

CESW Construction Mediation Guide and Protocol Referral Letter

Dear Sirs

We refer to the dispute that has arisen between us, brief details of which are as follows:

The Parties

[INSERT HERE THE NAME AND ADDRESS OF EACH PARTY TO THE DISPUTE]

The Contract

The dispute arises under the following contract:

[INSERT DETAILS OF THE CONTRACT]

Outline of the dispute

[INSERT DESCRIPTION OF THE DISPUTE, FOR EXAMPLE A CLAIM FOR PAYMENT IN RESPECT OF WORK DONE IN THE SUM OF £[]]

Details of any connected persons

In addition to the Parties, the following parties have some limited involvement in this matter:

[COMPLETE NAMES OF ALL OTHER PARTIES].

We are instructed to make this open offer suggesting mediation to you [and to each of the other parties] in respect of all claims arising out of the above dispute. We believe that mediation is a process which could facilitate an early resolution of this dispute and offers a less adversarial environment in which to do so.

Any mediation would be entirely confidential and conducted on a without prejudice basis. All of the parties would commit to these principles and adopt the CESW Construction Mediation Guide and Protocol.

We would ask you to positively consider this request and confirm in open correspondence, within the next fourteen days, that you will be prepared to refer this claim to mediation and request

[Mediation4Construction Limited of Innovation Centre, Copse Rd, Yeovil BA22 8RN] to act as administrator for the appointment of a mediator.

If we do not hear from you in relation to this open offer within 14 days from the date of this letter, we will take it that you reject the offer to mediate. In such circumstances we reserve the right to produce this letter to the court in the context of an application for a stay of proceedings or alternatively at the conclusion of the litigation and ask that this proposal to mediation be taken into account when costs are being adjudicated upon regardless of the outcome of the proceedings.

If your client is prepared to accept that this matter be referred to mediation, we can put in place the necessary arrangements for a mediation without delay and in particular reach agreement with you on the identity of a mediator and the fixing of a date for the holding of the mediation.

We look forward to hearing from you.

Yours faithfully

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