
DRAFT STATUTORY INSTRUMENTS

2016 No.

The Pubs Code etc. Regulations 2016

PART 7

Market rent only option: independent assessor

MRO procedure where a referral is made to the Adjudicator in connection with the independent assessor

38.—(1) This regulation applies where a matter is referred to the Adjudicator in connection with the independent assessor's determination of the market rent.

(2) Where the Adjudicator (or a person appointed by the Adjudicator under regulation 58(2)(b) or 60(4)(b))—

- (a) directs the independent assessor under regulation 59(3)(b)(ii) to make a second determination of the market rent; or
- (b) appoints another independent assessor under regulation 59(3)(b)(iii) or (6)(c) to determine the market rent,

the independent assessor must communicate the determination of the market rent to the tied pub tenant and the pub-owning business within the period of 21 days beginning with the day on which the direction or the appointment, as the case may be, occurred.

(3) Paragraphs (4) and (5) apply where—

- (a) the Adjudicator (or a person appointed by the Adjudicator under regulation 58(2)(b) or 60(4)(b)) makes a determination by virtue of regulation 59(3)(b)(ii) or (iii), (6)(b) or (c) or (7)(b); and
- (b) the independent assessor determines the market rent in accordance with that determination.

(4) If the tenant or the pub-owning business considers that the independent assessor has not determined the market rent in accordance with regulation 37(3), the tenant or the pub-owning business may refer the matter to the Adjudicator within the period of 14 days beginning with the day on which the determination of the independent assessor is communicated.

(5) But if the tenant or the pub-owning business does not refer the matter under paragraph (4), the tied pub tenant must accept or reject, in writing, the independent assessor's determination and the associated tenancy or licence provided to the assessor under regulation 37(1) within the period of 21 days beginning with—

- (a) the day on which the determination of the independent assessor is communicated to the tenant; or
- (b) if later, the day on which any rent assessment, or assessment of money payable in lieu of rent, being carried out in respect of the tenancy or licence ends.