

Jaqueline Julyan S.C.

YEAR OF CALL: 1986



Jaqueline has an international family practice and is an expert in the field. She is also a skilled practitioner in all aspect of domestic and child matters. Jaqueline is ranked in The Legal 500.

Overview

A graduate of Stellenbosch and Cambridge Universities, Jaqueline was called to the South African Bar in 1986 and took silk in South Africa in 2004. She was called to the Bar of England and Wales in July 2009. In South Africa Jaqueline has sat as an Acting Judge of the High Court.

Jacqueline is the joint head of the Family Team at 5 St Andrew's Hill.

Jaqueline is ranked in The Legal 500 for Children Law (Public and Private law):

‘ A very competent advocate who has a real fighting spirit. She stands no-nonsense but is able to bring judges and other advocates alongside nevertheless. ’

The Legal 500 2022.

Jaqueline has an international family practice and is an expert in the field. Such is Jaqueline’s knowledge; that she is often called upon to provide expert reports to international courts on international family law. Jaqueline is astute and has an eye for the fine detail, particularly in complex financial matters. Jaqueline is a skilled practitioner in all aspects of international and domestic family and child matters. She has been instructed in all matters from international child abduction, child relocation and forced marriages, public law and children (care), jurisdictional issues, private law children’s arrangements and child support, spousal maintenance, and financial remedies, adoptions and surrogacy. She has experience in nuptial agreements and complex financial arrangements involving foreign assets and third parties.

Additional Information

Direct Public Access:

Jaqueline accepts direct public access instructions.

Jaqueline is also an advocacy trainer, and was part the faculty of coaches for the Australian Bar Association’s advanced advocacy course (Melbourne, January 2011). Jaqueline combines energy and intellectual rigour with a practical appreciation of what is required in any given case.

Adding to Jaqueline’s commitment to her international family practice, Jaqueline is a long-standing member of the International Bar Association (IBA) and is immediate past Chair of its Family Law Committee, and currently a member of the Human Trafficking Task Force. In this capacity, she assists in the organisation and management of international conferences, where the input of lawyers from different jurisdictional backgrounds is of mutual benefit. She is a member of the International Society of Family Law (ISFL) and the Family Law Bar association (FLBA).

Judicial Appointments

Acting Judge in the High Court in South Africa.

Professional Memberships

International Bar Association (IBA).

International Society of Family Law (ISFL).

Family Law Bar association (FLBA).

Family, Children & International Family

Child & Family

Jaqueline practises in all areas of Family Law, from money matters to private and public law children cases. She is instructed in child abduction, child relocation, child arrangement matters, child maintenance and Schedule 1 applications. In respect of children cases, her practice covers both public and private law children matters, and also child abduction, child relocation, adoption and surrogacy. In public law matters she has acted for Local Authorities, parents, grandparents and extended family members, and children's guardians. She is often asked to advise on jurisdictional issues in cases with an international element, both in the private and public law sphere.

International Family Law

Jaqueline has extensive international experience, not only being qualified and practising in South Africa and England and Wales, but also acting in many cases with an international dimension. Such cases range from children's matters to financial matters. She has often appeared in Child Abduction cases, and relocation matters. Expert opinions for foreign courts and domestic courts are often required, and her reports have been accepted in various courts worldwide, from Sydney Australia, to Stockholm, Sweden. Her reports on South African law have frequently been used in the courts of England and Wales.

Family Finance and Divorce

On money matters, she acts in cases involving moderate to substantial assets, trusts, asset-tracing exercises, interveners in money and property cases, freezing injunctions, bankruptcy and divorce and TOLATA. Jaqueline has experience in nuptial agreements, both pre-nuptial and post-nuptial. She also has particular experience of seeking and identifying assets on divorce, whether they are held by the separating couple, third parties or trusts. Many of these cases have an international dimension. She has vast experience in dealing with the forensic evaluation of estates, and understanding the reports of forensic accountants.

Forced Marriage Protection Orders

Jaqueline has acted in many Forced Marriage Protection cases, both in seeking such orders, and in opposing them. She has particular experience of matters where the marriage is to be in Pakistan, and the procedure offered by the Pakistan protocol.

Court of Protection

Jaqueline has advised on Court of protection proceedings such as matters involving vulnerable adults and children requiring medical treatment.

Cases of Note

SUPREME COURT OF APPEAL ONLY

Penello v Penello (Chief Family Advocate as amicus curiae) 2004 (3) SA 117 (SCA)

Article 13(b) defence of Hague Convention on international child abduction.

Odgers v De Gersigny 2007(2) SA 305 (SCA)

Spousal maintenance post divorce

De Gree v Webb [2007] SCA 87 (RSA)

Inter-country adoption

Oshry v Feldman (401/09) [2010] ZASCA 95 (19 August 2010)

Spousal maintenance on dissolution of marriage by death

Singh v BMW Financial Services (546/2009) [2010] ZASCA 121 (30 September 2010)

Contractual claim as to whether goods delivered were as described in written contract

Cassimjee v Minister of Finance (455/11) [2012] ZASCA 101 (1 June 2012)

Civil litigation – delay in prosecuting claim

B v B (700/2013) [2014] ZASCA 137 (25 September 2014)

Divorce and financial remedies where a prenuptial agreement exists

KLVC v SDI (20334/2014) [2014] ZASCA 222 (12 December 2014)

International child abduction and parental responsibilities of an unmarried father

Please note that Jaqueline has appeared in several important cases in the Court of Appeal and Courts of first instance in South Africa. The cases referred to in this list above, are only the cases in the Supreme Court of Appeal of South Africa.