



JANET KENTRIDGE

MAIN AREAS OF PRACTICE:

Arbitration
Commercial and corporate law
Competition and regulation
Discrimination and equality
Education law
Election law
Human rights law
Local government law
Media and Information
Mediation
Public law
Tax law
Telecommunications

Called to the Bar 1999 (England)
1994 (Johannesburg)

CONTACT:

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Elizabeth Bousher, Senior Practice
Manager
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Janet is a versatile practitioner with interests and experience in a range of areas including administrative law, education law, local government law and information 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 and is an ADR Group Accredited Civil and Commercial Mediator.

In addition to her experience at the London Bar, Janet has extensive experience of litigation in courts at all levels in South Africa, including some of the early leading cases in the Constitutional Court of South Africa. She is at present instructed by a large international group of companies in several long-running commercial arbitrations under the aegis of the Arbitration Foundation of South Africa (AFSA).

Janet acts for and against a range of public authorities. In recent years, she has been extensively involved in advising and representing local government on a variety of issues, with a particular focus on the challenges borne of the contraction in local government funding.

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

NOTABLE CASES

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)

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PROFESSIONAL AND OTHER MEMBERSHIPS

Lincoln's Inn
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)

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

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)

R (T & Ors) v Sheffield City Council [2013] EWHC 2953 (the defendant's
decision to discontinue grant funding to 20 early years providers complied
with public law standards, including proper consultation, the public sector
equality duty, the best value duty and duties under the Childcare Act.)

JG & Anor v Lancashire County Council [2011] EWHC 2295 (Admin)
(Judicial review holding that the Council had adequately discharged its public
sector equality duty in setting its Adult Social Care budget)

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)

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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 2008 (1) 203 (SCA); [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)

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)

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Van Zyl v Jonathan 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

Since 2001, a significant component of Janet's practice has been a series of long-running commercial arbitrations held under the aegis of the Arbitration Foundation of South Africa (AFSA). Janet represents a FTSE-100 company in relation to a set of disputes arising from the disposal of a group of retail companies to one of Africa's leading food retailers.

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

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"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)

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