

*Status: This version of this cross heading contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Tied Pubs (Scotland) Act 2021, Cross Heading: Defect in appointment. (See end of Document for details)*

PROSPECTIVE

## SCHEDULE 2 SCOTTISH PUBS CODE ADJUDICATOR

### PART 5

#### APPOINTMENT AND TERMS AND CONDITIONS

##### *Defect in appointment*

- 22 (1) A person's appointment to the office of Scottish Pubs Code Adjudicator is not void on account of any defect in the appointment.
- (2) If it comes to the Scottish Ministers' attention that there was a defect in the person's appointment to the office, the Scottish Ministers must remove the person from the office as soon as reasonably practicable.
- (3) Sub-paragraph (4) applies to an appointment to the office in the event that—
- (a) the appointment is a re-appointment of an individual who was removed from the office in accordance with sub-paragraph (2), and
  - (b) no other person has been appointed to the office in the period between the individual's removal and re-appointment.
- (4) If this sub-paragraph applies to an appointment—
- (a) the appointment is not to be counted for the purpose of paragraph 20(4), and
  - (b) the maximum period of appointment that the Scottish Ministers may specify is whatever was left of the individual's last period of appointment immediately before the individual was removed from the office.
- (5) For the purpose of sub-paragraph (4)(b), if the defect in the person's last appointment to the office was that a longer period of appointment was specified than paragraph 21(3)(b) permits, the last specified period of appointment is to be treated as the maximum permitted period.

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