



Small Business, Enterprise and Employment Act 2015

2015 CHAPTER 26

PART 4

THE PUBS CODE ADJUDICATOR AND THE PUBS CODE

Arbitration by Adjudicator

50 Arbitration commenced by pub-owning businesses

- (1) This section applies where—
 - (a) there is an arbitration agreement between a tied pub tenant and a pub-owning business, and
 - (b) the business commences arbitral proceedings about a matter which is, or which includes, a Pubs Code dispute between the business and the tenant.
- (2) In this section a “Pubs Code dispute” means a dispute—
 - (a) which relates to an allegation by the tied pub tenant that the pub-owning business has failed to comply with a provision of the Pubs Code, and
 - (b) which the tenant would have been able to refer for arbitration by the Adjudicator in accordance with section 48 (were it not for the commencement of arbitral proceedings by the business).
- (3) Subsection (4) applies where—
 - (a) in accordance with the arbitration agreement, the Adjudicator is appointed to arbitrate the Pubs Code dispute, or
 - (b) the tied pub tenant wishes the Adjudicator to be appointed to arbitrate that dispute, and has given notice to that effect in accordance with subsections (5) to (7).
- (4) The Adjudicator must either—
 - (a) arbitrate the Pubs Code dispute, or

Status: This is the original version (as it was originally enacted).

- (b) appoint another person to arbitrate that dispute.
- (5) Notice under subsection (3)(b) must be given in writing to—
- (a) the pub-owning business, and
 - (b) the Adjudicator.
- (6) In a case 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, notice under subsection (3)(b) must be given within 21 days beginning with the date on which that person notifies the tenant of the person proposed to be appointed as arbitrator.
- (7) In any other case, notice under subsection (3)(b) must be given within 21 days beginning with the date on which arbitral proceedings commenced.
- (8) Section 14 of the Arbitration Act 1996 makes provision about the commencement of arbitral proceedings.