

# Tanfield Chambers

## Phillip Alier

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## Areas of Practice

Business & Commercial  
Property  
Public Access  
International Dispute Resolution

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## Career

1990 Called to the Bar  
2004 Admitted to the Bar in the State of New York as a Foreign Legal Consultant  
2006 Admitted to the Roll of Advocates in the High Court of Uganda  
2007 Registered as advocate of the Dubai International Financial Centre Court

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## Profile

### Advocate

Phillip's work covers a wide range of industrial commercial contractual disputes including supply and distribution agreements, sale and supply of goods agreements, structured finance and investment disputes, property disputes, shareholder disputes and commercial arbitration. Much of his work has an international element with a geographic emphasis on Africa, USA and UAE. He is admitted as Foreign Legal Consultant in the State of New York, as an advocate of the Dubai International Financial Court and as an advocate of the High Court of Uganda.

In England, he appears regularly in the High Court as well as before arbitral tribunals. He is standing Counsel in England to CNH UK Limited the maker of New Holland construction and agricultural equipment - CNH (a subsidiary of the FIAT SpA). He accepts instructions direct (without a solicitor) from lay and professional clients under the Direct Public Access Rules.

### Mediator

He is a mediator accredited by the Chartered Institute of Arbitrators; he acts as a mediator and offers mediation to his clients as an alternative means of dispute resolution. He is on the Panel at the Centre for Justice.

### Arbitrator

He is a Fellow of the Chartered Institute of Arbitrators, a Chartered Arbitrator and accepts appointments as an arbitrator. He is on the Chartered Institute of Arbitrators UK Panel and the Institute's Kenya Branch Panel.

### Expert Witness

Phillip acts as an expert witness on the commercial laws of Kenya, Uganda and Tanzania and the Dubai International Financial Centre.

### Memberships

Phillip is a member of COMBAR, Chancery Bar Association, Property Bar Association, British Institute of International and Comparative Law, London Court of International Arbitration, the International Bar Association, the American Bar Association, the Uganda Law Society and the East African Law Society.

## Experience

Acting for industrial manufacturer against regional partner in claims for breach of contract, negligence and misrepresentation.

Acting for industrial manufacturer in the Companies Court in a claim for rectification of a legal charge for the enforcement of security against large regional partner in receivership and in liquidation.

Acting for industrial manufacturer to protect its exposure in the course of the receivership of regional partner with debts to client.

Acting for West African Managing Director and minority shareholders in a dispute with institutional investors in an African investment fund on a loan syndication agreement.

Acting for East African based call centre to recover contract price of telephony services from US client.

Acting for African UK based property agent in the High Court in dispute against East African Government concerning London property.

Acting for property developer in dispute against company landlords concerning residential property development.

Advising solicitors on conflicts of interest on back to back off-plan multiple unit property sales to foreign investors.

Acting for the directors of an African airline involved in an air accident with multiple deaths.

Acting in a shipping arbitration for the West African ship owners of a vessel arrested off the coast of West Africa against the mortgagee vendors and shipping club: (London Maritime Arbitrators Association)

Acting for English property owner in dispute with adjoining landowner as to the boundary (ransom strip)

Acting for African Bank in the Chancery Division to obtain a freezing order over the assets of an overseas Defendant who sought to dispose of property and to dissipate the proceeds of sale in contravention of an agreement.

Acting for investment banker in Queen's Bench Division in dispute with borrower over investment funding of Middle East gas licence project which raised complex issues of enforcement of judgment.

Acting in the Technology and Construction Court for wealthy non-domiciled developer of residential property in dispute with contractors for substantial defects to property.

Acting for the Uganda national athletics team before the Court of Arbitration for Sport

## Significant Cases

**Transeuropean Carriage Co v Abou-Hamdan**, [July 2000]

Legal Action 12 Housing Act 1988 form and service of s.21 notices seeking possession

**Maciej Stanislaw Skarzynski v Chalford Property Co Ltd sub nom Re A Debtor (No 78 of 2000)** [2001]

Execution of writ of fieri facias for unpaid rent and possession/formalities and service of notice of adjourned bankruptcy hearing

**Fresh (Retail) Ltd v Emsden, Emsden & Thompson v Luckhurst, Current Law** [May 1998]

Post assignment enforcement of leasehold covenants

**Hadden and Others v Dugdale Building & Development Company Limited LVT/SC/027/144 & 145/01; LVT/SCC/027/086/01** [22 July 2002]

Service charge

**Karmel, Lawson, Ellis v Kennedy LVT/LON/00AW/NSI/2003/0110(CR)** [30 April 2004]

service charge

**Nweze v Nwoko** [2004] EWCA Civ 379

Section 2 of the Law of Property (Miscellaneous Provisions) Act 1989

**Markos v Goodfellow** [2005] EWCA 488

Application to re-open appeal CPR 1998 Part 52 rule 52.17

**Benjamin v Reece** [2005] EWCA 3005 (Ch)

Trusts of Land

## Publications

Contributor, *Service Charges and Management: Law & Practice* 2nd edition (Sweet & Maxwell)

Contributor, *Freezing and Search Orders*, Lloyds Commercial Law Library (4th Edition 2006)

Contributor, *Service Charges and Management: Practice and Procedure*, Sweet & Maxwell (2005)

## In the Media

16.06.2006 *New Law Journal* published Philip's article, 'A Balancing Act'

03.06.2005 *New Law Journal* published an article from Phillip Alikier entitled 'Party Walls and Arbitration'

March 2005 *The Journal of the Chartered Insurance Institute* published an article from Phillip entitled 'An Advocate for Change'

## Memberships

Commercial Bar Association

COMBAR Africa Committee

Chancery Bar Association

Property Bar Association

London Court of International Arbitration

Chartered Institute of Arbitrators  
British Institute of International and Comparative Law  
American Bar Association (International Section)  
London Court of International Arbitration  
The Worshipful Company of Arbitrators  
Uganda Law Society  
International Lawyers for Africa  
International Lawyers Project

## **Qualifications**

BA (Vanderbilt)  
LLB (Hons) (Leeds)  
DipICA (Lond) FCI Arb

Barrister of the Honourable Society of the Inner Temple and Gray's Inn  
Advocate of the High Court of Uganda  
Foreign Legal Consultant in Appellate Courts of the State of New York  
Advocate of the Courts of the Dubai International Financial Centre