



Alison Fagan

Partner

Manchester

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Alison Fagan provides contractual, practical, operational and risk management advice on distressed, high value or strategically critical infrastructure projects.

Alison regularly acts for procuring authorities, private sector partners, secondary market investors, project funders and delivery contractors. She has a wide perspective in the sector which can be utilised when advising parties within complex contractual chains.

Alison is known to provide clear, commercial and direct advice to clients to allow them to achieve their objectives in a strategic and cost effective manner on complex, long term concession projects.

EXPERIENCE

- Acting on a series of disputes arising during the construction phase of a large, acute hospital Project for a multi-investor SPV client. Disputes related to significant construction failings and defects (including fire and pipework systems), issues of contractual interpretation (including deductions and the operation of the payment mechanism), service issues and termination strategy. The matter was resolved through a complex mediation and returned to steady operational state
- Acting for a Funding Consortium in an advisory capacity on a distressed Project which was subject to termination risk. Throughout various interlocutory proceedings and dispute resolution processes, assistance was provided to the consortium on risk and dispute management strategies, in assessing portfolio risk levels, in developing abatement strategies and long term viability studies until the end of the proceedings
- Advising a multi-party SPV client on a large High Court Trial (Technology and Construction Division) arising as a result of construction failings and maintenance issues which gave rise to substantive deductions consequences
- Acting for a North West NHS Trust in disputes resolved through adjudication and ad-hoc arbitration arising from the construction/engineering phase of a major hospital refurbishment/rebuilding PFI project
- Advising a UK Local Government Authority in respect of a multiple disputes arising on a large Building Schools for the Future Project. Disputes included Compensation Event claims, delay and defect claims, payment mechanism claims and political funding strategy

RELATED SERVICES

- Litigation, Arbitration and Investigations
- Projects, Energy and Infrastructure

RELATED SECTORS

- Energy and Natural Resources
- Government Contracting
- Life Sciences
- Real Estate

CREDENTIALS

Professional Qualifications

- Solicitor of the Senior Courts of England and Wales

Recognitions

Alison was shortlisted for the Associate of the Year Award at the Building and Engineering Women in Construction Awards, the Manchester Legal Awards and the Pro Manchester "Made in Manchester" Awards. Alison was also invited to sit as an independent member of the High Court (Technology and Construction Division) Users Committee by the Judge In Charge.

Alison is regularly mentioned in the directories as a "strong litigator" (Chambers) and is construed to be "strategic, direct, personal and knowledgeable" (Legal 500). She is "extremely reliable and dependable" (Legal 500).

Education

- Lancaster University, Law LLB (Hons)

INSIGHTS

Publications

PPP projects in Latin America: resolving disputes through investor-state arbitration

18 DEC 2018

Investors in public-private partnership projects in Latin America may be able to settle disputes around the projects via investor-state arbitration.

APPs en América Latina: resolución de disputas a través de arbitraje inversor-estado

18 DEC 2018

Medidas de protección de la inversión pueden encontrarse en los contratos de APP, pero también en el derecho internacional.

- APPs en América Latina: resolución de disputas a través de arbitraje inversor-estado, 18 Dec 2018
- PPP projects in Latin America: resolving disputes through investor-state arbitration, 18 Dec 2018

Events

- Infrastructure Finance for a Global Britain, 5 Jun 2019