

JOHN NESTOR

BSc (Hons), LLB (Hons), Dip. Adjudication,
MCI Arb, FRICS, Barrister



‘Reviewing any dispute requires experience, sound judgment, knowledge of several disciplines and total objectivity.’

CORE SKILLS

- Construction disputes
- RICS and UKA panel adjudicator
- Quantity surveying
- Computer programming

QUALIFICATIONS

- BSc (Hons) Quantity Surveying (1990)
- LLB (Hons) (2001)
- Fellow of the Royal Institution of Chartered Surveyors (m:2002, f:2009)
- Bar Vocational Course (2004)
- Adjudication Diploma (2011)
- Member of the Chartered Institute of Arbitrators (2015)

MEMBERSHIPS

- Adjudication Society
- Arbrix
- Honourable Society of Lincoln’s Inn
- Society of Construction Law

OTHER

- RICS diploma tutor - South Africa (decision writing)
- Mentor to CHIDS adjudication disputes

OVERVIEW

John specialises in construction disputes. He acts as an adjudicator, expert, independent determiner, and advises on claims, procurement, and commercial management issues.

John is a Fellow of the Royal Institution of Chartered Surveyors, a Member of the Chartered Institute of Arbitrators, and a barrister with 34 years of experience in the construction industry having worked for contractors and consultants.

EXPERIENCE

Adjudicator. True value of work carried out, and loss and expense. Residential blocks, London	2024
Adjudicator. True value of work carried out, extension of time and loss and expense. Residence, London.	2024
Adjudicator. Defective works, repudiation and damages. Art gallery, London.	2024
Adjudicator. Interrelationship between financial cap in a letter of intent and the payment and notice terms of a standard form contract governed by English law. Residence, Morocco.	2024
Assist expert with delay, disruption and financial claims in an arbitration defence.	2024
Assist expert to value variations in an arbitration claim.	2022-2024
Adjudicator. Claim for head office overheads and profit. Offices, Cambridge.	2023
Adjudicator. Payment notices under a contract between a developer and contractor. Business units, West Sussex.	2023
Adjudicator. Payment notices under a contract between a developer and contractor. Residential units, Reading.	2023
Adjudicator. Claim for loss arising from defects under a contract between a developer and builder. Residential units, London.	2023
Adjudicator. Claim for loss caused by architect certifying under a contract made between an employer and builder. Industrial unit, Reading.	2023

Adjudicator. Termination and repudiation. Value of work carried out, variations, claims and counterclaims. Residential development, London.	2023
Data analytics. Metro, Dubai.	2022
Adjudicator. Damages arising from repudiatory breach (non-payment of work undertaken, loss of profit and counterclaim). Mechanical work, Brighton.	2022
Adjudicator. Loss arising from defective work. Warehouse units, Hampshire.	2022
Adjudicator. Payment notices. Site hoarding. Wembley, London.	2022
Adjudicator. Design responsibility under a building contract. Forest Hill, London.	2022
Early neutral evaluation. Liquid natural gas plant, Canada.	2022
Adjudicator. Contractual termination, repudiation, and the nature of the contract. Value of work carried out, loss of profit and counterclaims. Residential development, Hertfordshire.	2022
Independent review of time and money claims made by contractor against developer. Luxury hotel with serviced apartments, Abu Dhabi.	2020-2021
Adjudicator. The effect of adopting payment terms at variance to the contract, estoppel, notice, and the status of an application for payment. New dwelling-house, Cobham, Surrey.	2021
Adjudicator. Whether the documents issued created a right to payment. New dwelling-house, Cobham, Surrey.	2021
Adjudicator. Payment notices. Labour supply contract. Wimbledon, London.	2021
Adjudicator. Claim by insolvent contractor. Interrelationship between interim and insolvency payment rules. Mixed use development, London.	2020
Adjudicator. Contractual termination and repudiation. Value of work carried out, loss of profit and counterclaims under steelwork contract. Mixed use development, London.	2020
Adjudicator. Declarations on practical completion and existence of defects. Refurb and extend existing building into commercial units and apartments. London.	2020
Adjudicator. Payment notices. Glazing contractor. University, London.	2020
Adjudicator. Waiver and estoppel on a sum which became due. Football Club, London.	2020
Adjudicator. Entitlement to payment of sum certified under an interim certificate. University, London.	2020
Adjudicator. Contractual termination and repudiation. Value of work carried out and counterclaim for replacement contractor and defects. Residential development, Cambridge.	2020
Adjudicator. Entitlement to payment of sums certified under interim certificates. Office and residential development, London.	2020
Adjudicator. Entitlement to payment of sum certified under an interim certificate. Care home, Harrow, London.	2020
Draft claim for contractor. Oil and gas processing plant, Khurais, KSA.	2019-2020
Advise and provide reports for developer and Dubai Court appointed expert following claims made by terminated contractor. Mall, Dubai.	2015-2020
Pre-contract advice on terms of contract. Prefabricated homes, KSA.	2019
Advice on extent of design responsibility. Office tower, Riyadh, KSA.	2019
Adjudicator. Entitlement to payment of certified sum. Construction work, Herts.	2019
Adjudicator. True value of work carried out on several roads, and consideration of defects defence. Kent.	2019

Adjudicator. True value of work carried out to refurbish student accommodation, including design responsibility for variation. University, Uxbridge.	2019
Adjudicator. Whether the employer should have issued a 'Notice of Completion of Making Good Defects'. Residential units, St Albans.	2019
Adjudicator. Fees due under a professional retainer for project management services.	2019
Adjudicator. Payment notices. Installation of water mains. New market, London.	2019
Adjudicator. True value of work carried out to refurbish local authority housing units. London.	2019
Adjudicator. Payment notices. Refurbishing a science laboratory. University, London.	2019
Adjudicator. True value of work carried out. Install lower ground floor in residential property. Knightsbridge, London.	2019
Draft reply to defence. Liability for method of removing groundwater - micro-tunnelling. Roads and drainage, Qatar.	2019
Draft counterclaims for developer following termination of contractor. Mall, Dubai.	2019
Draft preliminary expert report (quantum) on claims made under an electricity and desalination project. Abu Dhabi.	2019
Adjudicator. True value of work. General building work. Residential properties. Redbridge, London.	2019
Adjudicator. Interpretation and promissory estoppel. Residential development, Shoreditch, London.	2019
Adjudicator. Payment notices. Shopping centre, Shepherd's Bush, London.	2019
Adjudicator. True value of final account. Painting subcontract. Block of flats, Kent.	2018
Analyse claims for contractor against employer. Museum, Qatar.	2018
Adjudicator. Payment notices. Electrical subcontract. University graduate centre, London.	2017
Adjudicator. Final account value. Conversion from commercial to residential, London.	2017
Draft claim on dewatering dispute. Roads and drainage, Qatar.	2017
Draft claim on measurement dispute. Roads and drainage, Qatar.	2017
Draft claim for contractor against employer. Phosphor plant, Morocco.	2016-2017
Adjudicator. True value of final account. Fit out of airport lounge, London Heathrow.	2016
Adjudicator. Dispute between property owner and contractor. Defects and late completion. Refurbishment, London.	2016
Review meaning and effect of contract terms. Hotel, Palm Jumeirah, Dubai.	2016
Draft claims for subcontractor against contractor. Hotel, Abu Dhabi.	2016
Adjudicator. Dispute between contractor and subcontractor. Payment dispute. Internal fit-out of residential blocks, London.	2015
Adjudicator. Dispute between contractor and subcontractor. Payment dispute. Mixture of office and residential units, London.	2015
Adjudicator. Dispute between homeowner and developer. Value of work carried out and counterclaim for defects. Dwelling-home, Oxshot, Surrey.	2015
Adjudicator. Dispute between developer and subcontractor. Value of work carried out. Housing development, Aldermaston.	2015
Adjudicator. Dispute between contractor and subcontractor. Value of work carried out. Primary school, London.	2015

Review (for contractor) claim made by sub-contractor. Residential tower, Dubai Marina.	2015
Provide advice on the meaning and effect of contract terms - Commercial development, Riyadh, Kingdom of Saudi Arabia.	2015
Assist with thirty adjudications and three arbitrations on pumped storage scheme in the KwaZulu-Natal province of South Africa. Assist with legal proceedings to remove named adjudicator from office. Assist project managers to assess compensation events under NEC3. Assist with procurement and public sector compliance.	2013-2015
Independent report - cost to complete. Coal-fired power station, Lephalale, South Africa.	2012-2013
Quantum expert (pre-action proceedings). Value of work and claims. Retail store, London.	2012
Adjudicator. Dispute between builder and consumer. Residential, Maida Vale, London.	2012
Assist quantum expert in arbitral proceedings. Valuing delays arising from welding issues. Offshore wind farm, North Sea.	2011-2012
Adjudicator. Dispute between contractor and subcontractor. Final account valuation. Office blocks, Manchester.	2011
Quantum expert (testifying) in arbitral proceedings. Valuation, loss and expense, and loss of profits claims. Offices, Moscow.	2009-2011
Assist adjudicator in valuation dispute between demolition contractor and main contractor. Hotel, London.	2010
Advice - valuation and claims under NEC3 - scientific research station, Antarctic.	2008-2010
Adjudicator. Dispute between local authority and contractor. Interpretation point. Offices, Milton Keynes.	2008
Assist adjudicator in valuation dispute between local authority and contractor. Milton Keynes.	2008
Assist adjudicator in valuation dispute between main contractor and subcontractor. Conversion of listed building to residential units, Romford.	2008
Assist quantum expert in high court proceedings. Value of steelwork carried out and ancillary claims. Football stadium, London.	2006-2008
Assist adjudicator in dispute between local authority and facilities management contractor. Interpretation of payment mechanism.	2007
Advice - independent review of an adjudicator's decision.	2006
Assist quantum expert in two adjudications. Value of steelwork carried out. Football stadium, London.	2005
Assist quantum expert on independent report for Barbadian government. Value of work carried out and loss and expense. International airport, Barbados.	2005
Assist quantum expert in legal proceedings. Value of work carried out. Residential refurbishment, Barbados.	2005
Represent claimant in payment dispute between specialist subcontractor and contractor. Offices, London.	2005
Represent claimant in payment dispute between specialist subcontractor and contractor. Romford Hospital.	2005
Assist quantum expert in arbitral proceedings. Value of work carried out and loss and expense. Communication systems, London Underground.	2004-2005
Quantum expert in legal proceedings. Contractual negligence claim against contract administrator. Residential development, Sark.	2004

Notice of referral - Offices, London.	2004
Notice of referral - Exhibition Centre, Torquay.	2004
Advice - fees on a professional retainer.	2004
Drafting - changes to standard forms of subcontract.	2004
Instruct counsel on BMS software dispute.	2004
Assist quantum expert in pre-action proceedings. Value of work carried out and loss and expense. Residential development, Notting Hill, London.	2003-2004
Provide two independent reports on valuation of remedial work following flooding incidents. Offices, London.	2003-2004
Assist quantum expert in legal proceedings. Value of work carried out and loss and expense. Gas-gathering plant, Nigeria.	2003
Assist quantum expert in pre-action proceedings. Remedial works to hydrocarbon pipeline. Wolverhampton.	2003
Notice of referral - US Air Force Base, UK.	2003
Represent respondent in dispute between main contractor and M&E subcontractor. Further education college, Kingston.	2003
Advice - extension of time and loss and expense claim - maritime, luxury super-yacht.	2003
Advice - name-borrowing provisions under a nominated sub-contract.	2003
Pre-action protocol - contractual negligence claim against contract administrator.	2003
Assist quantum expert in arbitral proceedings. Value of work carried out and loss and expense. Residential development, Sloane Square, London.	2002-2003
Provide independent quantum report. Value of work carried out. Residential development, Notting Hill, West London.	2002-2003
Assist quantum expert in high court proceedings. Loss of profit claim concerning six refrigerated cargo vessels. Gdansk, Poland.	2002
Personal case (represented by counsel) - local inquiry (lost), High Court preliminary hearing (won), High Court judicial review (lost), Court of Appeal (won 2/1), and House of Lords (won 5/0).	1994-2002
PUBLICATIONS AND ARTICLES	
The interrelationship between UK statutory adjudication and no oral variation clauses in construction contracts following the UK Supreme Court decision in <i>Rock Advertising Limited v MWB Business Exchange Centres Limited</i> [2018] UKSC 24. An article available at www.blackmorenestor.com .	2019
Completion is the key to liquidated damages: but what is completion? - A paper based on a commended entry in the Society of Construction Law's Hudson Prize Competition 2003 (May 2004).	2004

LIVE PROJECT EXPERIENCE

<p>Eskom, South Africa</p> <ul style="list-style-type: none"> - Assist with thirty adjudications and three arbitrations on the Ingula pumped storage scheme in the KwaZulu-Natal province of South Africa. - Assist with legal proceedings to remove named adjudicator from office. - Assist project managers to assess compensation events under the NEC3 form of contract. - Assist with procurement and public sector compliance. 	<p>May-13 to Jan-15</p>
<p>Sir Robert McAlpine, UK</p> <ul style="list-style-type: none"> - Procure main contract and major subcontractors and suppliers - offices - Berkeley Square, London. - Procure and manage trackwork contractor and subcontractors building a depot - light and heavy rail - Croydon Tramlink, Surrey. - Final account - drainage, ductwork and trackslab - Croydon Tramlink, Surrey. 	<p>Sep-97 to Sep-02</p>
<p>Tarmac International, Denmark</p> <ul style="list-style-type: none"> - Setting up systems. - Manage accounts for major suppliers and consultants - light rail - Copenhagen mini-metro, Denmark. 	<p>Jan-97 to Sep-97</p>
<p>Birse Construction, UK</p> <ul style="list-style-type: none"> - Manage subcontract accounts - shopping centre - Hastings, West Sussex. - Final accounts - school - Mill Hill, London. - Procure and manage all accounts - school - Cliftonville, Margate, Kent. - Procure and manage all accounts - motorway (lane rental) - M23 central reservation and street lighting, Surrey. - Site records - highway (lane rental) - A23 reconstruction, Hampshire. - Site records - motorway (lane rental) - M25 Junctions 5/7 reconstruction, Surrey. - Manage subcontract accounts for two of four buildings - Offices, shell, and core fit-out - East India Dock, London. 	<p>Jun-90 to Dec-96</p>

EMPLOYMENT HISTORY

<ul style="list-style-type: none"> - May 2019 - to present - Jun 2018 - May 2019 - Feb 2015 - Jun 2018 - Sep 2008 - Jan 2015 - Sep 2004 - Sep 2008 - Sep 2002 - Sep 2004 - Sep 1997 - Sep 2002 - Jan 1997 - Sep 1997 - Jun 1990 - Dec 1996 	<ul style="list-style-type: none"> UAE UAE UAE London/South Africa London London London Copenhagen England, South-East 	<ul style="list-style-type: none"> Blackmore Nestor Berkeley Research Group EC Harris (now Arcadis) Hill International UK (now HKA) Northcrofts Management Services Trett Consulting Sir Robert McAlpine Tarmac Birse Construction
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