This S.S.I has been printed to correct errors in the Scottish Pubs Code Regulations 2024 (S.S.I. 2024/193) and the Tied Pubs (Fees and Financial Penalties) (Scotland) Regulations 2024 (S.S.I. 2024/187) and is being issued free of charge to all known recipients of those instruments.

SCOTTISH STATUTORY INSTRUMENTS

2024 No. 245

LANDLORD AND TENANT

The Tied Pubs (Miscellaneous Amendment) (Scotland) Regulations 2024

Made - - - -	*11th September 2024*
Coming into force - -	*6th October 2024*

The Scottish Ministers make the following Regulations in exercise of the powers conferred on them by sections 1, 7, 10(3), 17(1) and 23 and schedule 1 of the Tied Pubs (Scotland) Act 2021(**a**) and all other powers enabling them to do so.

In accordance with section 24(2) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1. These Regulations may be cited as the Tied Pubs (Miscellaneous Amendment) (Scotland) Regulations 2024 and come into force on 6 October 2024.

Amendment of the Scottish Pubs Code Regulations 2024

2.—(1) The Scottish Pubs Code Regulations 2024(**b**) are amended in accordance with paragraphs (2) to (6).

(2) In regulation 1 (citation and commencement) for "7 October 2024" substitute "31 March 2025".

(3) In regulation 10 (information to be provided to prospective tenants)—

(a) in paragraph (2), for "paragraph 1(vii)" substitute "paragraph (1)(d)(vii)",

(b) in paragraph (4), for "paragraphs (1) and (2)" substitute "paragraphs (1), (2) and (3)".

(4) In regulation 15(5) (requirement to offer an MRO lease), for "which is" substitute "the cost of which is".

(5) In regulation 16(3) (process for offering an MRO lease), for "conditions" substitute "requirements".

(**a**) 2021 asp 17. The powers to make these Regulations are exercised together by virtue of section 33(2) of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10) and these Regulations are subject to the affirmative procedure by virtue of section 33(3) of that Act.

(**b**) S.S.I. 2024/193.

(6) In regulation 17(10) (assessing the market rent of an MRO lease), for "the market rent determination" substitute "the offer of an MRO lease referred to in paragraph (8)".

Amendment of the Tied Pubs (Fees and Financial Penalties) (Scotland) Regulations 2024

3.—(1) The Tied Pubs (Fees and Financial Penalties) (Scotland) Regulations 2024(**a**) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 1 (citation and commencement) for "7 October 2024" substitute "31 March 2025".

(3) For regulation 4(2) (permitted maximum penalty), substitute—

"(2) Where there are one or more group undertakings in relation to a pub-owning business, the permitted maximum penalty that the adjudicator may impose on a pub-owning business under section 9 of the Act is 1% of the combined annual turnover of the pub-owning business and any person who is a group undertaking in relation to the pub-owning business.".

TOM ARTHUR
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
11th September 2024

(**a**) S.S.I. 2024/187.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Scottish Pubs Code Regulations 2024 and the Tied Pubs (Fees and Financial Penalties) (Scotland) Regulations 2024 and come into force on 6 October 2024.

Regulation 2(2) amends the coming into force date of the Scottish Pubs Code Regulations 2024 ("the Code") from 7 October 2024 to 31 March 2025. Regulation 2(3) to (5) make some minor corrections to regulations 10,15 and 16 of the Code.

Regulation 2 also amends regulation 17(10) of the Code to correct a minor error. Regulation 17 of the Code sets out the process under which a pub-owning business and a tied-pub tenant are to agree a market rent only lease. This amendment clarifies that if the tenant does not accept an offer of an MRO lease within 2 weeks of receiving the offer, then the rent assessment period comes to an end.

Regulation 3(2) amends the coming into force date of the Tied Pubs (Fees and Financial Penalties) (Scotland) Regulations 2024 from 7 October 2024 to 31 March 2025. Regulation 3(3) amends regulation 4(2) of those Regulations to correct a minor error.

No impact assessments have been prepared for these Regulations, since they correct minor errors or make minor clarifications, and no, or no significant, impact on the private, voluntary, or public sector is foreseen.

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