

PETER H J CHAPMAN

BSc (Hons) LLB (Hons) FEng FICE FCI Arb FConSE FIHT FHKIE FIEI MIET MSI Arb

***Chartered Civil Engineer, Barrister at Law,
Chartered Arbitrator, Adjudicator and Conciliator/Mediator for construction disputes***

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Born: 11th June 1948

Occupation: Arbitrator, adjudicator, expert determiner and mediator/conciliator in construction disputes.

Dispute resolution experience:

As **arbitrator**, approximately 120 construction references (UK, Singapore, Hong Kong, Vietnam, USA, Canada, Thailand, UAE, Oman, Qatar, Bahrain, Kuwait, Malawi, Nigeria, Burkina Faso, Trinidad, Bahamas, Philippines, Vietnam, South Africa, Turkey, Bulgaria, Serbia, Poland) under institutional and *ad hoc* procedures. Main contract, subcontract and professional services disputes involving amounts up to US\$1.5billion arising under traditional, design/build and concession contracts. No decisions overturned on appeal. Served as sole arbitrator and on tribunals (as party-appointed member and chairman) under ICE, ICC, Uncitral, LCIA, EDF, LMAA and *ad hoc* arbitration procedures.

As **adjudicator/disputes expert** (including, in particular, service on **Dispute Resolution Boards, DRBs, DABs, CDBs**), over 350 decisions given (UK, Ireland, Iceland, Hong Kong, China, India, Pakistan, Nepal, Turkey, Jordan, Ukraine, Moldova, South Africa, Lesotho, Mozambique, Kenya, Zanzibar, Indonesia, Romania, Luxembourg, Lithuania, Vietnam, Bahamas, Panama, Costa Rica, Trinidad, Montenegro, Latvia, Uganda and elsewhere). Served as member and chairman (45) on 80 dispute resolution boards (technical and financial) and 20 appointments as sole FIDIC Disputes

Review Expert/DAB for contracts covering traditional, design and construct, turnkey and concession (PFI, PPP) contracts. 75 decisions given under UK statutory adjudication schemes. No decision overturned by the courts or at arbitration. Experience under World Bank/FIDIC conditions, Construction Act 1996, statutory schemes and associated amendments to standard form contracts. Experience in drafting contractual provisions and procedures for adjudication and dispute boards. Co-author of 'Construction Adjudication' (2000).

As **mediator/conciliator**, approximately 70 construction disputes of which approximately 60 were settled as a direct result of the mediation/conciliation process.

As **Engineer** under FIDIC/ICE contracts, numerous Engineer's Decisions covering most types of claims.

As **party representative**, acting as legal counsel in dispute resolution proceedings and as lead negotiator with objective of reaching amicable settlements of disputes and differences.

Familiar with disputes covering:

Delay and disruption, time extensions, prolongation, prevention, breach of contract, contract interpretation, conflicting documentation, back-to-back agreements, differing site conditions, payment provisions, measurement, valuation, construction quality, design obligations, scope of services, final account, price escalation, conflict of laws, termination, operating obligations, etc.

Background:

47 years in the engineering and construction industry. Experienced in road construction (at grade, underground and elevated), long-span bridges (suspension, cable stayed, glued segmental, etc.), power generation and distribution projects (nuclear, hydropower, gas and solid fuels, wind-farm, waste-to-energy), railways (high-speed main line, urban metro and light rail, depots, signalling and M&E works), tunnelling (hard and soft ground, using boring machines, jacking processes, manual excavation, drilling and blasting, immersed tube), large buildings (airport terminals, powerhouses, commercial developments, sports stadia, hospitals, educational establishments), building services,, marine works projects (oil production facilities (rigs and FPSOs), port and harbour construction, pipe work and cable laying, dredging, coastal protection), telecommunications projects, water supply/treatment projects and large dams. Particularly conversant with multi-disciplined projects (power stations, hospitals, industrial/commercial buildings, airports, mass transit railways).

Experience with:

FIDIC (Red, MDB Harmonised, Yellow, Silver, Gold and Dredging forms), ICE (traditional and NEC), JTC, IMechE/IEE Model Form 'A', BPF/ACA, FCEC, GCWorks, ACE, HKGov, World Bank and other standard form contracts.

ICE, ICC, LCIA, Uncitral, LMAA, CIArb, CIMAR, HKIAC, RICS, SIAC EDF, ISPA, MCC, PRAG, TeCSA, TeCBA, JCT, ACE (CIC), Scheme for Construction Contracts and other Adjudication/Arbitration Rules.

World Bank MDB Harmonised, FIDIC, ICE and ICC Dispute Board Rules

Panel listings:

ICE (arbitration, adjudication, conciliation/mediation, dispute boards)
CIArb (arbitration, adjudication)
AAA (dispute boards)
Construction Industry Council (adjudication)
FIDIC (arbitration, adjudication and dispute boards, mediation)
Hong Kong International Arbitration Centre (arbitration, adjudication and mediation)
CIETAC (China) (arbitration and conciliation/mediation)
Standing Panel of Arbitrators for UK coal mining subsidence disputes
Institute of Engineers of Ireland List of Arbitrators and Conciliators
Construction Contracts Mediator's Group (mediation)
LCIA (arbitration)
Major Projects Adjudication Group

Memberships and official positions held:

Fellow, Royal Academy of Engineering
Fellow, Institution of Civil Engineers
Fellow, Institution of Engineers of Ireland
Fellow, Chartered Institute of Arbitrators
Fellow, Association of Consultants and Engineers
Fellow, Institution of Highways and Transportation
Fellow, Hong Kong Institution of Engineers
Member, Honourable Society of Grays Inn
Member, the Smeatonian Society of Civil Engineers
Member, Singapore Institute of Arbitrators
Member, Society of Construction Arbitrators
Member, International Bar Association
Member, International Commission of Large Dams (UK Chapter)
Member, International Chamber of Commerce (ICC)
Member, ICC and ICE Task Forces on 'Dispute Boards'
Member, British Tunnelling Society
Member, Tecbar
President, Dispute Resolution Board Foundation (2003-2004)
Council Member, Society of Construction Arbitrators (2001 - present)
International Affairs Representative, Dispute Resolution Board Foundation (USA) (1999-2003)
Chairman, ICE Advisory Panel on Legal Affairs (APLA, 2000 - 2003)
Chairman, FIDIC Assessment Panel for Adjudicators (APA, 2002 – 2016)
Chairman, ICE Arbitrator Review Panel (ARP, 1999 - 2005)
Member, ICE Industry Practices Committee (2000 – 2003)
Member, ICE Advisory Panel on Arbitration (AAP, 1997 – 2000)
Council Member, Singapore Institution of Arbitrators (1984 – 1987)
Council Member & Executive Board Member, Chartered Institute of Arbitrators (1999 – 2004)
Chairman, Professional Conduct Committee, Chartered Institute of Arbitrators (2004 – 2008)
Founder, first Chairman and past Hon. President, The Adjudication Society

Overseas experience gained in:

Hong Kong, China, Singapore, Malaysia, Thailand, Denmark, Libya, Lesotho, South Africa, Uganda, Malawi, Ghana, Indonesia, Philippines, USA, Canada, Switzerland, Italy, Ireland, Iceland, UAE, Oman, Qatar, Jordan, Kuwait, Bahrain, Saudi Arabia, Panama, Moldova, Ukraine, Montenegro, Latvia, Isle of Man, Romania, Lithuania, Turkey, Georgia, Poland, Bulgaria, India, Pakistan, Nepal, Nigeria, Taiwan, Luxembourg, Vietnam, St Lucia, Panama, Costa Rica, Bahamas, Trinidad, Mustique, Mozambique, Malawi, Zanzibar, Ethiopia, Kenya.

Career:

1967-73 London Transport: Design and construction of Heathrow (Piccadilly) Line and Victoria Line.

1973-77 Milton Keynes Development Corporation: Design and project management of new city centre (road and rail bridges, general infrastructure, office buildings)

1977-81 Hong Kong Mass Transit Railway Corporation: Project management and contractual/commercial matters associated with new mass transit railway system.

1981-83 Eric Cumine Associates: Construction and contractual specialist for large commercial building developments and road projects in Hong Kong.

1983-90 Singapore Mass Rapid Transit Corporation: Contracts Manager, responsible for contractual and commercial matters associated with 200 building, civil, electrical, mechanical engineering and professional services contracts for new metro. 2000 claims for additional time/payment settled.

Since 1990 Independent Practitioner: Consultant Project Director, West Kowloon Expressway, providing contractual advice and opinions to development banks, law firms, consultants, promoters and contractors. Principally acting as arbitrator, adjudicator and conciliator/mediator in construction disputes. Mediator on the US\$18 billion Qatar 'Pearl GTL Plant'. Served on over eighty dispute resolution/adjudication boards (including Hong Kong International Airport, European Investment Bank HQ, Channel Tunnel Rail Link, Dublin Port Tunnel, Istanbul Metro, London's Crossrail Project, London Olympics, New Panama Canal, Jakarta Metro, Forth Replacement Crossing), having acted as chairman on forty five occasions. Acted over twenty times as sole FIDIC DAB or *ad hoc* 'Disputes Review Expert'.

Other matters:

Recipient of the 2006 annual award for Dispute Board Excellence (DRBF)

Recipient of the 2010 Parkman Medal for work on dispute resolution in civil engineering (ICE)

Recipient of the 1990 Webb Prize for Civil Engineering Procurement (ICE)

Books and papers on dispute boards, construction litigation, arbitration, ADR, adjudication

Co-author of 'Construction Adjudication' published 2000 (Jordans)

Qualified as UK Solicitor (but has remained at the UK Bar), specialising in construction disputes.

Regular speaker/lecturer for ICE, FIDIC, CIARB, ICC and UK Major Projects Association on effective dispute resolution

Guest lecturer on dispute resolution and ADR at King College, London (MSc Construction Law course), Reading University (College of Estate Management) and Cambridge University (Summer School).

Freeman and Liveryman of the City of London.

Former Director/Trustee of UK charity organisations.