



Tied Pubs (Scotland) Act 2021

2021 asp 17

PART 2

GIVING EFFECT TO THE CODE

Arbitration

17 Further fees and expenses payable to the adjudicator

- (1) The Scottish Ministers must by regulations provide for a fee to be paid to the adjudicator by a tied-pub tenant in respect of an arbitration to which subsection (2) applies (subject to any exceptions specified in the regulations).
- (2) This subsection applies to an arbitration if the adjudicator, or a person appointed by the adjudicator, is the arbitrator as a result of a tied-pub tenant submitting a dispute to arbitration under section 15.
- (3) Regulations under subsection (1) may in particular prescribe—
 - (a) the fee to be paid,
 - (b) circumstances in which a tenant need not pay a fee,
 - (c) circumstances in which a fee is to be refunded.
- (4) The Scottish Ministers may by regulations require a tied-pub tenant to make a payment to the adjudicator in respect of the expenses of an arbitration to which subsection (5) applies.
- (5) This subsection applies to an arbitration if the adjudicator, or a person appointed by the adjudicator, is the arbitrator by virtue of section 14(1).
- (6) Regulations under subsection (4) may in particular—
 - (a) specify the circumstances in which a tenant may be required to make a payment in respect of expenses,
 - (b) set a limit on the amount a tenant may ordinarily be required to pay in respect of expenses (either by specifying an amount or setting out a methodology by which the amount is to be determined),
 - (c) specify circumstances in which a tenant may be required to make a payment in respect of expenses that exceeds the limit that ordinarily applies.