

Jeremy Gauntlett QC

YEAR OF CALL: ENGLAND AND WALES: 1994; SOUTH AFRICA: 1977 **YEAR OF SILK:** 2017

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Practice Overview

Jeremy Gauntlett QC practises internationally. He serves on the Financial Markets Tribunal of Dubai, the Shanghai International Arbitration Court, the China South Africa Joint Arbitration Centre and the Commercial Appeals Panel of the Arbitration Federation of Southern Africa. He has also held appointments as an IATA and ICC arbitrator. He has also appeared as counsel in ICC and AFSA arbitrations, as well as before the Court of Arbitration in Sport, Lausanne. He practises from Brick Court Chambers as well as both the Cape and Johannesburg Bars. He is also a member of the Bar of Ireland (King's Inns).

Jeremy Gauntlett has extensive experience across commercial and public law litigation. A Senior Counsel in South Africa as well as a QC (practising also from chambers in the Cape Town and Johannesburg), he has frequently been leading counsel in the Constitutional Court, the Supreme Court of Appeal and Competition Appeal Court of South Africa. He has regularly been Treasury counsel in both South Africa and Namibia. He appears too in the High Courts and Supreme Courts of Botswana, Lesotho, Swaziland and Zimbabwe. He is a former President of the Cape Bar, chairman of the South African Bar, member of the Council of the IBA and sessional Judge of Appeal of Lesotho. Since 2011 he has been a Bencher of Middle Temple. He was elected in 2012 to the International Academy of Trial Lawyers.

Arbitration

- Arbitrator in IATA contractual and damages dispute between two European airlines
- Arbitrator in bullion and other cargo claims under Warsaw Convention
- ICC arbitrator regarding Seychelles contractual damages dispute
- Counsel in ICC arbitration regarding mobile telephony contractual and regulatory issues

- Counsel in enforcement proceedings of ICC award
- Arbitrator in Arbitration Federation of Southern Africa proceedings
- Counsel in AFSA arbitration proceedings
- Member of the London Court of International Arbitration
- Speaker-at West African and East African arbitration initiatives in London and Nairobi; Arbitration Ireland, Dublin; and Mauritius International Arbitration Centre.

Public Law

- Adviser to the Constitutional Assembly of South Africa in adoption of SA Constitution
- Counsel for Presidents De Klerk and Mandela and Presidents since in various High Court and Constitutional Court matters
- Counsel for cities of Johannesburg, Cape Town, East London and Port Elizabeth in constitutional, demarcation and public procurement disputes
- Counsel for Westinghouse USA in nuclear power procurement proceedings through High Court, Supreme Court of Appeal and Constitutional Court
- Counsel to Gold Fields in mining industry class action by 100 000 claimants
- Counsel in numerous judicial reviews in regulatory and procurement disputes
- Counsel to the King of Lesotho and Lesotho Government, to Government of Namibia, and official Opposition in Zimbabwe in 2008 and 2018 constitutional challenges.

International/EU

- Counsel for dispossessed Zimbabwean commercial farmers before the Southern African Development Community Tribunal and the African Commission, and in subsequent enforcement proceedings in Zimbabwe and South Africa
- Counsel for torture victims before SADC Tribunal
- Counsel for the Presidency in the challenge to South Africa's withdrawal from the International Criminal Court and regarding attempt to arrest President of Sudan
- Counsel for Government of Namibia in international border dispute with Angola
- Counsel for Government of Namibia in international fishing rights dispute
- Counsel in international inquiry into conduct of Zimbabwe High Court judge
- Founding Vice-President of the Bar for the International Criminal Court, The Hague

Other

- Led for Gold Fields Limited in its successful defence of hostile merger, and thereafter class action by over 100 000 claimants
- Led for Total in the opposed Sasol-Engen merger proceedings before South Africa's Competition Tribunal

- Counsel for Massmart in its opposed merger proceedings across Southern Africa.
- Counsel for Minerals Australia, Glencore and the Attorney-General of Namibia before the Supreme Court of Namibia, and De Beers/Debswana in the High Court and Court of Appeal in Botswana
- Engaged in human rights litigation in South Africa and Namibia prior to democratisation, and in Zimbabwe since.
- Counsel to the United Cricket Board of South Africa in the inquiry into South Africa's match-fixing scandal
- Counsel to the International Cricket Board in dispute relating to the threatened cancellation of the English tour of Zimbabwe
- Led Treasury team in Commission of Inquiry regarding alleged manipulation of the Rand; also in the constitutional challenge to electronic tolling through three levels of courts; constitutional challenge by Comair (British Airways) against South African Airways, and lead counsel for the South African Revenue Service
- Sessional Judge of Appeal of Lesotho (1996-2010), and over 300 reported decisions as counsel in South Africa, Botswana, Namibia and Zimbabwe
- Expert witness on South African and Namibian law in Rio Tinto and Cape plc proceedings in London up to House of Lords

Qualifications

Degrees

BA *cum laude* and LL B *cum laude* degrees at the University of Stellenbosch

BCL degree, Oxford (Rhodes Scholar, New College)

Awarded Harvard graduate fellowship

Career

Called in South Africa 1977, took silk in 1989

Called in London 1994

Tenant at Brick Court Chambers.

Queen's Counsel and Bencher, Middle Temple.

Former president of the Cape Bar and chairman (for three terms) of the General Council of the Bar of

South Africa.

Sessional Judge of the Court of Appeal of Lesotho (1996 to 2010).

Appointed to three successive terms as a South African Law Reform Commissioner (1996-2010).

Member of the Council of the University of Cape Town (1996-2017), and member of its Executive Committee

Chancellor to the Archbishop of Cape Town

Elected to visiting fellowship at New College, Oxford, and honorary professorship at the University of Stellenbosch.

Publications

He has contributed three titles to South Africa's equivalent of Halsbury, a number of legal articles, and author of *Damages in South African Law*.

Variety of international conference papers delivered at IBA and elsewhere and publications on professional practice and arbitration topics. Speaker at Commonwealth Law Conferences in Durban, Kuala Lumpur and Cape Town; IBA in Vienna and Singapore; Faculty of Advocates, Edinburgh; Bar of Ireland at Westport and Dublin; ICB in Paris, Montreal and The Hague; arbitration sessions in London, Mauritius and Nairobi.