



# The Worshipful Company of Arbitrators

[www.arbitratorscompany.org](http://www.arbitratorscompany.org)

## July 2009 Newsletter

### THE MASTER

This is the third and final newsletter to be published during my Mastership. How time flies!

The Company has been active on all fronts since the April newsletter was published.

Professor Phillip Capper delivered the Master's Lecture this year – he lived up to expectations by being interesting, provocative and entertaining. There were many more in the audience than in recent years. It was particularly pleasing to see so many students present. My thanks go to Mayer Brown for allowing us to use their new facilities and for sponsoring the event.

On the social front we had an enjoyable Court Lunch at the Armourers' Hall at the beginning of April, when Sir John Stuttard was our principal guest. He gave a most informative talk about life behind the scenes at Mansion House during his time as Lord Mayor. What an exhausting, but valuable, job the Lord Mayor undertakes! It was only some weeks later that he told me that he had suffered a serious heart attack before he took office – so he is a brave man too.

We broke new ground with a family day at Chatham on the Sunday after Easter. Assistant Jonathan Wyatt has written a piece on this elsewhere in this newsletter. Jenny and I had carried out an initial recce last June with Assistant Karl Davies and found the place then to be of great interest. Even though we saw a lot more during our second visit on 19 April we decided to renew our tickets then at a heavily discounted price with a view to returning later in the year.

The Italian Evening went well, too, although there was a near disaster when one of the singers said on arrival that she would only be able to perform for a couple of minutes because the restaurant did not have a piano or keyboard – although neither instrument had been requested beforehand! After my mediation skills had been tested to the utmost we ended up having a selection of unaccompanied songs for twenty minutes or so, with the other guests in the restaurant clearly enjoying the unexpected musical interlude as much as we did.

The visit to the Tower of London on Waterloo Day was fully subscribed. We had a very entertaining and informative tour by one of the Yeoman Warders, Alan Fiddes (who is also the Beadle of the Weavers Company), before having supper at the Yeoman Warders' Club and witnessing the Ceremony of the Keys at 10pm. The rendition then of The Last Post still rings in my ears.

Although we are in the midst of difficult times I have been very pleased to see our social events so well supported – numbers have been up on previous years. It has been particularly encouraging to see a number of our less regular attendees come along this year. I took great pleasure at the Italian Evening in introducing the Clerk (whom I had previously thought knew everything about, and every one in, the Company) to one of our longest-standing members whom she had not previously met!

We flourish on the charitable side too. Jenny's decision to run around the City on 25 May for the Charitable Trust clearly caught the imagination of many members, and both she and I are most grateful for the many donations which were received. A short report on her exploits is to be found elsewhere.

I am also grateful to the Senior Warden for arranging the second Charity Concert which took place at St Mary le Bow at the beginning of June. We had some stirring piano playing from Liveryman Michael Gifkins and Anna Le Hair and some singing of some very difficult Schumann songs by David Bellinger, whom we supported for a second year in his studies at the Guildhall School of Music and Drama. I was able to hear them again when I attended David's final recital (as part of his B Mus exams) ten days later.

We have contributed more to outward charitable giving this year than in the recent past by augmenting the amount of the annual cheque to the Lord Mayor's Appeal which was handed over at the Banquet – and by contributing in kind to the Lord Mayor's Financial Literacy Campaign under the watchful eye of the Junior Warden. As you will see elsewhere in this newsletter Liveryman Hew Dundas was the first to venture into an East London school in May to assist in teaching children about business. Others in the Company (including me) are following his lead, but some further volunteers would not go amiss. If you are interested, please contact the Junior Warden, Kay Linnell.

I would also draw your attention to the article elsewhere in this newsletter on our new and burgeoning relationship with H M S Mersey. It has been traditional for Livery Companies to form links with the Armed Forces and we are indeed fortunate to have secured one with H M S Mersey, not only because it has been so well received by the ship's company but also because there are now relatively few new links which can be formed, due to downsizing. I hope very much that it will be possible for members to visit the ship when she is in Docklands in September.

You will receive this newsletter when I am two thirds or so through my term of office. It is premature to look back on my Mastership but, at the start of my year, I aimed to raise the profile of the Company and to encourage participation of a wider range of members in its activities. My aims have been largely realised. If I have any regret it is the relative lack of new applications for membership that we have received: we depend on the recruitment of new blood if we are to fulfil our educational, charitable and civic obligations (and enjoy even more our social ones). Please try and encourage your friends and business colleagues to join us if you think they might be interested in doing so.

I have enjoyed my time as Master enormously and take this opportunity to thank you most sincerely for the support which you have given me, and the friendship which you have shown, during the last nine months.

**John Rushton**  
Master



## HMS MERSEY

The Master and his wife attended a very convivial evening on board HMS Mersey on Thursday 7 May 2009 as guests of the present Commanding Officer, Lieutenant Commander Al Wilson, and his wife, Lucy. Also present were the three preceding Commanding Officers of the ship, as well as Jennie Reeve, the Lady Sponsor, and her husband, Rear Admiral Jonothon Reeve. The Lady Sponsor is the one who launched the vessel with the proverbial bottle of bubbly and has an enduring interest in her thereafter.

During the visit the Master and Lieutenant Commander signed a memorandum of understanding (the terms of which had been approved by the Court beforehand). The memorandum records that the aims of the association are, first, to promote and contribute to the well-being and interests of both parties and to provide such mutual assistance and support as might be desirable and practicable. It goes on to state that the Master and Senior Warden shall be elected Honorary Members of the Wardroom for their period of office and invited to pay an official visit to one of the exercises or other appropriate event in the United Kingdom. In return the Commanding Officer will be elected as an Honorary Freeman of the Company and invited to nominate a member of the crew annually to receive the Master's prize and certificate in accordance with criteria agreed from time to time between both parties. The Commanding Officer (and the selected crew member) will be invited to the Installation Dinner each year.

The Court has agreed that, in recognition of Al Wilson's role as the founding Commanding Officer of this association and the considerable effort he has made in getting off the ground, he should become an Honorary Freeman of the Company for the duration of his naval career, rather than the length of his command of the ship. He plans to accept the Freedom at the Court Meeting on 15 July 2009.

Later in the month the Master ventured to sea for a couple of days. He had previously been invited to join the ship for exercises in the North Sea in November but a heavy work load had precluded him from doing so. (Editor: there was a strong rumour that the anticipated sea conditions rather than business commitments had something to do with his decision to decline this invitation).

The Master joined the ship at Portsmouth and spent most of the time in the English Channel, off Devon. The sea could not have been better for a fair weather sailor. He saw how the vessel tracked down fishing vessels and went about her task of checking that there had been no infringements of the fisheries regulations (which vary from place to place around the UK coast). There was only one offender during his time at sea: a fishing vessel had a broken boarding step, which the skipper readily conceded needed to be repaired. He escaped with an oral warning and a note on the ship's records of the incident.

During his stay on board the Master was impressed by the manoeuvrability and versatility of HMS Mersey. She can turn rapidly and come to a complete stop at sea within 276 yards (or 43 seconds) when travelling at 21 knots. He was slightly surprised that she did not have on board a fluent speaker of French or Spanish, given the number of European fishermen in British waters. The Master witnessed a number of exercises including a "man overboard" procedure – he was not asked to act as the man overboard or his rescuer. He took part in a firearms exercise with the use of live ammunition and was cast out to sea in a dry suit, in a rubber launch, with no land in site and treated to what could be described as glorified high-speed jet ski ride – a rather eerie experience for him but, after a few minutes of "adjustment", proved to be great fun.

HMS Mersey is one of three ships of her class, the other two being HMS Mersey and HMS Tyne. She is in fact owned by the VT Group and leased to the Royal Navy – an arrangement which goes down well with the crew since VT Group's response to operational problems has proved helpful and swift.

The Master was given a very warm welcome by the crew – about 30 in all – and the visit provided a great opportunity for him to learn more about the ship's activities and to strengthen the newly-formed relationship between the Company and the ship.

It has been provisionally agreed that members of the Company should visit HMS Mersey during her visit to Docklands (for a trade exhibition involving the VT Group) on Friday 11 September 2009.



## THE LORD MAYOR'S FINANCIAL LITERACY CAMPAIGN

The modern world is a complex one, particularly in respect of financial matters, and no less a person than the Minister of Justice (a Barrister, highly-educated at the best schools and university) has admitted "accountancy is not my strong point" in claiming twice as much Council Tax as he actually paid. What then can children in underprivileged schools be expected to know and how can they be expected to deal with the intricacies of banking, budgeting, consumer credit etc? If, when they leave school, they think of working in, or even setting up, a small business what can they know about business skills?

The Mayoral theme for the current year is his Financial Literacy Initiative (FLI) which seeks to open the eyes and minds of schoolchildren in schools near the City (Whitechapel, Hackney, Tower Hamlets et al) to some of the issues they will have to deal with as adults. The FLI is part of a wider programme of such projects in schools, and is intended to be supported by the entire Livery movement, not merely by the Financial Services Group of Livery Companies. The Lord Mayor hosted a Livery company event at the Mansion House on 18th June to try to enlist support; the Master and Assistants Davies and Dundas attended, the last-named given the privilege of a different coloured name badge (a notional halo !) for those who had already done a volunteer assignment in a school (of which more below)

On 20th May, Hew attended Our Lady's Convent High School in Hackney, an all-girl voluntary-aided Roman Catholic secondary school. It is one of the higher-performing schools in the borough, with 71% of students achieving 5+ grades A\* - C at GCSE. The population of the school reflects the racial diversity of the borough as a whole, with a significant majority from black and minority ethnic groups. The 120 students taking part were all from Year 9, aged 13-14. Hew was advised that "they are likely to be lively and challenging, but a lot of fun to work with" – this proved true on all counts!

The assignment lasted approximately 4½ hours including travel time from central London and was aimed at giving the young people an increased awareness of the wealth of jobs and opportunities that they might be interested in accessing, and what key skills were necessary in the exercise of those jobs. The other volunteers on the day (two no-shows) were 3 from the Army, two from a law firm and one civil servant. The 120 students circulated in groups of 6-8 around the 7 volunteers, each "hosting" a short (6-8 minutes) discussion session during which time the students had to try to find out as much as possible about the jobs/work that we did. The rule was that the students were to ask questions with answers broadly limited to yes/no i.e. with no hints to be given although I was careful (once they had sussed I was a lawyer) to try to give them some information about the law and its many manifestations. At the end of the 6-8 minutes, the team had to tell me what they thought I did. Unsurprisingly, no-one guessed "International Arbitrator" but some of the groups got as far as "Judge" which was remarkable given the very short time available. One student thought I was an animal rights activist ..... !! Almost all the groups guessed the Army Warrant Officer but I would have guessed him at 500m range in near-darkness; few guessed that the very slim young army lady was qualified to drive the largest trucks and all but the Challenger tank but the big, eye-opening message to the all-girl students was that "you too can be an army driver".

We awarded each group 0/1/2/3 depending on how well they had done and there was a prize for the best performing group. The day closed with a participant satisfaction survey where the great majority of the students said that the day had been helpful or very helpful.

I went back to my office in a huge bubble of feelgood; the day was fun, rewarding and intensely satisfying. I do not claim to have changed lives but I have done something in that direction.

I will return to the same school for a different careers-related day on 1st July. Other members of the Company have already "signed up" and are booked into similar projects

You too can contribute; some of the projects need you for a full day, some a ½-day, some only a couple of hours. Some require some preparation but others none at all. Contact Kay Linnell in first instance at [kay.linnell@bdo.co.uk](mailto:kay.linnell@bdo.co.uk).

**Hew Dundas**  
**Court Assistant**

## GOLFERS TO THE FORE PLEASE!

The Company is sometimes requested to field a team to play golf. Anyone interested in representing the Company on the golf course is asked to make himself/herself known to Don Smith ([donsmith9@computerserve.com](mailto:donsmith9@computerserve.com)).

## WIFE ON THE RUN

The BUPA 10km Run took place on the second Bank Holiday Monday in May – 12,500 participants, including me, with Gordon Ramsay holding the starting flag! Luckily the weather was not as hot as it had been over the previous two days.

We started off in blocks, according to our predicted running time. I was in the second to last batch of runners.

We started in Birdcage Walk. After we reached Big Ben we ran along the Embankment towards the City, only to find, somewhat disconcertingly, the elite runners coming back along the other side of the road! We then went up White Lion Hill towards Cannon Street and the Monument, down narrow streets behind Fenchurch Street Station towards the 5km mark, passing Lloyd's and the cobbles of Leadenhall Market. (I still feel those cobbles now). We pushed on towards the Bank of England and the Mansion House, when happy memories of the splendid Annual Banquet last February kept me going! The next landmark was St Paul's (when I was reminded to say a few prayers to myself) before I turned down Puddle Dock to see John with his camera. I spotted him before he saw me. I was therefore able to wave my arms in the air and smile as I ran down the hill towards him. My insides, however, were telling a rather different story.

Back on the Embankment my legs began to feel VERY heavy, especially at the 7km mark, and I had to dig deep. Heading towards the House of Commons, we turned right into Horse Guards Parade, into Whitehall, past Trafalgar Square, into the Mall and then the FINISH LINE – and what a lovely feeling it was when I crossed it! I beat my predicted time by a few minutes which was all the more pleasing.

I would like to thank those members of the Company – and there were many of you – who supported me in this venture. I managed to raise £3,000 plus for the Charitable Trust.

**Jenny Rushton**



## FINANCIAL SERVICES GROUP OF LIVERY COMPANIES

The Company is one of nine of the modern Livery Companies – the others being Solicitors, Chartered Accountants, Chartered Secretaries & Administrators, Marketors, Actuaries, Insurers, Information Technologists, World Traders, Management Consultants and Tax Advisers – that form the Financial Services Group of Livery Companies.

The most recent meeting was in April this year when those present were addressed by Alderman Nicholas Anstee, who is anticipated to be the next Lord Mayor.

Alderman Anstee's background is in accountancy, and he outlined the challenges currently facing Financial Services in the UK. UK Financial Services retain a better reputation overseas than at home and there has been some evidence of what Alderman Anstee called a 'flight to quality', although in his view much still needed to be done to improve confidence in UK regulation and in financial services overall. Alderman Anstee is already in discussion with the FSA, Bank of England and Treasury on regulatory matters. In his opinion, it is important to influence as strongly as possible the regulatory changes being discussed within the EU, rather than being unduly antagonistic to the proposals. This said he feels that the EU had to recognise that damaging UK Financial Services in fact damaged the whole of Europe and boosted New York as a financial centre. A consistent message from the City of London is that UK Financial Services are much more than banking.

Alderman Anstee confirmed that the current Lord Mayor's Financial Literacy initiative (in which several members of this Company are taking part) would continue for a further year. The initiative is allied to FSA work on improving financial competence and it is possible that the two initiatives might be combined in the future, under the auspices of the FSA.

Potential overseas visits by the Lord Mayor in 2009/2010, are in the planning stage but will include what he referred to as the 'priority' states (including Russia and China) as well as Saudi Arabia, Bahrain, Oman, Qatar, United Arab Emirates, Brazil, Mexico, South Africa, Turkey, Canada, Romania, Vietnam, Poland, India, USA, Japan and Kazakhstan. UK Trade & Investment (UKTI) are giving stronger direction in setting up the overseas visits, which should improve their value, and it was also intended that the visits to the Gulf should comprise shorter, more focused, visits to individual countries rather than longer tours of several states.

During discussions Alderman Anstee commented on a number of areas including the relationship between (and respective responsibilities of) the Lord Mayor and the Mayor of London with regard to the promotion of the financial services markets and of London as a place to locate financial services firms; the taxation of 'non-doms'; the problems of obtaining (and keeping) visas for overseas trainees on professional courses or with professional services firms; the influence which the City of London Corporation (and the Lord Mayor) has over the Government and specific Government Departments; and the future of the Alternative Investment Market.

**Karl Davis**  
**Court Assistant**

## HISTORIC DOCKYARD VISIT

The Master and 40 members and family visited the Historic Dockyard at Chatham on 19 April 2009. This is a unique award-winning maritime heritage attraction which celebrates its 25<sup>th</sup> anniversary this year.

The day commenced with coffee at the Commissioner's House. This impressive building was the residence of the commissioner of the dockyard. Later the house was occupied by the Admiral Superintendent. Our party was split into two, each with a guide. The Master's group was fortunate to have Stan, a former apprentice of the yard, who was a fountain of knowledge on the dockyard of both the past and the present.

The Master took command of James Bond's midget submarine. Other members admired HMS Cavalier, a destroyer). She is a memorial to all who served in such ships. Nearby was a splendid selection of lifeboats in a large shed with a hammer roof. These ranged from rowboat to modern diesel driven self righting boats. Later we took a river trip down the Medway aboard the paddle steamer, Kingswear Castle. From here we were able to view the dockyard from the perspective of a visiting or returning seafarer. Lunchtime saw us back in the Commissioner's House where the Master imparted a few words of wisdom.

During the afternoon we had the opportunity to visit the Commissioner's garden where the Ice House proved of particular interest to members with a construction background. Our next stop was the Ropery where the traditional trade of ropemaking is still carried on. This proved most interesting as we were shown how ropes are made and some of the members and wives had the opportunity to make a length.

After a delicious cream tea we cast off for home all agreed that it had been a rewarding visit.

**Jonathan Wyatt**  
Court Assistant

## FLY AND PARADE THE FLAG

Following an affiliation between the Company and HMS Mersey, the Commanding Officer, Lt. Cdr. Al Wilson RN, indicated to the Master that it would be possible to fly the Company Heraldic flag from the ship's yardarm. As a result the flag and banner makers, Newton Newton, of Burgh-Le-Marsh, Lincolnshire, were asked to design a rectangular flag from the Company's Coat of Arms. This they did by taking the design from the shield, leaving out all other elements. This design was approved as being heraldically correct by the Rouge Dragon Pursuivant of the College of Arms. He confirmed that the sword and scales had to overlie at least part of both the ermine and the checked area.



At the same time the Court decided to acquire a Ceremonial Flag. These have been used by certain Liveries for centuries, and were originally flown on ceremonial barges as they rowed the Lord Mayor up the Thames to be sworn in. However, once the embankment was built the current was too strong to row against the stream, and the Lord Mayor's procession became land based, although the vehicles accompanying the Show are still called "floats." Livery flags are paraded on other suitable occasions, and are usually displayed whenever the Master is personally present at his Livery functions. An extract from the Times of 31st January 1833, in relation to the Saddlers' Company, reads:

"This company gave a most sumptuous and splendid entertaining and ball, on Tuesday evening, to the Right Hon. the Lord Mayor, the Lady Mayoress, and a very numerous and fashionable assembly. The great hall was fitted up most tastefully, the flags and banners of the company being placed round and folding into natural drapery; the orchestra ornamented with trophy flags."

Our Company's Ceremonial Flag made its first appearance at the Annual Concert at St. Mary le Bow on 2<sup>nd</sup> June 2009. It is also rumoured that a Livery burgee has been spotted flying from a river launch somewhere in England!

**Chris Gardner**  
Court Assistant

## ADMISSION TO THE FREEDOM



David Richmond Parratt – A Scottish Solicitor and Advocate admitted as Member of the Faculty of Advocates. A CEDR accredited mediator appointed Honorary Lecturer in Dispute Resolution in the Centre for Energy, Petroleum, Mineral Law and Policy and Honorary Researcher in International Commercial Law and Arbitration in the School of Law, both at University of Dundee. A Fellow of the CI Arb.



Peter John Rees QC – A Solicitor and partner in Debvoise & Plimpton. Council Member of ICC UK and LCIA European Users Committee. Former Chairman of the Professional Standards Committee of the CI Arb. Chairman of the Board of Management of the CI Arb and a Fellow of the CI Arb.

## LIVERY



Richard Antony Barter - A Chartered Engineer and Chartered Arbitrator. Richard has worked on a wide range of structural and civil engineering projects in the UK and overseas. On the CI Arb panel of Arbitrators and is also the secretary of the Law Courts branch of the Arbitration Club.

## ADMISSION TO THE LIVRY



Murray Armes - A Chartered Architect, adjudicator and expert witness and a director of Probyn Miers Limited. He is on the adjudication panels of both the CI Arb and RIBA and is the UK country representative for the Dispute Resolution Board Foundation and is a Fellow of the CI Arb.



Christopher James Probyn Miers - A Chartered Architect and Chartered Arbitrator and is a Director of Probyn Miers. Serves on the JCT Council as a representative of the Royal Institute of British Architects, and is a past Chairman of the Society of Construction Law.



Gordon Leslie Jaynes - A consultant to The World Bank on their 1995 DRB Provisions. Gordon currently serves as chairman of dispute boards for the Ghazi Barotha Hydropower Project in Pakistan and for the Kunming Zhangjiuhe River Water Diversion & Water Supply Project in China. He also serves as an arbitrator on international engineering and construction project disputes.

## CHARITABLE TRUST RECITAL

One hundred members and friends of the Company packed St Mary-le-Bow Church on 2<sup>nd</sup> June 2009 for the second recital held in aid of the Charitable Trust.

Our three stars, Anna Le Hair, David Bellinger and of course Liveryman Michael Gifkins, entertained the audience royally.

Michael and Anna included performances of Beethoven's Für Elise, Handel's "Harmonious Blacksmith", Debussy's Prelude – La Cathédrale Engloutie and Chopin's Fantaisie-Impromptu in C# minor in their piano offerings.

David used the full range of his splendid tenor voice in singing Schumann's song-cycle Dichterliebe. We only heard seven of the sixteen songs in the full cycle. He certainly left the audience wanting more.

As members of the Company will be aware, the Charitable Trust has supported David in his studies at the Guildhall School of Music and Drama. David has now completed his four years there and is seeking to progress his career in the field of opera. He informs us that he has recently secured two professional engagements for the summer in the chorus of Opera Holland Park and the British Youth Opera.

David wrote to the Chairman of the Trust recently thanking the Trust for the support that it has given in both financial and moral terms He said: "It simply would not have been possible for me to pay my course fees unaided so I could not have been in the exciting position I now am without your help".

We were delighted that a number of Masters from other Modern Livery Companies were able to attend as our guests. It was a great pleasure to be able to meet members of other Companies in a less formal situation than is usually the case.

The event also achieved its other objective in that it raised a total in excess of £2,000 for the Charitable Trust.

**Chris Dancaster**  
**Senior Warden**



## CAPTION COMPETITION – WINNER!



Congratulations to Manu Duggal, the winner of the caption competition with Gaye saying:

"Tell me, George, which of the Holy Trinity do you find it most difficult to clerk for?"

## EVENTS

Friday 11<sup>th</sup> September 2009 (Provisional)

Tuesday 29<sup>th</sup> September 2009

Friday 2<sup>nd</sup> – Monday 5<sup>th</sup> October 2009

Thursday 29<sup>th</sup> October 2009

Saturday 14<sup>th</sup> November 2009

Visit to HMS Mersey

Election of Lord Mayor (Guildhall) followed by lunch at a venue to be confirmed.

Livery Weekend in Berlin.

Court Meeting followed by the Installation Dinner at Salters' Hall

Lord Mayor's Show.

We are also hoping to make a visit to the Mansion House Art Collection, followed by lunch, in September, but we cannot make an application to do so before the end of July. Those interested in coming along are invited to let Karl Davies ([karldavies@btinternet.com](mailto:karldavies@btinternet.com)) know beforehand of any dates to try to avoid.

In alternate months the Company holds an informal get together at Truckles wine bar in Pied Bull Yard, just off Bloomsbury Square. This year's dates are September 8<sup>th</sup> and November 10<sup>th</sup>. The evenings commence at 5.30pm and provide an opportunity for members and their guests to meet in relaxed surroundings and all are welcome.

## CLERK'S CONTACT DETAILS

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