Lithemba Mining (Pty) Ltd and Others 1 All SA 626 (SCA) was an appeal before the Supreme Court of Appeal (SCA) following the dismissal by the court a quo of the appellants' application for declaratory relief. The declaratory relief sought included an order (i) declaring as unlawful and setting aside a loan agreement concluded in 2009; (ii) declaring as unlawful and setting aside the changes to shareholding which occurred in January 2010 pursuant to the inability of the borrower to repay the loan; and (iii) directing that dividends be paid in terms of shareholding as it stood before the shareholding changes.

[Seeds of opportunity: Exploring cannabis and hemp cultivation laws in South Africa and beyond](#)

In 2018, the Constitutional Court of South Africa decriminalised the private use and cultivation of cannabis for personal consumption in the renowned judgment of *Minister of Justice and Constitutional Development and Others v Prince; National Director of Public Prosecutions and Others v Rubin; National Director of Public Prosecutions and Others v Acton and Others* ZACC 30.

[Unilateral decisions by business rescue practitioners: A make or break in the termination of business rescue proceedings](#)

Monyela N.O and Others v Tayob N.O and Others (2023/117272) ZAGPPHC 86 (2 February 2024) involved an application for leave to appeal a judgment granted in the urgent court.

Videos

[The difference between business rescue and liquidation](#)

CDH believes that the conversation around business rescue is an important one that requires the regular sharing of insights that can potentially assist businesses make informed decisions, armed with expert knowledge.

[Understanding the history and significance of business rescue in SA](#)

Belinda Scriba, Director in the Dispute Resolution practice joined Aviwe Mtila on eNCA where she discussed Understanding the history and significance of business rescue in SA.

[Webinar Recording | Your land or mine?](#)

A review of the law and trends in relation to unlawful occupation, both rural and urban.

[Turnaround Talks | Unpacking the Comair saga](#)

Director and Head of our Business Rescue, Restructuring & Insolvency sector Tobie Jordaan, with Directors, Lucinde Rhoodie, Belinda Scriba, Roxanne Webster, and Associate Nseula Chilikhuma were panellists at a virtual round table discussion in collaboration with Turnaround Talks. The discussion unpacked the Comair saga and the lessons that can be learnt after it was placed under provisional liquidation by the South Gauteng High Court in Johannesburg.

[The state of business rescue in South Africa](#)

Belinda Scriba, Director in our Dispute Resolution practice joined Newzroom Africa to discuss the state of business rescue in South Africa. One of the major concerns raised is that the country may not have enough business rescue practitioners for the companies already in business rescue, let alone those rescues that are anticipated as a result of the latest civil unrest experienced in Gauteng and KwaZulu-Natal.

Podcasts

[SARS and the business rescue practitioners and business rescue scenarios](#)

Lucinde Rhoodie and Belinda Scriba in the Corporate Debt, Turnaround & Restructuring sector recorded an episode of CDH Conversations on Monday, 21 October 2024, where they spoke about the ongoing battle between South African Revenue Service (SARS) and the business rescue practitioners and business rescue scenarios.

[Belinda Scriba discusses the difference between business rescue and liquidation on Fine Music Radio](#)

CDH believes that the conversation around business rescue is an important one that requires the regular sharing of insights that can potentially assist businesses make informed decisions, armed with expert knowledge.

[Could this movie have a happier ending](#)

[Belinda Scriba unpacks maritime law](#)

As we continue to commemorate 100 years of women in law, we bring you another insightful episode of the CDH Women Empowerment podcast series. This month we are joined by Belinda Scriba.

[Digital progression of South Africa's courts](#)

Belinda Scriba, Director in the Dispute Resolution practice joined Cape Talk to discuss the digital progression of South Africa's courts, particularly amid Covid-19 and lockdown. She especially highlights the challenges and solutions in electronic tracing of case files and legal documentation

[All news by Belinda Scriba →](#)

Recognition

- Belinda was listed in the Legal 500 Private Practice Arbitration Powerlist: Africa 2023.