
STATUTORY INSTRUMENTS

2016 No. 790

The Pubs Code etc. Regulations 2016

PART 6

Market rent only option: procedure to be followed in connection with an offer

Failure to agree: right to refer to the Adjudicator or independent assessor

35.—(1) Where—

- (a) the pub-owning business sends a subsequent proposed tenancy or licence to the tied pub tenant during the negotiation period; and
- (b) the tenant considers that the tenancy or licence is not MRO-compliant,

the tenant may refer the matter to the Adjudicator within the period of 14 days beginning with the day after the day on which the subsequent proposed tenancy is received.

(2) A “subsequent proposed tenancy or licence” means a tenancy or licence which the pub-owning business has proposed to the tied pub tenant during the negotiation period.

(3) Where the pub-owning business sends a proposed tenancy or licence to the tied pub tenant (whether as part of a full response under regulation 29(3) or a revised response under regulation 33(2) or otherwise during the negotiation period) the tied pub tenant may refer the proposed MRO rent to an independent assessor⁽¹⁾ by sending a notice to the pub-owning business, in writing, of the tenant’s intention to do so within the period—

- (a) beginning with the day 28 days after the day on which the negotiation period begins; and
- (b) ending with the day 7 days after the day on which that period ends.

(4) Where the tied pub tenant refers a matter to the Adjudicator under paragraph (1), no reference to an independent assessor may be made under paragraph (3) in relation to the same tenancy or licence until the matter has been determined.

(5) Where the tied pub tenant refers the proposed MRO rent under a tenancy or licence to an independent assessor under paragraph (3), no reference may subsequently be made under paragraph (1) in relation to the same tenancy or licence.

(6) No referral may be made under this regulation at any time after the end of the MRO procedure.

⁽¹⁾ Section 72(1) of SBEEA 2015 defines “independent assessor”.