

Press Distribution Charter

Stage 3 - Independent Arbitration Decision

PDC Reference Number:

PDRP-0000031

Date First Issued:

19/01/2018

Name of Arbitrator:

Neil Robinson

Date complaint sent to Arbitrator:

24/01/2018

In the matter of the Arbitration Act 1996 and in the matter of a dispute between Mr Retailer, and News UK Distribution (NUK), Great Cambridge Road, Waltham Cross, Herts. EN8 8DY. This complaint concerns alleged failure by NUK to (a) deliver all titles and their appropriate sections, no later than the Retail Delivery Time, or Scheduled Delivery Time, for the day of sale contrary to Standard 2.1 of the Press Distribution Charter (b) deliver supplies in saleable condition contrary to Standard 3.3, and (c) process all returns collected from retailers for credit on the next available invoice contrary to Press Distribution Charter (PDC) Standard 5.9.

Mr Retailer maintains that on 4th October 2017 NUK failed to deliver his entire supply and that subsequently supplies were left outside causing them to be damaged to an un-saleable state. He further claims that there was delay in collecting and crediting his returns.

NUK is of the opinion that it has properly considered Mr Retailer's complaint in full and awarded restitution as appropriate in accordance with the Press Distribution guidelines.

Having considered all of the evidence submitted in this case I adjudicate as follows:

1. The PDC Stage 3 independent arbitration has a set process which is detailed in the publication 'Guidance Notes for Retailers'. This publication is forwarded to a retailer when he requests a Stage 2 or 3 Complaint Form and must be followed by the retailer in order to progress the complaint.
2. The 'Guidance Notes for Retailers' clearly provides that, if a retailer is not happy with his wholesaler's response to a Stage 2 Complaint, he must request a Stage 3 - Retailer Statement of Case Form from the PDRP Administrator. Once received by the retailer he has seven days in which to complete it and send it to the Chairman of the Press Distribution Review Panel via the Administrator.
3. In this case Mr Retailer was required to have submitted his Stage 3 - Statement of Case Form to the PDRP Administrator by 02/01/2018. However, he failed to do this and the form was not submitted until 24/01/2018.
4. In these circumstances I have no alternative but to reject the complaint due to the fact that Mr Retailer did not follow due process.

Neil Robinson

Signature of Arbitrator: _____

Date: 25th January 2018

Seat of Arbitration: London, England.

Date form returned to PDC Administrator:

25/01/2018

Date Independent Arbitration Decision
sent to Wholesaler & Retailer:

25/01/2018