



# Small Business, Enterprise and Employment Act 2015

## 2015 CHAPTER 26

### PART 4

#### THE PUBS CODE ADJUDICATOR AND THE PUBS CODE

##### *Pubs Code*

#### **47 Inconsistency with Pubs Code etc**

- (1) The Secretary of State may by regulations make provision about terms of a tenancy or other agreement between a pub-owning business and a tied pub tenant—
  - (a) which are inconsistent with the Pubs Code,
  - (b) which purport to penalise the tenant for requiring the business to act, or not act, in accordance with any provision of the Pubs Code with which the business is bound to comply,
  - (c) which purport to provide that a rent assessment or assessment of money payable by the tenant in lieu of rent in relation to the tied pub—
    - (i) may be initiated only by the business, or
    - (ii) may only determine that the rent or money payable in lieu of rent is to be increased.
- (2) The regulations may include provision about the effect of a term of a tenancy or other agreement being void or unenforceable as a result of the regulations.
- (3) Regulations under subsection (1) may make provision about terms of tenancies or other agreements entered into before the date on which the regulations come into force.
- (4) A term of any agreement between a pub-owning business and a tied pub tenant is void to the extent that it purports to—

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**Changes to legislation:** There are currently no known outstanding effects for the Small Business, Enterprise and Employment Act 2015, Section 47. (See end of Document for details)

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- (a) prevent the tenant from referring a dispute to the Adjudicator for arbitration in accordance with regulations under section 45 or in accordance with section 48, or
  - (b) penalise the tenant for making such a referral.
- (5) A term of an arbitration agreement between a pub-owning business and a tied pub tenant is unenforceable to the extent that it is inconsistent with—
- (a) regulations under section 45,
  - (b) section 50,
  - (c) section 51, or
  - (d) regulations under section 51(7).
- (6) Subsections (4) and (5) apply to agreements entered into before the date on which those subsections come into force, as well as those entered into on or after that date.
- (7) The Secretary of State may by regulations make provision about the effect of a term of an agreement being void or unenforceable as a result of subsection (4) or (5).

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**Commencement Information**

**I1** S. 47 in force at 6.4.2016 for specified purposes by S.I. 2016/321, reg. 4(b)

**I2** S. 47 in force at 21.7.2016 in so far as not already in force by S.I. 2016/532, reg. 3

**Changes to legislation:**

There are currently no known outstanding effects for the Small Business, Enterprise and Employment Act 2015, Section 47.