



## PETER AEBERLI

MA(Edin), BA(Oxon) Dip Arch, Dip ICArb, RIBA, ARIAS, ACE, FCI Arb.  
Barrister, Chartered Arbitrator, Adjudicator, Accredited CEDR Mediator

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**Professional Qualifications**

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

### Work as counsel

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.

### Dispute Resolution Experience

Experienced arbitrator, adjudicator and mediator receiving appointments by party agreement and from bodies such as the ICC (sole arbitrator and chairman), 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 70 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 £10 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 200 construction disputes involving claims up to about £8million 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.
- Technical and scientific issues, such as paint, roofing, cladding, corrosion, mechanical and electrical and structural defects.
- Infrastructure and civil and structural engineering disputes including concrete structures, piles, roads, bridges, power stations, airport runways, sewers and water treatment works.
- Environmental (including nuclear) issues.
- Marine equipment.
- 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, RICS (select and fast track panels) and CIOB panels of arbitrators.

CIArb, RIBA RICS, CIOB and Bar Council panels of mediators.

CIArb, RIBA, RICS, 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.

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, London Crossrail, the London 2012 Adjudication Panel and T5 (Heathrow Terminal 5).

### **Professional Memberships and official positions held**

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. 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 the ICC Task Force on Reducing Costs in Complex Arbitrations. Member of the ICC Commission on Arbitration.

Worshipful Company of Arbitrators (liveryman).

### **General Availability**

Principally Europe, including former Warsaw pact countries.

### **Background and Career summary**

Prior to reading law as a scholar at Hertford College, Oxford in the late 1980s, 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.

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.

### **Notable projects**

Projects on which Peter Aeberli has been appointed as tribunal or instructed as counsel have included port facilities in Ghana and in England; roads, 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 £10million.

### **Language Capability**

English (mother tongue)

A selection of Arbitrations on which Peter Aeberli has been appointed within the last five years or so:



LCIA appointment (sole arbitrator): English Consultant; Civil law country local authority, about €200k. Award on merits and costs: Concluded.

LCIA appointment (wing arbitrator): Caribbean developers and contractors, multi party dispute: Principally declaratory, damages yet to be quantified: Hearing on jurisdiction pending.

LCIA appointment (presiding arbitrator): Chinese supplier/developer, English distributor.

ICC appointment (sole arbitrator): English motor dealer, Italian organiser of sporting activities, about €120k. Award on merits and costs: Concluded.

ICC appointment (chair): US ship-owner; Polish 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 over agreeing a president.

Agreed appointment: English local authority and contractor: About £300k. Awards on liability and costs: Concluded.

Agreed appointment: English internationally renowned food emporium and contractor: About £200k: On going

Agreed appointment: English local authority and various tenants of facility subject to local authority closure orders, about £500k: Ongoing, stayed pending Supreme Court decision in related matter.

Engineer's Ireland Appointment. Civil law country train manufacturer and State Entity. Dispute about alleged defective trains and rolling stock: about €10 million. Settled after several procedural decisions and a few days into a four week hearing on the merits.

RIBA appointment: Scottish Contractor and English Sub-contractor: Construction Dispute, about £600k: On going.

RIBA appointment: English Developer and Contractor: about £100k claim, £400k counterclaim: Award on Liability and Award on Quantum rendered: Concluded.

Engineer's Ireland Appointment. Spanish train manufacturer and Irish State Entity. Dispute about defective supply: about €10 million. Settled after several procedural decisions and a few days into a four week hearing on the merits.

Law Society Appointment: English vendor and English purchaser of property in Soho: Award on merits and costs: Concluded.

RICS appointment: English developer and contractor: About £8million: Settled.