



Tied Pubs (Scotland) Act 2021

2021 asp 17

PART 2

GIVING EFFECT TO THE CODE

Arbitration

14 Adjudicator's duty to arbitrate or appoint arbitrator

- (1) The adjudicator must act as the arbitrator in relation to a dispute, or appoint another person to do so, if the dispute—
 - (a) is between a tied-pub tenant and a pub-owning business,
 - (b) is about whether the business has complied with a term of the code, other than an excluded term, and
 - (c) is submitted to the adjudicator for arbitration either—
 - (i) under section 15, or
 - (ii) in accordance with an agreement between the parties to the dispute.
- (2) Where the adjudicator or a person appointed by the adjudicator is, by virtue of subsection (1), the arbitrator in an arbitration, the arbitration must be conducted in accordance with—
 - (a) the rules regarding arbitration issued from time to time by the Chartered Institute of Arbitrators, or
 - (b) the rules of another dispute resolution body nominated by the arbitrator.
- (3) In subsection (1)(b), “excluded term” means a provision of the code that regulations made by the Scottish Ministers state cannot be the subject of arbitration before the adjudicator.