
DRAFT STATUTORY INSTRUMENTS

2016 No. 0000

ENTERPRISE, ENGLAND AND WALES

The Pubs Code etc. Regulations 2016

Made - - - - 2016
Coming into force in accordance with
regulation 1(b)

THE PUBS CODE ETC. REGULATIONS 2016

PART 1

1. Citation, commencement and extent
2. General interpretation
3. Significant increase in price: beer
4. Significant increase in price: alcoholic drink other than beer
5. Significant increase in price: products other than alcoholic drink
6. Significant increase in price: services
7. Trigger events
8. Periods of time

PART 2

9. Pubs entry training
10. A sustainable business plan
11. The required information
12. Duty of pub-owning business where tenant intends to assign the tenancy
13. Premises
14. Short agreements

PART 3

15. Duty to provide a rent proposal
16. Contents of the rent proposal
17. When the rent proposal must be provided
18. Further information and advice in relation to the rent proposal

PART 4

19. Duty to conduct a rent assessment or an assessment of money payable in lieu of rent
20. The rent assessment proposal
21. Conduct of the rent assessment or the assessment of money payable in lieu of rent
22. Effect of the rent assessment or the assessment of money payable in lieu of rent

PART 5

23. The MRO notice
24. A significant increase in the price of a product or service
25. A trigger event
26. The renewal of a pub arrangement
27. A rent assessment or an assessment of money payable in lieu of rent

PART 6

28. Arrangements during the MRO procedure: rent etc
29. Effect of tenant's notice
30. Terms and conditions required in proposed MRO tenancy
31. Terms and conditions regarded as unreasonable in relation to proposed MRO tenancy etc
32. Failure to acknowledge the tenant's notice, provide a full response etc.
33. MRO procedure where a matter is referred to the Adjudicator in connection with the full response
34. The negotiation period
35. Failure to agree: right to refer to the Adjudicator or independent assessor

PART 7

36. Appointment of the independent assessor
37. Independent assessor: procedure
38. MRO procedure where a referral is made to the Adjudicator in connection with the independent assessor

PART 8

39. End of the MRO procedure
40. Disputes about rent etc payable during MRO procedure

PART 9

41. Business development managers
42. Duty to appoint a compliance officer
43. Annual compliance report
44. Provisions of these Regulations which are not arbitrable

PART 10

45. Pub-owning business to notify Adjudicator and tied pub tenants of status under these Regulations
46. Insurance
47. Gaming machines
48. Blank template for profit and loss account
49. Sale of freehold or long leasehold
50. Tied pub tenant not to suffer detriment
51. Flow monitoring devices

PART 11

52. Extended protection to last until the end of a tenancy
53. Extended protection to last until a rent assessment is concluded

PART 12

54. Short agreements
55. Pub franchise agreements
56. The investment exception

PART 13

57. Void or unenforceable terms of a tenancy or licence

PART 14

58. Referrals to the Adjudicator in connection with the MRO procedure
59. Referrals to the Adjudicator in connection with the independent assessor
60. Arbitration commenced by pub-owning business
61. Information required by the Adjudicator

PART 15

62. Adjudicator's determination during referral of a dispute
63. Investigations by the Adjudicator
64. Adjudicator's determination in relation to UK businesses only

PART 16

65. Rent proposals
66. Rent assessments
67. Market rent only option: the MRO notice

PART 17

68. Review of Parts 11 to 16
Signature

SCHEDULE 1 — Information specified for the purposes of a new agreement etc.

1. Regulations and code of practice
2. Where the pub-owning business has a code of practice which...
3. The type of tenancy or licence
4. Whether the tenancy offered by the pub-owning business is a...
5. Whether there is a superior landlord and, if so, the...
6. The length of the tenancy, licence or relevant tie agreement...
7. Whether the tied pub tenant or the pub-owning business may...
8. Details of the pub-owning business's procedures for responding to any...
9. In paragraphs 6 to 8 a "relevant tie agreement" is...
10. The premises
11. Whether the fixtures and fittings in the tied pub are...
12. Maintenance and repair
13. The pub-owning business's procedures for discharging its obligations to repair...
14. Where the tenancy or licence requires the tied pub tenant...
15. The procedures to be followed in connection with the respective...
16. Where, before entering into a new agreement, a short agreement,...
17. Any requirements under the tenancy or licence in relation to...
18. (1) The pub-owning business's policy for investing in the premises...
19. The respective obligations of the pub-owning business and the tied...
20. Obligations in relation to the purchase of tied products and services
21. Assignment
22. Advice and support
23. The pub-owning business's policy (if any) for dealing with requests...
24. The circumstances (if any) in which the pub-owning business may...
25. The events, the occurrence of which, entitle the tied pub...
26. Insurance
27. Where the tied pub tenant is responsible for insuring the...
28. Payment of rent and deposits
29. Where the tenancy or licence provides that the rent or...
30. In cases where damage to the premises to which the...
31. Information in respect of other support available in cases where...
32. Details of any other fees, charges, including service charges, or...
33. Additional information where new agreement is a pub franchise agreement
34. Other obligations
35. Breaches
36. Where a tied pub tenant is in breach of the...
37. Information about the procedures which may be followed by the...

SCHEDULE 2 — Information specified for the purposes of a rent proposal or a rent assessment proposal

1. A summary of the methods which must be used under...
2. An outline of the procedure to be followed during negotiations...
3. A list of the matters which will be considered to...
4. Information in respect of the cost of service charges relating...
5. A forecast profit and loss statement for the tied pub...
6. The figures which are provided under paragraph 5 must be...
7. The profit and loss statement provided under paragraph 5 must...
8. The statement, figures and other information which the pub-owning business...

9. Any information which the pub-owing business provides under paragraph 5,...
10. In paragraph 5(c) “duty” means any duty of excise charged...
11. Any information in Schedule 1 which— (a) the tied pub...
12. A timetable specifying the dates on which any other information...

SCHEDULE 3 — Documents to which the independent assessor must have regard

1. Documents held by the tied pub tenant or the pub-owning...
2. Documents held by the tied pub tenant or the pub-owning...
3. For the purposes of paragraph 2, a “reasonable forecast” is...
4. Documents held by the tied pub tenant or the pub-owning...

Explanatory Note