
DRAFT STATUTORY INSTRUMENTS

2016 No.

The Pubs Code etc. Regulations 2016

PART 4

**Duties of pub-owning businesses in their dealings
with their tied pub tenants: rent assessments**

Duty to conduct a rent assessment or an assessment of money payable in lieu of rent

- 19.**—(1) A pub-owning business—
- (a) must conduct a rent assessment or an assessment of money payable in lieu of rent in connection with a rent review which is required under the terms of a tenancy or licence of a tied pub of which it is the landlord; and
 - (b) must conduct a rent assessment or an assessment of money payable in lieu of rent where a tied pub tenant of such a pub requests it under paragraph (2).
- (2) A tied pub tenant may request a rent assessment or an assessment of money payable in lieu of rent if—
- (a) such an assessment has not ended within the period of 5 years ending with the date of the request;
 - (b) there is a significant increase in the price at which a product or service which is subject to a product or service tie is supplied to the tied pub tenant; or
 - (c) the tied pub tenant demonstrates that a trigger event has occurred by means of a written analysis of the level of trading which is forecast for a period of 12 months or more beginning with the day on which the tenant makes the request.
- (3) A request under paragraph (2) must be made in writing and—
- (a) in the case of a request made under paragraph (2)(b), must be received by the pub-owning business within the period of 14 days beginning with the day on which the tied pub tenant receives notification of the significant increase; and
 - (b) in the case of a request made under paragraph (2)(c), must be received by the pub-owning business within the period of 14 days beginning with the day on which the tied pub tenant sends the written analysis referred to in that paragraph to the pub-owning business.
- (4) The following are not rent reviews for the purposes of paragraph (1)(a)—
- (a) an annual or other periodic indexation of rent;
 - (b) a change in rent in connection with the receipt of a corresponding benefit from the pub-owning business;
 - (c) a change in rent in connection with the freeing of the tied pub tenant from a product or service tie;
 - (d) any discussions in respect of changes in rent which are carried out within a review of the business provided for under the terms of the tenancy or licence.