

# **TIED PUBS (SCOTLAND) ACT 2021**

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## **EXPLANATORY NOTES**

### **THE ACT**

#### **Part 2: Giving Effect to the Code**

#### **Investigations by the adjudicator**

##### *Section 12: Recovery of investigation costs*

31. The adjudicator may require a pub-owning business to pay some or all of the costs of an investigation if the adjudicator finds that the pub-owning business has failed to comply with the code.
32. Subsection (2) states that where a person (for example, a tenant) has made a complaint which was found to be vexatious (intended to frustrate or delay without any chance of success) or wholly without merit, the adjudicator may require that person to pay some or all of the costs of the resulting investigation.
33. Subsection (3) provides that the business or person required to pay costs becomes liable to pay those costs when they receive a notice in writing informing them of the requirement; the reasons for imposing the requirement; the amount; and when and how it must be paid. The adjudicator cannot seek to reclaim in this way more than the total cost of the investigation (subsection (4)). The imposition and amount of the costs being recovered may be appealed to the sheriff. Under existing legislation, the sheriff's decision may be further appealed to the Sheriff Appeal Court.