
DRAFT STATUTORY INSTRUMENTS

2016 No.

The Pubs Code etc. Regulations 2016

PART 5

Market rent only option: MRO notice

The MRO notice

23.—(1) A tied pub tenant may give a notice (an “MRO notice”) to the pub-owning business where—

- (a) the event specified in regulation 24 or 25 occurs; or
 - (b) the event specified in regulation 26 or 27 occurs and the investment exception does not apply (see regulation 56).
- (2) The MRO notice must be—
- (a) in writing; and
 - (b) received by the pub-owning business within the period of 21 days beginning with the day on which the event mentioned in paragraph (1) occurred.
- (3) The MRO notice must include—
- (a) the tenant’s name, postal address, email address (if any) and telephone number;
 - (b) the date on which the notice is being sent;
 - (c) the name of the tied pub in relation to which the request for an offer of a market rent only option is being made and its address;
 - (d) the date on which the event mentioned in paragraph (1) occurred; and
 - (e) a description of that event which, in the tenant’s opinion, demonstrates that it is an event specified in regulation 24, 25, 26 or 27.
- (4) A tied pub tenant may not give an MRO notice to the pub-owning business where—
- (a) the tenant has already given an MRO notice under paragraph (1); and
 - (b) the MRO procedure(1) which relates to that notice has not ended.

A significant increase in the price of a product or service

24. The event specified in this regulation is that the tied pub tenant receives notification of a significant increase in the price at which a product or service which is subject to a product or service tie is supplied to the tied pub tenant.

(1) Section 44(1)(a) of SBEEA 2015 defines “MRO procedure”.

A trigger event

25.—(1) The event specified in this regulation is that the tied pub tenant sends the pub-owning business, during the relevant period, a relevant analysis which demonstrates that a trigger event has occurred.

(2) In paragraph (1)—

- (a) “the relevant period” means the period of 56 days beginning with the day after that on which the trigger event occurred;
- (b) “a relevant analysis” means a written analysis of the level of trading which is forecast for a period beginning with the day on which the trigger event occurred and ending at least 12 months later.

The renewal of a pub arrangement

26.—(1) The event specified in this regulation is that a pub arrangement is renewed.

(2) For the purposes of section 43(6) of SBEEA 2015 (and so of this regulation), a protected 1954 Act tenancy is renewed between the tied pub tenant and the pub-owning business—

- (a) on the day on which the tied pub tenant receives the pub-owning business’s notice under section 25(1) of the Landlord and Tenant Act 1954; or
- (b) on the day on which the landlord receives the tied pub tenant’s request under section 26 of that Act.

(3) For the purposes of section 43(6) of SBEEA 2015 (and so of this regulation), a tenancy which is not a protected 1954 Act tenancy is renewed between the tied pub tenant and the pub-owning business on the first day on which the tenancy may be renewed under the terms of the tenancy.

A rent assessment or an assessment of money payable in lieu of rent

27. The event specified in this regulation is that the tied pub tenant receives a rent assessment proposal sent by the pub-owning business under regulation 20(1) in respect of the tenancy or licence.