

Legal Records at Risk Project Case Study

Alternative dispute resolution records held by Transport for London

23 May 2016

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Acknowledgements

The Legal Records at Risk project Director and Executive Committee wish to express our thanks to Transport for London for its active, open and supportive co-operation in this case study; the TfL Corporate Archives in particular could not have been more helpful and we were highly impressed with the quality of the on-line catalogue and the extent and detailed nature of the records we viewed. Our special thanks to the following individuals:

- Melissa McGreechan, Assistant Archivist, TfL Corporate Archives, for her patience and courtesy in dealing with fragmented and vague requests for assistance, often at short notice.
- Jonathan Morris, Head of TfL Legal’s Commercial Dispute Resolution team, for taking the time to provide us with a detailed explanation of TfL’s dispute resolution process and of the Legal team’s recordkeeping procedures.
- Simon Guild, Head of the Information Access team, for clarifying TfL’s commitment to transparency and openness and for guiding us to the location and content of contract information on the TfL website.

Purpose of the case study

The Legal Records at Risk (LRAR) project is concerned with identifying legal records of archival value in the private sector. Saving significant collections, stimulating changes of practice, avoiding duplication, and raising awareness of the value of LRAR are prioritised. Our definition of legal records is wider than their traditional classification as court records or formal documents such as deeds; we include records of institutions specialized to law (eg law firms, arbitrators, barristers, legal executives, patent agents, licensed conveyancers, court interpreters and ancillary bodies such as legal stationers and law publishers). We also include legal records produced in the course of their business by private sector companies (eg policy and procedure records and the individual case files produced by legal, property and governance departments).

Undertaking case studies of selected institutions which create legal records and of particular categories of legal records of value which may hitherto have been overlooked by researchers form a key platform of the project. Our case studies will demonstrate areas of best practice and community of practice (or lack thereof), identify key issues common to all or most institutions and recommend potential solutions, including liaison with archival repositories relating to the deposit of records of permanent value.

The case study which follows looks at a specific category of legal records, alternative dispute resolution (ADR) records, which have been created and later selected for archival preservation within a major transport company, Transport for London (TfL). The particular aims were as follows:

1. To look at the business context within which ADR records sit and achieve a brief overview of the dispute resolution process in a large business.
2. To gain an idea of the extent, content and value of such records.
3. To determine how ADR records are selected by the Archives for preservation.
4. To understand how ADR records are classified and indexed by the Archives.
5. To support the hypothesis that ADR archives are primarily located within business archives and must therefore be searched for under their business context.

The case study was undertaken over a period of time from December 2015 – April 2016 by the LRAR project team, comprising project Director, Clare Cowling (an archivist and records manager) and the inspiration behind the project, William Twining (Quain Professor of Jurisprudence Emeritus, University College London).

Methodology

1. Interviews: as part of the case study we conducted interviews with Jonathan Morris, Head of Commercial Dispute Resolution in TfL Legal, Simon Guild, Head of Information Access in Information Governance and Melissa McGreechan, Assistant Archivist, TfL Corporate Archives in Information Governance. The purpose was to obtain an overview of the business context of ADR records, the dispute resolution process within TfL and the policies around selection and preservation of, and internal/external access to, ADR records.
2. Searching the catalogue: the TfL Corporate Archives on-line [catalogue](#) was examined in detail to identify relevant records and understand the process by which researchers would locate them.
3. Examining the records: sample records were selected and examined in detail by the project team to understand their context, content and value in reflecting the development of the ADR process in the UK. Four visits in all were made to TfL to search the records and talk to stakeholders.

Administrative background

The business context

Transport for London (TfL) is a statutory body created by the Greater London Authority (GLA) Act 1999. This Act gives the Mayor of London a general duty to develop and apply policies to promote and encourage safe, integrated, efficient and economic transport facilities and services to, from and within London. TfL's role is to implement the Mayor's Transport Strategy and to manage those services across the Capital for which the Mayor is responsible. TfL gained most of its functions from its predecessor London Regional Transport, but only took over responsibility for the Underground in 2003.

TfL has three subsidiary companies incorporated under the Companies Act 2006:

- London Transport Insurance (Guernsey) Limited
- TfL Trustee Company Limited
- Transport Trading Limited

The Commissioner reports to the TfL Board and leads a management team which is accountable for the daily running of the organisation and the work of more than 25,000 employees. There are three operational units, each with responsibility for different aspects of the organisation:

- Surface Transport
- Rail and Underground
- Crossrail

The legal context

We interviewed Jonathan Morris, Head of TfL Legal's Commercial Dispute Resolution team, about the dispute resolution process at TfL. The team deals with any claims or disputes under TfL's infrastructure/construction contracts; additionally it manages disputes over intellectual property, operational and commercial property and debts owed.

TfL is quite unique in its merging of transport infrastructure and (currently) the size of budget for capital works. It has a strong focus on project delivery and implementation and as a result, whilst ensuring proper use of public funds, is less likely than many companies to engage in intransigent and lengthy litigation.

Having said that, TFL has in the past been involved in a number of high profile arbitrations, notably the 1910-1911 arbitration between Westinghouse Electric and Manufacturing Company Ltd and the Underground Electric Railways Company of London Ltd. There are 89 records covering the dispute, dated 1901-1930, available for research in the TfL Corporate Archives.

TfL's dispute resolution process

- External law firms are employed for any significant disputes and always for large arbitration cases. The main category of dispute relates to construction contracts and costs can run into millions. TfL's construction contracts prior to 1996 sometimes included a standard arbitration clause to facilitate the process.
- Arbitrators are selected by mutual consent between the parties. Some contracts include lists of pre-agreed adjudicators/arbitrators. If the parties can't agree a nominating authority (eg London Court of International Arbitration, Centre for Effective Dispute Resolution, Institute of Civil Engineers) is asked. The team has only ever used single arbitrators.

- Arbitrators' terms of appointment usually comprise standard forms proposed by the arbitrator and subject to negotiation and agreement by the parties. Some suites of standard form contracts contain model adjudication/arbitration terms. TfL's Commercial lawyers draw up contracts and regularly review provisions eg for New Engineering Contract (NEC) contracts. Contracts specify that arbitrations are confidential between the 2 parties, though the period of confidentiality is not specified. It is likely in any case that a liberal view would be taken to providing access due to the Freedom of Information Act and TfL's commitment to transparency (see below under Compliance Context); in other words TfL would approach the decision on the basis of "why wouldn't we disclose" rather than "why should we disclose".
- Domestic arbitration has declined in recent years as a result of S.108 of the Construction Act (**Housing Grants, Construction and Regeneration Act 1996**), which gives an automatic right to refer a dispute to adjudication (meaning there's now no need to provide for this mechanism in contracts). Adjudication provides a relatively quick decision which is immediately implementable; adjudications are quicker and cheaper. Contracts will still provide for a full dispute resolution procedure (either arbitration or court) which a party dissatisfied with the adjudication decision may pursue, but the adjudication decision stands unless and until overturned. Arbitrations have therefore reduced from c.2-3 a year a few years ago to 1 a year at present and that figure will probably reduce further in the future.
- Additionally, following procedural changes within the Technology and Construction Court c. six to eight years ago, TfL reviewed its standard dispute resolution provisions and decided it would go to court as the final stage in a dispute instead of arbitration. TfL's greater commitment to transparency has also reduced the perception of the need to use arbitration to protect confidentiality. The standard procedure now is adjudication - court.
- Mediation is usually discussed pre-adjudication but is a mechanism that parties will keep in mind at any stage through to full trial in court or arbitration. Mediation offers greater flexibility to the parties to be innovative in reaching a settlement. In general less documentation is needed than in adjudication or arbitration – most mediations only last one day.

The team's record-keeping processes

- The team maintains a hybrid system of paper and digital case files. The digital material is stored in a case management system (currently in the process of being replaced by a new system). Cases are indexed in by case number and name of contractor or company, and/or project and location; no deletion of case files has taken place. Paper files are removed to the TfL Records Store when no longer current and stored there pending disposal, either by destruction or transfer to the TfL Corporate archives for permanent retention.
- Retention requirements: the business and legal life span of a case file can be very long indeed. Contracts executed as a deed have to be kept for 14 years after end of contract (given the terms of the Limitation Act), while Public Private Partnership (PPP) contracts have a current life of 30 years. Once the legally specified retention period expires, however, there is no value to TfL Legal in keeping the records and the decision on what to preserve permanently is left to the Archives, which keeps major dispute resolution case and contracts over £500,000.
- Retention of records by arbitrators themselves: most arbitrators TfL has dealt with are barristers and solicitors and they are instructed to return the papers to the parties at the conclusion of the case. In the case of appeals it is the awards and records of the parties to the hearing which are

used as evidence, not the arbitrators' notes. According to Jonathan, arbitrators' own notes should be destroyed after the case is over, but TfL does not mandate or monitor this.

The compliance context

We interviewed Simon Guild, Head of the Information Access team. The team manages Freedom of Information requests and facilitates the development of TfL's [Transparency Strategy](#). Simon advised that all current contracts and tenders over £5,000 are listed, in accordance with the Strategy, on the [Government contract finder site](#) or the [TfL website](#) at the Invitation to Tender (ITT) stage. All contracts over OJEU (Official Journal of the European Community) level are published on the government contract finder website; retention is not under the control of TfL. Where dispute resolution or confidentiality clauses are included, therefore, it will be possible to view them, although not all contracts will include such clauses.

TfL's commitment to transparency and FOI means that, as noted above, requests to view records not yet in the public domain (including legal records) will be treated positively unless it is clear that release would result in a breach of commercial confidentiality, legal professional privilege, personal privacy or public safety.

The archives context

We interviewed the Assistant Archivist, Melissa McGreechan.

The [Transport for London \(TfL\) Corporate Archives](#) is the repository for those business and operational records of TfL which have been assessed as being of permanent research value and, as such, is responsible for safeguarding TfL's corporate memory. The Archives holds over 100,000 items (in both paper and digital format) dating from the 17th century to the present day. The Archives actively collects records which document the principal business functions and actions of Transport for London, its predecessor and subsidiary companies, particularly engineering, infrastructure, property records or records which demonstrate TfL's interaction with the wider community. The Archives' [catalogue](#) is now available online but is not yet linked to The National Archives' (TNA's) [Discovery](#) portal.

The Archives sits within TfL's General Counsel Directorate, composed of the following departments:

- Secretariat
- Internal Audit
- TfL Legal, comprising:
 - Commercial Dispute Resolution
 - Public Litigation Dept
 - Employment Relations
- Information Governance, comprising:
 - Privacy and Data Protection
 - Information Access (Freedom of Information)
 - Information and Records Management
 - TfL Corporate Archives

The Archives collections policy: the Archives collects records covering the history and legacy of TfL and predecessors, especially engineering, infrastructure and property records or records which demonstrate TfL's interaction with the wider community.

Records retention and disposal rules and process: the Records Manager and Archivist work closely when developing schedules to determine which records should be destroyed and which preserved permanently in the Archives. TfL has developed a number of generic schedules applicable to all departments plus business area-specific schedules. The schedules reference records by function rather than subject, so arbitration records would not be specifically mentioned but be tacitly included in Legal case files selected for preservation due to the importance of the case to TfL or the wider community.

For paper records the Archives undertakes an appraisal process three times a year of records signed off for destruction by the business (c.40,000 cartons p.a.). An initial trawl is made using the descriptions of the records made by the information owners. If items look as though they may be archivally valuable they are physically examined by the Archives staff and a selection made (c.1000 cartons p.a.). A lot of sampling is also undertaken. For digital records a process is still being developed – currently, other than for records of the 2012 Games (collected and listed immediately after the Games were over) and Secretariat records (an on-going agreement has been made for digital transfers), there is no consistent collections process. The Records Manager seeks to identify such records in consultation with the Archivist when drafting disposal schedule rules, but the Archives has as yet no means of monitoring whether the business follows the rules.

Archive storage: paper records are held in a salt mine in Cheshire managed by Deepstore, a 3rd party provider. Digital records are stored in a cloud-based system managed by a 3rd party company, Preservica. It is approved by TNA. The main benefits of using Preservica are that a) file format conversion is part of the contract b) system upgrades are automatic c) storage is secure d) the company has expertise in digital preservation, which the Archives does not yet have and e) the system is very affordable.

Access rules: the Archives operates a 20 year closure rule in line with TNA, though this would be subject to review and if a request was considered under FOI. The only records embargoed for more than 20 years are those containing personal data (84 years) or which may constitute a security risk (100 years). Bona fide academic researchers may be allowed access to closed records provided they sign the usual undertakings.

Legal records: the Archives collects legal records if they are relevant to the business context of a department and/or reflect a major dispute or cause celebre. It also holds numerous legal documents such as contracts and deeds. It does not deliberately target legal records – if they are relevant to the business context or reflect a major dispute or cause celebre they will be kept.

Use of legal records: the main customer base is the business itself; internal use has increased by 500% in the last five years. There is not a lot of external reference use, though this is expected to increase now that the catalogue is on-line. Few lawyers or legal researchers have approached the Archives. Statistics for 2015-16 to date (prior to the catalogue being widely available) on categories of researchers show that of 158 enquiries 12 were categorized as legal; 7 of these were from internal clients and 5 were external of which 4 were enquiries about copyright and reproduction. Of internal clients not all enquiries submitted by TfL Legal have been defined as legal in nature – often they relate to property history, organisation history etc. And not all internal enquiries defined as legal

have come from TfL Legal eg the Heritage Advisor and Property Programmes Director have made enquiries into legal records.

Finding the records

Search

Using the catalogue to find legal records: if a word appears in the title or description a catalogue search will pick it up, but records may not necessarily be defined in the descriptions in the way researchers expect, as files tend to be classified and described by function rather than subject matter. For example, TfL Legal lists and indexes construction disputes by contract number or company name, and this process will be followed by the Archives when cataloguing, so for “mediation” or “arbitration” records it might also be necessary to search on “settlement”, “award”, “dispute” or “contract” or by the name of the company, project or location.

Word searches of the catalogue by the LRAR team produced the following results:

- A search for “legal” records produced 1074 hits for records dating from 1620-2014. Records listed included Lands Tribunal records, property agreements, deeds, wills, indentures, contracts, court cases, legal advice and the corporate records of TfL’s various legal depts.
- The biggest number of hits came from a search on “contracts”, with 4,636 results listing major and minor contracts and leases dating from 1798-2015 and including contractual disputes.
- A search on “deeds” yielded 532 results dating from 1620-2002.
- Searching under “arbitration” in the catalogue yielded 291 file level entries, ranging from 1856-2000 as follows: individual arbitration cases relating primarily to construction or employment disputes and, post 1933, TfL’s own records of proceedings and awards of the London Passenger Transport Arbitration Tribunal (the official records of the Tribunal are held by TNA).
- Searching on “disputes” gave 99 results dating from 1855-1995 and comprising mostly industrial and construction contract issues.
- “Conciliation” searches yielded 360 results, primarily in relation to conciliation staff, but with some records of industrial disputes.
- “Mediation” only gave 7 results dating from 1986-1995; these were of particular interest as they related to construction disputes.
- “Adjudication” yielded only one result, relating to a tender for the Northern Line Adjudication: Depot Enabling Works in 1995.
- “Court case” gave 46 results from 1865-1995 and comprised both court and tribunal cases.
- “Tribunal” yielded 349 results from 1910-1996 and primarily comprised records of transport tribunals both in the UK and abroad.

Many entries will of course be duplicated. The wide variations in catalogue search results indicate the need for researchers to think beyond obvious keywords when seeking relevant material. “Disputes”, for example, could refer to arbitration, mediation, conciliation or a court case.

The records

For details of records physically examined see Appendix I.

We found detailed records relating to arbitration and mediation cases. Most were either industrial or construction disputes; files relating to the latter sometimes, but not always, included the relevant sections of the contracts under dispute. Typical examples of construction disputes examined in detail included:

- An arbitration case in 1903-1910 between The British Westinghouse Electric and Manufacturing Company Limited and The Underground Electric Railways Company of London Limited (89 folders, ref: LT000195), including points of claim; briefs to respondents; notes on hearings; correspondence; evidence; summary.
- An arbitration (compensation) dispute in 1932-1934 between the Metropolitan Railway Line and the Edgware Golf Club over the diversion of the club (2 bound volumes, ref: LT001541) contained correspondence, maps and papers (including valuations submitted to hearing) concerning arbitration between Foster Brothers Company Limited and the London Passenger Transport Board (LPTB) over claims of disturbance and damage to the Foster Brothers' business caused by LPTB works at Uxbridge. It also included presumably extraneous material such as the handicaps of golf members!
- International mediation records also feature, such as a 1986-1987 contract mediation case between London Transport International Services Ltd and the Singapore Mass Rapid Transit Corporation relating to construction of a tunnel (1 box, ref: LT001434). Records include correspondence, memoranda, reports, working and legal papers concerning consultancy work provided by London Transport International Services Ltd.
- The records of a 1992-1996 contract dispute which went to mediation (10 folders, ref: LT000577) include correspondence, summary of dispute, contract summary, legal advice, attendance notes, proceedings, synopsis of matters referred for mediation, site visit notes, contractor's response, London Underground's instructions to counsel, lists of documents submitted and correspondence with CEDR re appointment of mediator and agreement (terms of mediation) drafted by CEDR (but no copy of the agreement, alas).

Case Study conclusions

1. TfL holds a wealth of legal records in its Archives, including numerous records relating to alternative dispute resolution. This supports our thesis that the bulk of surviving archival ADR – and other legal - records will at present be found within business archives.
2. ADR records will be found under a variety of series titles, which are based on either functions or departmental structures at the time the records were created. “Arbitration” or “mediation” is rarely (though occasionally) included in series titles. Researchers therefore need to be careful not only to think widely about keyword terms, but also not to narrow their fields of search to series titles or the records of “Legal” departments.
3. ADR records in TfL are not only numerous, but often very detailed and comprehensive, containing not only the minutes of the case itself and the findings, but solicitors' shorthand notes, correspondence, summaries and copies of original documents used as evidence.
4. Concerns that confidentiality of proceedings might be a barrier to accessing modern ADR records appear to be unfounded, at least as far as TfL is concerned. It is probable that a similarly liberal approach to access to ADR records will be found in other business archives, though we have yet to investigate whether they have the same commitment to transparency and openness as TfL.

Appendix I: sample records examined

A selection of records within series originating from the following departments was examined.

Series	Series title and dates	Item description/notes on viewing
LT000102	Staff: Local Working Party Meetings 1984-1987	Minutes of the meetings of Machinery Attendants Local Working Party 1-18, including details of discussions on the Jubilee Line works, escalator chain lubricating equipment and proposed incentive schemes for attendants. Also included are notes of meeting with SC9 representatives and the Conciliation Committee, with references to fire hazards.
LT000155	London Transport Executive (LTE): Chief Establishment Office: Staff Administration Office: Sponsorship Housing Arrangements for Staff: Minutes, Correspondence and Memoranda, 1919-1950	Includes staff arbitration tribunal papers
LT000195	Underground Electric Railways Company of London Limited: Power Department: Reports of Proceedings between Westinghouse Electric and Manufacturing Company Limited and the Underground Electric Railways Company of London Limited, 1903-1910	Arbitration Case between The British Westinghouse Electric and Manufacturing Company Limited and The Underground Electric Railways Company of London Limited: Points of claim; briefs to respondents; notes on hearings; correspondence; evidence; summary
LT000232	London Passenger Transport Board (LPTB) and Successors: Office of the Executive: Arthur Herbert Grainger: Correspondence, Minutes of Meetings and Reports, 1934-1965	Minutes of the proceedings of a tribunal concerning differences between the London Transport Executive and the Transport and General Workers' Union regarding the proposed payment of extra rates to road operating and garage and depot staffs for duties after 1pm on Saturday, 1949
LT000302	London Passenger Transport Board (LPTB): Office of the Comptroller and Accountant: London Passenger Pooling Scheme Papers, 1931-1936	London Passenger Pooling Scheme: Arbitration Proceedings Counsel's Brief, 1934-1935
LT000343	Metropolitan and Great Central Joint Committee: Secretary's Records, 1889-1947	Metropolitan and Great Central Joint Committee: standing arbitration correspondence 1923

Series	Series title and dates	Item description/notes on viewing
LT000577	LUL: Legal Department: Litigation section – reports and papers, 1992-1996	Costain Building and Civil Engineering Ltd: Earl's Court Station: Platform Reconstruction and Interim Refurbishment Contract BCE 0236: Mediation Papers 21 Feb 1994-31 Aug 1995 between Costain and LUL. Includes correspondence, summary of dispute, contract summary, legal advice, attendance notes, proceedings, synopsis of matters referred for mediation, site visit notes, contractor's response, LUL instructions to counsel, lists of documents. Corr with CEDR re appointment of mediator and agreement (terms of mediation) drafted by CEDR (no copy of agreement, alas)
LT000594	London Passenger Transport Board (LPTB): Parliamentary Office: Correspondence and Papers on the Independent Undertakings Arbitration Tribunals, 1926-1946	The London Passenger Transport Arbitration Tribunal - The London Passenger Transport Board (LPTB) and The independent Undertakings - Brief to Counsel, 1929-1933
LT000644	London Passenger Transport Board (LPTB): Secretary: East London Railway Joint Committee: Papers, Minutes and Correspondence, 1880-1947	East London Railway Joint Committee: arbitration – 2 cases 1886-1887. Includes proceedings; selection of members; solicitor's shorthand notes
LT000665	London Transport and predecessors: Labour Relations Office, 1925-1984	Control Grade Staff – arbitration. Correspondence, minutes and papers 1960-1970
LT000694	London Passenger Transport Board (LPTB): Parliamentary Office and Solicitor: Correspondence, Notes and Memoranda regarding London Passenger Transport Bills, 1913-1971	London Passenger Transport Act 1933 - arbitration under Section 23 between the London Passenger Transport Board (LPTB) and the Council of the Metropolitan Borough of Fulham, 1938
LT000783	London Passenger Transport Board (LPTB) and Successors: Solicitor: Papers, Correspondence and Memoranda concerning Staff Arbitration Cases with regards to the London Passenger Transport Act 1933, 1924-1960	London Passenger Transport Act 1933: Individual Arbitration Cases, 1934-1938
LT000799	London Passenger Transport Board (LPTB): Office of the Executive: Correspondence, Minutes and Reports, 1928-1964	Report by the Board of Conciliation entitled 'The Proposal of the London Transport Executive in an Endeavour to Overcome the Shortage of Bus Drivers and Conductors'. Includes details of a history of negotiations and an explanation of London Transport's proposal 1955

Series	Series title and dates	Item description/notes on viewing
LT001434	London Transport International Services Ltd: Singapore – correspondence and reports, 1968-1991	Mass Rapid Transit (MRT) Mediation: Contract 105: Correspondence, memoranda, reports, working and legal papers re consultancy work provided by London Transport International Services Ltd for the tunnel mediation between the Singapore Mass Rapid Transit Corporation and John King Management Services 11 Jun 1986-10 Dec 1987
LT001541	London Passenger Transport Board Estate Office: Railway Acts, 1880-1974	Arbitration (compensation) dispute between the Metropolitan Railway Line and the Edgware Golf Club over the diversion of the club; Correspondence, maps and papers (including valuations submitted to hearing) concerning arbitration between Foster Brothers Company Limited and the London Passenger Transport Board (LPTB) over claims of disturbance and damage to the Foster Brothers' business caused by LPTB works at Uxbridge. 1936-1937
LT001670	London Regional Transport (LRT) and Predecessors: Bus Operations: Correspondence, Memoranda and Minutes of Meetings, 1913-1992	Arbitration award – Difference of interpretation between the London Transport Board and the Transport and General Workers' Union of certain clauses in the Central Bus Drivers and Conductors Agreement - June 1966. Includes correspondence, background papers, verbatim notes of Board's proceedings, award.
LT001176	London General Omnibus Company (LGOC): Office of the Operating Manager: Correspondence and Memoranda, 1914-1933	Correspondence and minutes of meetings concerning a conciliation scheme between representatives of the Railway Executive Committee and Railway Staff Union representatives. Also contains details of proposals for the creation of a trainmen's committee in place of existing conciliation boards 1914-1920
LT001907	London Regional Transport (LRT): London Underground Limited (LUL): Central Line Project (CLP): Correspondence, Reports, Meetings and Engineering Drawings, 1988-2001	Reports and information from the legal department and consists of time and money claims, case laws, time and damages in construction contracts, delay analysis, construction disputes, claims and resolutions, building contract claims and extracts from legal documents
LT001934	London Regional Transport (LRT): London Underground Limited (LUL): Northern Line Renewal Project, 1967-1999	Northern Line Adjudication: Depot Enabling Works - budget/ tender cost comparison and proposed changes to schedule 6 part one of the usage contract, 1995
LT000172	London Passenger Transport Board (LPTB) and Successors: Chief Engineer: Contracts, Agreements and Tenders, 1931-1952	Contracts nos 1-99: some (not all) include a standard arbitration clause (see Appendix II)

Appendix II: Standard arbitration clause in TfL contracts

The clause below was found in a number of contracts in the London Passenger Transport Board (LPTB) and Successors' Chief Engineer's records, 1931-1952, ref: LT000172):

“Every certificate in writing by the Engineer and every decision, requirement or order given or made by him in accordance with the provisions of this Contract with regard to any matter left to the control, approval or decision of the Engineer shall be binding and conclusive on the parties. Save and subject as aforesaid if and when any question shall arise between the Contractors and the Board or the Contractors and the Engineer in connection with this Contract or as to the construction or meaning of this Contract, the question at issue shall be referred to the decision of an Engineer to be agreed upon by the Board and the Contractors or failing agreement to be nominated by the President for the time being of the Institute of Civil Engineers and the decision of such arbitrator shall be final and binding upon both parties and the cost of the Reference shall be in his discretion and the submission in this clause contained shall be deemed a submission to arbitration within the Arbitration Act 1889, or any statutory modification thereof for the time being in force. Provided always that the pendency of any dispute, difference or arbitration shall not entitle the Contractors to suspend work or exempt them from the consequence of a suspension of work unless it be ultimately decided that such suspension was reasonable.”

Appendix III: TfL Corporate Archives categories of users

Requestor category:

- Internal (for all internal customers the business area in which they work is recorded)
- Academic
- Genealogist
- London Transport Museum
- Museum/Archive
- External Legal
- Government
- Student
- Media
- Public other
- Religious Order
- Volunteer Enquiry
- Author
- Transport Enthusiast

Subject category:

- Genealogy
- Architecture History
- Property History
- Transport History
- Organisational History
- History of Art and Design
- Social History
- Technology
- Public Policy
- Environment
- History of London
- Legal
- Economic History
- Prominent People
- Other
- Website

Statistics on “legal” categories of researchers and research:

2015-2016

- Of 158 defined enquiries received 12 were categorized at legal; 7 internal and 5 external of which 4 were enquiries about copyright and reproduction.
- Of 225 defined enquirers only 1 was categorized at Legal External (the LRAR project).

2014-2015

- Of 273 enquirers only 5 were defined as (internal) legal; there were no legal external.
- Of internal clients not all enquiries submitted by the Legal department were defined as legal in nature – they often related to property history, organisation history etc. And not all internal enquiries defined as legal came from the Legal department; Heritage Advisor and Property Programmes Director amongst others have made “legal” enquiries.

Appendix III: TfL Corporate Archives Reader Registration Form

Please provide proof of your identity, for example passport or photocard driving licence;
AND proof of your address, for example a photocopy of a recent bank statement, council tax bill or utility bill.

Name: Address: Email: Telephone:	
<p>DATA PROTECTION STATEMENT</p> <ul style="list-style-type: none"> • I will ensure that my use of any personal data contained within records held by the TfL Corporate Archives complies with the Data Protection Act 1998 • I will not pass personal data to any third parties • I will use personal data contained in the collections only for the purposes of my research as detailed in my initial enquiries • I understand that I must not produce research, or any other form of communication, that identifies a living data subject or descendents(s) whose personal information is contained within the TfL Corporate Archives unless express permission from the Corporate Archives has been obtained • I will ensure that any personal data obtained by me from the Corporate Archives is kept secure, and that it is securely disposed of when no longer required for the purposes of my research <p>SIGNATURE*: DATE: NAME:</p> <p>*This must be the personal signature of the person making the request. A stamped or typewritten signature or the signature of an agent is not acceptable. Anyone ordering copies on behalf of another person must obtain that person's signature on this form.</p>	<p>COPYRIGHT DECLARATION</p> <p>I declare that:</p> <ul style="list-style-type: none"> a) I shall not use the Work/s except for research for a non-commercial purpose or for private study; b) I shall not copy, publish or distribute the whole or any part of the Work/s for any reason whatsoever; c) to the best of my knowledge the copyright owner has not prohibited copying of the Work/s. <p>I agree to indemnify and hold TfL and/or the rights owner(s) of the Work/s, harmless from any and all claims, liabilities, damages, costs and expenses, including reasonable legal expenses, arising from the use of the Work/s or any breach of the above.</p> <p>I acknowledge that the use of copies in TfL copyright for publication (including web-site publication), exhibition or broadcast or any other purpose requires permission from the TfL Corporate Archives.</p> <p>I acknowledge that the use of copies for publication (including web-site publication), exhibition or broadcast or any other purpose requires permission from the current owner(s) of copyright in the original document. Researchers are responsible for identifying the current copyright owners and obtaining permission.</p> <p>SIGNATURE*: DATE:</p>

NAME:

*This must be the personal signature of the person making the request. A stamped or typewritten signature or the signature of an agent is not acceptable. Anyone ordering copies on behalf of another person must obtain that person's signature on this form.

I have read and understood both the Reading Room rules and the Record Handling Guidelines of the TfL Corporate Archives. I understand that failure to comply with these documents may result in a revocation of my access to the TfL Corporate Archives.

Signed:

Dated:

Data provided on this form will be used for visitor monitoring and statistical collation. TfL Corporate Archives will not share personal data with any third party.