

*These notes relate to the Tied Pubs (Scotland) Act 2021
(asp 17) which received Royal Assent on 5 May 2021*

TIED PUBS (SCOTLAND) ACT 2021

EXPLANATORY NOTES

THE ACT

Part 1 – the Code and the Adjudicator

Section 5: Review of the code and adjudicator’s performance

17. This section states that the Scottish Ministers must carry out a first review of the Scottish Pubs Code and the adjudicator’s performance as soon as is practicable after 31 March in the second year following the year in which the adjudicator is appointed. Further reviews must then be carried out every three years after that. Once a review has been completed, the Scottish Ministers must publish a report of the review’s findings and lay a copy of the report before the Scottish Parliament. This will allow for consideration and scrutiny by the Parliament as appropriate.
18. Subsection (2) specifies that reviews of the code must look at how far the three regulatory principles have been met and whether the code should be revised to reflect these principles more fully.
19. Subsection (3) specifies that reviews of the adjudicator can cover anything that Ministers consider appropriate. However, a review must consider how effective the adjudicator has been at enforcing the code and may also consider whether any changes are required to financial penalty and/or fees and expenses regulations.