



Tied Pubs (Scotland) Act 2021

2021 asp 17

PART 1

THE CODE AND THE ADJUDICATOR

3 Duty to act consistently with regulatory principles

- (1) The Scottish Ministers must use their best endeavours to exercise the power conferred by section 1 consistently with the regulatory principles.
- (2) The adjudicator must use its best endeavours to carry out the adjudicator's functions consistently with the regulatory principles.
- (3) The regulatory principles are—
 - (a) the principle of fair and lawful dealing by pub-owning businesses in relation to their tied-pub tenants,
 - (b) the principle that tied-pub tenants should not be worse off than they would be if they were subject to neither a product tie nor a service tie,
 - (c) the principle that any agreement between a pub-owning business and a tied-pub tenant should fairly share the risks and rewards amongst the parties.
- (4) In subsection (3)(b), “product tie” and “service tie” have the meaning given to them in paragraph 5(4) of schedule 1.