

Thai Scott

YEAR OF CALL: 2017

DEGREE: LLB (UP) (cum laude)

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Profile Summary

Thai Scott is a member of the Johannesburg Society of Advocates and joined Thulamela Chambers after completing his pupillage in 2017.

Thai practises in commercial and regulatory litigation, with a focus on disputes where commercial and public law meet. His core areas are asset forfeiture and restraint, tax and enforcement disputes, regulatory investigations, judicial review (acting both for and against organs of State), business rescue and insolvency, company law, and professional liability claims involving regulated entities such as banks, financial services providers and audit firms.

He has appeared in several of South Africa's largest commercial and regulatory disputes. These include civil fraud, asset forfeiture and tax litigation arising from the State Capture Commission; the contested business rescue of a major coal mine, conducted alongside forfeiture proceedings brought by the State; the first securities class action certification proceedings in South Africa; and multi-billion rand professional liability claims against big four audit firms. He has appeared in all superior courts in South Africa, including the Supreme Court of Appeal and the Constitutional Court, and in the High Courts of Namibia and Lesotho. He has been cited as counsel in some seventy judgments, twenty-five of which are reportable.

In addition to his practice in South Africa, Thai practised in Dubai in the Middle East and Africa Advocacy Unit of Clyde & Co. He was a registered advocate with right of appearance in the Dubai International Financial Centre Courts and appeared in the DIFC Courts (including the Court of Appeal) and the Abu Dhabi Global Market Courts, and in domestic and international arbitrations under the rules of the Dubai International Arbitration Centre, ArbitrateAD and the London Maritime Arbitrators Association.

Before coming to the Bar, Thai served as a judicial law clerk at the Constitutional Court of South Africa and completed his articles at CDH, where he worked in the corporate and commercial, banking and finance, and dispute resolution practices.

Areas of Practice

Administrative and constitutional law
Arbitration (domestic and international)
Asset forfeiture and restraint
Business rescue and insolvency
Commercial and contract
Company law
Delict and professional liability
Financial services and regulatory
Mining and minerals
Procurement
Tax

Notable Cases

Represented the business rescue practitioner of a state owned airline in litigation with the South African government to procure the approval to sell the airline to a third-party investor.

Represented a big four audit firm in successfully resisting certification of a multi-billion-rand securities class action – being the first of its kind brought in the South African courts – arising from the alleged accounting irregularities attributable to the Steinhoff group.

Represented the business rescue practitioners in the bankruptcy and restructuring of the Oakbay group through multi-year litigation involving numerous challenges to the business rescue process, attempts to liquidate the companies and asset forfeiture proceedings brought by the National Director of Public Prosecutions.

Represented the directors and companies in the Regiments group of companies in multi-year litigation that seized asset forfeiture, tax, contract, insolvency and delictual disputes.

Represented a Chinese miner in litigation against the Namibian State regarding the validity of lithium mining licenses conferred by the Namibian State.