

T. 020 7404 3447 (Practice manager, Jason Housden)  
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Called 1999 (London) 1994 (Johannesburg)



## Main Areas of Practice

Administrative law	Human Rights law
Arbitration	Local government law
Commercial law	Media and information law
Education law	Public law
Election law	

Janet is a versatile practitioner with interests and experience in a wide range of areas including administrative law, discrimination law, education law, human rights law, local government law, media and information law, regulatory and revenue law. She specialises in public law and commercial law, with a particular interest in the interface between the two. Janet has practised as a barrister at Matrix since 2001.

In addition to her experience at the London Bar, Janet has extensive experience of litigation in courts at all levels in South Africa, including a number of the early leading cases before the Constitutional Court of South Africa. She also has experience of large-scale commercial arbitration. Janet acts for and against a range of public authorities.

Janet has knowledge and experience of freedom of information issues in South African and England. She has represented public authorities in the Information Tribunal, and has advised public authorities and private parties on a range of issues arising under the Freedom of Information Act and the Data Protection Act.

Janet's recent practice has included representing International Medical Graduates in the High Court, Court of Appeal and House of Lords in a challenge to changes to the Immigration Rules and Department of Health Guidance on the recruitment of International Medical Graduates; litigation under the Proceeds of Crime Act 2002 (External Requests and Orders) Order 2005; the successful appeal by SA Breweries to the Supreme Court of Appeal of South Africa in a case concerning an expert determination of accounting disputes arising from the sale of the OK Bazaars Group; advice and litigation in relation to national travel concessions; a successful appeal to the Information Tribunal by a public authority against disclosure of exempt information; advising on matters of evidence in relation to an ICC arbitration; expert advice to UK public authorities on matters of South African public law and commercial arbitration of a claim for fraudulent non-disclosure in relation to a contractual guarantee.

## Notable cases include:

### House of Lords

R (on the application of Bapio Action Limited and another) v Secretary of State for the Home Department and another [2008] UKHL 27

### Court of Appeal (England)

R v Secretary of State for the Home Department and another ex parte BAPIO [2007] EWCA Civ 1139 (challenge to changes in the immigration rules and to Department of Health guidance on the recruitment of international medical graduates)

Director of the Serious Fraud Office v A [2007] EWCA Crim 1927 (restraint order under the Proceeds of Crime Act 2002 (External Requests and Orders) Order 2005)

R v Secretary of State for the Environment, Food and Rural Affairs ex parte Compassion in World Farming [2004] EWCA Civ 1009

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## Further notable cases

London Regional Transport and another v The Mayor of London and another [2001] EWCA Civ 1491; [2003] EMLR 4 (Public sector confidentiality and the right to freedom of expression and information)

### High Court (England)

In re Al Zayat [2008] EWHC 315 Crim (application for the discharge of a criminal restraint order)

A v London Borough of Newham and another [2002] EWHC Admin 834 (Statutory appeal against decision of Special Educational Needs Tribunal upholding decision of local education authority not to carry out an assessment of special educational needs)

R v Bury Metropolitan Borough Council ex parte Madden and others [2002] EWHC Admin 1882 [2002] 5 CCL Rep 622 (Judicial review of decision by social services authority to close a number of residential care homes for older people)

Transport for London and the Mayor of London v London Underground Limited and London Regional Transport (July 2002) (Judicial review of the decision of London Regional Transport to authorise London Underground Limited to proceed to commercial close of Public-Private Partnership for London Underground - claim withdrawn on 4th day of hearing with concession of payment to defendants of costs on an indemnity basis)

### Information Tribunal

Lancashire County Council v Information Commissioner EA/2006/0047; decided 27 March 2007

### Constitutional Court of South Africa

August v Electoral Commission 1999 (3) SA 1 (CC) (Right of prisoners to vote in general elections)

Brink v Kitshoff and another 1996 (4) SA 197 (CC) (Constitutional right to gender equality, striking down certain provisions of insolvency legislation)

Carmichele v Minister of Safety and Security and another 2001 (4) SA 938 (CC) (Constitutional obligation on the courts to develop the common law in order to give effect to human rights; law of negligence and the State's constitutional duty to safeguard the rights of women)

Fedsure Life Assurance Ltd v Greater Johannesburg Transitional Metropolitan Council 1999 (1) SA 374 (CC) (Local government taxing powers, relationship of right to administrative justice under the Constitution and at common-law, jurisdictional questions)

Fose v Minister of Safety and Security 1997 (3) SA 786 (CC) (Constitutional damages; remedies for human rights violations)

Larbi-Odam v Member of the Executive Council for Education (North-West Province) 1998 (1) SA 745 (CC) (Right to equality, in particular in relation to non-citizens)

Moseneke and Others v The Master of The Court 2001 (2) SA 18 (CC) (Race and gender discrimination in the context of the administration of deceased estates)

Premier of the Province of the Western Cape v Electoral Commission 1999 (11) BCLR 1209 (CC) (Provincial constitution and composition of provincial legislature)

### Supreme Court of Appeal of South Africa

SA Breweries Limited v Shoprite Holdings Limited Case [2007] SCA 103 (sale by appellant to respondent of large retail concern - validity of expert determination of accounting disputes)

Cape Explosives (Pty) Ltd and another v Denel (Pty) Ltd and another 2001 (3) SA 569 (SCA) (Real rights erroneously omitted from subsequent title deeds - binding on present owner)

Chairman: Board on Tariffs and Trade and Others v Brenco Incorporated and others 2001 (4) SA 511 (SCA) (Ambit of the right to fairness in the context of an anti-dumping investigation and determination)

## Further notable cases

Fedsure Life Assurance Ltd v Greater Johannesburg Transitional Metropolitan Council 1998 (2) SA 115 (SCA); 1997 (4) SA 213 (W) (Local government taxing powers, relationship of right to administrative justice under the Constitution and at common-law, jurisdictional questions)

Mutual and Federal Insurance Company Limited v Bifawu 1996 (3) SA 395 (A) (Collective bargaining, duty to bargain)

Van Eeden v Minister of Safety and Security 2003 (1) SA 389 (SCA) (Liability in delict (tort) of police for negligent failure to take steps to prevent escape of known serial rapist from police custody)

### High Court (South Africa)

SA Breweries Limited v Sanlam Life Insurance Limited and others (August 2006) (resisting application by defendant to strike out a claim for fraudulent non-disclosure in relation to a contract of guarantee - application withdrawn on first day of the hearing)

Blanchard, Krasner & French v Evans 2002 (4) SA 144 (W) (Enforcement of a foreign judgment)

Christian Lawyers v Minister of Health 1998 (4) SA 1113 (T) (Upholding permissive legislation on the termination of pregnancy)

Crook v Minister of Home Affairs 2000 (2) SA 385 (T) (Immigration law, right to a fair hearing)

Democratic Party v Brakpan Transitional Local Council 1999 (4) SA 339 (W)(Party representation on executive committee of local government council)

Directory Advertising Costcutters v Minister for Posts, Telecommunications and Broadcasting 1996 (3) SA 800 (T) (Scope of application of the Bill of Rights, rights to administrative justice and economic activity)

Kemtek Imaging Systems Ltd v Commissioner of Customs and Excise 1997 4 All SA 695 (T) (Customs tariff classification)

Knox D'Arcy Ltd v Shaw 1996 (2) SA 651 (W) (Restraint of trade, scope of application of the Bill of Rights, right to economic activity)

van Zyl v Jonatha Ball Publishers (Pty) Ltd 1999 (4) SA 571 (W) (The right to freedom of expression in an interlocutory injunction restraining publication of a book)

### Labour Court (South Africa)

Auret v Eskom Pension and Provident Fund [1996] 7 BLLR 838 (IC) (Unfair dismissal claim by pension fund investment manager)

Botha v Import Export International CC [1999] 20 ILJ 2580 (LC) (Unfair dismissal on ground of pregnancy)

Mans v Mondi Kraft Ltd (2000) 21 ILJ 213 (LC) (Unfair discrimination/workplace stratification)

### Arbitration

Janet is at present instructed in the arbitration of a claim of fraudulent non-disclosure in the context of guarantees relating to commercial property transactions. She was, from 2000 to 2005, instructed in a long-running commercial arbitration arising out of the acquisition of a group of companies. She was junior counsel to the London-based defendant to the claim. The defence was upheld in the arbitration and confirmed in the arbitration appeal. The dispute has given rise to further litigation, in which Janet continues to act.

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## Professional and other memberships

Human Rights Lawyers Association  
Member of the Administrative Law Bar Association (ALBA)  
Admitted to the Society of Advocates of South Africa  
Admitted as an Advocate of the Supreme Court of South Africa (1994)  
Assistant General Secretary Rhodes Scholarships, South Africa (1997- 2001)  
Selection Committee, South Africa-at-Large Rhodes Scholarships (1992- 2001)

## Educational Background

Rhodes Scholar  
M.A. (Jurisprudence) (Oxford)  
LL.M. with Merit (London School of Economics)  
B.A; B.A. Honours; LLB (all with distinction)  
LL.M. (Taxation) (University of the Witwatersrand)

Janet taught law at the University of the Witwatersrand, South Africa (1990-94). She was admitted to the Johannesburg Bar in 1994 and called to the Bar in England in 1999. She has been based at Matrix since 2001.

## Publications

Co-author and editor of Constitutional Law of South Africa, (First edition) frequently cited by courts at all levels in South Africa.

Privacy and the Media - The Developing Law by Matrix Media and Information Group (co-editor) (Matrix, May 2002)

'The Reach of the Human Rights Act: Its Jurisdictional Scope' in Jeffrey Jowell QC & Jonathan Cooper (Ed.s), Delivering Rights? How the Human Rights Act is Working (2003)

"The Legality of Publishing Details of Disciplinary Enquiries" (2000) 12 ILJ (SA)1487 (with Dario Milo and Roderick Harper)

"Banking on maternity leave - The case of Collins v. Volskas Bank" (1994) 15 ILJ (SA) 1195.

"A matter of maternity" (1994) 11 Employment Law 35

"Equality and Discrimination: A Reply to Meyerson" (1994) 10 South African Journal on Human Rights 398

"Measure for Measure: Weighing the Costs of a Feminist Standard of Equality at work" 1994 Acta Juridica 84

Introducing the Right to Equality in the Interim Constitution" (1994) 10 SAJHR 149 (with C. Albertyn)

"Direct and Indirect Discrimination after Enderby" 1994 Public Law (UK) 198

"Fair Play at Work - the common-law right of a public employee to a hearing prior to dismissal", Industrial Law Journal (1993) 14 (SA) 1131

"Gender and Equality in the Workplace" in Innes, Kentridge and Perold (eds.) 1993 Reversing Discrimination - Affirmative Action in the Workplace, Oxford University Press

"Teaching Law as a Second Language in a Second Language" 1991 South African Law Journal 159 (with V. Brontstein)