



Commercial Rent (Coronavirus) Act 2022

2022 CHAPTER 12

PART 2

ARBITRATION

Arbitration fees and oral hearings

19 Arbitration fees and expenses

- (1) In this section references to arbitration fees are to—
 - (a) the arbitrator's fees and expenses (including any oral hearing fees), and
 - (b) the fees and expenses of any approved arbitration body concerned.
- (2) The Secretary of State may by regulations made by statutory instrument specify limits on arbitration fees, which may differ depending on the amount of protected rent debt in question.
- (3) A statutory instrument containing regulations under subsection (2) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) The applicant must pay arbitration fees (other than oral hearing fees) in advance of the arbitration taking place.
- (5) When the arbitrator makes an award under section 13 or 14, the arbitrator must (subject to subsection (6)) also make an award requiring the other party to reimburse the applicant for half the arbitration fees paid under subsection (4).
- (6) The general rule in subsection (5) does not apply if the arbitrator considers it more appropriate in the circumstances of the case to award a different proportion (which may be zero).
- (7) Except as provided by subsection (5) and section 20(6), the parties must meet their own legal or other costs.
- (8) Legal or other costs incurred in connection with arbitration (including arbitration fees) are not recoverable by virtue of any term of the business tenancy concerned.

(9) In this section, “applicant” means the party which made the reference to arbitration.

20 Oral hearings

- (1) An oral hearing must be held where either or both of the parties make a request to the arbitrator.
- (2) An oral hearing must be held within the period of 14 days beginning with the day on which the arbitrator receives a request under subsection (1).
- (3) The period in subsection (2) may be extended—
 - (a) by agreement between the parties, or
 - (b) by the arbitrator where the arbitrator considers that it would be reasonable in all the circumstances to do so.
- (4) Where both parties request an oral hearing, the parties are jointly and severally liable to pay the hearing fees in advance.
- (5) Where one of the parties requests an oral hearing, that party must pay the hearing fees in advance.
- (6) When the arbitrator makes an award under section 13 or 14, the arbitrator must (subject to subsection (7)) also make an award requiring the other party to reimburse the applicant for half the hearing fees.
- (7) The general rule in subsection (6) does not apply if the arbitrator considers it more appropriate in all the circumstances to award a different proportion (which may be zero).
- (8) An oral hearing must be held in public unless the parties agree otherwise.