

Press Distribution Charter

Stage 2 - Independent Arbitration Decision

PDC Reference Number:

PDC/224474/160622

Date First Issued:

16.06.2022

Name of Arbitrator:

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

Date complaint sent to Arbitrator:

17/06/2022

Independent Arbitration Decision

In the matter of the Arbitration Act 1996 and in the matter of a dispute between Mr. P. and Smiths News (SN) Unit 17, Beddington Cross 136-138, Beddington Farm Road, Croydon, CR0 4XH. 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 On-line Complaint dated 19/05/2022 Mr. P. complains that on 19/04/2022 his delivery from SN arrived at 08.30 thereby missing his RDT of 06.10.

By letter dated 23/05/2022 SN rejected the claim for restitution claiming that "you are not registered for HND therefore we would be unable to process any HND claim".

By Step 2 - Wholesaler Statement of Case dated 17/06/2022 SN advised that "after further investigation we have agreed to process Mr. Patel's claim and will be crediting Mr. Patel's account with £65.45 for HND copies claimed on this day. This will appear on the weekly summary invoice week ending 25th June."

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

1. I assume that Mr. P. accepts the restitution payment and therefore this matter has been resolved between the parties and I endorse the settlement.
2. For the avoidance of doubt the Press Distribution Charter does not require a retailer to be 'registered' for HND before he is able to claim restitution for service failure.
3. Within Mr. P.'s documentation he alleges that SN was guilty of persistent service failures as in December 2021 the same problem had occurred three times. For the avoidance of doubt whilst persistence is defined as "the same problem occurs three times in three weeks for Monday to Friday newspapers, or three times in six weeks for Saturday or Sunday newspapers" any such service failures must have occurred within a three month period to a complaint being made.

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