

Peter Aeberli

Year of Call: 1990
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Overview

Peter Aeberli is a Canadian citizen, resident in the United Kingdom. He is dually qualified as Architect and Barrister and is an experienced arbitrator, mediator and adjudicator. Apart from his work as counsel, the focus of his work is dispute resolution principally, but not solely, in the construction industry. He has handled two party and multi-party disputes with values up to £8 million.

He is available for and has received appointments as arbitrator, adjudicator and/or mediator by party agreement and from bodies such as the CIArb, the Construction Confederation, LICA, the RIBA, the ICE, the ICC and the Law Society. He has been listed as an adjudicator on high value and prestigious projects such as the London 2012 Adjudication Panel and BAA Terminal 5, power stations and football stadia. He is listed on numerous panels including the FIDIC President's list of dispute adjudicators, the ICC Canadian National Committee Panel of International Commercial Arbitrators, the ICDR (American Arbitration Association) panel of international arbitrators, the International Institute for Conflict Prevention & Resolution (USA) Roster of arbitrators and mediators and Engineers' Ireland panel of arbitrators (resigned mid 2025).

Prior to reading law as a scholar at Hertford College, Oxford in the late 1980s, Peter worked with a multi-disciplinary consultancy as a project architect on medium and large developments including hospitals, schools, housing, offices and structures for the Ministry of Defence.

He converted to reading Architecture at Edinburgh University after starting a degree in Science (Chemistry) at St Andrew's University.

1978-1987: Architect, principally with Building Design Partnership, but for a period as a Lecturer in Architecture at Edinburgh University in design and building construction.

1987-1989: Hertford College, Oxford, Scholar, Gibbs Prize, proxime assessit. Also during this time and for a year or so after, a part time lecturer in building construction at Oxford Polytechnic, now Oxford Brooks University.

1989-1991: Bar school and pupillage, including at Atkin Chambers, London.

Since 1991: In private practice as a barrister, arbitrator, mediator and adjudicator.

1995-2018: Visiting senior lecturer for the Kings College Centre of Construction Law MSc in Construction Law and Dispute Resolution, and sometime Course Coordinator for Part D: Arbitration and Dispute Resolution.

General Availability
Principally UK, Ireland and Europe.

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 and ARIAS (1979 to mid-2025)
- 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 and RIAS (1979 to mid-2025), ACE, FCIArb, 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).

Expertise

Construction and engineering

Work as counsel includes advising on and appearing principally on construction and arbitration related matters in the Technology and Court Court (TCC) and the County Courts, has also appeared in the Court of Appeal (*TWF Printers Ltd v. Interserve Project Services* [2006] BLR 299). Receives instructions to draft contractual documentation including amendments to JCT contracts. Advises and represents parties in arbitration, adjudication and mediation proceedings.

Overseas work has included advising parties in Latvia, Vietnam and in South Africa on contractual (FIDIC) and arbitration matters.

An experienced arbitrator, adjudicator and mediator, Peter receives appointments by party agreement and from bodies such as the ICC (sole arbitrator and president), LCIA (sole, presiding and wing arbitrator), FIDIC, Engineer's Ireland, the CIArb, RICS and RIBA. Peter was invited by ICDR (American Arbitration Association) to chair a tribunal, but had to decline, for personal reasons.

Projects on which Peter Aeberli has been appointed as tribunal or instructed as counsel have included port facilities in Ghana and in England; power stations, including nuclear, roads, including in Moldova, sewers, including in Bulgaria; remediation of nuclear contamination; hotels and office complexes, railway rolling stock, housing; the value of projects ranging in value up to about £100 million and disputes up to about £10 million. Peter Aeberli also devised and ran, on behalf of various professional bodes 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, a training course for representatives in Construction Adjudication. In 2018 he devised and ran for the BPP law school a five day course on international arbitration for a group of visiting Chinese lawyers.

Articles
Peter's web site, www.aeberli.com, includes a number of papers on construction law, arbitration and adjudication. Published articles, many of which can be found re-printed on the site, include:

- 2007: What material can an adjudicator consider; Construction Law Journal
- 2005: Jurisdictional Disputes under the Arbitration Act 1996: A Procedural Route Map; Arbitration International
- 1993: Wharf Properties and Rolled-Up Claims; Construction Law Journal
- 1993: Abatements, Set-Offs and Counterclaims in Arbitration Proceedings; ADR Law Journal

ADR/NCDR

Experienced arbitrator, adjudicator and mediator receiving appointments by party agreement and from bodies such as the ICC (sole arbitrator and president), LCIA (sole, presiding and wing arbitrator), FIDIC, Engineer's Ireland, the CIArb, RICS and RIBA. Has been invited by ICDR (American Arbitration Association) to chair a tribunal, but had to decline, for personal reasons.

Arbitrator on in excess of 75 construction disputes in both two party and multi-party matters, a few involving public bodies, conducting hearings from a few days to four weeks or so, disputes of up to about £25 million and projects up to about £100million: *"We would also like to convey our thanks to the Arbitrator … We look forward to working again with the Arbitrator soon."* (London city solicitors).

Adjudicator on in the region of 450 construction disputes involving claims up to about £18 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).

Mediator on in excess of 60 construction and other disputes involving both two and multi parties, some involving public bodies, and claims up to about £5 million: *"Thank you very much indeed for your assistance yesterday. ... we could not have got there without your skill and persistence."* (London city solicitors).

Disputes on which Peter has acted, have involved:

- Legal issues and contract interpretation.
- Development agreements.
- PFI Projects.
- Technical and scientific issues, such as paint, roofing, cladding, glazing, corrosion, mechanical and electrical and structural defects, fire resistance and compartmentation.
- Infrastructure and civil and structural engineering disputes including concrete structures, piles, roads, bridges, power stations (including nuclear power stations), bio-mass facilities, airport runways, sewers, defence establishments, liquefied gas facilities, water treatment works, waste to energy, flood defences and process engineering (biodiesel feed stock).
- Environmental (including nuclear) issues.
- Marine equipment, jetty and harbour work (dredging and blasting); Railways (infrastructure, computer equipment and rolling stock).
- Professional negligence.
- Delay and programming issues and disruption and delay costs.
- Quantity surveying issues including interim and final account valuation.
- High value/specification (up to £40 million at 2000 prices) residential properties.
- Commercial agency agreements
- International commercial disputes including as arbitrator under ICC rules, LCIA rules and UNCITRAL Rules and as FIDIC dispute board.

Peter has also mediated disputes outside the construction sector, including in regard to wills, landlord and tenant, sale of goods, and passing off and is identified in the Bar Council list of mediators under the most experienced category.

Panel Listings

- LCIA, CIArb (including NHBC), Engineers' Ireland, Law Society, RIBA, CEDR, RICS (select and fast track) and Access Disputes Committee (railways) panels of arbitrators.
- CIArb, RIBA, RICS (including Scotland), ICE, CEDR, TeCSA, Construction Confederation, Construction Industry Council, Association of Independent Construction Adjudicators, Royal Incorporation of Architects in Scotland (RIAS) and CIOB panels of adjudicators. Construction Contracts Adjudication Panel (Ireland) - to June 2025.
- ICC Canadian National Committee Panel of International Commercial Arbitrators.
- ICDR (American Arbitration Association) roster of international arbitrators
- International Institute for Conflict Prevention & Resolution (CPR) Roster of arbitrators and mediators.
- FIDIC President's List of Dispute Adjudicators. RICS, accredited Dispute Board Member (Category A, party appointed, chair and sole member).

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 waste to energy project in Scotland, 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).

Neutrals - Arbitrators

A selection of Arbitrations on which Peter Aeberli has been appointed within the last few years include:

- LCIA appointment (sole arbitrator UNCITRAL rules): English Consultant; Civil law
- country local authority, about €200k.
- LCIA appointment (wing arbitrator LCIA rules): Caribbean developers and contractors, multi-party dispute: Principally declaratory.
- LCIA appointment (presiding arbitrator LCIA rules): Chinese supplier/developer, English distributor.
- LCIA appointment (sole arbitrator UNCITRAL rules); Gibraltar and UK commercial parties.
- ICC appointment (sole arbitrator). Construction work in the Caribbean, about $2.5 million in dispute.
- ICC appointment (party nominated arbitrator). Construction work in Africa, about €3 million in dispute
- ICC appointment (party nominated arbitrator). Construction of Hospitals in Africa, about £25 million in dispute.
- ICC appointment (sole arbitrator): English motor dealer, Italian organiser of sporting activities, about €120k
- ICC appointment (chair): US ship-owner; Eastern European ship yard. About €300k. Withdrawn due to failure to pay advances shortly after provision of Terms of Reference and First Procedural Order.
- ICC appointment (President): Israeli Power Company, US manufacturer, about US$ 28 million. Appointment did not proceed as before confirmed parties resolved their difficulties.
- Agreed appointment: English local authority and contractor: About £300k. Agreed appointment: English internationally renowned food emporium and contractor: About £200k.
- Agreed appointment: English local authority and various tenants of facility subject to local authority closure orders, about £1.5 million.
- Agreed appointment: Joint Venture contractor and English local authority, PFI Schools project, about £800,000.
- Engineer's Ireland Appointment. Civil law country train manufacturer and State Entity. Dispute about alleged defective trains and rolling stock: about €10 million.
- LCIA appointment (sole arbitrator UNCITRAL rules): English Consultant; Civil law country local authority, about €200k.
- LCIA appointment (wing arbitrator LCIA rules): Caribbean developers and contractors, multi-party dispute: Principally declaratory.
- LCIA appointment (presiding arbitrator LCIA rules): Chinese supplier/developer, English distributor.
- LCIA appointment (sole arbitrator UNCITRAL rules); Gibraltar and UK commercial parties.
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- Engineer's Ireland Appointment. Civil law country train manufacturer and State Entity. Dispute about alleged defective trains and rolling stock: about €10 million.
- RIBA appointment: Scottish Contractor and English Sub-contractor: Construction Dispute, about £3.5million.
- RIBA appointment: English Developer and Contractor: about £100k claim, £400k counterclaim.
- Law Society Appointment: English vendor and English purchaser of property in Soho.
- RICS appointment: English developer and contractor: About £8 million;
- Law Society Appointment: English vendor and English purchaser of property in Soho.
- RICS appointment: English developer and contractor: About £8 million

In 2018 Peter devised and ran for the BPP law school a five day course on international arbitration for a group of visiting Chinese lawyers.

Neutrals - Adjudicators

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
- Agreed appointment: Chair of DAAB on infrastructure project in a Baltic country.
- 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;
- CIArb 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.