



Tied Pubs (Scotland) Act 2021

2021 asp 17

PART 2

GIVING EFFECT TO THE CODE

Investigation by the adjudicator

12 Recovery of investigation costs

- (1) The adjudicator may require a pub-owning business to pay to the adjudicator some or all of the costs of an investigation if, at the end of the investigation, the adjudicator's finding is that the business has failed to comply with the code.
- (2) The adjudicator may require a person to pay to the adjudicator some or all of the costs of an investigation if—
 - (a) the investigation was initiated as a result of a complaint made by the person, and
 - (b) the adjudicator is satisfied that the complaint was vexatious or wholly without merit.
- (3) Liability to make a payment required under subsection (1) or (2) arises when the adjudicator gives a person a notice in writing that states—
 - (a) that the adjudicator is requiring the person to make a payment in respect of the costs of an investigation,
 - (b) the reason the adjudicator is doing so,
 - (c) the amount of the required payment,
 - (d) the period within which it must be paid,
 - (e) how it must be paid.
- (4) The total value of payments required under this section in respect of an investigation must not exceed the adjudicator's costs in—
 - (a) carrying out the investigation, and
 - (b) taking enforcement action at the end of the investigation.
- (5) A person required to make a payment under subsection (1) or (2) may appeal to the sheriff against—

Status: Point in time view as at 24/06/2024.

Changes to legislation: Tied Pubs (Scotland) Act 2021, Section 12 is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) the imposition of any such requirement,
- (b) the amount the person is being required to pay.

Commencement Information

II [S. 12](#) in force at 24.6.2024 by [S.S.I. 2024/136](#), [reg. 2](#)

Status:

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