
DRAFT STATUTORY INSTRUMENTS

2016 No.

The Pubs Code etc. Regulations 2016

PART 1

General

Significant increase in price: services

6.—(1) For the purposes of these Regulations, a “significant increase” in the price of services supplied to a tied pub tenant takes place on the issue to the tied pub tenant of an invoice for services (“the relevant invoice”) where the following two conditions are met.

(2) The first condition is that—

- (a) one or more invoices for services were issued to the tied pub tenant in the comparison period; and
- (b) those invoices included at least one for services of the same kind as services invoiced in the current period.

(3) The second condition is that—

$$\left(\frac{A-B}{B}\times 100\right) > \left(\frac{C-D}{D}\times 100\right) + 20$$

where—

A is the average unit price of current period services;

B is the average unit price of comparison period services;

C is the Consumer Price Index on the day the relevant invoice is issued;

D is the Consumer Price Index on the day 12 months before the relevant invoice is issued.

(4) In this regulation—

- (a) “services” means services supplied under a service tie⁽¹⁾;
- (b) “current period services” means all services invoiced to the tied pub tenant in the current period, excluding any of a kind not invoiced to the tied pub tenant in the comparison period;
- (c) “comparison period services” means all services invoiced to the tied pub tenant in the comparison period, excluding any of a kind not invoiced to the tied pub tenant in the current period;
- (d) services invoiced in a period are “of the same kind” as services invoiced in another period if they are—
 - (i) of the same category (see paragraph (5)); and
 - (ii) sold in the same units;

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

- (e) “the current period” means the period of 4 weeks ending with the day on which the relevant invoice is issued;
 - (f) “the comparison period” means the period of 4 weeks ending with the day 12 months before the day on which the relevant invoice is issued;
 - (g) “invoice for services” includes an invoice which covers (in addition to services) products; and references to services being invoiced are to be read accordingly;
 - (h) references to prices are to prices exclusive of value added tax;
 - (i) “the consumer price index” means the general index of consumer prices (for all items) published by the Statistics Board;
 - (j) references to the level of the consumer price index on any day are to the level of that index, in the index most recently published before the end of that day, in respect of the most recent month covered by that publication.
- (5) For the purposes of paragraph (4)(d)(i) the “categories” of services are—
- (a) the hire of gaming machines;
 - (b) property and maintenance services (including maintenance of equipment);
 - (c) financial services (including insurance);
 - (d) business services not within any of sub-paragraphs (a) to (c).