

SCHEDULE 1 THE SCOTTISH PUBS CODE

Restriction on enforcing certain terms of agreement

- 3 (1) The code—
- (a) must provide that a pub-owning business is prohibited from enforcing a term of an agreement of a kind described in sub-paragraph (2),
 - (b) may provide that a pub-owning business is prohibited from enforcing a term of an agreement of any other kind that is described in the code.
- (2) The following are the kinds of term referred to in sub-paragraph (1)(a)—
- (a) a term under which a tied-pub tenant is prevented from, or can be penalised for, taking action to enforce the code,
 - (b) a term which provides that a rent assessment in relation to the tied pub—
 - (i) may be initiated only by the business,
 - (ii) may only determine that the rent is to be increased,
 - (iii) may not determine that the rent is to be reduced.