
DRAFT STATUTORY INSTRUMENTS

2016 No.

The Pubs Code etc. Regulations 2016

PART 1

General

General interpretation

2.—(1) In these Regulations—

- “business development manager” has the meaning given in regulation 41(6);
- “commencement date” means the date on which these Regulations come into force;
- “compliance officer” means a person who is appointed under regulation 42(1);
- “fixed share of turnover” has the meaning given in regulation 55(4);
- “full response” has the meaning given in regulation 29(5);
- “gaming machine” has the meaning given in section 235 of the Gambling Act 2005(1);
- “initial or revised rent” has the meaning given in regulation 16(1)(a);
- “insurance charge” has the meaning given in regulation 46(1);
- “investment agreement” has the meaning given in regulation 56(3);
- “MRO notice” has the meaning given in regulation 23(1);
- “MRO recoverable amount” has the meaning given in regulation 40(4);
- “MRO rent” means the rent or money payable in lieu of rent to be payable in respect of the tied pub tenant’s(2) occupation of the premises concerned under the proposed MRO-compliant tenancy or licence(3);
- “new agreement” means a new tenancy of, or a new licence to occupy, premises which are, or are expected to be, a tied pub but does not include a short agreement or the renewal of a tenancy or licence;
- “new rent” has the meaning given in regulation 20(1)(a);
- “period of response” has the meaning given in regulation 29(7) to (9);
- “pub franchise agreement” has the meaning given in regulation 55(2);
- “pubs entry training” has the meaning given in regulation 9(4);
- “relevant share of turnover” has the meaning given in regulation 55(5);
- “rent proposal” means a proposal made in accordance with Part 3;
- “rent assessment proposal” means a proposal made in accordance with Part 4;
- “revised response” has the meaning given in regulation 33(3);

(1) 2005 c.19.

(2) Section 70(1) of SBEEA 2015 defines “tied pub tenant”.

(3) Section 43 of SBEEA 2015 defines “MRO-compliant”. Section 70(2) of SBEEA 2015 defines “tenancy” and “licence”.

“rent review date” has the meaning given in regulation 21(12);

“SBEEA 2015” means the Small Business, Enterprise and Employment Act 2015;

“significant increase”, in relation to the price at which a product or service which is subject to a product or service tie⁽⁴⁾ is supplied to a tied pub tenant, has the meaning given in regulations 3 to 6;

“short agreement” means—

- (a) a tenancy at will which entitles a tied pub tenant to occupy a tied pub; or
- (b) any other contractual agreement entitling a tied pub tenant to occupy a tied pub for no more than 12 months;

“subsequent proposed tenancy or licence” has the meaning given in regulation 35(2);

“the RICS” means the Royal Institution of Chartered Surveyors;

“the RICS guidance” means guidance issued by the RICS, as amended from time to time;

“Schedule of Condition” means the provisions in a tenancy or licence which specify the condition of the premises to which the tenancy or licence relates;

“trigger event” has the meaning given by section 43(9) of SBEEA 2015 and regulation 7.

(2) For the purposes of these Regulations, a tied pub tenant receives notification of 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 when the tied pub tenant receives the invoice the issue of which constitutes such an increase.

(4) Section 72(1) of SBEEA 2015 defines “product or service tie”.