

Press Distribution Charter

Stage 2 - Independent Arbitration Decision

PDC Reference Number:

PDC/10040773

Date First Issued:

04.05.2022

Name of Arbitrator:

Neil Robinson B.A. (Law), M.C.I.Arb.

Date complaint sent to Arbitrator:

17/06/2022 (Further and Better Particulars required)

In the matter of the Arbitration Act 1996 and in the matter of a dispute between Mr. P. and News UK (NUK), DTR, Great Cambridge Road, Hertfordshire, EN8 8DY. This complaint concerns alleged failure by News UK to deliver all titles and their appropriate sections no later than the Retailer Delivery Time (RDT) or Scheduled Delivery Time (SDT) for the day of sale contrary to Press Distribution Charter Standard 3rd Edition 2.1.

By Step 1 Complaint form dated 04/05/2022 Mr. P. claims that on Saturday 30/04/2022 his supply from NUK was short of 33 Times supplements which were delivered on 01/05/2022 and delivered the same day. Mr. P. claims restitution for the delayed copy as he suffered financial hardship. His claim for restitution was rejected by NUK.

By email dated 25/05/2022 NUK rejected the claim for restitution claiming that the service failure was not serious or persistent.

Mr. P. was asked to supply further and better particulars in relation to his complaint on 30/05/2022 but failed to respond within the prescribed seven days.

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

1. As stated above on 30/05/2022 I wrote to Mr. Patel seeking clarification as to how the Times Supplements were delivered to customers on Sunday 01/05/2022. In particular I asked if the deliveries were an addition to normal Sunday delivery or had required a special additional trip. In the absence of an answer I am of the opinion that the Times Supplements were delivered on the Sunday as part of that day's deliveries.
2. Following on from point 1. above I adjudicate that the service failure on 30/04/2022 was not serious or persistent.
3. I need to point out that restitution is only applicable for proven loss on the sale of newspapers and magazines resulting from late delivery or under allocation of product and in this case the complainant failed to establish proven loss. Furthermore, the prescribed rate of restitution for service failure on Home News Delivery copy relates to instances of late delivery that necessitate the redelivery of the copy. I am of the opinion that in relation to restitution 'redelivery' means a specific additional journey to fulfil the retailer service obligation.

Neil Robinson

Signature of Arbitrator: _____

Date: 29th June 2022

Seat of Arbitration: London, England.

Date form returned to PDC Administrator:

29/06/2022

Date Independent Arbitration Decision
sent to Wholesaler & Retailer:

05/07/2022