



Small Business, Enterprise and Employment Act 2015

2015 CHAPTER 26

PART 4

THE PUBS CODE ADJUDICATOR AND THE PUBS CODE

Arbitration by Adjudicator

51 Arbitration: supplementary

- (1) Subsection (2) applies where a tied pub tenant—
 - (a) refers a dispute to the Adjudicator under section 48, or
 - (b) gives notice as mentioned in section 50(3)(b) that the tenant wishes the Adjudicator to be appointed to arbitrate a dispute.
- (2) The tenant must pay a fee to the Adjudicator of an amount prescribed in regulations made by the Secretary of State (except in specified cases as mentioned in subsection (3)(b)).
- (3) The regulations may make further provision as to the fee, and may in particular—
 - (a) specify when the fee must be paid,
 - (b) specify cases in which the tenant is not required to pay the fee,
 - (c) specify cases in which the fee is to be refunded to the tenant.
- (4) The following subsections apply in all cases where the Adjudicator or a person appointed by the Adjudicator arbitrates a dispute.
- (5) Except where this Part makes different provision, the arbitration must be conducted in accordance with—
 - (a) the rules regarding arbitrations issued from time to time by the Chartered Institute of Arbitrators, or
 - (b) the rules of another dispute resolution body nominated by the arbitrator.

Status: This is the original version (as it was originally enacted).

- (6) The pub-owning business concerned must pay the reasonable fees and expenses of the arbitrator in respect of the arbitration, except where—
 - (a) the arbitration follows a referral by the tenant under section 48, and
 - (b) the arbitrator concludes that the referral was vexatious.
- (7) The Secretary of State may by regulations make provision in relation to the costs payable by a tied pub tenant in respect of the arbitration, and the regulations may in particular—
 - (a) provide that those costs are limited to an amount prescribed in, or to be determined in accordance with, the regulations, and
 - (b) specify circumstances in which the arbitrator may make an award requiring the tenant to pay costs exceeding that amount.