



# Tied Pubs (Scotland) Act 2021

## 2021 asp 17

### PART 2

#### GIVING EFFECT TO THE CODE

##### *Avoidance*

#### **19 Reports on avoidance**

- (1) The adjudicator must report to the Scottish Ministers on cases of pub-owning businesses engaging in avoidance activity.
- (2) In subsection (1), “avoidance activity” means acts or omissions (or both) by a pub-owning business that are—
  - (a) unfair, and
  - (b) engaged in by the business in order to avoid, to the detriment of a tied-pub tenant, the operation of provision made by or under this Act.
- (3) A report under subsection (1) must include recommendations as to—
  - (a) action to be taken to prevent pub-owning businesses from engaging in the activity reported on, and
  - (b) how to provide redress for tied-pub tenants affected by those activities.
- (4) Within 3 months of receiving a report under subsection (1), the Scottish Ministers must make publicly available a statement setting out—
  - (a) what action they intend to take to protect tied-pub tenants from the activities reported on by the adjudicator, or
  - (b) if they do not intend to take any such action, the reasons for that decision.