



Tied Pubs (Scotland) Act 2021

2021 asp 17

PART 2

GIVING EFFECT TO THE CODE

Investigation by the adjudicator

13 Investigation policy

- (1) The adjudicator must make publicly available a statement about—
 - (a) the criteria that the adjudicator will adopt in deciding whether to carry out an investigation under section 8,
 - (b) the practices and procedures that the adjudicator will follow in carrying out an investigation under that section,
 - (c) the criteria that the adjudicator will adopt in deciding—
 - (i) whether to take enforcement action under section 9, and
 - (ii) what type of action to take,
 - (d) the criteria that the adjudicator will use in setting the amount of a financial penalty imposed under section 9.
- (2) The adjudicator must, in drawing up the criteria mentioned in paragraphs (a), (c) and (d) of subsection (1), have regard to the impact the behaviour of tied-pub tenants may have on compliance with the code by pub-owning businesses.
- (3) The criteria mentioned in subsection (1)(a) must include time limits, which may be set by reference to the suspected failure to comply with the code or otherwise, after the expiry of which an investigation may not be initiated.
- (4) The adjudicator must take the statement into account in carrying out the functions to which it relates.
- (5) The adjudicator may modify the statement at any time.
- (6) Before preparing or modifying the statement, the adjudicator must consult any person the adjudicator considers it appropriate to consult.