



ANTONY WHITE QC

ARBITRATION CV

MAIN AREAS OF PRACTICE:

Arbitration

Commercial and Corporate Law
Employment Law
Human Rights Law
International Law
Media and Information Law
Public Law

Called to the Bar 1983 (England & Wales)

Appointed to Silk 2001

Called to the Bar 2016 (Northern Ireland)

CONTACT:

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Antony combines an intellectual approach with a relaxed and user-friendly manner.

In the commercial field, his most recent cases have included anti-suit injunctions, arbitration claims, fraud and asset tracing, conflicts of laws and jurisdiction, commercial agency, foreign government guarantees, and new technology disputes. He is involved in an increasing number of heavy international arbitrations, both commercial and ICSID. In relation to ICSID arbitrations he has advised both states and investors. Current arbitrations include a substantial ICSID arbitration against the Republic of Kazakhstan, and joint venture, financial, energy and hospitality disputes arising in the USA, India, the Middle East and Africa.

In employment law, Antony has extensive experience of contractual and statutory disputes, with particular emphasis on public sector and trade union cases. He has considerable experience in discrimination and equal pay cases. He has conducted a number of non-statutory enquiries for trade unions.

In public law, he has advised and appeared in many judicial review cases, including the recent challenge to the online infringement of copyright provisions of the Digital Economy Act 2010. He has advised and appeared in statutory and non-statutory enquiries, for and against public authorities. In the area of media and information law, Antony has handled defamation and breach of confidence cases, and has a special interest and expertise in the developing law of privacy. He is also knowledgeable about data protection and freedom of information law.

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DIRECTORIES' RECOMMENDATIONS

HERE'S WHAT THEY SAY:

Chambers & Partners recommends Antony White QC in Commercial Dispute Resolution ("He's a heavyweight commercial and human rights silk, and a superb advocate who can forensically pull apart the other side's position."); Data Protection ("Very erudite, and when you want a solution to a problem, and a clever argument, he will find a way."); Defamation & Privacy ("An extremely good lawyer, who is absolutely at the tip-top of his trade." "He's extremely knowledgeable and has in-depth understanding of privacy law."); and Employment ("Stands out for his creativity and lateral thinking.")

Legal 500 recommends Antony in Commercial Litigation ("A hard working and bright silk who is extremely user friendly"), ("Highly experienced in setting out efficient strategies for handling major complex disputes."); Defamation and Privacy ("An amazing advocate"); Employment ("Able to turn his hand to any employment matter"); and International Arbitration ("One of the best all-round barristers").

RECENT ARBITRATIONS INCLUDE

- A substantial ICSID arbitration against the Republic of Kazakhstan.
- A US\$70m commodities trading/derivatives arbitration involving European and Indian parties.
- A US\$120m energy arbitration under ICC Rules involving US and African parties.
- A US\$90m energy arbitration under ICC Rules involving Costa Rican and African parties.
- A US\$ 2m banking arbitration under LCIA Rules involving US and Indian parties.
- A US\$ 12m oil industry arbitration involving Middle Eastern parties.

NOTABLE CASES

Commercial Law

- Dowans Holdings SA v Tanzania Electricity Supply Corp [2011] 2 Lloyds Rep 475**
Enforcement of NY Convention arbitration award subject to challenge under law of the seat.
- AES Ust Kamenogorsk v Ust Kamenogorsk JSC [2011] 2 Lloyds Rep 233**
Arbitration anti-suit injunction and declaratory relief; recognition of foreign judgments; submission to the jurisdiction of foreign courts.
- Internet Broadcasting Corporation v Mar LLC [2009] 2 Lloyds Rep 295**
Construction of exemption clauses
- Barlow Clowes (In liquidation) v Henwood [2008] BPIR 778**
Commercial fraud, insolvency, domicile
- Film Finance Inc v Royal Bank of Scotland [2007] 1 Lloyds Rep 382**
Construction of arbitration clauses
- Republic of Pakistan v Zardari [2006] 2CLC 667**
Conflict of laws; constructive trusts
- Marubeni Hong Kong and South China Ltd v The Mongolian Government (No.2) [2005] 2 Lloyds Reports 231**
Performance bonds; discharge of foreign government guarantee under rule in Holme v Brunskill
- Arab National Bank v El Abdali [2005] 1 Lloyds Rep 541**
Jurisdiction of English Court over fraudulently obtained foreign arbitration award
- Tigana Ltd v Decoro Ltd [2003] EU LR 189**
Commercial agents' regulations
- Marubeni Hong Kong and South China Ltd v The Mongolian Government [2002] 2 All ER (Comm) 873**
Foreign government guarantee, conflict of laws, test for validity of English jurisdiction clause where guarantee alleged to be ultra vires, forum non conveniens
- Chellaram v Chellaram [2002] 3 All ER 17**
Conflict of laws; jurisdiction of English court under Brussels Convention Article 5(6) and CPR 6.20 in relation to foreign trusts; forum non conveniens
- Fyffes Group Ltd v Templeman [2000] 2 Lloyds Reports 643 QBD (Comm. Ct)**
Equitable remedies for bribery

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Re Migration Services International Ltd [2000] 1 BCLC 666 Ch.Div.
Directors disqualification - impact of Section 216 Insolvency Act 1986

Jyske Bank (Gibraltar) Ltd v Spjeldnaes and Ors [1999] 2 BCLC 101
(section 423 Insolvency Act 1986 and the Brussels Convention) and [1999] Lloyds Rep. (Banking) 511 dishonest assistance in breach of fiduciary duty

Python (Monty) Pictures Ltd v Paragon Entertainment Corporation [1998] EMLR 640

Assignment of contracts - side letters

Padmanor Investments Ltd v Soundcraft Electronics Ltd [1995] 4 All ER 683

Effect of offers to compromise in three-party litigation

Attorney-General for Hong Kong v Reid [1994] AC 324 PC

Proprietary remedies of principal against bribed fiduciary

Sonangol UEE v Lundqvist [1991] 2 QB 310 CA

\$100 million international commercial fraud relating to oil trading. Worldwide mareva injunctions. Privilege against self-incrimination

R v Cross [1990] 91 Cr. App. R 115 CA

Insider dealing prosecution

Attorney General's Reference (No.1 of 1988) [1989] AC 971 HL

Insider dealing

Allied Arab Bank v Hajjar (No.2) [1988] QB 944

Major International banking/commercial fraud

Employment Law

In the matter of Horan [2011] Eq LR 473

Disability discrimination; reasonable adjustments for disabled advocate.

Gibb v Maidstone etc NHS Trust [2010] IRLR 786 CA

Validity of "irrationally generous" public sector termination package

Buckland v Bournemouth University [2010] 3 WLR 1664 CA

Repudiatory breach cannot be cured; test of reasonableness in unfair dismissal

Armstrong v Newcastle etc NHS Trust [2010] ICR 674 EAT

Equal pay - market forces GMF

Hovell v Ashford and St Peters NHS Trust [2009] IRLR 734 CA

Equal pay; proof of equal value

Brennan v Sunderland City Council [2009] ICR 479 EAT

Waiver of legal professional privilege in collective bargaining

Nicholls v. Coventry City Council [2009] IRLR 345 EAT

Equal pay; GMF defences

R (Marrion) v. Secretary of State [2009] CA

Firefighters' Pension Scheme

Brennan v. UNISON [2008] ICR 955

Sex discrimination; collective agreements

Walton Centre NHS Trust v. Bewley [2008] ICR 1047

Equal pay; hypothetical comparator

Crowson Fabrics Ltd v Rider [2008] IRLR 288

Employee competition, confidential information, database right

Cooper v Isle of Wight College [2008] IRLR 124

Deduction of pay in response to strike action

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Wetherill v Birmingham City Council [2007] 1RLR 781 CA

Unilateral variation of contracts of employment

Dunnachie v Kingston-upon-Hull City Council [2005] IAC 226 HL

Compensation for injury to feelings or psychiatric injury in unfair dismissal proceedings

Igen Ltd v Wong [2005] ICR 931 CA

Burden of proof in discrimination cases

Murphy v Slough Borough Council [2005] ICR 721 CA

DDA claims by teacher employed at school with delegated budget

Beart v HM Prison Service (No.2) [2005] ICR 1206 CA

DDA and unfair dismissal claims; causation

Crossley v Faithfull & Gould Holdings Ltd [2004] ICR 1615 CA

Employer's duty to safeguard economic well-being of employees

Dunnachie v Kingston-upon-Hull City Council (No.3) [2004] ICR 227

Use of 'Ogden Tables' to calculate unfair dismissal compensation

R (Arthurworry) v London Borough of Haringey [2002] ICR 279

Employer's duty of trust and confidence; disciplinary proceedings in advance of public inquiry

Midland Mainline Ltd v RMT [2001] IRLR 813 CA

Industrial action - balloting requirements

DTI v First Point International Ltd The Times 24 August 1999. Div Ct

Employment Agencies - lawfulness of appraisal for work overseas

McVitae v UNISON [1996] IRLR 33

Disciplinary proceedings against trade union members following amalgamation of unions

Bamsley MBC v Prest [1996] ICR 85 EAT

Redundancy payments

Harrison v Kent County Council [1995] ICR 434 EAT

Refusal of employment because of past trade union activities

Sunderland Polytechnic v Evans [1993] ICR 392 EAT Wages Act

Deductions in response to industrial action

Johnstone v Bloomsbury Health Authority [1992] QB 333 CA

Hours of work of junior doctors; impact of UCTA on contracts of employment

Deebank v West Midlands Residuary Body [1990] ICR 349 CA

Continuity of service in Local Government

London Borough of Tower Hamlets v Rabin [1989] ICR 693 EAT

Race discrimination: Sabbath observance by Orthodox Jew

Logan-Salton v Durham County Council [1989] IRLR 99 EAT

Consensual termination of employment contracts

Miles v Wakefield DC [1987] AC 539 HL

Employers' right to deduct pay in response to industrial action

Public Law and Local Government Law

R (British Telecommunications plc and TalkTalk Group) v Secretary of State [2011] EWHC 1021 (Admin)

Challenge to the compatibility of the on-line infringement of copyright provisions of the Digital Economy Act 2010 with EC law.

R v Lord Chancellor ex parte Lightfoot [2000] QB 597 CA

Validity of delegated legislation abrogating common law and Article 6 ECHR rights of access to the Courts

Shine v UKCC Independent 18 October 1999. Div Ct
Right of appeal under section 12 of the Nurses Midwives and Health Visitors Act 1997 where a nurse is cautioned for misconduct

R v Mayor, Commonalty and Citizens of the City of London ex parte Matson [1997] 1 WLR 765 CA
Duty to give reasons for rejecting Alderman elect in City election

R v Secretary of State for Education ex parte C [1996] ELR 93
Gifted child/special education needs

R v Sheffield HBRB ex parte Smith (1994) 28 HLR 36
Test for commercial tenancy under Housing Benefit Regulations

R v Kirklees MBC ex parte C [1993] 2 FLR 187 CA
Detention of child in adult mental hospital outside Mental Health Act 1983

R v Greenwich London Borough Council ex parte Lovelace and Fay (No.2) [1992] QB 155 CA
Local authorities' rights against the Legal Aid Board

R v Manchester Crown Court ex parte Killin The Times 31 October 1991; [1992] COD 23
Abuse of process in criminal proceedings

R v Merseyside Police Authority ex parte Alison Halford (Nos.1&2) (1991 and 1992 - unreported)
Judicial review of Police Authority decisions by highest-ranking woman police officer

R v Greenwich London Borough Council ex parte Lovelace and Fay [1991] 1 WLR 506; CA
Councillor's rights and duties to vote in accordance with conscience

R v Derbyshire County Council ex parte Times Supplements Limited [1991] 3 Admin LR 241; DC
Improperly-motivated local authority decision-making

R v Derbyshire County Council ex parte Noble [1990] ICR 808; CA
Public/private law distinction in judicial review

R v Secretary of State for Education ex parte Hardy The Times, 28 July 1988; [1989] COD 186; DC
School closures

Coin Street Community Builders v London Borough of Barking and Dagenham The Times, 20 July 1988; CA
Local government re-organisation in London

Attorney-General v Observer Limited [1988] 1 All ER 385
Effect of 'Spycatcher' injunction on library authorities

R v Secretary of State for Home Department ex parte Herbage [1987] QB 872
Availability of injunctive relief against the Crown in judicial review

Short v London Borough of Tower Hamlets [1985] 18 HLR 171 CA
Consultation duties under the Housing Act 1985

Media and Information Law

Davison v Google Inc (2011)
Liability of information society service providing blog platform for defamatory postings by blogger.

Twentieth Century Fox v BT (2011)
Injunction against internet service provider under s.97A CDPA 1988

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R (BT and TalkTalk) v Secretary of State (2011)

Compatibility of online infringement of copyright provisions of the Digital Economy Act 2010 with EU law.

Imerman v Tchenguiz [2011] 2 WLR 592 CA

Privacy in computerized information; breach of confidence; relevance of "Hildebrand" rules

A v Independent News and Media [2010] 1 WLR 2262 CA

Media rights of access to Court of Protection; media rights to receive information under Art 10

Metropolitan International Schools v Google [2009] EMLR 27 [2011] 1 WLR 1743

Liability of search engine for libel

Author of a blog v Times Newspapers Ltd [2009] EMLR 22

Privacy - anonymous bloggers identity

Harrods Limited v Times Newspapers Ltd [2006] EMLR 13

Breach of confidence; public interest defence; disclosure

Naomi Campbell v MGD Ltd [2004] 2 AC 457 HL

Privacy / breach of confidence/ data protection

Sara Cox v MGN Ltd [2003]

Privacy

Marco Pierre White v New York Times (2000 - unreported)

Defences of volenti and contributory negligence in libel proceedings

Cherie Blair v Associated Newspapers plc [2000] QBD

Privacy

Keen v Dow Jones (1999 - unreported)

Claimant's right to make statement in open Court after accepting 'commercial' payment into Court in contested action - impact of Articles 6 and 10 of ECHR

HRH Princess of Wales v Taylor (comprised early 1995)

Appeared for gym owner throughout this novel litigation relating to the developing law of privacy

ITP v BBC Enterprise and Others Copyright Tribunal (Feb 1992 - unreported)

Major copyright litigation under Schedule 17 of the Broadcasting Act 1990 relating to television and radio listings. Appeared for Time Out and Hello Magazine

Bookbinder v Tebbit (No. 2) [1992] 1 WLR 217

Public interest immunity in relation to District Audit Service Reports in libel proceedings

Derbyshire County Council v Times Newspapers Ltd [1992] QB 770 CA

Impact of Article 10 ECHR on English libel law - right of local authority to sue in libel

Constitutional and Commonwealth Cases in the Privy Council

A.G. for Trinidad & Tobago v Whiteman [1992] 2 AC 240

Constitutional rights of arrested suspects

Administrator General for Jamaica v Exley Ho. (1992 - unreported)

Jamaica - practice in relation to res judicata and issue estoppel

Harewood v Retese [1990] 1 WLR 333

Admissibility of extrinsic evidence in contracts for sale of land

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Baird v Baird [1990] 2 AC 548

Nomination of beneficiary under company pension scheme

Crampad International Marketing Company v Thomas [1989] 1 WLR 242

Jamaican landlord and tenant legislation

Gordon v Chokolingo (July 1988 - unreported)

Law of libel in Trinidad and Tobago

Dookoo v AG for Trinidad & Tobago [1986] AC 63

Constitutional propriety of continuation in office of Chief Justice after retirement age

Other Cases

Re a Debtor (No. 490-SD-1991) [1992] 1 WLR 507

Setting aside of Statutory Demand in case of partly disputed debt

Harrison v Tew [1990] 2 AC 523 HL

Taxation of solicitor's bills

Mount Carmel Investments Limited v Peter Thurlow Limited [1998] 1 WLR 1078 CA

Limitation of actions

R v Governor of Pentonville Prison ex parte Herbage (No. 3) [1986] 84 Cr

App R 149

Extradition

PUBLICATIONS

Privacy and Trade Unions sections, Bullen & Leake & Jacobs Precedents of Pleadings, 16th edition (Sweet and Maxwell, 2007)

Administrative Law chapter of Civil Appeals edited by Sir Michael Burton Co-author, Privacy and The Media - The Developing Law (Matrix, 2002)

Contributor to The Freedom of Information Handbook, Ed. Carey

Contributor to Enforcing Contracts in Transition Economies (EBRD/BIICL, 2005)

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