



Commercial Rent (Coronavirus) Act 2022

2022 CHAPTER 12

PART 2

ARBITRATION

Approved arbitration bodies

7 Approval of arbitration bodies

- (1) The Secretary of State may approve one or more bodies to carry out the functions under section 8 (and a body which is for the time being so approved is referred to in this Act as an “approved arbitration body”).
- (2) The Secretary of State may only approve a body which the Secretary of State considers to be suitable to carry out those functions.
- (3) The Secretary of State may withdraw an approval given under subsection (1) if the Secretary of State considers that the body is no longer suitable to carry out those functions.
- (4) Where the Secretary of State proposes to withdraw an approval given under subsection (1), the Secretary of State must notify the body in question and give the body an opportunity to make representations.
- (5) Where an approval given under subsection (1) is withdrawn from a body, the Secretary of State must make arrangements relating to—
 - (a) the repayment of any fees or expenses already paid to the body (if any), and
 - (b) the body’s entitlement (if any) to fees or expenses.
- (6) The withdrawal of an approval given under subsection (1) does not affect the validity of anything done by or in relation to the body in question before that withdrawal.
- (7) The Secretary of State must maintain and publish a list of approved arbitration bodies.

8 Functions of approved arbitration bodies

- (1) An approved arbitration body has the following functions—
 - (a) to maintain a list of arbitrators who—
 - (i) are available to act as arbitrators under this Part (whether alone or as a member of a panel of arbitrators), and
 - (ii) appear to the body to be suitable, by virtue of their qualifications or experience, to act as such,
 - (b) to appoint an arbitrator or panel of arbitrators from that list to deal with the matter of relief from payment of a protected rent debt referred to the body for arbitration under this Part,
 - (c) where an arbitrator appointed by the body resigns, dies or otherwise ceases to hold office, to appoint another arbitrator from that list to fill the vacancy,
 - (d) to set, collect and pay its fees and the fees of an arbitrator appointed by it,
 - (e) to oversee any arbitration in relation to which it has appointed an arbitrator or panel of arbitrators, and
 - (f) to remove an arbitrator appointed by it from a case on any one of the grounds in subsection (2).
- (2) The grounds for removal are—
 - (a) that circumstances exist that give rise to justifiable doubts as to the impartiality or independence of the arbitrator,
 - (b) that the arbitrator does not possess the qualifications required for the arbitration,
 - (c) that the arbitrator is physically or mentally incapable of conducting the arbitration or there are justifiable doubts as to their capacity to do so, or
 - (d) that the arbitrator has refused or failed to properly conduct the arbitration, or to use all reasonable despatch in conducting the proceedings or making an award, and that substantial injustice has been or will be caused to the parties.
- (3) An approved arbitration body must ensure that an arbitrator or panel of arbitrators appointed by it under subsection (1)(b) is independent from the parties to the arbitration.
- (4) Where an arbitrator resigns, dies or otherwise ceases to hold office, an approved arbitration body must make arrangements relating to—
 - (a) the repayment of any fees or expenses already paid to the arbitrator (if any), and
 - (b) the arbitrator's entitlement (if any) to fees or expenses.
- (5) Where requested by, or as agreed with, the Secretary of State, an approved arbitration body must provide a report to the Secretary of State containing details of—
 - (a) the exercise by the approved body of its functions under this section, and
 - (b) any arbitrations overseen by the approved body under subsection (1)(e), including the progress of, and any awards made in relation to, such arbitrations.
- (6) An approved arbitration body must publish on its website the fees payable in relation to arbitrations referred to it under this Part.