

Vincent Manko

Director



Vincent Manko is a Director in our Dispute Resolution practice. Vincent operates mainly in the fields of commercial litigation and arbitrations, business rescue, restructuring and insolvency, perfections and foreclosures, corporate recoveries, administrative and procurement law.

About Vincent

Vincent joined Cliffe Dekker Hofmeyr as a Candidate Attorney in 2013. He was appointed as an Associate and admitted as an Attorney in 2015 and promoted to Senior Associate in 2018. Vincent was promoted to Director in 2022.

Credentials

Education

- LLB, University of Johannesburg (UJ)
- Year of admission as an attorney: 2015
- The 6th Course of China-Africa Legal Professional Exchange Programme: 17 June 2019 to 7 July 2019
- Registered with the Legal Practice Council

Membership

- Legal Practitioner in terms of the Legal Practice Act
- South African Restructuring and Insolvency Practitioners Association (SARIPA)
- INSOL International (International Association of Restructuring, Insolvency & Bankruptcy Professionals)

Experience

- Arbitration and court proceedings

Advising and acting for a JSE listed chemicals group in a dispute with City of Johannesburg Metropolitan Municipality and Johannesburg Water SOC Limited in arbitration and court proceedings relating to among others the powers of the Municipality to enter into binding and valid agreements in terms of the municipal regulatory framework including inter alia the Local Government: Municipal Systems and the Municipal Finance Management Act.

Contact Vincent

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[Vincent on LinkedIn](#)

Expertise

[Dispute Resolution](#)

[Business Rescue, Restructuring & Insolvency](#)

Public Law

Regulatory

Location

Johannesburg

Language

English

isiXhosa

isiZulu

Sepedi

Sesotho

Setswana

- **judicial review of the findings**

Advising and acting for leading players in the recovery and treatment of all types of waste from both industry and local communities that provide integrated waste management services to a wide range of industries from manufacturing, mining and petro chemicals to oil and gas, construction, FMCG, pharmaceuticals and automotive in a judicial review of the findings of the Broad-Based Black Economic Empowerment Commission that they committed the offence of fronting and undermined the objectives of the Broad-Based Black Economic Empowerment Act.

- **Commercial arbitration proceedings**

Advising and acting for a water service board and a major public entity in commercial arbitration proceedings against a water services authority for a claim in excess of R100 million.

- **Commercial arbitration**

Advising and acting for a major public entity in commercial arbitration proceedings and auxiliary litigation arising from disputes relating to public procurement and claims in excess of R800 million.

- **Defamation proceedings**

Advising and acting for a global market research and a consulting firm in defamation proceedings with a claim of R50 million.

- **Range of securities**

Advising and acting for banks and development financial institutions in perfecting a wide range of securities including notarial general covering bonds, mortgage bonds and special notarial bonds.

- **Business rescue**

Advised and acted for a major bank in the perfection of its securities in respect of the facilities in the sum of approximately R72 million and advising on the resultant business rescue.

- **Advised and acted for a major commercial bank in a cross-border insolvency dispute and advised on the resultant sequestration.**

- **Business rescue**

Advised and acted for a public entity in relation to the business rescue of an anthracite coal mine against the Business Rescue Practitioners and an JSE listed entity where the public entity contended that the adopted business rescue plan amounted to unlawful expropriation of its shareholding which was ultra vires the Companies Act.

- **Recovery of guarantees**

Advised and acted for a multinational oil and gas company in the business rescue of fuel wholesaler trading with fuel and fuel related products and ultimately led to the recovery of guarantees in the amount of R220 million.

- **Public procurement**

Regularly advising private companies and public entities on issues of public procurement, delegations of authority and supply chain management and the implications of the Public Finance Management Act, the National Treasury Regulations and Practice/Instruction Notes; Preferential Procurement Policy Framework Act and the Regulations, Local Government: Municipal Systems and the Municipal Finance Management Act.

- **State-owned telecommunications**

Advised a state-owned telecommunications company on the potential conflict of interests on a tender relating to the appointment of a panel of service providers for the provision of technical personnel on an ad hoc basis and applicability of the cooling-off period in terms of the provisions of its supply chain management policy and further advised on an exit strategy and drafted the necessary termination letters.

- **Procurement fraud and corruption**

Advised as a state-owned air traffic management entity in relation to serious fraud and corruption allegations levelled against one of its service providers (a multinational company) and whether it should continue doing business with that entity, after it had been accused of serious crime involving procurement fraud and corruption in the Republic of South Africa.

- **Civil aviation authority**

Advised a state-owned air traffic management entity on a tender issued by the civil aviation authority of a neighbouring SADC state including its obligations to National Treasury and its execute authority arising from the Public Finance Management Act, the National Treasury Regulations and Practice/Instruction Notes.

- **Compliance**

Advising private companies on compliance with the Broad-Based Black Economic Empowerment Act and appearing before the Broad-Based Black Economic Empowerment Commission.

News

[The role of shareholders in business rescue proceedings](#)

One of the stated purposes of the Companies Act 71 of 2008 (Companies Act) is to promote innovation and investment in South African markets and provide for the efficient rescue and recovery of financially distressed companies, in a manner that balances the rights and interests of all relevant stakeholders, including shareholders. Business rescue is therefore widely accepted as an alternative to liquidation for financially distressed companies, with the intention of giving such companies the opportunity to reorganise and restructure their affairs for them to regain their solvency. To this end, the definition of " affected persons " includes creditors, employees (or their representative), a registered trade union and shareholders. The role played by each " affected person " is unique in many ways but can have an impact on the failure or success of any business rescue proceedings.

[Hybrid Event Recording | Economic recession, State of Disaster and business: Navigating the tide](#)

A second national state of disaster has been declared in the space of three years this time due to constrained electricity supply at a time of imminent economic recession and a significant increase in liquidations.

[Fraud unravels all, including contracts of employment](#)

The insidious effect of fraud permeates the entire legal system. This is because it renders contracts voidable at the instance of the innocent party; is a crime; excludes the effects of an ouster clause in legislation; and nullifies a contractual exemption clause which purports to exclude a party from the consequences of fraudulent conduct. Its effects are therefore far-reaching. This was recently illustrated in *Umgeni Water v Naidoo and Another* (11489/2017P) ZAKZPHC 80 (15 December 2022), in the context of employment relationships.

[Consent to judgment clauses](#)

It is commonplace to encounter settlement agreements containing a consent to judgment clause. This clause typically provides that the debtor consents to judgment being entered against them for any outstanding amount should they default on the payment plan. Such a clause would normally be inserted at the initiation of the creditor.

[A disjointed approach to the enforcement of arbitral awards](#)

There is little doubt that the promulgation of the International Arbitration Act 15 of 2017 that incorporated the United Nations Commission on International Trade Law (UNCITRAL) Model Law into the national law, was meant to improve South Africa's lure as an international commercial arbitration hub. The duty of our courts to support international arbitration and to give effect, where they can, to international arbitration agreements is therefore similarly unquestionable.

Podcasts

[What are the next steps for Comair](#)

The provisional liquidation Comair continues to raise questions on what will happen going will forward. Vincent Manko, Director in our Business Rescue, Restructuring & Insolvency sector discussed the next steps for Comair with SAfm.

[All news by Vincent Manko →](#)