



Edward Foyle

Partner

efoyle@fenwickelliott.com

Edward specialises in the resolution of disputes arising from construction and infrastructure projects around the world in areas such as offshore wind, renewables, the power sector, offshore oil and gas, aviation and port developments. Edward has experience of all major forms of dispute resolution, including TCC Court proceedings, arbitration under the major institutional rules in Europe and Asia (including the LCIA, ICC, SIAC, HKIAC and UNCITRAL rules), adjudication, DAB proceedings, mediation and proceedings in the DIFC courts. Edward has particular experience of advising on projects based in Europe, the Middle East and Asia, having worked in Singapore from 2013–2015.

In 2020, Edward was recognised as a 'Future Star' for Complex Disputes by Financier Worldwide.

Edward speaks Spanish and Portuguese.

Specialist expertise

Examples of Edward's expertise include:

- acting for a theme park owner in HKIAC arbitration proceedings against its lead consultant relating to the development of a waterpark. The issues in dispute included the lead consultant's claims for payment for alleged additional works and the owner's counterclaim for additional costs arising out of the lead consultant's design and costs arising from delays to the opening of the waterpark;
- acting for an international engineering company in a multi billion USD ICC arbitration regarding the performance of its services as project and construction manager of a new build international airport in the Middle East under a contract governed by Qatari law;
- acting for a main contractor in initial LCIA proceedings brought against its employer and later bifurcated court proceedings brought against its subcontractor, a Chinese state owned entity. The disputes related to defective works and delay issues arising out of the construction of an offshore wind farm and the extent to which the ability to recover costs from the subcontractor had been waived;
- representing a subcontractor in FIDIC Dispute Adjudication Board proceedings relating to the terms of a settlement agreement and its recovery of further costs incurred on the project;
- advising the main contractor of an interconnector project in relation to its subcontractor's alleged entitlement to an extension of time and on-going performance issues;

- acting for the EPC contractor of a thermal waste to energy plant in a series of adjudications (followed by two arbitrations under the LCIA Rules) regarding a subcontractor's alleged entitlement to approximately £12m for additional works, prolongation and disruption or acceleration costs under two separate subcontracts;
- jointly advising a Spanish engineering company and its insurers in relation to disputes concerning a series of alleged defects in the design of a major bridge in the UK and multi party mediation proceedings in relation to the same;
- acting for the owner of student accommodation facilities in an adjudication proceedings against its design and build contractor relating to defects in the flooring of the facilities;
- acting for an apart-hotel owner in final account adjudication proceedings brought by its main contractor;
- acting for a leading engineering company in its claim against a UK public body in respect of the wrongful award of a high profile contract to a rival bidder;
- advising a real estate developer in respect of a luxury residential development in central London, including advising on various contractors' potential liabilities for delay issues and their entitlement to further payment. In addition, defending a claim brought by the Project and Development Manager for entitlement to payment in respect of allegedly additional works;
- acting for a Singapore based offshore contractor in ad hoc arbitration proceedings brought against its consortium partner in respect of the design of an offshore process platform in the Indian Ocean. Defeating a challenge to the Tribunal's jurisdiction based on alleged non-compliance with the contract's multi-tiered dispute resolution clause;
- advising a Japanese contractor in relation to performance issues arising on steam turbines installed in two combined cycle power units owned by a Singapore based consortium;
- representing a global investment fund in LCIA proceedings relating to its alleged breach of a share subscription agreement;
- representing a south east Asian government in three investment treaty claims brought against it.

Other activities:

- Edward has appeared as an advocate, on a pro bono basis, on behalf of servicemen claiming compensation for injuries caused in service before the Armed Forces Compensation Chamber First Tier Tribunal.
- Edward is a member of the Society of Construction Law.