

THE LEGAL RECORDS AT RISK PROJECT

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<http://ials.sas.ac.uk/research/areas-research/legal-records-risk-lrar-project>

## **Pilot project on construction arbitration records (England and Wales): a preliminary feasibility study for a project on records of arbitration**

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Edited and with additional material by Clare Cowling, LRAR Project Director, 22 August 2017

### **Executive summary**

The project brief was to consider arbitration records with special reference to construction records for the following reasons:

1. The Business Archives Council 2013 report on the records of construction firms<sup>1</sup> which noted that construction companies in general “demonstrated a lack of awareness of archives and the archival profession”. This lack of awareness presumably also applies to construction arbitration.
2. The decline in construction arbitration means that most relevant records will be 20 years old, meaning that sensitivity/confidentiality should be less of an issue than with more recent arbitration records.
3. The existence of potential contacts in institutions such as King’s College London Centre for Construction Law.

Surveys were undertaken as follows:

- An examination of arbitral rules and guidance affecting recordkeeping.
- Identification of existing construction arbitration records in archives and of potential repositories.
- A case study of the records of one arbitrator.

The findings and recommendations were as follows:

1. There are construction – and other - arbitration records which may be at risk.
2. A wider survey needs to be undertaken of arbitral organisations’ and individual arbitrators’ records and archival homes identified for them.

### **Contents**

Executive summary .....	1
Introduction .....	3
Operational Plan .....	3

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<sup>1</sup> **Architecture, Building and Construction Records Survey 2011-13**; a partnership project between The National Archives and the Business Archives Council, April 2013

People .....	3
Key to abbreviations and acronyms.....	3
Actions undertaken.....	4
Why was construction arbitration chosen? .....	4
What is arbitration? .....	5
Arbitral organisations, guidance and rules .....	5
Research paths.....	7
The National Archives.....	7
London Metropolitan Archives (Richard Wiltshire) .....	7
Centre for Socio-Legal Studies (Dr Michael Reynolds).....	8
Kings College London (Professor Renato Nazzini).....	8
Construction History Society (Michael Driver).....	8
Records of an arbitrator (Michael Reynolds) – report.....	8
Construction arbitration records in archives – report.....	9
Kings College London Archives.....	9
Transport for London Corporate Archives .....	9
London Metropolitan Archives .....	9
Construction arbitration records: potential repositories .....	11
Research using arbitration records.....	12
Conclusions .....	13
Next steps.....	14
Appendix I: Construction arbitration records in archives.....	16
Appendix II: Construction arbitration records in London Metropolitan Archives.....	27
Appendix III: Records of arbitral organisations in archives .....	28
Appendix IV: Papers of individual arbitrators held in archives.....	29
Appendix V: Arbitral organisations contacted prior to this project .....	30

## Introduction

This project is a preliminary exploration and feasibility study for a major project in respect of arbitration records located in Great Britain/England and Wales. This will be achieved by:

1. Identifying and analyzing current guidance to arbitrators and other stakeholders relating to management and disposal of arbitration records, evaluating its efficacy and seeking models of guidance from other jurisdictions;
2. Identifying arbitration records that do not form part of existing external or in-house archives of organisations and pinpointing categories of special value that may be at risk;
3. Identifying potential repositories that would welcome discrete collections of arbitration records of potential archival value and assisting such repositories by facilitating the collection of arbitration records;
4. Providing a detailed report which will assist the larger LRAR project to assess the feasibility of and, if appropriate, to design a major study of records of domestic arbitration including recommending whether this should be extended to cover international commercial arbitration.

## Operational Plan

To achieve the above 4 points, the following plan was adopted to:

1. Survey the records and the records management processes of selected organisations actively involved in construction dispute resolution (eg the Royal Institution of Chartered Surveyors and the Chartered Institute of Arbitrators);
2. Identify priority categories of construction arbitration records of potential practical and scholarly significance;
3. Undertake a preliminary analysis of special issues (eg digitization, sensitivity, access);
4. Survey arbitration records held in businesses and other private sector institutions that are listed on The National Archives [Discovery](#) resource;
5. Conduct informal interviews with stakeholders;
6. Undertake a small number of case studies of:
  - a. arbitration in UK construction companies (Mowlem archive, at least one other construction company); and
  - b. the records of one or two individual arbitration practitioners.
7. Produce a report on the above.

## People

Patron: Professor William Twining FBA, QC

Project Director: Clare Cowling

Research Assistant: Alan Shipman

## Key to abbreviations and acronyms

ACAS	Advisory, Conciliation and Arbitration Service
BAC	Business Archives Council
BRA	British Records Association
CHS	Construction History Society

CIARb	Chartered Institute of Arbitrators
CMC	Civil Mediation Council
CSLS	Centre for Socio-Legal Studies
HE	Higher education
IALS	Institute of Advanced Legal Studies
ICA	International Court of Arbitration
ICC	International Chamber of Commerce
IRDC	International Dispute Resolution Centre Limited
KCL	King's College London
LMA	London Metropolitan Archives
LRAR	Legal Records at Risk
PCA	Permanent Court of Arbitration (Netherlands)
RICS	Royal Institution of Chartered Surveyors
SCA	Society of Construction Arbitrators
TCC	Technology and Construction Court
TNA	The National Archives

### **Actions undertaken**

1. Briefing between William Twining and Alan Shipman;
2. Briefing between Clare Cowling and Alan Shipman;
3. Attended conference at IALS on 'Legal Records at Risk';
4. Administration (Recruitment services, payroll);
5. Technology set-up (access to IALS SharePoint folder + email server);
6. Desk research;
7. Visit to Michael Reynolds on 24<sup>th</sup> March 2017;
8. Draft report writing;
9. Further research;
10. Final report writing.

### **Why was construction arbitration chosen?**

*Business Archives Council report on the records of construction firms*<sup>2</sup>

The BAC has an objective to "promote the preservation of business records of historical importance". This report, undertaken in partnership with TNA (but apparently no longer available on either website) sought (p.2) "to establish the nature and location of collections of records produced by architectural practices and construction firms in England and Wales which had not been deposited". The report highlighted (pp 2-3) the fact that "that encouragement should be given to businesses within the architectural and construction sectors to strengthen record keeping practices and raise awareness of the importance of their archives. The greatest focus should be on the construction industry, which proved more difficult to persuade to participate than the architectural sector and demonstrated a lack of awareness of archives and the archival profession". This report was the starting point for the project.

*Institute of Advanced Legal Studies* <http://ials.sas.ac.uk/>

The Institute has long been involved in the study of law and practice relating to arbitration and alternative dispute resolution. The current project is part of this work.

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<sup>2</sup> Ibid

The IALS has made available a number of guidance notes, including the 'Legal Records at Risk Guideline 1: current advice available to legal institutions on managing and disposing of records'. It notes that most of the available guidance covers confidentiality. Further details of the available guidance are available in this report.

#### *The decline of construction arbitration and records sensitivity over time*

LRAR is well aware that there is a lot of sensitivity within the arbitration community about confidentiality and privacy. In recent years construction arbitration has tended to be replaced by adjudication, as arbitration is now seen as too costly and cumbersome. Construction arbitrations have therefore declined in recent years, so the project would be focusing on records that are at least twenty years old which might allay some concerns about sensitivity.

### **What is arbitration?**

“The hearing and determining of a dispute or the settling of differences between parties by a person or persons chosen or agreed to by them” ([www.dictionary.com](http://www.dictionary.com))

“The hearing and determination of a dispute, esp. an industrial dispute, by an impartial referee selected or agreed upon by the parties concerned. The procedure laid down for the settlement of international disputes” ([Collins English Dictionary](#))

*The Arbitration Act 1996* <http://www.legislation.gov.uk/ukpga/1996/23/contents>

There are no rules or guidance in the Arbitration Act on retention and disposal.

Thomson Reuters have produced a guidance note on the Act

[https://uk.practicallaw.thomsonreuters.com/5-204-0030?transitionType=Default&contextData=\(sc.Default\)&firstPage=true&bhcp=1](https://uk.practicallaw.thomsonreuters.com/5-204-0030?transitionType=Default&contextData=(sc.Default)&firstPage=true&bhcp=1) should further information be required. Access to this guidance note was requested via their web site but no response was forthcoming.

### **Arbitral organisations, guidance and rules**

The websites of the organisations listed below were examined to a) clarify the role of each organisation b) note if any case files or awards have been published on the websites and c) to find whether any records management and retention rules or guidelines have been laid down for arbitrators to follow.

*Advisory, Conciliation and Arbitration Service* <http://www.acas.org.uk/index.aspx?articleid=1711>. ACAS provides arbitration services (as can be seen in public disputes between trades unions and employers). A review of guidance available did not identify any retention recommendations.

*Chartered Institute of Arbitrators* <http://www.ciarb.org/>

The CI Arb is "an international centre of excellence for the practice and profession of alternative dispute resolution (ADR)". It has 14,000 members across 133 countries. It runs a course on domestic arbitration (1 day) – there are no entry requirements. The published syllabus does not include any records management topics (but these may be hidden under arbitration rules and procedures).

The CI Arb published a survey of domestic construction arbitration in the UK in 1999. It also provides guidance on including arbitration clauses in construction contracts. These are only available to members.

The CI Arb publishes guidance on mediation, and in particular on confidentiality in mediation <http://www.ciarb.org/guidelines-and-ethics/guidelines/mediation-guidelines> (note that these

guidelines were published in 2007, and are under review, due to be republished in 2017). This guidance recommends that:

*"All records, reports, or other documents received by a mediator, as well as all notes taken by the mediator during, with reference to, or for the purposes of, the mediation should be returned to the parties or kept secure until no longer needed for any purpose relating to the mediation and then destroyed."*

The key phrase from an archiving point of view is 'for any purpose'; could this purpose include archiving in the long term for research into mediation?

*Civil Mediation Council* <http://www.civilmediation.org/>

The CMC is the UK's recognised authority for all matters relating to civil, commercial, workplace and other non-family mediation.

The CMC has issued a guidance note <http://www.civilmediation.org/downloads.php?f=46> on Mediation Confidentiality (2009). This states that mediation agreements should make it clear that all proceedings should be confidential.

*International Chamber of Commerce* <https://iccwbo.org/about-us/who-we-are/dispute-resolution/>

The ICC administers the International Court of Arbitration. A recent report states that the ICA had received a record number of new cases files under ICC rules in 2016 – 966 cases involving 3,099 parties from 137 countries.

The ICC has a set of rules for use in cases submitted to the International Court of Arbitration. These rules regulate the filing of claims, the constitution of arbitral tribunals, the conduct of proceedings, the rendering of decisions and the determination of costs. While offering security and predictability, the ICC Rules also accommodate any preferences parties in dispute might have with respect to certain aspects of the proceedings, such as the choice of arbitrators, the place, and the language of arbitration. In all matters that are not expressly provided for in the ICC Rules, the Court and Arbitral Tribunal act in the spirit of the Rules and make every effort to have an enforceable Award.

This organisation has published their "*2017 Arbitration Rules and 2014 Mediation Rules (English version)*" - freely available from <https://iccwbo.org/publication/arbitration-rules-and-mediation-rules/>. The publication details 'two discrete but complementary dispute resolution procedures'. Amongst the guidance, it requires copies of all pleadings and other communications to be supplied (in any media/format) to all parties involved. Email or other forms of telecommunication can be used 'provided that a record of the sending is retained. The guidance also required the settlement to be 'recorded in the form of an award made by consent of the parties'.

No guidance is given to parties on how long records need to be retained, or who should retain them. There is a requirement to "retain in the archives of the Court all awards, terms of reference and decisions of the court, plus copies of pertinent correspondence of the Secretariat".

Article 6 of Appendix 1 of the arbitration rules relate to the confidentiality of court proceedings and to the access to materials related to the court or its secretariat.

*International Dispute Resolution Centre Limited (London)* <https://www.idrc.co.uk/>. Based in Fleet Street, the IDRC provides accommodation for arbitration cases. It provides rooms of many sizes for hiring, including all necessary IT and administration resources and staff to assist with meeting management.

*Kluwer Arbitration*

Thanks to Michael Reynolds for information about this resource. For details see <http://www.kluwarbitration.com>.

This is claimed to be 'The world's largest commercial collection of arbitral awards from various leading arbitral institutions, including the ICC'. It is a commercial undertaking, with a subscription

process in place. It is unclear whether IALS have a subscription – there is an IALS subscription to some of the other resources (not arbitration).

An online demonstration of Kluwer Arbitration is apparently available on request on the web site. This was requested but was not made available.

*Permanent Court of Arbitration (Netherlands)* <https://pca-cpa.org/en/home/>

The PCA is "an intergovernmental organization providing a variety of dispute resolution services". Its website advises that it "identifies the parties and publishes awards or other information in proceedings under PCA auspices where the parties have so agreed". The PCA is also gradually making its historic arbitral awards and related documents available electronically. It has published a couple of case files which relate to construction arbitration. One concerns the Eurotunnel project, and alleged breaches of the concession agreement. Records of the award and opinions are available.

*Royal Institution of Chartered Surveyors* <http://rics.org/uk/>

The RICS is "a global professional body promoting and enforcing the highest international standards" in the construction industry. It offers a couple of training options for arbitration in the construction industry:

- Diploma in Adjudication in the Construction Industry (distance learning);
- Arbitration Masterclass (1-day workshop).

The RICS also run a dispute resolution professional group which has produced a series of guidance notes related to construction arbitration. Details are at

<http://www.rics.org/uk/knowledge/professional-guidance/professional-guidance-search?sq=arbitration&so=Relevance>

*Society of Construction Arbitrators* <https://www.constructionarbitrators.org/>

The SCA is "dedicated to the pursuit of excellence in Construction Dispute Resolution...The principal object of the Society is to lay down and secure the maintenance of standards to be observed by members in connection with their work as arbitrators or other tribunal members in disputes in the Construction Industry."

The SCA has a number of publications available, mainly are papers and presentations by members – none appear to relate to records management issues.

## Research paths

*The National Archives*

TNA publishes a set of retention schedules. The one relating to building records has one entry for 'Claim and arbitration files' which recommends 'review 25 years after settlement'. See [http://www.nationalarchives.gov.uk/documents/information-management/sched\\_buildings.pdf](http://www.nationalarchives.gov.uk/documents/information-management/sched_buildings.pdf) for further information. It is unclear whether this advice has been picked up by the construction industry.

In 2009 TNA published a National Strategy for Business Archives (England and Wales). This has an objective to "raise the profile of (business) archives, ensuring that they are utilised by businesses and researchers alike and that future collections are more representative of the UK's diverse economic activity."

*London Metropolitan Archives (Richard Wiltshire)*

Richard Wiltshire is the LMA's Senior Archivist - Business Archives and mainly deals with acquisitions and cataloguing of business archives. The project director emailed Richard in November 2016; Richard confirmed that they held Mowlem arbitration records and were happy to respond to

questions. These were forwarded to the LMA enquiry team who provided detailed information with regards to the Mowlem collection (see p.10 below for a report on the Mowlem holdings).

#### *Centre for Socio-Legal Studies (Dr Michael Reynolds)*

Michael is an arbitrator of long standing and a member **Fellow?]** of the CSLS. In 2014 the CSLS published his [Overview of Arbitration in England](#) which, among other recommendations, suggested (p.33) that “whilst Arbitration has a place in the disputes process, to better promote itself it requires stricter rules and timescales”. He is planning to interview some of the Technology and Construction Court (TCC) judges for his next CSLS report.

Michael advised that construction arbitration records usually comprise:

- Claims for contractors loss and expense (damages) for breach of contract
- Contractors claims resulting from variations to design;
- Contractors claims for extension of time in which to complete the contract works;
- Money claims arising from late payment on interim or final certificates;
- Money claims from non payment on such certificates;
- Tortious Claims arising from breach of duty to design, quantify, measure the works involving architects, engineers, quantity surveyors and project managers;
- Various claims as to interpretation of the contract.

Most of the money claims now go to adjudication and after the decision of the adjudicator is given enforcement is by virtue of summary judgement in the Technology and Construction Court. Possibly one of the reasons why arbitration is not popular is because it widely believed that the process is too cumbersome and costly. A reason for this may well be the lack of proper education in arbitration.

A visit was made to Michael’s home to view arbitration material held by him (see p.9 below).

#### *Kings College London (Professor Renato Nazzini)*

Renato leads on MSc programme on construction arbitration and met with the project director in July 2016 to discuss the proposed case study into construction arbitration records. Renato confirmed that they do not hold any archives of arbitration awards; as an academic institution they have no remit to hold such an archive. Kings College London manages a library for student research. No construction arbitration records were identified in this library.

It is understood that the Kings College Archivist (Geoff Browell) has indicated that KCL Archives would take in records of the Centre for Construction Law (if offered).

#### *Construction History Society (Michael Driver)*

Michael Driver is the Hon Secretary of the Construction History Society. The research assistant asked a question about any holdings of construction arbitration records. He is attending a CHS trustees meeting on 3<sup>rd</sup> July 2017 and reported back on an agenda item 'Construction Arbitration'.

Michael confirmed that the CHS does not hold any construction arbitration records (they have one store in Stroud but this is not ordered). The trustees thought it unlikely that any arbitration records are being held. And as their only store is unordered, the records are not available for research purposes. However, Michael reported that trustees were keen to confirm their interest in the IALS work and hoped at some stage they could make a positive contribution.

### **Records of an arbitrator (Michael Reynolds) – report**

Like many arbitrators, Michael Reynolds works (and stores his case files) mainly from home. As well as the essential IT equipment, Michael has an extensive book library for research purposes, as well as paper and electronic files from arbitration cases with which he has been involved. Michael's paper filing system is well organised, with case folders and managed content. He retains information based

on personal requirements. There is no overall file index, as this is not necessary for a very small organization. In practice, much of the information is also held by others (organizations and individuals), so any individual loss could (in theory) be replaced.

Michael was unaware of any published rules or guidance on the management and disposal of arbitration records<sup>3</sup>.

Data protection legislation does impact arbitration records, as they often hold personal information. As is typical for many very small (eg one-man) organisations, data protection guidance is unfamiliar, and thus the level of protection dependent upon the individuals concerned.

Disposal of records is rarely undertaken. Michael does 'weed' files before they are stored, typically once a case is closed.

## **Construction arbitration records in archives – report**

### *The National Archives*

TNA has a 'discovery' portal through which researchers can seek records via keywords, names of individuals or organisations or function: <http://discovery.nationalarchives.gov.uk/>. A keyword search for 'arbitration' returned 25,364 hits, which then linked to a number of national and local repositories. A specific search for 'construction arbitration' yielded 182 records; see **Appendix I** for an extract from the search results. The results of other keyword searches were as follows:

- Arbitration tribunal 1,788
- Contract dispute 699
- Dispute 52,049
- Dispute resolution 15
- Mediation 2,536

In other words, arbitration records should be searched for and may be found under many categories.

### *Kings College London Archives*

Online catalogue <https://www.kcl.ac.uk/library/archivespec/archives/access.aspx>

A search for 'arbitration' brings 10 results, and 'dispute resolution' brings 4 results. A review of the selected items indicates that those relevant to the IALS project relate to overseas cases. No further research was undertaken into the contents of this archive.

### *Transport for London Corporate Archives*

See the LRAR [Case study: Alternative dispute resolution records held by Transport for London](#) for details of construction arbitration records available for research relating to disputes involving TfL and its predecessors. The case study appeared to confirm the thesis that many arbitration records will be found within business archives.

### *London Metropolitan Archives*

A search for 'arbitration' on the LMA on-line catalogue returns 539 hits – reduced to 8 when 'construction' added (but they are all many years old). It is worth bearing in mind that the search results obtained depended upon the information held in the LMA catalogue. Often such information is limited (particularly when cataloguing was carried out a number of years ago) – the modern 'free text' search processes are only typically available on digital archives.

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<sup>3</sup> The only 'general' advisory document on legal retention rules is the 'ICSA Guide on Document Retention'; there is no mention of arbitration (or dispute resolution) records in this publication.

The results of some other searches are:

- dispute (1602 hits);
- construction dispute (8 hits);
- building dispute (61 hits);
- contract dispute (14 hits);
- building arbitration (8 hits);
- contract arbitration (14 hits).

See **Appendix II** for details of some of the case files available on request.

### **Mowlem Group archive**

The LMA holds records of the Mowlem group of companies. This company has been involved in a number of large scale arbitrations (see below for an example). Searching the LMA catalogue for 'mowlem arbitration', however, resulted in no hits. A review of the catalogue shows that the LMA's Mowlem archive contains mainly financial reports and minutes from over 50 separate companies. A 'mowlem arbitration' Google search, however, results in the following case study:

*15Jun90 Mowlem and Carlton Gate find arbitration*

<https://www.constructionnews.co.uk/news/15jun90-uk-mowlem-and-carlton-gate-find-arbitration-best-route-for-settling-dispute-1-of-3/1694588.article>

'Where a construction contract provides for interim payments it is usually for the very good reason that the people doing the work need the money to continue the project. The sums involved are so large that even the large construction companies feel the pinch when payment is withheld. In appropriate cases, the court should not shrink from dealing with an Order 14 summons even if the evidence is bulky. But if the inappropriate cases can be discouraged, those cases in which it is appropriate to give summary relief will receive earlier attention. The words are those of His Honour Judge Bowsher, Official Referee, taken from his ruling on John Mowlem's application last month for summary judgement against Carlton Gate Development Company for £1,113,469, being the balance unpaid on two interim certificates issued by the architect, Phippen, Randall and Parkes. Mowlem's contract, determined by Carlton Gate just before Christmas (Construction News, January 4), though not in standard form, contained a clause providing for arbitration in case of contractual dispute. Readers will recall that the matters now at issue came to a head when Carlton Gate, developer of the former St Mary's Hospital site at Paddington, claimed that two sections of the works were in delay and others, in the architect's opinion, were likely to be delayed. On these grounds the client withheld the sum in question under clauses 4.3 and 21.1 of the contract. Deprived of the cash, Mowlem in its turn was unable to make payments due to subcontractors under a pay-when-paid clause. As a result, the management contractor is being sued by several of the subcontractors. Since the contract with Mowlem was brought to an end, the Declan Kelly part of the former Carlton Gate joint venture has gone into voluntary liquidation with debts estimated at around £200 million (Construction News, March 1). With a new management contractor in place - Costain Management and Design - the development is continuing as an operation funded jointly by Eagle Star Group and a consortium of banks led by Security Pacific Euro Finance. Prior to being told to quit the site, Mowlem had already served notice of arbitration. The contract was determined on December 27. The contractor has said he will be contesting the notice of determination on the grounds that it was issued 'unreasonably and/or vexatiously'. The issue before the Official Referee was however Mowlem's claim for payment. As Peter Bowsher<sup>4</sup> noted in his judgement, due to pressures on court time, regrettably five months

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<sup>4</sup> His Honour Peter Bowsher QC is a former judge of the Technology and Construction Court who practices from Keating Chambers as an arbitrator, adjudicator and mediator. Keating Chambers state that they have 'unparalleled expertise and experience in construction law'. They have been involved in many construction industry arbitration cases – further details are at <http://www.keatingchambers.com/expertise/construction-engineering/>

passed before the matter came before him. 'The evidence sits on the desk in a pile over six inches high,' he said. For Mowlem Colin Reese, QC, put the arguments for summary judgement under the RSC Order 14 procedure to secure the money deducted. For Carlton Gate, Howard Palmer contended that, since his client had applied for a stay of proceedings pursuant to Section 4 of the 1950 Arbitration Act, the matter was not suitable for resolution by this means. Carlton Gate argued strongly that all the issues raised by Mowlem should be decided by an arbitrator as provided in the contract. The contractor's case was firstly that the two letters issued by the architect seeking to justify the deductions did not comply with the terms of the management contract pursuant to which they were said to have been issued. These letters were issued on October 18 1989, the last day when payment of the disputed certificates should have been made. Mowlem also alleges that Carlton Gate's asserted counterclaims arose after the date when the money due on the certificates should have been paid. For that reason, as a matter of law, the contractor submitted that these sums should not be set off against the developer's liability to pay on the interim certificates. Because the Judge felt that this point was a matter of importance to other litigants, he decided to adjourn his decisions on this into open court for judgement. He did so having heard submissions from Mowlem and having decided that submissions from Carlton Gate were not necessary to his judgement. His conclusion was that the whole matter should be sent to arbitration in accordance with the agreement. In his summary of the facts, the Judge said that last September the architect issued two interim certificates, together certifying that a total of £2,290,702 was payable. That sum should have been paid by Carlton Gate on or before October 18. On the last day for payment, he said, the architect sent letters to the contractor purporting to be notices authorising deductions from the certified interim payments. One of those letters purported to be written pursuant to clause 4.3 and the other pursuant to clause 21.1."

#### *Records of other construction companies*

TNA's **Discovery** lists 54 construction companies which have deposited records in archives (<http://discovery.nationalarchives.gov.uk/results/c? q=construction& naet=B>). The BAC report also listed 15 construction firms which apparently maintained their own in-house archives at the time of writing. A wider project could examine the records of some of these companies to see if any arbitration records (which may not necessarily have been classified as such) are included.

## **Construction arbitration records: potential repositories**

### *Archive repositories*

One of the objectives of this research was to identify potential repositories for discrete collections of construction arbitration records of value.

During discussions with the various research resources (see above), questions relating to existing and potential repositories were posed. Details of their responses are included above. It is apparent that most arbitration records are retained by the parties involved, in business archives<sup>5</sup> if they exist and by the arbitrators themselves. Other arbitration records will be collected by archival repositories such as TNA, LMA, local authority archives or HE repositories like KCL Archives if they form part of the records of the depositing individual, organisation or faculty. Occasionally these will comprise the records of arbitration bodies themselves eg the LMA holds the archive of the London Court of Arbitration while the Library, Archives and Special Collections department of the London School of Economics collects records of mediation organisations<sup>6</sup>. See **Appendix III** for records of arbitral

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<sup>5</sup> See, for example, the LRAR [case study](#) of construction (and other) arbitration records held in the Transport for London Corporate Archives.

<sup>6</sup> eg the records of Mediation UK

organisations known to be held in archive repositories and **Appendix IV** for the small number of individuals classified as arbitrators whose papers are known to have been deposited in archives.

The LRAR project director had previously tried (see **Appendix V**) to engage with arbitral associations and organisations such as CIARb, the Society of Construction Arbitrators and the Arbitration Club to encourage them to deposit their records with LMA, which has expressed an interest in accepting deposits of records of London-based institutions specialised to law. Responses received were not encouraging; a future project should recontact these organisations to put the business case for depositing records in archives more forcefully.

## Research using arbitration records

### *Sensitivity*

It is likely that some construction arbitration records will contain personal information, so privacy legislation (currently the Data Protection Act 1998 in the UK) may be applicable. Where arbitration records are already in the public domain (as may be the case with the final arbitration report) then there is no issue. In other cases, particularly where the arbitration case is recent, there may be a need to obtain consent of the individuals concerned or apply redaction processes to the records prior to making them available for research.

### *Confidentiality*

**Arbitrators:** institutions have their own rules eg Article 30(1) of the Rules of the London Court of International Arbitration states: "Unless the parties expressly agree in writing to the contrary, the parties undertake as a general principle to keep confidential all awards in their arbitration, together with all materials in the proceedings created for the purpose of the arbitration and all other documents produced by another party in the proceedings not otherwise in the public domain - save and to the extent that disclosure may be required of a party by legal duty, to protect or pursue a legal right or to enforce or challenge an award in bona fide legal proceedings before a state court or other judicial authority."

**Mediators:** the CIARb's [Practice Guideline 1: Confidentiality in Mediation](#) states "Save as required or permitted by law... the Institute, the parties, their representatives, their advisors and the mediator(s) shall keep confidential all information (whether given orally, in writing or otherwise) produced for, or arising out of or in connection with, the mediation passing between any of the participants and between any of them and the mediator made for the purposes of the mediation, including the fact that the mediation is taking place or has taken place...The mediator's duty to protect the confidentiality of the mediation proceedings commences with the first communication to the mediator, is continuous in nature, and does not expire upon the termination, for whatever reason, of the mediation under Rule 11. The mediator's duty extends to all information relating to the mediation proceedings, even indirectly, such as previous invitations and/or negotiations leading to mediation, terms of the agreement to mediate, appointment of mediators and performance, or non performance, of the settlement agreement. All records, reports, or other documents received by a mediator, as well as all notes taken by the mediator during, with reference to, or for the purposes of, the mediation should be returned to the parties or kept secure until no longer needed for any purpose relating to the mediation and then destroyed."

**The European Union:** the 'European Code of Conduct for Mediators'

([http://ec.europa.eu/civiljustice/adr/adr\\_ec\\_code\\_conduct\\_en.pdf](http://ec.europa.eu/civiljustice/adr/adr_ec_code_conduct_en.pdf)) has a confidentiality clause (section 4) which requires all information arising from a mediation to be kept confidential unless compelled by law or public policy to disclose it.

There may be issues related to access to construction arbitration records where courts (for example the International Court of Arbitration) have been involved. The ICA's rules states that "documents submitted to the Court, or drawn up by it or the Secretariat in the course of the Court's proceedings, are communicated only to the members of the Court and to the Secretariat and to persons authorized by the President to attend Court sessions." However, researchers may be authorised to undertake work of an academic nature, and thus have access to some documents, by the ICA. The public interest test also applies (see next paragraph).

**The ICA:** a recent ICA report has some interesting comments to make on arbitration records and confidentiality in England as follows:

"England, where the Arbitration Act 1996 is silent on confidentiality, is the country where the courts have been the most eloquent in articulating the existence of a broad duty of confidentiality, starting from a decision of 1880. Over time, English courts have formulated three relatively clear rules. The first is that arbitration proceedings are held in private, which implies that, in the absence of the parties' consent, arbitrators have no power to order the concurrent hearing of two arbitrations in which the arbitrators but not the parties were identical and the disputes closely associated. The second rule, expressed by the Court of Appeal in 1990, is that an implied obligation of confidentiality, binding on the parties, arises from the very nature of arbitration. However, in a more recent case, the Privy Council expressed reservations about the desirability or merit of adopting a general duty of confidentiality as an implied term of arbitration and then formulating exceptions to which such a duty would be subject. The third rule is that the duty of confidentiality is subject to the following specific exceptions (i) consent; (ii) order of the court; (iii) leave of the court; (iv) reasonable necessity; and (v) public interest...

"The lifespan of confidentiality obligations: The duration of confidentiality obligations, as regards both the moment when it arises and when it ends, is equally the subject of uncertainty and is not dealt with in the sources. The answer will probably vary to a large extent depending on the nature of the information and, obviously, on the source of the duty. If the source is contractual, the duration might be stated in the contract (which may be prior to the beginning of the arbitration or subsequent) or should be able to be derived through the interpretation of the contract. The fact that the duty of confidentiality usually covers the award seems to point to an expectation that the regime of confidentiality should outlive the arbitral proceedings and that the obligations will not cease after the end of the arbitration. It is less clear whether the obligations are perpetual or whether at some point they lapse, and if so at what point. It is reasonable to assume that the obligations cease where it can be established that confidentiality is no longer relevant. One such case is where the information in question has become of public domain."<sup>7</sup>

## Conclusions

The following is a list of the main conclusions to date, based on the 4 points identified in the introduction to this report:

### 1. *Current guidance:*

- There is guidance available in the construction arbitration sector from the RICS, which offers some guidance notes managed by their dispute resolution professional group. IALS has also published guidelines on managing and disposing of records.
- There is no guidance on retention and destruction in the Arbitration Act 1996.
- TNA recommends 'review 25 years after settlement' of arbitration records.

### 2. *Records held outside archival institutions:*

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<sup>7</sup> [Confidentiality in International Commercial Arbitration - ILA - ICA COMMITTEE REPORT, THE HAGUE 2010](#) pp 8 & 18  
Page 13 of 30

If we may assume that Michael Reynolds is typical of most arbitrators, then there are a number of records held by individuals, typically at their offices or homes. They are of particular value to the individual arbitrators concerned, for example for further research, the writing of biographies or for personal interest. They may be of value to researchers, but knowledge of their existence in relation to particular cases may be hard to obtain. These records are typically 'personal copies' of research, reports and arbitration decisions which should normally be held by the organisation involved. Any personal notes are likely to be held by the arbitrator.

Records held by individuals are at risk, particularly in the areas of security and retention.

A potential future research project in this area would be to contact a professional institute and set up a questionnaire/guidance note to send to their members who are arbitrators. It is understood that the CI Arb were contacted about this process but no response was received.

### *3. Potential repositories:*

It is understood that the LMA might be willing to hold archived arbitration files, but only if they relate to individuals or organisations based in Greater London, while local authority archives may be able to provide such a resource for arbitrations and arbitral organisations relevant to their own areas. This does leave a gap for records of national significance created and held by organisations and individuals located outside the Greater London area. LRAR is already discussing this gap with TNA, as finding a strategic solution to the lack of repositories for all records in this category (ie not just arbitration records) is assumed to be their responsibility.

### *4. A wider LRAR project into arbitration records*

The following would need to be included in a larger LRAR project:

- Identification of more archives which will accept arbitration records.
- Identification of, and engagement with, arbitrators (especially individuals) and arbitral organisations which are willing to send their files to archives.
- Development of more detailed guidance on retention and data protection requirements (in addition to what is already available on the LRAR website <http://ials.sas.ac.uk/research/areas-research/legal-records-risk-lrar-project/lrar-information-and-records-management>)
- Resources to create lists of potential deposits to reduce the burden on archives<sup>8</sup>.
- Development of submission procedures and protocols for future deposits<sup>9</sup>.
- Investigations into the viability of a setting up a dedicated archive for discrete collections of arbitration records.
- As much arbitration information is now created electronically (and there is a slow transition to full electronic working), the issues around electronic arbitration information and its archival requirements should be included in the full LRAR project, including the viability of including a digital repository in any dedicated archive.

## **Next steps**

*A new project looking into alternative dispute resolution records with special reference to arbitration and mediation?*

With the help of two well-qualified researchers we have canvassed problems of preserving records relating to arbitration, and more generally alternative dispute resolution. Our original hypotheses were broadly conformed ie that such records have not been a focus of archival attention; that they

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<sup>8</sup> Note: development of such a resource (not confined to arbitration records) is already being discussed between LRAR and the British Records Association

<sup>9</sup> As above – this is also being discussed between LRAR, TNA and the BRA

contain a vast amount of material of potential value to a wide range of researchers as well as the arbitration community; that some material has been preserved, notably in the archives of larger institutions and businesses that have been parties to particular arbitrations, but the very existence of these, let alone their content and significance is not widely known; and that the vast majority of such records are at risk. Despite the secrecy surrounding most kinds of arbitration, we have concluded that standard archival best practice relating to 'sensitive' records (eg confidentiality, data protection, privilege etc) can deal with such problems and that there are no insuperable obstacles to collecting records relating to arbitration.

Arbitration is an immense, various and fragmented field and to undertake a thorough study would involve a major project and special funding beyond the current resources and capacity of LRAR. It would need a well-defined, selective project, fund-raising and a time scale of at least three years. LRAR is due to finish in September 2018. However, we have collected a lot of material and learned enough to do a general analysis of the significance, extent and problems of arbitration records. Starting in January 2018, Clare Cowling and William Twining propose to write a general article analysing the issues as a preliminary to detailed design of a substantial project. We plan to have this article ready for publication by the summer of 2018.

## Appendix I: Construction arbitration records in archives

Source: TNA's [Discovery](#) portal - keyword search on 'construction arbitration' (182 hits):

Context Description	Title
Small Collections.	ARBITRATION AWARD
TOWN CLERK'S MISCELLANEOUS PAPERS. TRAMWAYS. VALUATIONS, ARBITRATION.	Measurement of line (details of construction and dates)
WHITSTABLE URBAN DISTRICT COUNCIL. Offices. Clerk. Post 1958 filing system. Sewers and drainage.	Gorrell Drainage Scheme - Phase III - Kenmac Construction Co Ltd - Arbitration
Miscellaneous Papers and Records. Vale of Glamorgan Railway. Capital.	Arbitration re Contract for construction. Company's claim against Messrs. Pethick.
Ministry of Labour and successors: Arbitration Tribunals, Registered Files.	Award No. 449 Constructional Engineering Union v Sir Robert McAlpine and Sons (London) Ltd: claim ...
Ministry of Labour and successors: Arbitration Tribunals, Registered Files.	Award No. 2455 Constructional Engineering Union, Amalgamated Engineering Union, United Society of Boilermakers and Iron ...
Ministry of Labour and successors: Arbitration Tribunals, Registered Files.	Award No. 1622 Constructional Engineering Union and Engineering and Allied Employers National Federation: claim regarding...
Ministry of Labour and successors: Arbitration Tribunals, Registered Files.	Award No. 1502 Construction of Engineering Union and Messrs Charles R Price: question regarding recognised...
Ministry of Labour and successors: Arbitration Tribunals, Registered Files.	Award No. 880 Constructional Engineering Union and Engineering and Allied Employers' National Federation: claim by...
Ministry of Labour and successors: Arbitration Tribunals, Registered Files.	Award No. 871 Constructional Engineering Union and Engineering and Allied Employers' National Federation: claim that...
Ministry of Labour and successors: Arbitration Tribunals, Registered Files.	Award No. 618 Constructional Engineering Union v Broomhead Boiler Works Company Limited: dispute arising from...
Ministry of Labour and successors: Arbitration Tribunals, Registered Files.	Constructional Engineering Union and Stothert and Pitt Limited: claim in connection with the wage rates...
Ministry of Labour and successors: Arbitration Tribunals, Registered Files.	Award No. 1500 Constructional Engineering Union and Foster Wheeler Ltd: claim regarding payment of steel...
Ministry of Labour and successors: Arbitration Tribunals, Registered Files.	Award No. 1145 Constructional Engineering Union and associations federated with the Engineering and Allied Employers'...
Ministry of Labour and successors: Arbitration Tribunals, Registered Files.	Award No. 525 Constructional Engineering Union v Cozens and Sutcliff Ltd: claim for lodging allowance...
Ministry of Labour and successors: Arbitration Tribunals, Registered Files.	Award No. 834 Constructional Engineering Union v Cozens and Sutcliffe Ltd: claim for the payment...
Ministry of Labour and successors: Arbitration Tribunals, Registered Files.	Award No. 1425 and 1454 Constructional Engineering Union and Dorman Long and Co Ltd: claim regarding ...
Ministry of Labour and successors: Arbitration Tribunals, Registered Files.	No Award Constructional Engineering Union, Transport and General Workers' Union and National Union of General ...
LONDON COUNTY COUNCIL. Tramways Department: General. Arbitration proceedings.	Joseph Westwood & Co Ltd - Arbitration concerning contract for construction of the superstructure of Greenwich Generating Station, 1908 - Proceedings and award

Context Description	Title
Department of the Environment: Directorate of Construction Industries, Building Regulations Administrative Division: Registered Files (BRA Series).	Future of building control in England and Wales: informal arbitration on disputes; comments on proposals ...
South Devon Railway Company. B V ELLIOT VERSUS THE SOUTH DEVON RAILWAY COMPANY ARBITRATION.	Minutes of order on motion to dissolve injunction restraining company from constructing an embankment or ...
South Devon Railway Company. B V ELLIOT VERSUS THE SOUTH DEVON RAILWAY COMPANY ARBITRATION.	Copy pleadings in action tried, at Devon Assizes, to determine right of defendants to construct ...
Union of Construction, Allied Trades & Technicians : Amalgamated Society of Woodworkers. London district management cttee.	Minutes of an arbitration between Central Assoc. of Master Bldrs. and the London United Trades...
Advisory, Conciliation and Arbitration Service: Recognition of Trade Unions: Reports and Case Files. Applications for Recognition.	Report No. 55: R and T Howarth Ltd and Union of Construction, Allied Trades and ...
Haigh Estate Papers.THE EARL OF CRAWFORD & BALCARRES.RAILWAY COMPANIES & MISCELLANEOUS.	Brief for Lord Crawford. Arbitration before Messrs. Thomas Statter & C.F.Cawley arbitrators and Gatherne Hardy,.
Ministry of Labour and successors: Arbitration Tribunals, Registered Files.	Award No. 2073 National Union of Railwaymen v Southern Railway Company: claim that staff employed ...
Miscellaneous Papers and Records. Midland and South Western Junction Railway. Charles Braddock (Contractor).	Versus the Company. Arbitration proceedings regarding construction of line between Cirencester and Andoversford
Office of Works and successors: Miscellanea. WESTMINSTER BRIDGE. Miscellaneous Records.	Lucey's Arbitration Claim for depreciation to Barges used during the construction of Westminster Bridge
Middlesbrough and Guisbrough Railway Company. DEEDS, AGREEMENTS, CONTRACTS, SPECIFICATIONS, ESTIMATES, PLANS.	Agreements for land, construction, locomotive power, traffic working and arbitration etc
Ministry of Transport and successors, Railway Divisions: Correspondence and Papers.	Regent's Canal & Dock Company v LCC: Arbitration re construction of Canal Bridge, City Road....
Treasury Solicitor: Transcripts of Proceedings.	Henry Kerswill v The Secretary of State for War in arbitration, over the construction of...
Ministry of Labour and Predecessors: Correspondence. Chief Industrial Commissioner's Department files and Wages and Arbitration Department files.	Cable Workers: Arbitration Awards. Callenders Cable and Construction Company Limited Belvedere v Workers Union (Committee ...
Ministry of Labour and successors: Arbitration Tribunals, Registered Files.	Award No. 254 National Federation of Building Trades Operatives, trade unions represented on the operatives...
Messrs. Hodding and Wordsworth, Potter Street, Worksop. 1. Worksop Estates. (ix) Administration - Railway Construction. a. Manchester, Sheffield and Lincoln Line.	Arbitration in Dispute of Company with Duke of Newcastle relating to lands in Worksop awarding...
South Wales Railway Company: Records. COURT CASES AND ARBITRATIONS. South Wales Railway Company (Pembroke Branch), plaintiffs, vs Wythes and Tredwell, defendants, in Chancery.	Copy memorandum of contract for construction of Pembroke Branch
Ministry of Labour and Predecessors: Correspondence. Chief Industrial Commissioner's Department files and Wages and Arbitration Department files.	Cable Workers: Arbitration Awards. Callenders Cable and Construction Company Limited Belvedere v Workers Union (Committee ...

Context Description	Title
Office of Works and successors: Miscellanea. WESTMINSTER BRIDGE. Miscellaneous Records.	Lucey's Arbitration Claim for depreciation to Barges used during the construction of Westminster Bridge
WHITWORTH URBAN DISTRICT COUNCIL. Miscellaneous.	Minutes of first day's proceedings in arbitration concerning payment for construction of sewers between Whitworth...
Weymouth and Portland Railway Company: Records. DOCUMENTATION.	Drafts of submissions of questions to arbitration between GWR, LSWR and W&PR for construction of...
Salisbury City Council. THE CORPORATE CITY. Legal Correspondence.	Reed and Mallik Arbitration over construction of City Relief Road Stage II
LAND DRAINAGE AND COURTS OF SEWERS. Records of the Kent Rivers Catchment Board, the Kent River Board and the Kent... Legal.	Papers relating to arbitration between the Demolition and Construction Co. Ltd. and the K.R.B.
GREAT YARMOUTH BOROUGH COUNCIL, TOWN CLERK'S DEPARTMENT. INHERITED RECORDS: Yarmouth Local Board of Health.	Papers in arbitration with Henry Margetson re construction of sewer near South Market Road, inc. plans
Weymouth and Portland Railway Company: Records. DOCUMENTATION.	Drafts of submissions of questions to arbitration between GWR and LSWR for construction of W...
Transport Ministries: Contracts (CON Series) Files.	Contracts let by North Western Road Construction Unit: North Cheshire Motorway M56, Stoak interchange; arbitration...
Ministry of Munitions, Munitions Council: Historical Records Branch. File sequence R. Files originally classified under the broad subject heading(s): Labour. (Described at item level).	Copy of arbitration award between employers and workmen engaged on construction of National Filling Factory, ...
Miscellaneous Papers and Records. Welshpool and Llanfair Light Railway. John Strachan v Cambrian Railways.	Arbitration regarding contract of 6 August 1901 for construction of Welshpool and Llanfair Light Railway
PRESTON COUNTY BOROUGH. Ribble Navigation and Preston Dock. Arbitrations.	Papers relating to estate of L. Rawstone including agreement of tenancy of land in Howick...
Ministry of Labour and Predecessors: Correspondence. Industrial Relations Department files; Intelligence and Statistics Department files; Wages and Arbitration Department files....	Intelligence and Statistics Department: Correspondence with civil engineering and constructional works labourers concerning an enquiry ...
Union of Construction, Allied Trades & Technicians: Manchester Unity Operative Bricklayers' Society. Printed Series.	TPS: Nos. 294-309 [Lacks 304] ABS: Nos. 294-305 [Lacks 294-6, 303-4] Vol. incl. Report of Arbitration Board,...
Lord Chancellor's Office and Lord Chancellor's Department: Registered Files. Arbitrators, Chairmen and Referees, etc. other than those appointed by Lord Chancellor under statutory powers.	National Insurance (Industrial Injuries) Act 1946 S.7: complaint by Trades Union Council about construction placed ...
Monmouthshire Railway and Canal Company. ARBITRATION CONCERNING ABERTILLERY OR CWMTILLERY BRANCH RAILWAY.	Draft agreement between John Russell (of Wydlands, Monm) & Thomas Prothero Price (of Abertillery, Monm) ...
Ministry of Health and Department of Health and Social Security: Hospital Construction, Registered Files (File Office J Series). HOSPITAL BUILDING PROGRAMME. The National Hospital for Nervous Diseases, Queen Square, London.	Development of the laboratory block: unofficial strike on the Phase 1 Site; arbitration hearing and ...
South Devon Railway Company. B V ELLIOT VERSUS THE SOUTH DEVON RAILWAY COMPANY ARBITRATION.	Brief on motion for the defendants to dissolve the injunction obtained by Plaintiff to restrain ...

Context Description	Title
London Borough of Sutton and Predecessors. Local Government Records, 1862-1983. Worcester Park Sewage Works.	Worcester Park Sewage Works: copy contract between S& C Borough and Alderton Construction Co Ltd re: construction of the works in Arbitration File
COUNTY OF BUCKINGHAMSHIRE QUARTER SESSIONS. COURT RECORDS. COUNTY GAOL. New county prison. Papers and correspondence relating to design, finance, construction, etc. Letters to...	Peirce: Giving the name of the arbitrators agreed with Locke & Nesham, the contractors. Please return the drawings.
Ministry of Labour and Predecessors: Correspondence. Chief Industrial Commissioner's Department files; Trade Boards files; Industrial Relations Department files.	Industrial Relations Division: Railway Industry. Bridgebuilding and Constructional Engineering Employers' Association v Constructional Engineering Union: ...
	Edwards, Leslie (b 1945), engineer and arbitrator, papers rel to the construction of Marsa shipyard at Malta
London Borough of Sutton and Predecessors. Local Government Records, 1862-1983. Worcester Park Sewage Works.	Worcester Park Sewage Works: copies of documents to be produced in arbitration between S& C Borough and Alderton Construction
EGERTON FAMILY, EARLS OF WILTON, OF HEATON HALL. LEGAL DRAFTS AND CORRESPONDENCE.	Papers relating to Heaton Reservoir construction
Transport Ministries: Contracts (CON Series) Files.	Contracts let by North Western Road Construction Unit: North Cheshire Motorway, M56/5, Hapsford to Preston ...
The Stafford Family Collection. The Fitzherberts of Swynnerton. Title Deeds etc. Title Deeds. Norbury [co. Derbs.] estate.	Presentments at Staffs. Assizes, arbitration bonds etc. re disputes on raising level of River Dove...
Miscellaneous Papers and Records. Llanelly and Mynydd Mawr Railway. Llanelly Harbour and Burry Navigation Commissioners.	Correspondence, plans, arbitration reports, etc. as to Disputes over Harbour Works, Dredging and Scouring of ...
Miscellaneous Papers and Records. Llanelly and Mynydd Mawr Railway. Llanelly Harbour and Burry Navigation Commissioners.	Correspondence, plans, arbitration reports, etc. as to Disputes over Harbour Works, Dredging and Scouring of ...
Ministry of Labour and Predecessors: Correspondence. Chief Industrial Commissioner's Department files and Wages and Arbitration Department files.	Wages and Arbitration Department: Farriery. Val de Travers Paving Co. Ltd. (and other asphalt firms), ...
Miscellaneous Papers and Records. Port Talbot Railway and Docks.	Construction of Railway and Dock works under Act of 1894 - contract with S. Pearson ...
Wycombe Railway Company. DOCUMENTATION.	Agreement between GWR and WRC concerning payment for maintenance and cost of construction of junction ...
Ministry of Housing and Local Government and predecessors: Water Division and predecessors: Water and Sewerage, Registered Files. LOCAL AUTHORITY PAPERS. South Essex Waterworks Company (6026).	Construction of new reservoir - amount of compensation to be paid to owner of land...
Ministry of Labour and Predecessors: Correspondence. Chief Industrial Commissioner's Department files.	Chief Industrial Commissioner's Department: Munitions Industries: Arbitration Awards. Ministry of Munitions v employees employed on ...
Miscellaneous Papers and Records. Llanelly and Mynydd Mawr Railway. Llanelly Harbour and Burry Navigation Commissioners.	Correspondence, plans, arbitration reports, etc. as to Disputes over Harbour Works, Dredging and Scouring of ...

Context Description	Title
Miscellaneous Papers and Records. Llanelly and Mynydd Mawr Railway. Llanelly Harbour and Burry Navigation Commissioners.	Correspondence, plans, arbitration reports, etc. as to Disputes over Harbour Works, Dredging and Scouring of ...
COUNTY OF BUCKINGHAMSHIRE QUARTER SESSIONS. COURT RECORDS. COUNTY GAOL. New county prison. Papers and correspondence relating to design, finance, construction, etc. Letters to...	Peirce: Thanks for sending the minute governing my appointment; inform me of the details of the proposed reference of my account to arbitration.
Treasury: Treasury Board Papers and In-Letters. Papers registered in 1913. Papers registered in 1913. (Described at item level).	War Office. Arbitration of disputes arising on contracts. (Case of W. Hill, contractor for the...
Ministry of Labour and Predecessors: Correspondence. Chief Industrial Commissioner's Department files; Commercial Department files; Headquarters Department files; Industrial Relations Department...	Chief Industrial Commissioner's Department: Vehicle Building; Arbitration Awards. Ministry of Munitions Building Labour Committee Trollope ...
Ministry of Labour and Predecessors: Correspondence. Chief Industrial Commissioner's Department files; Commercial Department files; Headquarters Department files; Industrial Relations Department...	Chief Industrial Commissioner's Department: Vehicle Building; Arbitration Awards. Ministry of Munitions Building Labour Committee Trollope ...
Ministry of Labour and Predecessors: Correspondence. Chief Industrial Commissioner's Department files; Commercial Department files; Headquarters Department files; Industrial Relations Department...	Chief Industrial Commissioner's Department: Vehicle Building; Arbitration Awards. Ministry of Munitions Building Labour Committee Trollope ...
Ministry of Labour and Predecessors: Correspondence. Chief Industrial Commissioner's Department files; Commercial Department files; Headquarters Department files; Industrial Relations Department...	Chief Industrial Commissioner's Department: Vehicle Building; Arbitration Awards. Ministry of Munitions Building Labour Committee Trollope ...
Ministry of Labour and Predecessors: Correspondence. Chief Industrial Commissioner's Department files.	Chief Industrial Commissioner's Department: Munitions Industries: Arbitration Awards. Ministry of Munitions v employees engaged on ...
Department of Employment and predecessors: Industrial Relations, Registered Files.	Dispute between Christiani and Neilson Ltd (Construction Engineers) at Esso Oil Refinery, Fawley and Amalgamated ...
Ministry of Labour and Predecessors: Correspondence. Industrial Relations Department files and Trade Boards files.	Industrial Relations Division: Iron and Steel Industry. Constructional Engineering Union v Messrs. James Allan Senior ...
COUNCIL SOLICITOR'S DEPARTMENT. BOLTON CORPORATION ACT, 1905: ARBITRATION BETWEEN EDWARD DEAKIN AND BOLTON CORPORATION CONCERNING COMPENSATION FOR...	File of Tables and Statistical Returns
Ministry of Labour and Predecessors: Correspondence. Chief Industrial Commissioner's Department files; Headquarters Department files; Industrial Relations Division files; Joint Industrial...	Wages and Arbitration Department: Electrical Power Engineers' Association's Award (No. 9281) Shipwrights' and Shipconstructors' Association, ...
Ballantine Dykes family of Dovenby Hall. Additional records. Estate.	Cases for counsels' opinions, copy award and papers relating to arbitration between F L B...

Context Description	Title
Ministry of Labour and Predecessors: Correspondence. Industrial Relations Department files and Trade Boards files.	Industrial Relations Department: Correspondence with the Industrial Court concerning the award given in arbitration by ...
Ministry of Labour and Predecessors: Correspondence. Chief Industrial Commissioner's Department files.	Chief Industrial Commissioner's Department: Correspondence with W Addington Willis concerning the award given in arbitration ...
Ministry of Labour and Predecessors: Correspondence. Chief Industrial Commissioner's Department files.	Chief Industrial Commissioner's Department: Arbitration Awards: Miscellaneous and General Labourers. Ministry of Munitions v Gretna ...
Ministry of Labour and Predecessors: Correspondence. Industrial Relations Department files and Trade Boards files.	Industrial Relations Division: Iron and Steel Industry. Constructional Engineering Union v Messrs. James Allan Senior ...
Ministry of Labour and Predecessors: Correspondence. Chief Industrial Commissioner's Department files; Commercial Department files; Headquarters Department files; Industrial Relations Department...	Chief Industrial Commissioner's Department: Vehicle Building: Arbitration Awards. Ministry of Munitions Building Labour Committee Trollope ...
Ministry of Labour and Predecessors: Correspondence. Chief Industrial Commissioner's Department files; Headquarters Department files; Industrial Relations Division files; Joint Industrial...	Wages and Arbitration Department: Electrical Power Engineers' Association's Award (No. 9281) Shipwrights' and Shipconstructors' Association, ...
Ministry of Labour and Predecessors: Correspondence. Chief Industrial Commissioner's Department files; Commercial Department files; Headquarters Department files; Industrial Relations Department...	Chief Industrial Commissioner's Department: Vehicle Building: Arbitration Awards. Ministry of Munitions Building Labour Committee Trollope ...
Bridport Railway Company. MINUTES AND REPORTS. Board Reports and Papers.	Papers relating to promotion of BRC, construction of line, dispute with K Matherson and subsequent ...
Treasury Solicitor: Transcripts of Proceedings.	Thames Iron Works and Shipbuilding Company Limited v the Admiralty: construction of HM first class...
Ratcliffe and Henderson of Helston, solicitors. Records of the St. Aubyn family of Clowance, Crowan. ESTATE ADMINISTRATION. INDIVIDUAL PARISHES. Camborne.	Brief, affidavits and award, Boswin Stream arbitration, Camborne Water Co. V. Rev. St. Aubyn Hender...
Ministry of Labour and Predecessors: Correspondence. Chief Industrial Commissioner's Department files.	Chief Industrial Commissioner's Department: Arbitration Awards: Miscellaneous and General Labourers. Birmingham Building Trades Employers Association ...
BRADSHAW, GASS AND HOPE OF BOLTON, ARCHITECTS.	St Annes on Sea Library: arbitration papers relating to the construction of a Carneige Library at St Annes on Sea, Lancashire, also correspondence, contracts, accounts, estimates, quantities
Papers and correspondence of Sir Frederick Edward Warner FRS, FEng. SOCIETIES AND ORGANISATIONS, C.1-C.584. INTERNATIONAL COURT OF ARBITRATION.	Other printed material
South Wales Railway Company: Records. COURT CASES AND ARBITRATIONS. South Wales Railway Company (Pembroke Branch), plaintiffs, vs Wythes and Tredwell, defendants, in Chancery.	Copy memorandum of agreement approved by George Wythes and Thomas Tredwell, between South Wales Railway ...

Context Description	Title
Ministry of Labour and Predecessors: Correspondence. Chief Industrial Commissioner's Department files.	Chief Industrial Commissioner's Department: Arbitration Awards: Miscellaneous and General Labourers. Midland Employers Federation representing bridge ...
Union Of Construction, Allied Trades & Technicians : Operative Bricklayers' Society. Printed Series.	Monthly Reports : Nos.56-103. Also incl. : Quarterly Rpts., Dec 1865 - Jun 1866; transcripts...
NELSON Municipal Borough. Town Clerk's Department. Municipal Borough Records. Judicial case papers.	Arbitration in a contract dated 5 Dec. 1898 between Messrs. J. and M. Harley, builders...
Transport Ministries: Contracts (CON Series) Files.	Contracts let by North Western Road Construction Unit: North Cheshire Motorway, contract M56/7, Preston Brook ...
Transport Ministries: Contracts (CON Series) Files.	Contracts let by North Western Road Construction Unit: North Cheshire Motorway M56, Hapsford-Preston Brook section ...
Ministry of Labour and Predecessors: Correspondence. Industrial Relations Department files and Trade Boards files.	Industrial Relations Department: Correspondence with the Bridge Building and Constructional Engineering Employer's Association, the Iron ...
Pearson Shaw and Son of Bingham, architects and surveyors.	College of Estate Management, London, course notes and essay questions
NELSON Municipal Borough. Town Clerk's Department. Local Board Records. Contracts and Tenders. Miscellanea.	James Thane and William Alfred Wilson, both of Maryport, Cumb., contractors Contract for the construction of...
Ministry of Labour and Predecessors: Correspondence. Industrial Relations Department files and Trade Boards files.	Industrial Relations Division: Agriculture Industry. Bridge Building and Constructional Engineering Employers' Association, v the Iron ...
Great Northern Railway Company: Surveyor and Estate Agent: Correspondence Files.	Tickhill Light Railway, purchase of land for construction from owners: Owston and Haxey, Lincolnshire; award ...
RAY OF HEANOR. Estate Papers. Heanor Hall estate. Legal papers.	Award of arbitration in a dispute between John Ray and Messrs Smith and Frearson (trustees...
Transport Ministries: Contracts (CON Series) Files.	Contracts let by South Eastern Road Construction Unit: South Coast Motorway M27, Ower to Chilworth ...
Transport Ministries: Contracts (CON Series) Files.	Contracts let by North Western Road Construction Unit: North Cheshire Motorway M56, Hapsford-Preston Brook section ...
Transport Ministries: Contracts (CON Series) Files.	Contracts let by North Western Road Construction Unit: North Cheshire Motorway, contract M56/7, Preston Brook ...
Transport Ministries: Contracts (CON Series) Files.	Contracts let by North Western Road Construction Unit: North Cheshire Motorway M56, Hapsford-Preston Brook section...
Transport Ministries: Contracts (CON Series) Files.	Contracts let by North Western Road Construction Unit: North Cheshire Motorway M56, Hapsford-Preston Brook section...
Catalogue of the records of Edmund Kirby & Sons architects and surveyors, Liverpool by... ENGLAND. LANCASHIRE: PARISHES. Widnes: other properties.	Lunts Heath Road, Widnes: correspondence and papers concerning E B Kirby as arbitrator in dispute between Mrs Theresa O'Brien and F Smith, builder, relating to construction of house, Four Ways.
Public Record Office: Maps and plans extracted to flat storage from various series of records held at the Public Record Office, Kew, from 1977.	17 items (originally annexed to a document putting the Japanese government's case to the arbitration ...

Context Description	Title
Board of Trade Harbour Department: Correspondence and Papers. Board of Trade Harbour Department: correspondence and papers.	Harbours. Particulars, etc. of dispute between Sir J. Aird and the Bristol Corporation on the ...
Foreign Office: Consulate and Legation, Greece (formerly Ottoman Empire): General Correspondence.	Correspondence: F1. Contents of FO 286/1026-1027 include: Railway construction in Greece (18 April 1928); Settlement...
Nantes and Wilde (solicitors) MSS.	UPHILL
Board of Trade Harbour Department: Correspondence and Papers. Board of Trade Harbour Department: correspondence and papers.	Electric Lighting. Appeal against the refusal of the Battersea Borough Council to allow the laying ...
Foreign Office: Consulate and Legation, Greece (formerly Ottoman Empire): General Correspondence.	Correspondence: F1. Contents of FO 286/1026-1027 include: Railway construction in Greece (18 April 1928); Settlement...
The Family and Estate Papers of the Willoughby Family, Lords Middleton, of Wollaton, Nottinghamshire,... Legal Papers of the Willoughby Family of Wollaton, Nottinghamshire, Middleton, Warwickshire and Birdsall, Yorkshire;... Estate Papers. Papers relating to Railway Development in the Nottinghamshire Estates.	MS transcripts from shorthand writer's notes concerning Case in Chancery, Lord Middleton v The Midland Railway Company. Before R. J. Charlton esquire, arbitrator, 14, 15, 17, 24 July and 1 August 1871
BRADSHAW, GASS AND HOPE OF BOLTON, ARCHITECTS.	The Walker Institute, Southfield Estate, Bolton: construction of new football ground - quantities, 1933 K103661X 134...
Union of Construction, Allied Trades & Technicians : Amalgamated Society of Woodworkers. Miscellaneous files created at the ASW gen.office.	Miscellaneous documents, including Engraving of Robert Applegarth, 1873 GUOCJ New Mills branch: pprs. re a disabled member,...
Great Northern Railway Company: Surveyor and Estate Agent: Correspondence Files.	Mint Street property, London: agreement between London County Council and Great Northern Railway Company to ...
Brockbank and Tyson, solicitors of Whitehaven. Clients' records. Railway companies. London North Western Railway.	Papers, including plans (3), relating to the dispute with Bain and Co., concerning land purchased...
IPSWICH DOCK COMMISSION. LEGAL PAPERS. Papers relating to dispute between David Thornbory of King's Lynn and Commissioners re his...	Articles of agreement (counterparts)
BOSWORTH (HIGHGATE HOUSE) COLLECTION. Teeton Hall estate.	Alfred Andrew, solicitor, Northampton, to Thomas Jones Bosworth, Cadeby Compensation for the damage to Teeton...
Treasury: Treasury Board Papers and In-Letters. Papers registered in 1919. Papers registered in 1919. (Described at item level).	Foreign Office. Claim by the Rambla Co. of Montevideo Ltd., a British company, for compensation ...

Context Description	Title
Hornsey Local Board of Health, Urban District Council and Borough Council. Borough Officials. Engineer and Surveyor. Miscellaneous. Papers re. drainage and sewerage.	Correspondance and other working papers re the construction of the Hornsey Outfall Sewer (Green Lanes to Manor Rd and Eade Rd Stoke Newington. Includes transcript of arbitration between Hornsey, Islington and LCC over drainage, 1905; reports by E and S over necessity to rebuild the sewer built 1871; complaints re damage to houses caused by building; photograp; costs of materials and wages; plans and drawings; copy 6' 0s map 1920 rev. showing line of sewer.
Montague Family. DEEDS. Midhurst. Easeborne.	Agreement
General Board of Health and Home Office, Local Government Act Office: Correspondence. Urban Districts. Urban Districts: Upper Mill, 1867-1869; Upper Sedgley, 1867-1871; Uppertong, 1861-1869; Uxbridge, 1848-1871. Details given...	Folios 373-374. To: The General Board of Health. From: Charles Woodbridge, Clerk to the Uxbridge...
Shelly and Johns Solicitors.	Papers relating to the case of Lang versus the Plymouth Devonport and South Western Junction Railway Company
RECORDS OF THE MOCCAS ESTATE. MISCELLANEOUS ESTATE CONCERNS.	MOCCAS TOLL BRIDGE Papers relating to its building, (correspondence, statements of accounts etc.) Note: The bridge was...
General Board of Health and Home Office, Local Government Act Office: Correspondence. Urban Districts. Urban Districts: Upper Mill, 1867-1869; Upper Sedgley, 1867-1871; Uppertong, 1861-1869; Uxbridge, 1848-1871. Details given...	Folio 374. To: The General Board of Health. From: Charles Woodbridge, Clerk to the Uxbridge...
Public Record Office: Maps and plans extracted to flat storage from various series of records of the War Office. 10 items extracted from WO 44/23. Maps of land in Upper Canada (now Ontario)...	Upper Canada (now Ontario): Wolford (now part of Merrickville-Wolford). (8) 'Concession A. Lots 26 and ...
Department of Employment: Manpower and Productivity Service Division: Registered Files (MPS Series).	Department of Employment: Manpower and Productivity Service Division: Registered Files (MPS Series)
General Board of Health and Home Office, Local Government Act Office: Correspondence. Urban Districts. Urban Districts: Harrow, 1849-1869; Hartlepool, 1849-1870. Details are given at item level.	Folios 171-173. To: The Local Government Act Office. From: A Montague Butler, Chairman of the ...
Trade Union Activity Within Gloucestershire. TRANSPORT AND GENERAL WORKERS UNION. EMPLOYERS.	Industrial tribunal hearings
FYLDE WATER BOARD. Contracts.	Correspondence and other papers
The Goodwood Estate Archives. ESTATE PAPERS. ESTATE ADMINISTRATION. GENERAL.	Papers in a dispute between Caleb Rickman of Chichester and John Newman of Singleton regarding Cakeham Farm, West Wittering.
War Cabinet and Cabinet: Minutes. Cabinet. Conclusions. 1(28) - 30(28).	Record Type: Conclusion. Former Reference: CC 1 (28). Attendees: S Baldwin; A Chamberlain; W Churchill;...

Context Description	Title
General Board of Health and Home Office, Local Government Act Office: Correspondence. Urban Districts. Urban Districts: Dartford, 1848-1867; Dartmouth, 1853-1871; Darton, 1864-1870; Dawdon, 1863-1869. Details are given at...	Folios 538-539. To: The Local Government Act Office. From: Percy Hockin, Clerk to the Local ...
General Board of Health and Home Office, Local Government Act Office: Correspondence. Urban Districts. Urban Districts: Exeter, 1848-1871; Exmouth, 1848-1870. Details are given at item level.	Folios 29-31. To: The General Board of Health. From: J G Bidwell, Manager, The Landowners' ...
WINN PAPERS.	Frodingham Ironstone Mines Ltd., Board of Trade
General Board of Health and Home Office, Local Government Act Office: Correspondence. Urban Districts. Urban Districts: Honley, 1864-1871; Hoole, 1863-1871; Horbury, 1863-1869; Horfield, 1865-1871; Horncastle, 1863-1871; Hornsea 1863-1871....	Folios 319-320. To: Home Secretary. From: William Kent, Chairman of the Horfield Local Board, Horfield, ...
THE SCARISBRICK MUNIMENTS. Railway Correspondence and Papers.	West Lancashire Branch of the Lancashire and Yorkshire Railway Company correspondence, plans and legal papers...
LAND DRAINAGE RECORDS OF WEST SUSSEX. RECORDS OF THE COMMISSIONERS OF SEWERS FOR THE WESTERN PART OF THE COUNTY OF... ADMINISTRATION. ORIGINAL BUNDLES. Documents relating to the reclamation of Pagham Harbour.	Documents relating to an alleged breach of the Pagham Harbour Reclamation Act by the Pagham Harbour Reclamation Co
Deposit from Balderstone, Warren (solicitors), Biggleswade. Sandy and Edworth - watermains over LNWR property.	Grant of right i) The London and North Western Railway Company Ltd ii) The Rural District of...
ARCHIVE OF THE DAVIES-GILBERT FAMILY OF EASTBOURNE, EAST SUSSEX, AND TRELISSICK, CORNWALL. ESTATE RECORDS. The estate as managed by F H Gell.	Eastbourne Improvement Act
Cheltenham Borough Records. THE IMPROVEMENT COMMISSION, 1852-1876. Improvement Commissioners. Correspondence.	Correspondence
General Board of Health and Home Office, Local Government Act Office: Correspondence. Urban Districts. Urban Districts: Bury St Edmunds, 1855-1871; Buxton, 1858-1871. Described at item level.	Folios 96-99. To: The Local Government Act Office. From: James Sparke, [Clerk, The Paving Commissioners ...
General Board of Health and Home Office, Local Government Act Office: Correspondence. Urban Districts. Urban Districts: Margate. Details are given at item level.	Folios 209-211. To: The General Board of Health. From: John Boys, Chairman of the Local...
John Fowler & Co., (Leeds) Ltd. LEGAL RECORDS OF COMPANIES AND BUSINESSES. PATENTING RECORDS.	LICENCE
Records inherited and created by the Ministry of Transport and successors, Commissions, Tribunals and Inquiries.	Records inherited and created by the Ministry of Transport and successors, Commissions, Tribunals and Inquiries

Context Description	Title
BROWN & MERRY (Leighton Buzzard). Sale Catalogues and agency papers - arranged by parish. TODDINGTON.	(i) Bundle of correspondence, mainly between Hugh Millar (incoming tenant to Redhills Farm, Toddington), Ivan...
JOHNSON.	Agreement, re conveyance and sale, for Â£711.7s.2d.:
DEAL BOROUGH. ECCLESIASTICAL AND CHARITY. Deal Chapel.	Chapel wardens' accounts
WINN PAPERS.	Frodingham Ironstone Mines Ltd., Frodingham Iron & Steel Co. Ltd.
Additional Manuscripts, Catalogue F. Plans, diagrams and other memoranda concerning the Royal Military Canal between Hythe and Winchelsea....	Plans, diagrams and other memoranda concerning the Royal Military Canal between Hythe and Winchelsea
LONDON COUNTY COUNCIL.	Tramways Department: General
Colonial Office and predecessors: British Guiana, formerly Berbice, Demerara, and Essequibo, Original Correspondence.	Correspondence from 'offices' (Government departments and other organisations) and individuals on matters relating to British ...
HOOPER AND FLETCHER ARCHIVE. S.Wells & Co: Edmund Powers and E.Powers & Sons. Ham Brick Field, Faversham, Kent. Deeds etc.	Copy of Lease for 10 Years from 11 October 1878 1) Reverend Henry John Rusk of...
Shackerley Collection. Jones Family Papers. George Jones.	Deed of Copartnership - The Chillington Coal & Iron Co.'
WINN PAPERS.	C Winn, Sir Robert Sheffield Bart
URBAN DISTRICT OF BARNOLDSWICK. Legal Papers.	Legal papers relating to the Council's gas, water, sewage, education, health and private street works,...
	Business Papers of W.T.Nash
Miscellaneous Papers. Luton. Sworders' Brewery.	Draft agreement
Employment Exchanges Reports on Employment and Unemployment.	Employment Exchanges Reports on Employment and Unemployment
Manuscripts. Carew Manuscript.	The EARL OF TYRONE and SIR TIRLAGH O'NELE.
Records of the Salaries Branch and Burnham Committees.	Records of the Salaries Branch and Burnham Committees
Colonial Office and predecessors: British Guiana, formerly Berbice, Demerara, and Essequibo, Original Correspondence.	Correspondence from 'offices' (government departments) on matters relating to British Guiana. Correspondents and subjects are ...
	SALTMARSHE FAMILY OF SALTMARSHE
	BEDFORDSHIRE COUNTY COUNCIL
India Office Records.Records of the British Residency and Agencies in the Persian Gulf.	Political Agency, Muscat
	Papers and correspondence of Sir Frederick Edward Warner FRS, FREng
	FOLKESTONE BOROUGH
Manuscripts. Shrewsbury Papers.	Shrewsbury Papers
	THE DANSON FAMILY ARCHIVE
	John Fowler & Co., (Leeds) Ltd.
	THE GLYNDE PLACE ARCHIVES

## **Appendix II: Construction arbitration records in London Metropolitan Archives**

### **Sunbury Urban District Council – ACC/2155**

Records of Sunbury Urban District Council, 1895-1971, including presented reports; correspondence, memoranda and copies of bye-laws, relating to the adoption of certain provisions of the Public Health Acts Amendment Act 1907; deeds, agreements and other documents relating to The Cedars Estate, Sunbury; papers relating to a dispute between the owners of Sunbury Park Estate and the Council; agreements and contracts for various works to be carried out, particularly road maintenance works, sewer and drainage works, housing construction, civil defense structures and war damage repairs.

### **St Leonard, Streatham: Streatham High Road, Lambeth – P95/LEN**

Records of the parish of Saint Leonard, Streatham High Road, Streatham, including papers relating to a legal dispute; financial accounts; registers of baptisms, marriages, burials and banns; papers relating to tithes; Parochial Church Council minutes; church services registers; papers relating to parish boundaries; papers relating to the construction and maintenance of the church including faculties and specifications; administrative papers; and papers relating to the parish schools. C 1439-1960 M 1538-1963 B 1538-1862

### **Correspondence with William Haywood plus memoranda and press cuttings over proposed stations at Bank and St. Paul's, Feb. 1890 - June 1893 - COL/TSD/EG/03/02/001**

Subjects include:- statement as to proposed railway by Company Engineers - opposition to Central London Railway Bill, 1890 - negotiations between Company and W. Haywood over rate of railway beneath Holborn Viaduct - dispute over jurisdiction with London County Council - submitting Bank plans to Commissioners of Sewers for approval - future construction at Bank of stairs, subway, ventilation ducts

### **Queen's Bench Division, Feb. 7. Faulkner and Others v. Chubb - CLC/B/002/10/01/018/016A**

Dispute concerning the recovery of £30 for work and layout in construction of a working model of an apparatus for closing train doors, invented by Mr. Chubb. The jury found for Chubb, on the grounds that the contract had not been properly carried out. Unknown source.

### Appendix III: Records of arbitral organisations in archives

**Source:** primarily TNA's [Discovery](#) portal. The list includes the records of both government arbitral organisations held by TNA and private or local authority sector bodies held in local authority or specialist archives. Records may vary from the complete written archive to miscellaneous papers or the archived website.

Arbitral institution	Archive repository (England & Wales)
Admiralty Transport Arbitration Board	The National Archives
Advisory Conciliation and Arbitration Service (ACAS)	The National Archives
Aircraft and Ship Building Industries Arbitration Tribunal	The National Archives
Anglo-American Pecuniary Claims Arbitration Tribunal	The National Archives
Anglo-Austrian Mixed Arbitral Tribunal	The National Archives
Anglo-Bulgarian Mixed Arbitral Tribunal	The National Archives
Anglo-German Mixed Arbitral Tribunal	The National Archives
Anglo-Hungarian Mixed Arbitral Tribunal	The National Archives
Board of Conciliation and Arbitration for the Boot and Shoe Trade of Leicester	Record Office for Leicestershire, Leicester and Rutland
Board of Conciliation and Arbitration for the Iron and Steel Trades of the North of England	Teesside Archives
Central Arbitration Committee	The National Archives
Civil Service Arbitration Tribunal	The National Archives
Epping Forest Arbitrator	The National Archives
Hinckley and District Boot and Shoe Arbitration Board	Record Office for Leicestershire, Leicester and Rutland
International Arbitration Commission	The National Archives
Lambeth Mediation Service	Lambeth Archives
Leicestershire and Rutland Board of Conciliation and Arbitration for the Boot and Shoe Trade	Record Office for Leicestershire, Leicester and Rutland
London Court of Arbitration	London Metropolitan Archives
London Passenger Transport Arbitration Tribunal	The National Archives
Mediation UK	London University: London School of Economics Library, Archives and Special Collections
Ministry of Labour, Wages and Arbitration Department	The National Archives
National Family Mediation	London University: London School of Economics Library, Archives and Special Collections
Official Arbitrator, Land Claims	The National Archives
Shoe Trade Board of Arbitration	Northamptonshire Record Office
Transport Arbitration Tribunal	The National Archives

## Appendix IV: Papers of individual arbitrators held in archives

**Source:** TNA's [Discovery](#) portal. This list should not in any way be seen as exhaustive, since many individuals undertaking arbitration work may have been not classified as such by the repositories with which their papers have been deposited. They should always be searched for by name.

Individual	Records	Archive repository (England & Wales)
Edwards, Leslie (b 1945), engineer and arbitrator	1975-1978: papers rel to the construction of Marsa shipyard at Malta	Institution of Civil Engineers
Fry, Sir Edward (1827-1918), Knight, judge, arbitrator and zoologist	1834-1935 personal and family correspondence; diaries of prison visits	Cambridge University: King's College Archive Centre; Cambridge University Library: Department of Manuscripts and University Archives; Warwick University: Modern Records Centre
Guillebaud, Claude William (1890-1971), economist and arbitrator	1927-1972: personal papers and corresp	Cambridge University: St John's College Library
Marsh, Arthur (1922-1999), academic and industrial arbitrator	c1960-1991: papers rel to work as industrial arbitrator	Warwick University: Modern Records Centre

## **Appendix V: Arbitral organisations contacted prior to this project**

[The Arbitration Club](#)

[Centre for Effective Dispute Resolution](#)

[Chartered Institute of Arbitrators](#) (CIARB)

[Civil Mediation Council](#)

[London Maritime Arbitrators Association](#)

[Society of Construction Arbitrators](#)

[UK Mediation](#)

[Worshipful Company of Arbitrators](#)