
DRAFT STATUTORY INSTRUMENTS

2016 No.

The Pubs Code etc. Regulations 2016

PART 14

Disputes

Arbitration commenced by pub-owning business

60.—(1) This regulation applies where—

- (a) there is an arbitration agreement between a tied pub tenant and a pub-owning business;
- (b) the pub-owning business commences arbitral proceedings about a matter which is, or which includes, an MRO dispute between the pub-owning business and the tied pub tenant; and
- (c) the tied pub tenant would have been able to refer the MRO dispute to the Adjudicator (were it not for the commencement of arbitral proceedings by the pub-owning business) under —
 - (i) regulation 32(2) (disputes in connection with the full response);
 - (ii) regulation 35(1) (disputes in connection with the negotiation period);
 - (iii) regulation 37(9), (10) or 38(4) (disputes in connection with the independent assessor);
 - (iv) regulation 40(3) (disputes in connection with the MRO recoverable amount); or
 - (v) regulation 56(9) or (10) (disputes in connection with the investment agreement).

(2) The tied pub tenant may, by giving notice in writing to the pub-owning business and the Adjudicator, appoint the Adjudicator to arbitrate the MRO dispute.

(3) A notice under paragraph (2) must be given—

- (a) where the arbitration agreement provides for the arbitrator to be appointed by a person other than the pub-owning business or the tied pub tenant, within the period of 21 days beginning with the day on which that person notifies the tied pub tenant of the person proposed to be appointed as arbitrator;
- (b) otherwise, within the period of 21 days beginning with the day on which arbitral proceedings commenced.

(4) Where the Adjudicator is appointed to arbitrate the MRO dispute (whether under paragraph (2) or otherwise) the Adjudicator must—

- (a) arbitrate the MRO dispute; or
- (b) appoint another person to arbitrate that dispute.

(5) Section 14 of the Arbitration Act 1996⁽¹⁾ makes provision about the commencement of arbitral proceedings.

(6) An “MRO dispute” is a dispute relating to the offer of a market rent only option.

Draft Legislation: This is a draft item of legislation and has not yet been made as a UK Statutory Instrument.
This draft has been replaced by a new draft, The Pubs Code etc. Regulations 2016 ISBN 978-0-11-114748-1
