



Small Business, Enterprise and Employment Act 2015

2015 CHAPTER 26

PART 4

THE PUBS CODE ADJUDICATOR AND THE PUBS CODE

VALID FROM 06/04/2016

Investigations by Adjudicator

PROSPECTIVE

53 Investigations

- (1) The Adjudicator may investigate whether a pub-owning business has failed to comply with the Pubs Code if the Adjudicator has reasonable grounds to suspect that—
 - (a) the business has failed to comply with the Pubs Code, or
 - (b) the business has failed to follow a recommendation made under section 56.
- (2) The Adjudicator may not carry out an investigation until the guidance required by section 61(1) has been published.

PROSPECTIVE

54 Investigation reports

- (1) Following an investigation, the Adjudicator must—

Status: Point in time view as at 01/10/2015. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Small Business, Enterprise and Employment Act 2015, Cross Heading: Investigations by Adjudicator. (See end of Document for details)

- (a) publish a report on the outcome of the investigation, and
 - (b) consider whether to use any of the enforcement powers mentioned in section 55.
- (2) An investigation report must, in particular, specify—
- (a) any findings that the Adjudicator has made,
 - (b) any action that the Adjudicator has taken or proposes to take, and
 - (c) the reasons for the findings and any action taken or proposed.
- (3) An investigation report need not identify the pub-owning business concerned.
- (4) If a pub-owning business is identified in a report, the business must have been given a reasonable opportunity to comment on a draft of the report before publication.

PROSPECTIVE

55 Forms of enforcement

- (1) If, as a result of an investigation, the Adjudicator is satisfied that a pub-owning business has failed to comply with the Pubs Code, or has failed to follow a recommendation made under section 56, the Adjudicator may take one or more of the following enforcement measures—
- (a) make recommendations;
 - (b) require information to be published;
 - (c) impose financial penalties.
- (2) Where an investigation concerns two or more pub-owning businesses, the Adjudicator may decide—
- (a) to take different enforcement measures against different businesses,
 - (b) not to take any enforcement measures against one or more of the businesses.

PROSPECTIVE

56 Recommendations

- (1) If the Adjudicator chooses to enforce through making recommendations, that means recommending what the pub-owning business should do in order to comply with the Pubs Code, and specifying the time by which the business should do it.
- (2) The Adjudicator must monitor whether a recommendation has been followed.

PROSPECTIVE

57 Requirements to publish information

- (1) If the Adjudicator chooses to enforce through requiring information to be published, that means requiring the pub-owning business to publish information relating to the investigation.

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- (2) The publication requirement is imposed by giving the pub-owning business written notice specifying—
 - (a) what information is to be published,
 - (b) how it must be published, and
 - (c) the time by which it must be published.
- (3) The Adjudicator may enforce the requirement to publish information by bringing civil proceedings to obtain an injunction or any other appropriate remedy or relief.

58 Financial penalties

- (1) If the Adjudicator chooses to enforce through imposing financial penalties, that means imposing a penalty on the pub-owning business of an amount not exceeding the permitted maximum (see subsection (6)).
- (2) The financial penalty is imposed by giving the pub-owning business written notice specifying—
 - (a) the grounds for imposing the penalty,
 - (b) the amount of the penalty,
 - (c) the period within which it must be paid, and
 - (d) how it must be paid.
- (3) The pub-owning business may appeal to the High Court against—
 - (a) the imposition of a financial penalty, or
 - (b) its amount.
- (4) Financial penalties under this section are recoverable by the Adjudicator as a debt.
- (5) Financial penalties received by the Adjudicator must be paid into the Consolidated Fund.
- (6) The Secretary of State must make regulations—
 - (a) specifying the permitted maximum, or
 - (b) specifying how the permitted maximum is to be determined.

PROSPECTIVE

59 Recovery of investigation costs

- (1) The Adjudicator may require a pub-owning business to pay some or all of the costs of an investigation (including any costs incurred in exercising the enforcement powers) if satisfied that—
 - (a) the business has failed to comply with the Pubs Code, or
 - (b) the business has failed to follow a recommendation made under section 56.
- (2) The Adjudicator may require a person to pay some or all of the costs of an investigation if—
 - (a) the Adjudicator carried out the investigation as a result of a complaint by the person, and

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- (b) the Adjudicator is satisfied that the complaint was vexatious or wholly without merit.
- (3) A requirement to pay costs is imposed by giving written notice specifying—
 - (a) the grounds for imposing the requirement to pay costs,
 - (b) how much is to be paid,
 - (c) by when the costs are to be paid, and
 - (d) how they are to be paid.
- (4) A person required to pay costs under this section may appeal to the High Court against—
 - (a) the imposition of the requirement, or
 - (b) the amount to which it relates.
- (5) Costs required to be paid under this section are recoverable by the Adjudicator as a debt.

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