
DRAFT STATUTORY INSTRUMENTS

2016 No.

The Pubs Code etc. Regulations 2016

PART 2

Duties of pub-owning businesses in their dealings with their tied pub tenants: general

Premises

13.—(1) Before entering into a new agreement with a tied pub tenant, a pub-owning business must advise the tenant to—

- (a) conduct a thorough inspection of the premises to which the tenancy or licence relates, including any part of the premises intended to be used as the tenant's home; and
- (b) obtain the advice of a qualified surveyor with professional experience relating to tied pubs.

(2) Paragraph (3) applies where—

- (a) a tied pub tenant and a pub-owning business—
 - (i) enter into a new agreement; or
 - (ii) renew a tenancy to which Part 2 of the Landlord and Tenant Act 1954 applies; and
- (b) before the renewal or before entering into the new agreement, the pub-owning business or the tied pub tenant agrees to carry out any maintenance, repair or improvement works to the premises.

(3) As soon as reasonably practicable after the works are completed, the pub-owning business must update the Schedule of Condition, in the light of the works.

(4) Where, under a tenancy or licence, a tied pub tenant is required to maintain or repair the premises, or any part of the premises, to which the tenancy or licence relates, paragraphs (5) and (6) apply.

(5) Before entering into a new agreement or renewing a tenancy to which Part 2 of the Landlord and Tenant Act 1954 applies, the pub-owning business must take the Schedule of Condition into account—

- (a) during an assessment of any maintenance or repairs in respect of the premises; and
- (b) before any obligations or liabilities in respect of the condition of the premises are agreed between the pub-owning business and the tied pub tenant.

(6) The pub-owning business must ensure that the Schedule of Condition is updated and reviewed—

- (a) in accordance with the terms of the tenancy or licence; or
- (b) where the tenancy or licence does not require such a review—
 - (i) following any significant alteration to the structure of the premises; and
 - (ii) at least 6 months before the end of the tenancy or licence.

(7) A survey of the premises which is carried out by a pub-owning business for the purposes of determining the dilapidations to the premises must be carried out—

- (a) in accordance with the terms of the tenancy or licence; and
- (b) at least 6 months before the end of the tenancy or licence.

(8) Paragraph (9) applies where a pub-owning business, or a person acting on its behalf, proposes to enter a tied pub for the purposes of —

- (a) assessing repairs or maintenance required under the tenancy or licence;
- (b) carrying out such repairs or maintenance; or
- (c) assessing dilapidations in respect of the premises.

(9) The pub-owning business, or the person acting on its behalf, must not, except in an emergency, enter the pub without giving the tied pub tenant reasonable notice.