



Arbitration Referral Pro Forma

Section A – Applicant details

Name of Applicant/company name: _____

Name and address of business premises: _____

Contact address (if different from above): _____

Email: _____

Telephone: _____

Authorising a Representative (Optional)

Name of Representative: _____

Firm/Company address (if applicable): _____

Email: _____

Telephone number: _____

I am a practising solicitor in England and Wales (please tick if applicable): ☐

Where this applies, the Applicant does not need to sign below.

I authorise the above-named to represent me in all dealings and any alternative Arbitrator appointed in relation to this referral. Any correspondence sent to my representative will be deemed to have been sent to me.

Signed (Applicant): _____

Section B – Respondent details

Name of Respondent/company name: _____

Name and address of business premises: _____

Contact address (if different from above): _____

Email: _____

Telephone: _____



Time limits

The Act requires that the Applicant notify the Respondent of the intent to make a reference to arbitration.

Please note the date that the Respondent was first notified: _____

Please note the method of notification (e.g. email, post, etc.): _____

Please attach a copy of the notification.

(If applicable) Please note the date that Respondent submitted a response: _____

Please note the date that this referral was submitted: _____

Dispute Details

Please supply the following information:

The amount of commercial rent arrears which are in dispute in £: _____

The address of the property or properties to which the dispute relates: _____

(please add extra rows if necessary)

(Optional) If useful, please supply further details of the dispute below, which may include:

- *Any alleged non-compliance with the Code of Practice for the commercial property sector;*
- *Whether the Applicant or the Respondent have other eligible disputes against each other concerning protected rent debt which can be consolidated, or against other parties; and*
- *Any further issues that you consider may arise.*

(Max 500 words)

Supporting information

Please attach a copy of your formal proposal, including any supporting information.



The formal proposal should cover the outcome you are seeking, including what proportion of the rent debt you envisage should be repaid, and what schedule the payments can take place on.

There will be an opportunity to supply further information, if needed.

For a list of examples of the type of supporting evidence please see [section X of guidance [link to be inserted when the final guidance is published]:

Please include a summary of your attachments below:

(Max 500 words)

(Optional) Do you intend to supplement your formal proposal with evidence from witnesses of fact or experts? Please list below type of evidence supplied and attached to this form:

(Optional) Do you intend to ask for an oral hearing? Yes ☐
No ☐

Section G – Choice of Arbitrator (Optional)

Under the Act, CDRL will be responsible for appointing the arbitrator and will seek to consider the Applicant's suggestions but cannot guarantee the following will be supplied.

What skills do you consider appropriate for the Arbitrator? (e.g. accountant, solicitor, experience in a specific sector): _____

Monitoring data



The following data will be used for monitoring purposes only.

Business size:

Sole trade: 0 employees	<input type="checkbox"/>
Micro: 1 to 9 employees.	<input type="checkbox"/>
Small: 10 to 49 employees.	<input type="checkbox"/>
Medium: 50 to 249 employees.	<input type="checkbox"/>
Large: 250 employees or more.	<input type="checkbox"/>

Main activity of the business:

Mining And Quarrying	<input type="checkbox"/>
Manufacturing	<input type="checkbox"/>
Water supply, sewerage, waste management, and remediation activities	<input type="checkbox"/>
Construction	<input type="checkbox"/>
Wholesale and retail trade; repair of motor vehicles and motorcycles	<input type="checkbox"/>
Transportation and storage	<input type="checkbox"/>
Accommodation and food service activities	<input type="checkbox"/>
Information and communication	<input type="checkbox"/>
Real estate activities	<input type="checkbox"/>
Professional, scientific and technical activities	<input type="checkbox"/>
Administrative and support service activities	<input type="checkbox"/>
Education	<input type="checkbox"/>
Human health and social work activities	<input type="checkbox"/>
Arts, entertainment and recreation	<input type="checkbox"/>
Other service activities	<input type="checkbox"/>

Main activity SIC code (If known): _____

Company Registration Number (if applicable): _____



Monitoring data (cont.) - Further details of Applicant (Optional)

The following data is for monitoring purposes only and is optional to fill in.

Gender of Applicant: Male ☐
Female ☐
Other ☐
Prefer not to disclose ☐

Age of Applicant: 18 – 24 ☐
25 – 34 ☐
35 – 44 ☐
45 – 54 ☐
55 – 64 ☐
64 – 74 ☐
75+ ☐
Prefer not to disclose ☐

Ethnicity of Applicant: Asian / Asian British ☐
Black / Black British / Caribbean or African ☐
Mixed / multiple ethnic groups ☐
White ☐
Other ☐
Prefer not to disclose ☐



Section I – Referral Fee and Form Completion

The applicant must pay a referral fee of [XXX] at the time of referral.

This should be paid to:

CDRL DETAILS OF PAYMENT

Please include confirmation of payment:

Section J – Declaration (Written Statement of Truth)

Full name: _____

Position held: _____
(if on behalf of the company)

I believe the facts stated in this form and any accompanying information are true.

Signed: _____

Date: _____

(Please note, if this referral is on behalf of the company, a Director must sign this form.)

Key information

Time limits

Before a reference can be made to arbitration, the Act requires the parties to carry out the pre-arbitration steps:

- a. The party intending to make a reference (the Applicant) must notify the other party (the Respondent) of its intention to make a reference;*
- b. The Respondent does not have to respond to the Applicant's notification. If the Respondent does choose to respond, the response must be submitted within 14 days.*
- c. If the Respondent submits a response, the Applicant can make a reference 14 days after the response was received.*
- d. If the Respondent has not submitted a response, the Applicant can make a reference 28 days after the initial notification.*

Eligibility

The business tenancy to which this dispute relates must be a business to which Part 2 of the Landlord and Tenant Act 1954 applies:

(a) The dispute must relate to protected rent debt.

- 1) Rent is defined as an amount payable to the landlord for possession and use of the premises comprised in the tenancy, an amount payable under the tenancy as a service charge, and any interest on either of those amounts. Further details are in Section 2 of the Act.*
- 2) For rent debt to be protected, two criteria must be met:*
 - i. The business or premises in question was subject to a closure requirement between 2pm, 21 March 2020 and 11:55pm, 18 July 2021 (for English business tenancies) or 6am, 7 August 2021 (for Welsh business tenancies); and*
 - ii. The rent is attributable to a period of time occupation by the tenant for, or for a period within, the protected period applying to the tenancy.*

(b) The tenant must not be subject to a company voluntary arrangement, individual voluntary arrangement, or other compromise or arrangement that relates to the protected rent debt. Further details are in Section 10, Part 1 of the Act.

(c) The tenant and the landlord must be in dispute and must not have reached agreement on the matter of relief from payment of the protected rent debt.

- i. Relief from payment can be one or more of: writing off the debt (in whole or in part); giving the tenant time to pay the debt (in whole or in part), including by way of instalments; and reducing or writing off any interest payable by the tenant under the terms of the tenancy in relation to all or part of the debt;*



(d) A formal proposal for resolving the matter of relief must be included in this arbitration referral form.

Eligibility (cont.)

The following are definitions, as stated in the Act, which may be of benefit in determining your eligibility. :

Closure requirement: a requirement imposed by coronavirus regulations which is expressed as an obligation to close businesses, or parts of businesses, of a specified description, to close premises, or parts of premises, of a specified description.

Coronavirus regulations: regulations made under section 45C of the Public Health (Control of Disease) Act 1984 (whether or not also made under any other power) and expressed to be made in response to the threat to public health posed by the incidence or spread of coronavirus.

Protected period: the period beginning on 21 March 2020 and ending with the last day on which all or part of the tenant's business carried on at or from the premises, or the premises itself (or part of the premises), was subject either to a 'closure requirement' (see above) or to a 'specific coronavirus restriction' (see below). For premises in England, the last day of the protected period cannot be later than 18 July 2021. For premises in Wales, the last day of the protected period cannot be later than 7 August 2021.

Specific coronavirus restriction: a restriction or requirement, other than a closure requirement (see above) which (a) was imposed by coronavirus regulations (see above); and (b) regulated the way in which a business of a specified description (or part of it) was to operate, or the way in which premises of a specified description (or part of them) were to be used.

Company voluntary arrangement: a company voluntary arrangement approved under section 4 of the Insolvency Act 1986.

Individual voluntary arrangement: an individual voluntary arrangement approved under section 258 of the Insolvency Act 1986.

Compromise or arrangement: a compromise or arrangement sanctioned under section 899 or 901F of the Companies Act 2006.