
DRAFT STATUTORY INSTRUMENTS

2016 No.

**The Pubs Code (Fees, Costs and
Financial Penalties) Regulations 2016**

Permitted maximum penalty

5.—(1) For the purposes of section 58 of SBEEA 2015, the permitted maximum is 1% of the pub-owning group's annual turnover.

(2) For this purpose the pub-owning group's annual turnover is to be determined as follows.

(3) Where the pub-owning business published accounts during the period of 12 months immediately preceding the date on which the relevant notice is given, the pub-owning group's annual turnover is—

- (a) where the accounts cover a period of exactly 12 months, the pub-owning group's applicable turnover for the period covered by those accounts;
- (b) where the accounts cover a period of more than or less than 12 months, the pub-owning group's applicable turnover for the period covered by the accounts, divided by the number of months in that period, and multiplied by 12.

(4) Where the pub-owning business did not publish accounts as mentioned in paragraph (3), the pub-owning group's annual turnover is—

- (a) where the pub-owning group has applicable turnover for each of the 12 months ending with the month preceding that in which the relevant notice is given, its applicable turnover for those 12 months;
- (b) where the pub-owning group has applicable turnover for some but not all of those 12 months, its applicable turnover for those 12 months, divided by the number of those months for which the pub-owning group had applicable turnover, and multiplied by 12;
- (c) where the pub-owning group has no applicable turnover for those 12 months, nil.

(5) In this regulation—

- (a) "the relevant notice" means the notice under section 58(2) of SBEEA 2015;
- (b) "the pub-owning group" means the pub-owning business and its group undertakings (if any).