

# Peter Aeberli

**Year of Call:** 1990

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## Neutrals - Adjudicators

Peter has acted as an adjudicator on in the region of 300 construction disputes involving claims up to about £15 million and projects up to about £100 million.

*"The adjudicator decided, in what both parties accepted was a thorough and well reasoned decision, .... that the defendant had to pay the claimant the sums for which I have given summary judgment."* Knight v. Urvasco [2008] EWHC 3956. *"I would like to express my appreciation of the proficient approach and treatment by the one member DAB ..."* (Eastern European State entity).

Peter has been named or listed as an adjudicator in respect of a number of high value and prestigious contracts, including a major development by a top premier league football club, a PFI waste management project in Wakefield, a biomass facility in the north of England, a Project Agreement, PFI Construction Contract, Interface Agreement and Facilities Management Contract for social housing on a number of sites in the North of England, London Crossrail, the London 2012 Adjudication Panel and T5 (Heathrow Terminal 5).

### **A selection of Adjudications/DBs on which Peter Aeberli has been appointed within the last few years include:**

- RICS nomination: Pubic building in Scotland, alleged design/construction defects; £18 million claimed.
- RICS nomination: Cladding dispute, 25 story block in London; Declaratory
- CIC nomination: Transnational gas pipeline: NEC 3 amended; about £8 million claimed.
- ICE nomination: Off-shore harbour works in Scotland: FIDIC Dredging and Reclamation works: €16 million claimed.
- ICE nomination: DB: Roadworks in Eastern European Country: FIDIC Red Book; about €3 million claimed plus EoT.
- ICE nomination: Flood defence project in Scotland: NEC, declaratory.
- ICE nominations: Various adjudications under an NEC3 Subcontract with Dispute Option W1 concerning a non-European nuclear power station.
- LCIA nomination: Underground railway station: NEC subcontract, about £800k claimed.
- RICS nomination: Scottish School: Alleged subsidence, about £4 million claimed; Reported at Transform Schools (North Lanarkshire) Limited v Balfour Beatty Construction Limited [2020] CSOH 19.
- RICS nomination: Liquefied Natural Gas plant: Bespoke terms: Termination and account; About £6.5 million claimed;
- ICE nomination: Ground and landscaping works: NEC3 amended: Final account, about £4 million claimed; John Doyle Construction Limited v. Erith Contractors Limited [2020] EWHC 2451 [35].
- Agreed nomination: £50 million Materials Jetty associated with construction of a nuclear facility: NEC 3 amended, entitlement to levy liquidated damages; about £1.5 million in dispute.
- Agreed nomination: Higher education facility: Engineering services; Bespoke agreement. About £3 million claimed for

delays;

- Agreed nominations: Bespoke contract; Waste to energy facility in Scotland, various disputes.
- LCIA nomination: Station tunnelling: NEC3 amended; Account, about £12 million claimed;
- Agreed nomination: Nuclear facility: NEC3 amended. Alleged compensation events, about £800k claimed;
- TecSA nomination: Term contract for services: Bespoke terms: Account, about £350k claimed;
- TecSA nomination: NEC 3 Option D, as amended. Nuclear power plant; about £350,000.00 claimed, some in Euros.
- RICS nomination: Central London offices: JCT terms; Post termination account; about £6 million claimed;
- ICE nomination: Tram facility: JCT terms: Declaratory as to alleged defects;
- ICE nomination: Process plant: Bespoke EPC contract: About £1.8 million claimed for alleged defects;
- CI Arb nomination: Northern Ireland infrastructure: Bespoke design build and operate contract; Declaratory as to long term obligations;
- Agreed nomination: Residential and commercial M&E services: Bespoke terms: £6 million claimed;
- ICE nomination: Airport runway: NEC3 amended: Declaratory as to time;
- RICS nomination: Office project: JCT as amended: Alleged glazing defects, about £650k claimed.
- TecSA nomination: £50 million Data Centre: JCT DB (2011) as amended: £6.5 million claimed.

Peter also devised and ran a training course for representatives in Construction Adjudication, on behalf of various professional bodies in Ireland including the RIAI, Engineers' Ireland and the Bar Council, the Adjudication Conversion Course in preparation for the introduction of statutory adjudication of construction disputes in Ireland and, for the Irish Law Society.

## Recommendations

"Thank you very much indeed for your assistance yesterday. ... we could not have got there without your skill and persistence." - **London city solicitors – Mediation instruction**

"The adjudicator decided, in what both parties accepted was a thorough and well reasoned decision, .... that the defendant had to pay the claimant the sums for which I have given summary judgment." *Knight v. Urvasco* [2008] EWHC 3956. "I would like to express my appreciation of the proficient approach and treatment by the one member DAB ..." - **Eastern European State entity**

"We would also like to convey our thanks to the Arbitrator ... We look forward to working again with the Arbitrator soon." - **London city solicitors**

## Academic qualifications

- MA (Edin)
- BA (Oxon)
- Dip Arch
- RIBA
- ARIAS
- FCIArb

## Professional qualifications & appointments

- Barrister (Middle Temple)
- Chartered Arbitrator
- Architect
- Fellow of the Chartered Institute of Arbitrators
- Accredited CEDR Mediator
- Diploma in International Commercial Arbitration

## Professional bodies

- RIBA, RIAS, ACE, FCI Arb, Barrister
- Visiting senior lecturer at Kings College Centre of Construction Law and Management, teaching construction law, arbitration and dispute resolution and Course director for Module D of the MSc Course – Arbitration and dispute resolution module: 2002–2013.
- Joint Secretary of the Joint Contracts Tribunal (JCT): 1995 to 1998.
- Cases editor on the Arbitration and Dispute Resolution Law Journal: 1994 to 2000
- Member of the drafting committee for the Construction Industry Model Arbitration Rules (CIMAR).
- Member of ICC Commission on Arbitration and ICC Task Forces on Reducing Costs in Complex Arbitrations and on Maximizing the Probative
- Value of Witness Evidence.
- Worshipful Company of Arbitrators (liveryman).