

Antonio Bueno KC



Antonio Bueno KC`s principal areas of practice, in which he is widely experienced, are in the fields of domestic and international banking (guarantees, cheques and negotiable instruments, banker/customer relationships, letters of credit, performance bonds etc.), and of general commercial law, with particular emphasis on international trade, finance, contract disputes and commercial fraud (including pre-emptive remedies, asset tracing and restitutionary claims). His practice is broadly based and he has also acted on a wide variety of other matters, including professional negligence, company winding-up and receivership, the issue of letters of request/overseas confidentiality laws and, most recently, asbestos-related industrial injury (acting for British Shipbuilders) at first instance as well as at appellate level. He has represented, and acted against, major UK and overseas banks, and commercial institutions.

Whilst his principal place of practice is in England, he has worked extensively in other jurisdictions, including the Cayman Islands, Turks and Caicos Islands, Bahamas, Spain, Gibraltar, Tonga, Hong Kong, Singapore, USA, Sri Lanka, Channel Islands, Ireland and Australia. He has been admitted to local Bars in several of these jurisdictions, either permanently or for particular matters. He has been specially admitted on many occasions in the Cayman Islands for particular matters.

In commercial arbitration, his experience, both as an arbitrator and as an advocate, has included banking, general commercial, aviation and construction disputes, most recently in Bermuda.. He was also a member of a Football Association arbitral tribunal concerned with a dispute between a professional footballer and his agent.

He is also a qualified Mediator.

He is fluent in Spanish.

Appointments – Bencher of Middle Temple. Assistant Recorder (1984 -1989), Recorder (1989 -1992), a Chairman of the former SFA Financial Services Disciplinary Tribunal

Leisure: Fishing and shooting. **Clubs:** MCC, Kildare Street (Dublin).

Major Cases

The principal reported cases in which he has been involved include the following:



Year of Call: 1964, KC 1989

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- IEG v. Zurich Insurance Ltd [2013] EWCA (construction of E.L. policy in connection with liability for mesothelioma, application of equitable doctrines to insurance). Appeal by insurers to Supreme Court pending.
- Marconi Communications International Ltd v. Pt Pan Indonesia Bank TBK [2004] EWCH 129 (comm.); [2004] 1 Lloyd's Rep 594; judgment affirmed by CA, [2005] EWCA Civ. 422. (Governing law of letter of credit; Rome Convention; service out of jurisdiction pursuant to CPR Pt. 6).
- Grieves v. FT Everard & Sons Ltd. & others [2005] EWHC 88. (Asbestos-related industrial disease. Whether pleural plaques constitute compensatable personal injury. Proper measure damages for such a condition).
- Hagen & ors v. ICI Chemicals and Polymers Ltd & anor [2002] Lloyd's Rep PN 288. (Employment/TUPE/negligent misstatement by transferor employer to employees/ reliance/measure of damages.)
- The Hon Society of the Middle Temple v. Lloyds Bank plc & anor [1999] Lloyd's Rep Bank. 50 (Collection of `account payee` cheque by overseas bank on behalf of UK bank. Whether UK bank had statutory defence to claim in conversion.)
- Turkiye Is Bankasi AS v. Bank of China [1998] 1 Lloyd's Rep 250 (Court of Appeal. Right to call on back-to-back performance guarantee.)
R v. Rhone Poulenc Rore Ltd [1996] ICR 1054 (Court of Appeal. Represented Health & Safety Executive. Construction of statutory regulations relating to health and safety at work.)
- The Standard Steamship Owners' Protection and Indemnity Association (Bermuda) Ltd v. Gann [1992] 2 Lloyd's Rep 528 (Marine insurance, P&I risks. Application to set aside service of proceedings, on grounds of forum non conveniens.)
- Gur Corpn. v. Trust Bank of Africa Ltd and The Government of the Republic of Ciskei [1986] 2 Lloyd's Rep 451 (Locus standi of Republic of Ciskei in relation to a contract with plaintiff. Private international law.)
- S.N. Kurkjian (Commodity Brokers) Ltd v. Marketing Exchange for Africa [1986] 2 Lloyd's Rep 614 (Sale of goods (cif) – challenge to arbitration award.)
- Regina v. Registrar of Companies, ex parte Esal (Commodities) Ltd [1985] 2 WLR 447 (Validity of registration of company charge by Registrar.)
- Gamlen Chemical Co (UK) Ltd v. Rochem Ltd [1980] 1 WLR 614 (Court of Appeal. The right of a solicitor to exercise a lien over client's papers in litigation matter.)



- Korea Exchange Bank v. Debenhams (Central Buying) Ltd [1979] 1 Lloyd's Rep 548 (Court of Appeal. Construction of an instrument claimed to be a bill of exchange.)

He has appeared in the Privy Council, in both civil and criminal matters. Various important cases in which he has acted have also been reported in the Cayman Islands Law Reports. In the Cayman Islands he has acted on a wide variety of matters, including major frauds and money laundering. The matters on which he has acted included claims for asset tracing by receivers of various companies which were connected to the liquidation of BCCI; a derivative action brought by a beneficial owner of shares as opposed to his nominee; (Svanstrom & ors v. Jonasson [1997] CILR 192); a letter of request issued by a tribunal of inquiry in Ireland; an application under confidential relationships (preservation) legislation in relation to disclosure of banking information to Irish inspectors appointed to enquire into accounts operated by a Cayman bank; and an action for malicious prosecution/abuse of process of unsuccessful civil fraud claim.

Publications and lectures

Assistant Editor of Paget's Law of Banking (9th Edn.),
Joint Editor of Atkin's Court Forms (Banking) (5th Edn.),
Joint Editor of Byles of Bills of Exchange (26th Edn.).

He has lectured on performance bonds/guarantees, standby letters of credit and on other commercial topics, to legal and other professionals in Kuala Lumpur, Singapore and Lucerne.

Further information

Qualifications

- Called to the Bar 1964, appointed KC in 1989.

