



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.

Changes to legislation: There are currently no known outstanding effects for the Small Business, Enterprise and Employment Act 2015, Section 51. (See end of Document for details)

- (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.

Commencement Information

I1 S. 51 in force at 6.4.2016 for specified purposes by S.I. 2016/321, reg. 4(c)

I2 S. 51 in force at 21.7.2016 in so far as not already in force by S.I. 2016/532, reg. 3

Changes to legislation:

There are currently no known outstanding effects for the Small Business, Enterprise and Employment Act 2015, Section 51.