
DRAFT STATUTORY INSTRUMENTS

2016 No.

**The Pubs Code (Fees, Costs and
Financial Penalties) Regulations 2016**

Disputes which are not MRO disputes: fees and costs of arbitration

- 4.—(1) This regulation applies where a tied pub tenant—
- (a) refers a dispute to the Adjudicator under section 48 of SBEEA 2015; or
 - (b) gives notice under section 50(3)(b) of that Act that the tenant wishes the Adjudicator to be appointed to arbitrate a dispute.
- (2) The tied pub tenant must pay a fee of £200 to the Adjudicator at the time the referral is made or the notice is given.
- (3) The Adjudicator (or a person appointed by the Adjudicator under section 50(4)(b) of SBEEA 2015) may order the tied pub tenant to pay the pub-owning business's costs in respect of the arbitration.
- (4) The maximum amount the tied pub tenant may be ordered to pay is—
- (a) where paragraph (5) applies, the pub-owning business's full costs of the arbitration;
 - (b) otherwise, £2,000.
- (5) This paragraph applies where the Adjudicator (or a person appointed by the Adjudicator under section 50(4)(b) of SBEEA 2015) considers that—
- (a) the tied pub tenant's referral under section 48 of SBEEA 2015 or the tenant's notice under section 50(3)(b) of that Act was vexatious; or
 - (b) the tied pub tenant's conduct in connection with the arbitration has resulted in an unreasonable increase in the costs of the arbitration.