

Your response

Question	Your response
<p>Question 1: Do you have any comments on the proposed changes to the template notice set out in Annex 1?</p>	<p>Confidential? N</p> <p><u>Comment on paragraph 14.c.</u></p> <p>We do not believe that the inclusion of paragraph 14.c., is helpful.</p> <p>Paragraph 14 proposes alternative modes of response to the receipt of a notice. We do not consider that responding with a request for ADR <i>in isolation</i> of the other options should be encouraged. In the absence of a substantive and reasoned response to a notice, the author of that notice would in many instances not be aware of the recipient's stance on it, which is not a good starting point from which to explore ADR. It would be far more helpful to progressing negotiations if there were a substantive response to a notice.</p> <p>In that context, a request to engage in ADR should be an optional <i>supplement</i> to a 14.a., or 14.b., response, but not an <i>alternative</i>.</p> <p><u>Comment on "Supplementary Information: orders under paragraph 20(4) of the Code"</u></p> <p>Whilst we do not oppose reference being made to ADR within this part of the proposed drafting, we question whether it adds anything helpful:</p> <ul style="list-style-type: none">• it does not fit naturally in a note that is designed to deal with the terms of an order that a court might make;• the comments add no supplementary guidance to the recipient:<ul style="list-style-type: none">○ they do not expand on the content of the notice;○ they add nothing that is not covered in A1's "Supplementary Information: Alternative Dispute Resolution"; and• we note that the same drafting has not been adopted for "Supplementary Information: orders

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	<p>under paragraph 34 of the Code”, which properly leaves guidance on ADR to A3’s “Supplementary Information: Alternative Dispute Resolution”.</p> <p><u>Comment on “Supplementary Information: orders under paragraph 27(2) of the Code”</u></p> <p>We repeat our observations in respect of “Supplementary Information: orders under paragraph 20(4) of the Code”.</p>
<p>Question 2: Do you have any comments on the proposed changes to the template notice set out in Annex 2?</p>	<p>Confidential? N</p> <p><u>Comment on paragraph 9.c.</u></p> <p>We repeat our observations in respect of paragraph 14.c., of A1 and emphasise that the service of a notice pursuant to paragraph 33 of the Code is commonly the first point engagement between the parties when a renewal is sought, due to the comparatively long notice period and the existing relationship. As a result, a response that serves only to request ADR without setting out the recipient’s response to the rights requested in the notice would be particularly unhelpful to fostering meaningful and informed negotiations.</p> <p>We propose that requesting ADR should supplement either of the responses in paragraphs 9.a., or 9.b.</p>
<p>Question 3: Do you have any comments on the proposed changes to the template notice set out in Annex 3?</p>	<p>Confidential? N</p> <p>We agree with the principle that the ADR message should be emphasised equally to Operators serving notices as to Site Providers serving notices. This reiterates the mutuality of benefits arising out of ADR and the universal expectation that it should be considered.</p>

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