
Changes to legislation: Tied Pubs (Scotland) Act 2021, Part 2 is up to date with all changes known to be in force on or before 21 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULE 2 SCOTTISH PUBS CODE ADJUDICATOR

PART 2

POWERS

CHAPTER 1

POWER TO REQUIRE INFORMATION

Imposition of requirement

- 4 (1) The adjudicator may, for a purpose mentioned in sub-paragraph (2), require a person to provide information that is in the person's possession or control.
- (2) The purposes referred to in sub-paragraph (1) are—
- (a) investigating a pub-owning business's compliance with the code,
 - (b) monitoring whether the requirement to comply with a direction given under section 9(2)(a) has been fulfilled,
 - (c) exercising functions in relation to the offer of a market rent only lease.
- (3) A requirement under this paragraph to provide information may, in particular, be a requirement to—
- (a) provide documents,
 - (b) provide information verbally.
- (4) A requirement under this paragraph is imposed on a person by giving the person written notice—
- (a) specifying—
 - (i) the information the person is required to provide, and
 - (ii) the way in which the person is required to provide it, and
 - (b) explaining that failing to comply with the requirement or providing false information in response to it may be an offence under this Chapter.
- (5) For the purpose of sub-paragraph (4)(a)(ii), specifying the way in which a person is required to provide information includes specifying—
- (a) to whom it is to be provided,
 - (b) where it is to be provided,
 - (c) when, or the time by which, it is to be provided,
 - (d) the form and manner in which it is to be provided.
- (6) If an individual is required to attend a particular place under this paragraph, the adjudicator must offer to pay any necessary travelling expenses.
- (7) A person may not be required under this paragraph to do anything that the person could not be compelled to do in proceedings before the Court of Session.

Changes to legislation: *Tied Pubs (Scotland) Act 2021, Part 2 is up to date with all changes known to be in force on or before 21 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

I1 [Sch. 2 para. 4](#) in force at 30.4.2024 by [S.S.I. 2024/113](#), [reg. 2\(c\)](#)

Offence of failing to comply with requirement

- 5 (1) A person commits an offence if—
- (a) the person intentionally fails to comply with a requirement under paragraph 4 to provide information, and
 - (b) the person does not have a reasonable excuse for failing to comply.
- (2) For the purpose of sub-paragraph (1)(a), a person is not to be regarded as having complied with a requirement under paragraph 4 to provide information unless the person provided the information in the way specified in the notice imposing the requirement.
- (3) A person who commits an offence under sub-paragraph (1) is liable, on conviction, to a fine.
- (4) On summary conviction, the fine may not exceed the statutory maximum.

Commencement Information

I2 [Sch. 2 para. 5](#) in force at 30.4.2024 by [S.S.I. 2024/113](#), [reg. 2\(c\)](#)

Offence of providing false information

- 6 (1) A person commits an offence if, in response to a requirement under paragraph 4 to provide information, the person knowingly provides false information.
- (2) A person who commits an offence under sub-paragraph (1) is liable, on conviction, to a fine.
- (3) On summary conviction, the fine may not exceed the statutory maximum.

Commencement Information

I3 [Sch. 2 para. 6](#) in force at 30.4.2024 by [S.S.I. 2024/113](#), [reg. 2\(c\)](#)

CHAPTER 2

OTHER POWERS

Power to advise on the code

- 7 The adjudicator may give any person advice on any matter relating to the code.

Changes to legislation: Tied Pubs (Scotland) Act 2021, Part 2 is up to date with all changes known to be in force on or before 21 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Commencement Information

I4 [Sch. 2 para. 7](#) in force at 30.4.2024 by [S.S.I. 2024/113](#), [reg. 2\(c\)](#)

Power to issue guidance

- 8 (1) The adjudicator may prepare and make publicly available guidance about—
- (a) the practices and procedures that the adjudicator intends to adopt in carrying out the functions of the adjudicator,
 - (b) the application of the code (or any provision of it),
 - (c) steps that pub-owning businesses need to take in order to comply with the code,
 - (d) any other matter relating to the code.
- (2) The adjudicator must take any guidance that is being made publicly available by virtue of sub-paragraph (1) into account when exercising a function to which the guidance relates.
- (3) Before preparing any guidance, the adjudicator must consult any person the adjudicator considers it appropriate to consult.

Commencement Information

I5 [Sch. 2 para. 8](#) in force at 30.4.2024 by [S.S.I. 2024/113](#), [reg. 2\(c\)](#)

General powers

- 9 The adjudicator may do anything which appears to the adjudicator to be—
- (a) necessary or expedient for the purposes of, or in connection with, the performance of the functions of the adjudicator, or
 - (b) otherwise conducive to the performance of those functions.

Commencement Information

I6 [Sch. 2 para. 9](#) in force at 30.4.2024 by [S.S.I. 2024/113](#), [reg. 2\(c\)](#)

Changes to legislation:

Tied Pubs (Scotland) Act 2021, Part 2 is up to date with all changes known to be in force on or before 21 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(4)(5) inserted by [S.S.I. 2024/189 art. 2\(3\)](#)