

## Press Distribution Charter

### Stage 3 - Independent Arbitration Decision

**PDC Reference Number:**

PDC/132803/070618

**Date First Issued:**

22/03/2018

**Name of Arbitrator:**

Neil Robinson

**Date complaint sent to Arbitrator:**

20/06/2018

In the matter of the Arbitration Act 1996 and in the matter of a dispute between Mr Retailer, and Menzies Distribution Limited (MD), Unit C, Larkfield Trading Estate, New Hythe Lane, Aylesford, ME20 6SW. This complaint concerns alleged failure by Menzies Distribution Limited to deliver to the retailer by the RDT each day or by the Scheduled Delivery Time (SDT) where no RDT agreement exists contrary to the MD 'Customer Service Pledge' Third Edition.

Mr Retailer complains that on 28th February 2018 he received no newspaper or magazine supplies from MD due to adverse weather conditions. He seeks a refund of his Carriage Service Charge for that day, restitution for lost sales on a full supply of newspapers and magazines and restitution for HND copy he was unable to deliver.

MD maintains that non delivery was due to circumstances beyond its control and that the force majeure clause at Section 12A of its Terms and Conditions applies.

Having carefully considered all of the evidence before me, I adjudicate as follows:

1. My remit as Independent Arbitrator is to determine whether a wholesaler has acted fairly and reasonably in its decision at Stage 2 of the Press Distribution Charter (PDC) Complaints Process or at Stage 2 from within MD's own internal 'Our Pledge on Complaints'.
2. There is no evidence before me to suggest that there has been a Stage 2 Complaint of either type made in this case and accordingly I have no jurisdiction to adjudicate on it.
3. If Mr Retailer had wished to raise this matter as a Stage 2 PDC Complaint or Stage 2 complaint from within MD's own internal 'Our Pledge on Complaints' he should have completed a formal Stage 2 Complaint Form and forward it to MD or the Press Distribution Review Panel Administrator at:

67a South Street  
Stanground  
Peterborough  
PE2 8EX

Unfortunately, the Press Distribution Complaints Process cannot be used if the incident complained of occurred more than three months ago and therefore this option is no longer available.

4. In a number of similar weather oriented cases already determined the retailer has been unsuccessful due to the force majeure clause at Section 12A of MD's Terms and Conditions.

Neil Robinson

Signature of Arbitrator: \_\_\_\_\_

Date: 27th June 2018

Seat of Arbitration: London, England.

Date form returned to PDC Administrator:

27/06/2018

Date Independent Arbitration Decision  
sent to Wholesaler & Retailer:

03/07/2018