
Derek Spitz

Barrister
Call 2001



Scope of Practice

• Arbitration • Banking and Financial Services • Breach of Warranty • Civil Fraud • Company and Insolvency • Competition and EU Law • Economic Torts • Energy, Mining and Natural Resources • Injunctions / jurisdiction challenges • IT and Telecommunications • Jurisdiction and Conflict of Laws • Pharmaceutical Industry • Restitution • Sale of Goods and Supply of Goods and Services

Overview

Derek Spitz is a leading junior who specialises in commercial litigation, competition and international arbitration, as well as disputes arising in the fields of administrative and public law, regularly representing clients from a range of industries including aerospace, banking and finance, oil and gas, mining, pharmaceutical, retail, tech and telecommunications.

With substantial experience in heavy and complex, high value claims, Derek regularly appears as sole counsel, leading counsel or as part of a larger team in proceedings before the CAT, High Court, Court of Appeal and Supreme Court, as well as in arbitrations under UNCTRAL, LCIA, ICC and AFSA Rules.

Ranked in Chambers UK and the Legal 500 continuously, for several years, in the fields of Commercial Litigation and Competition Law, before being called to the English Bar Derek was a leading junior at the Johannesburg Bar, practising in commercial, competition and public law. He continues to be a member of the Johannesburg Bar with expertise in South African law.

Examples of some of his work include:

Justin Le Patourel -v- (1) BT Group PLC (2) British Telecommunications Plc – appearing on behalf 2.3 million BT customers in the high profile £1bn+ collective proceedings, the first opt-out collective action trial.

Interchange – representing various claimants in numerous proceedings including Sainsbury's (High Court, Court of Appeal and Supreme Court); Ocado (CAT) and on behalf of Merchants in the multi-billion collective proceedings

lawsuits “the Commercial Card Claims” (CAT).

LCIA proceedings – acting for claimants in a dispute concerning repudiation and termination of a distributorship and conspiracy.

The King on the application of (1) Kenneth Livingston (2) Pamela Bromley v. Commission for Equality and Human Rights – acting for the CAA as Intervenor in judicial review proceedings.

Chilcott UK Limited v Amit Patel and Meeta Patel - for defendants in a breach of warranty and fraud claim involving alleged restrictive practices and abuse of dominance.

Jalal Al Gaood and Future Agencies Co v Innospec & David Turner - for defendants in a complex fraud and conspiracy trial relating to the Iraqi oil and gas industry.

Examples of Recent Cases

Arbitration

- **ICC**
Advised the Claimant mining company in relation to possible proceedings including issues of jurisdiction, breach of contract and damages.
- **AFSA**
Represented the Respondent aerospace industry client in proceedings involving issues of jurisdiction, stay of proceedings, contractual construction, rectification, reciprocity of obligations and VAT under South African law.
- **LCIA**
Acted for the Claimant design and manufacturing company in a dispute concerning repudiation and termination of a distributorship agreement and conspiracy under Dutch law.
- **LCIA**
Advised the Claimant global logistics service provider in relation to a possible M&A arbitration dispute.
- **ICC**
Acted for the Claimant telecommunications company in a substantial dispute arising out of a software supply and servicing agreement with a US software supplier.
- **LCIA**
Acted for the Claimant mining company in a dispute concerning the interpretation and application of the pricing mechanism and the impact of forward exchange cover.
- **LCIA**
Acted for the Claimant in a mining dispute concerning the sale of a participation interest in a platinum tailings plant.
- **UNCITRAL**
Acted for the Claimant energy data and analytics company in a dispute concerning the breach of a seismic

survey contract in the oil & gas industry.

Banking and Finance

- **FX Litigation**

Acted for Deutsche Bank AG (with Laura John KC) in relation to two sets of proceedings concerning claims being brought by a group of claimants who allege a number of other banks manipulated the foreign exchange (FX) markets following the European Commission findings that bank staff coordinated trading across a range of currencies as part of organised cartel activity.

- Advised (with David Cavender QC) in class action claim against an international bank concerning representations relating to a tax avoidance scheme based on derivative transactions.

- Counsel (with Mark Howard QC and Neil Kitchener QC) in large and complex fraud and professional negligence matter against investment banking advisors arising out of the acquisition of a company.

- **Pioneer Freight Futures Company Ltd (in liquidation) v British Marine Plc; Armada (Singapore) Ltd**

Counsel for the defendant (with Ian Glick QC) in a claim involving substantial sums arising out of forward freight derivative contracts.

- **Aberdeen International Inc v Simmer & Jack Mines Limited**

Acted for a Toronto-based global resource investment and merchant banking company in a dispute over a loan facility provided to a South African mining company under applicable South African law.

- **Park Lane Property (Leeds) Limited v Yorkshire Bank**

Advised on the enforceability of a number of loan agreements.

- **Khatkar v Bank of Ireland**

Advised a partnership on the enforceability of the conditions of an ISDA agreement and a fixed term loan agreement.

- **Carillion JM Limited v Northern Ireland Local Government**

Acted for Carrillion in a dispute over development funding and the novation of a deed of collateral warranty.

- **Bank of Zambia v Access Financial Services Limited (in liquidation) and Ors**

Acted (with Michael Sullivan QC) for Bank of Zambia concerning the recovery of funds misappropriated from the Bank of Zambia.

Commercial Litigation

- **Chilcott UK Limited; Actavis Holdings UK Limited**

Acted and advised (with Camilla Bingham QC) for defendants in a fraud and breach of warranty claim involving alleged anti-competitive restrictive practices and abuse of dominance in relation to the supply of hydrocortisone tablets.

- **MG Rover Group Limited (CVL) v HMRC v BMW (UK) Holdings Ltd**

Acting for BMW Holdings (with Ian Glick QC) in proceedings before the Tax Tribunal and on successful appeal to the Upper Tribunal (Tax and Chancery) in claims concerning the status of VAT groups and the entitlement to substantial “Elida-Gibbs” type VAT refund claims.

- **Jalal Al Gaood and Future Agencies Co v Innospec & David Turner**

Acted for Innospec (with Jeffery Onions QC) in Commercial Court proceedings in relation to a claim for damages arising out of an alleged unlawful means conspiracy. The case concerned alleged bribery, corruption, conspiracy to injure, and causation in an oil and gas industry trial relating to the sale of petroleum additives in Iraq.

- **(1) Seakom Limited (2) Seakom International Limited v Knowledgepool Group Limited**
Leading counsel for Knowledgepool Group in relation to a dispute concerning the interpretation of an agreement, estoppel by convention, assignment and novation, and damages.
- **Pioneer Freight Futures Company Ltd (in liquidation) v British Marine Plc; Armada (Singapore) Ltd**
Counsel for the defendant (with Ian Glick QC) in a claim involving substantial sums arising out of forward freight derivative contracts.
- **Alchemy Metals Limited v CAV Aerospace Limited**
Counsel for the Defendants in a trial about the pricing mechanism in a metals supply agreement.
- **CEP Holdings Ltd v Steni AS**
Various applications relating to a claim based on termination of a distribution agreement.
- **United Biscuits (UK) Ltd v Largo Foods**
Dispute over breach of a supply agreement.
- **Kuwait Airways Corporation v Iraq Airways Co**
Counsel (with Rhodri Davies QC) in a trial on quantum of damages for conversion.
- **Allan Knight v AAA (Euro) Ltd**
Counsel in the Court of Appeal in a case concerning reasonable remuneration for work done.

Competition and EU Law

- **Justin Le Patourel -v- (1) BT Group PLC (2) British Telecommunications Plc**
Appearing on behalf 2.3 million BT customers (with Ronit Kreisberger KC) in the high profile £1bn+ collective proceedings, the first opt-out collective action trial.
- **Interchange**
Appearing on behalf of claimants in substantial and high-profile proceedings including:
 - *MIF Umbrella Proceedings* – representing Ocado Retail Limited as lead counsel in the CAT.
 - *Commercial and Interregional Card Claims* – representing Merchants (with Michael Bowsher KC) in the multi-billion collective proceedings lawsuits in the CAT.
 - *Sainsbury's Supermarkets Ltd v (1) MasterCard Incorporated; (2) MasterCard International Incorporated; (3) MasterCard Europe S.P.R.L* – appeared (with Mark Brealey QC) in the CAT, Court of Appeal and Supreme Court.
 - *Sainsbury's Supermarkets Ltd v Visa Europe and ors* – appeared (with Mark Brealey QC) in the High Court, Court of Appeal and Supreme Court.
- **Utilita Energy Limited & Anor v PayPoint Plc & Ors**
Acting as lead counsel for Utilita in a £45m claim for damages against PayPoint concerning abuse of a dominant position in breach of the Chapter II prohibition of the Competition Act 1998, pursuant to section 47A of the Competition Act 1998.

- **Secretary of State for Health v Lundbeck: Citalopram Case**
Sole counsel for Resolution Chemicals in a claim by the NHS for very substantial damages for ‘pay for delay’ agreements between the defendants, allegedly to delay the introduction of generic Citalopram into the market.
- **FX Cartel Litigation**
Acted for Deutsche Bank AG (with Laura John KC) in relation to two sets of proceedings concerning claims being brought by a group of claimants who allege a number of other banks manipulated the foreign exchange (FX) markets following the European Commission findings that bank staff coordinated trading across a range of currencies as part of organised cartel activity.
- **(1) Churchill Gowns Limited (2) Student Gowns Limited v (1) Ede & Ravenscroft Limited (2) Radcliffe & Taylor Limited (3) WM. Northam & Company Limited (4) Irish Legal and Academic Limited**
Acted for Churchill Gowns and Student Gowns in a claim for damages concerning abuse of a dominant position in breach of the Chapter II prohibition of the Competition Act 1998, pursuant to section 47A of the Competition Act 1998.
- **Trucks**
Acted for Ryder Limited (with Mark Brealey QC) in the substantial and high-profile private action for damages against the major European Truck manufacturers and distributors involved in a long-running Europe-wide cartel.
- **Chilcott UK Limited; Actavis Holdings UK Limited**
Acted and advised (with Camilla Bingham QC) for defendants in a fraud and breach of warranty claim involving alleged anti-competitive restrictive practices and abuse of dominance in relation to the supply of hydrocortisone tablets.
- **Iiyama Benelux BV and Ors v Koninklijke Philips NV and Ors**
Counsel for the defendants (with Marie Demetriou QC) in a claim for damages for an alleged cartel infringement of EU competition law in the cathode ray tubes industry.
- **Vodafone Group Services Limited and Ors v (1) Infineon Technologies AG and Ors and Koninklijke Philips NV and Ors**
Counsel for Philips (named third party) (with Marie Demetriou QC) in defending a claim for an alleged cartel infringement of EU competition law in the smartphone industry.
- **Toshiba Carrier UK Limited and others v KME Yorkshire Ltd and others**
Counsel for the claimants (with Jon Turner QC) in stand-alone and follow-on claims against a price-fixing cartel for damages for infringement of EU Competition law.
- **Sun Microsystems v Micron Europe**
Advised in relation to claims against members of a price fixing cartel in the sale of Dynamic Random Access Memory.
- **eBay v Beautybay**
Advised on competition law aspects of an exclusive licence agreement to use registered trademarks.
- **Burtons Foods Limited v British Sugar; Burton's Foods Limited v Renshaw Napier; Aimia Foods v British Sugar; Burton's Foods Limited v Mantons**
Counsel for a large food manufacturer in disputes about supply issues arising out of crop shortages and the implementation of new EU Directives.

- **Mutual Services (Portsmouth) Limited v John Paul Marr and Theresa Marr**
Acted for the claimants in proceedings for injunctions and damages, concerning breaches of restrictive covenants and restraints of trade on the sale of a business.
- **Nisa-Today's (Holdings) Limited v Karnal Sekhon t/a Nisa Local**
Acted for the defendant in a private action for breach of statutory duty relating to horizontal collusion in breach of the Chapter I prohibition under UK Competition Law.
- **Emerson Electric Co v Morgan Crucible Company plc [2008] CAT 28; [2008] CAT 8; [2007] CAT 30; [2007] CAT 28**
Acted for the claimants in a follow-on damages action for a cartel infringement of EU Competition law.
- **Provimi Limited v Aventis Animal Nutrition and SA & Ors [2003] EWHC 961 (Comm)**
Acted for the claimant (with Christopher Carr QC) in a complex case developing the private action for damages for breach of EU Competition law and involving the single economic entity doctrine, conflicts of law and jurisdiction in follow-on and stand-alone claims.

Energy and Natural Resources

- **ICC**
Advised the Claimant mining company in relation to possible proceedings including issues of jurisdiction, breach of contract and damages.
- **Jalal Al Gaood and Future Agencies Co v Innospec & David Turner**
Counsel for Innospec (with Jeffery Onions QC) in Commercial Court proceedings concerning a claim for damages based on an alleged unlawful means conspiracy. The case concerned alleged bribery, corruption, conspiracy to injure, and causation in an oil and gas industry trial relating to the sale of petroleum additives in Iraq. Judgment for Innospec.
- **Alchemy Metals Limited v CAV Aerospace Limited**
Sole counsel for the Defendants in a trial concerning the pricing mechanism in a metals supply agreement.
- **LCIA**
Acted for the claimant in an arbitration concerning the interpretation and application of the pricing mechanism and the impact of forward exchange cover.
- **LCIA**
Acted for the Claimant in a mining dispute concerning the sale of a participation interest in a platinum tailings plant.
- **UNCITRAL**
Acted for the Claimant energy data and analytics company in a dispute concerning the breach of a seismic survey contract in the oil & gas industry.

Injunctions and Other Interim Relief

- **Little Wing Films v Corporate Technology Limited**
Acted in relation to a freezing injunction.
- Injunctive relief to prevent an electrical power shutdown to enable maintenance works to take place during peak retail shopping days before to Christmas.

- Specific performance and injunctive relief on a share sale and purchase agreement.
- Relief from injunctive proceedings in Spain restricting operation of an online sports betting business.
- Injunction and damages concerning breaches of restrictive covenants and restraints of trade on the sale of a business.
- Injunctive relief to prevent cancellation of supplies arising out of crop shortages and the implementation of new EU Directives.

IT and Telecommunications

- **Justin Le Patourel -v- (1) BT Group PLC (2) British Telecommunications Plc**
Appearing on behalf 2.3 million BT customers in the high profile £1bn+ collective proceedings, the first opt-out collective action trial.
- Advised in relation to the launch of a new free streaming service and related contractual, regulatory and competition issues.
- **ICC Arbitration**
Acted for the Claimant telecommunications company in a substantial dispute arising out of a software supply and servicing agreement with a US software supplier.
- **Vodafone Group Services Limited and Ors v (1) Infineon Technologies AG and Ors and Koninklijke Philips NV and Ors**
Counsel for Philips (named third party) (with Marie Demetriou QC) in defending a claim for an alleged cartel infringement of EU competition law in the smartphone industry.
- **Sun Microsystems v Micron Europe**
Advised in relation to claims against members of a price fixing cartel in the sale of Dynamic Random Access Memory.
- Advising on provisions in licence agreements intended to prevent rivals from using the owner's software to create a competitive product.

Pharmaceutical Industry

- **Secretary of State for Health v Lundbeck: Citalopram Case**
Sole counsel for Resolution Chemicals, one of the defendants in a claim by the NHS for very substantial damages for 'pay for delay' agreements between the defendants, allegedly to delay the introduction of generic Citalopram into the market.
- **Chilcott UK Limited; Actavis Holdings UK Limited**
Acted and advised (with Camilla Bingham QC) for defendants in a fraud and breach of warranty claim involving alleged anticompetitive restrictive practices and abuse of dominance in relation to the supply of hydrocortisone tablets.
- **Royal Bournemouth & Christchurch Hospitals NHS Foundation Trust**
Advised on structuring an integrated supply chain for the purchase of specified products through a single entity.
- **Provimi Limited v Aventis Animal Nutrition and SA & Ors**

Acted for the claimant (with Christopher Carr QC) in a complex case developing the private action for damages for breach of EU Competition law and involving the single economic entity doctrine, conflicts of law and jurisdiction in follow-on and stand-alone

South African Law

Before being called to the English Bar, Derek was a leading commercial and public law junior at the Johannesburg Bar in South Africa. He acted for and advised large companies, government, NGOs and individuals and appeared in a number of significant cases in the High Courts, Court of Appeal and in the Constitutional Court. He continues to be a member of the Johannesburg Bar with expertise in South African law and his cases include:

- **ICC**
Advised the Claimant mining company in relation to possible proceedings including issues of jurisdiction, breach of contract and damages.
- **AFSA**
Represented the Respondent aerospace industry client in proceedings involving issues of jurisdiction, stay of proceedings, contractual construction, rectification, reciprocity of obligations and VAT under South African law.
- **ICC**
Acted for the Claimant telecommunications company in a substantial dispute arising out of a software supply and servicing agreement with a US software supplier.
- **LCIA**
Acted for the Claimant mining company in a dispute concerning the interpretation and application of the pricing mechanism and the impact of forward exchange cover.
- **LCIA**
Acted for the Claimant in a mining dispute concerning the sale of a participation interest in a platinum tailings plant.
- **Aberdeen International Inc v Simmer & Jack Mines Limited**
Acted for a Toronto-based global resource investment and merchant banking company in a dispute over a loan facility provided to a South African mining company.
- **Telcordia Technologies Inc v Telkom SA Ltd (3) SA 266 (SCA)**
Acted for Telkom in an ICC arbitration and in the High Court and South African Supreme Court of Appeal concerning the review of an arbitral award.

What the Directories Say

'Derek brings huge tactical acumen to any case. Great behind the scenes in advising on the strategy of litigation and simply a superb advocate.' (Legal 500 2025, Commercial Litigation)

"He is really easy to work with and has a lovely advocacy style. He is an excellent cross-examiner." (Chambers UK 2025, Competition)

'Derek is fabulously effective. There is no issue too difficult – he is the quintessential safe pair of hands.' (Legal 500 2025, Competition)

"Derek is measured and very clever, and is also extremely user-friendly. He is a treat for instructing solicitors." (Chambers UK 2024, Competition)

"Derek is excellent in competition law. He is very thorough, diligent, easy to work with and a good team player." (Chambers UK 2024, Competition)

'Derek is very strategic and delivers his advice in a way that is easy for a client to understand.' (Legal 500 2024, Commercial Litigation)

'Cuts to the crux of an issue quickly and skilfully, both in advocacy and in advice to clients. Derek is very strategic, understands his clients' objectives and is enjoyable to work with.' (Legal 500 2024, Competition)

"He has some big cases under his belt. He has attention to detail and is a focused barrister, who is excellent with strategy and excellent in the courtroom." (Chambers UK 2023, Competition)

'Derek is a wonderful team player. He has a calm and ordered advocacy style, and really comes into his strength on cross-examination.' (Legal 500 2023, Commercial Litigation)

'Derek is a consummate professional and a very experienced competition senior junior. He is very easy to work with and always on top of the material with a tactical nous to boot.' (Legal 500 2023, Competition)

Awards



Contact Clerks



Jackie Ginty

First Deputy Senior Clerk

+44 (0)20 7520 4608

jginty@oeclaw.co.uk



Adam Wheeler

Clerk Team Leader

+44 (0)20 7520 4616

awheeler@oeclaw.co.uk

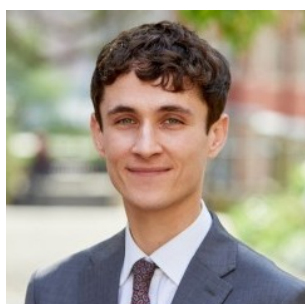


Jordan Foley

Team Leader's Assistant

+44 (0) 20 7520 4613

jfoley@oeclaw.co.uk



Max Tonkinson

Clerk

+44 (0)20 7520 4695

mtonkinson@oeclaw.co.uk