

**Keating Chambers**  
15 Essex Street  
London  
WC2R 3AA

**T** +44 (0)20 7544 2600  
**F** +44 (0)20 7544 2700  
**keatingchambers.com**

**KEATING**  
CHAMBERS

DX: LDE1045



## NERYS JEFFORD QC

**Call:** 1986 / Silk: 2008

**njefford@keatingchambers.com**

### Areas of practice

- Construction & Engineering
- PFI/PPP
- International Arbitration
- Energy & Natural Resources
- Professional Negligence

### Clerks' Details

**Declan Redmond**

**T:** +44 (0)20 7544 2616  
**E:** dredmond@keatingchambers.com

**Ted Paterson**

**T:** +44 (0)20 7544 2679  
**E:** tpaterson@keatingchambers.com

**Sam Fury**

**T:** +44 (0)20 7544 2696  
**E:** sfury@keatingchambers.com

### Practice overview

As a specialist barrister at Keating Chambers for over 25 years, Nerys Jefford QC has vast experience in construction and engineering disputes both in the UK and in international arbitration. Her practice covers the full spectrum of advisory work, drafting and advocacy related to domestic and international standard form and bespoke contracts (including JCT, NEC, IChemE, FIDIC) and includes professional negligence claims (architects, engineers, surveyors, valuers), bonds and guarantees and financing arrangements.

In the UK, Nerys Jefford's work is principally contentious and she has been involved in disputes arising out of a wide range of projects from the construction of substantial commercial, residential and public developments (including schools, hospitals and museums) to major engineering and infrastructure projects (including roads, tunnels, underground and overground stations, water treatment and sewage plants, sea defences), off-shore work, shipbuilding, energy recovery and power generation projects.

Nerys has represented clients from a variety of jurisdictions, including Hong Kong, China, Singapore, Korea, France, Belgium, Denmark, Russia, Brazil and the United Arab Emirates and she has appeared as lead counsel in ICC, LMAA, HKIAC and DIAC arbitrations.

Nerys Jefford also acts for clients in alternative dispute resolution and at all stages of the adjudication process (advising, drafting, representing clients at hearings and enforcement proceedings).

She accepts appointments as arbitrator, adjudicator and in expert determination.

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## Recent Cases

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### Construction & Engineering

- Advising and representing employers in adjudications relating to design liability and claims for time and money arising out of the construction of the UK's largest flood protection pumping station.
- Defending suppliers of piping in a claim arising out of a major flooding incident.
- Representing sellers on a breach of warranty claim arising under a share purchase agreement and relating to alleged defects in the design and manufacture of portable accommodation units.
- Advising and representing contractors for a new museum development on issues of design liability, claims against sub-contractors and the settlement of Final Account claims.
- Representing developers on an appeal to the Privy Council arising out of a commercial development in Mauritius.
- Representing architects in dispute with their former firm about credit for design work and the construction of a settlement agreement.
- Acting as independent expert to determine a dispute between a developer and landowner in respect of proposals to re-programme works under an agreement to develop a substantial mixed use site.

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*“She very quickly grasps the most essential elements of cases involving complex facts and difficult legal arguments. She is clear-thinking and highly persuasive.”*

Chambers UK Bar, 2015

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### PFI contracts

- Acting for a JV of 4 contractors responsible for the construction, on a PFI basis, of the UK's first modern toll road, on a series of claims arising out of the project and including the operation of the Equivalent Project Relief provisions.
- Advising the concessionaire on claims under a motorway maintenance contract.
- Advising the concessionaire in relation to a Concession Agreement for services at a school and issues relating to the calculation of the Base Charge and Unitary Charge.
- Advising and representing the PFI Contractor in disputes relating to the design and maintenance of water systems in a hospital giving rise to alleged Service Failures and Failure Event Deductions.
- Advising and representing NHS Trusts in adjudications arising during the operational period of PFI contracts and relating to various aspects of design, contractual responsibility for design, Unavailability, and entitlement to make, and the calculation of, payment deductions.
- Advising the contractor under a hospital PFI contract on the operation of insurance provisions and the mechanisms for variations to Works and Services, including the FM contractor's claims under the Facilities Provision Contract.
- Advising on the operation of a ratchet mechanism for Unavailability Deductions in an FM Services Agreement arising out of schools PFI contract.

## International Arbitration

- Acting for employers in a DIAC arbitration relating to a hotel development.
- Representing the developer of a residential tower in Dubai in a DIAC arbitration.
- Acting for a Singaporean shipyard in a long-running arbitration about a ship conversion project.
- Acting for contractors in a Hong Kong arbitration relating to a substantial housing development.
- Acting for a UK/Japanese Joint Venture in a Hong Kong arbitration relating to the construction of the Tsing Ma Bridge (part of the new airport infrastructure).
- Hong Kong arbitration relating to tunnelling for major new sewerage scheme.
- Representing Korean clients in an ICC arbitration relating to construction of a process plant in Saudi Arabia.
- Appointed as arbitrator in a final account claim arising out of a development in Bahrain (under Bahrain Chamber for Dispute Resolution Rules).

## Energy & Natural Resources

- Acting for main contractors in an ICC arbitration arising out of the construction of an oil production facility in Kuwait.
- Advising and representing UK clients in claims relating to a power generation project in Africa.
- Representing contractors in disputes arising out of coal production in South Wales.
- Acting for employers on disputes arising out of the construction and commissioning of a North Sea oil and gas floating production facility.
- Advising contractors on claims arising out of the construction an energy from waste plant.

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*“Bright, pragmatic and tenacious.”*

Legal 500, 2015

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## Professional Negligence

- Professional negligence claims involving architects; civil, mechanical and electrical engineers; quantity surveyors; project managers.
- Representing designers of ground stabilisation works for a new water treatment plant in claims for delay and disruption to the contractor’s works.
- Representing designers in claims arising out of fire damage to a shopping complex.
- Advising a charity on claims against project managers on a biomass boiler project.
- Advising a design and build contractor for the development of an Olympics venue on the construction of a Professional Services Contract and the scope of consultants’ design responsibility.

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## Selected Reported Cases

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- *BMG (Mansfield) Ltd v Galliford Try Construction and Aedas Architects* [2013] EWHC 3183 (TCC), [2014] CILL 3437
- *Mi-Space (UK) Ltd v Lend Lease Construction (EMEA) Ltd* [2013] EWHC 2001 (TCC), [2013] BLR 600
- *Elliott Group Ltd. v GECC UK Ltd* [2010] EWHC 409 (TCC)
- *Costain v Charles Haswell & Partners* [2009] EWHC 3140 (TCC), [2010] 128 Con LR 154 TCC

- *L Brown and Sons Ltd v Crosby Homes (North West) Ltd* [2008] EWHC 817 (TCC) [2008] BLR 366
- *Midland Expressway and Secretary of State for Transport v. Carillion (No. 3)* [2006] EWHC 1505 (TCC), [2006] BLR 325, 107 Con LR 205
- *Midland Expressway Ltd v Carillion Construction (No.2)* [2005] EWHC 2963 (TCC), 106 Con LR 154
- *Birse Construction Ltd. v. Eastern Telegraph Ltd* [2004] 47 EG 164 TCC
- *Cowlin Construction Ltd v CFW Architects* [2002] EWHC 2914 (TCC), [2003] BLR 241
- *Dal-Sterling Group v WSP South West Ltd* [2002] TCLR 20 TCC and [2001] EWCA Civ 1826
- *Dick Van Dijk v Anthony Wilkinson* [2001] EWCA Civ 1780, [2002] CILL 1849
- *Maymac Environmental Services Ltd v Faraday Building Services Ltd* [2000] 75 Con LR 101 (TCC)
- *Fernhill v Kier* [2000] LTL Jan 27 CA and C.P Rep 69
- *London Underground Ltd v Kenchington Ford plc* [1998] 63 Con LR 1
- *Laserbore v Morrison Biggs Wall* [1993] CILL 896
- *Finnegan v Sheffield City Council* [1988] 43 BLR 124

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## Education & Professional Career

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MA in Jurisprudence, Oxford	1984
Scholar of Lady Margaret Hall, Oxford	
LLM, University of Virginia (specialising in international and commercial law), Fulbright Scholar	1985
Called to the Bar (Gray's Inn)	1986
Keating Chambers	1988
MCI Arb	2006
Bencher, Gray's Inn	2007
Recorder	
TECBAR Accredited Adjudicator	
Queen's Counsel	2008

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## Memberships

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Society of Construction Law: former Council member and Chairman  
 Technology and Construction Bar Association (former Committee Member) (TECBAR)  
 Commercial Bar Association (COMBAR)  
 Member of the Chartered Institute of Arbitrators

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## Seminars, Publications & Papers

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- Contributing editor, Keating on Construction Contracts, 8th and 9th editions.
- Editorial Team, Keating on Building Contracts, 5th, 6th and 7th editions.
- Bullen & Leake & Jacob's Hong Kong Precedents of Pleadings, Bonds and Guarantees (with Laura Feldman) October 2013

Nerys Jefford lectures widely to audiences including the SCL, the Chartered Institute of Arbitrators, the IBA, the RICS and firms of solicitors and has addressed conferences in the UK, Ireland, Singapore, Hong Kong, Mauritius, the USA and Australia.

She has published articles in a wide variety of publications including the International Construction Law Reviews and Asian Dispute Reviews and most recently an interview for Lexis Nexis concerning on-demand bonds.

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## Languages

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French (working knowledge)  
German (working knowledge)

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## Additional Information

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Nerys Jefford takes an active role in education at the Bar. She is a highly experienced advocacy trainer and was Vice-Chairman of the Bar Standards Board Education and Training Committee. In 2016 she joined the Professional Conduct Committee. She sings regularly with the London Welsh Chorale and Gray's Inn Chapel Choir. She is a trustee of Tech4All, a charity dedicated to the use of technology to alleviate poverty.