



Small Business, Enterprise and Employment Act 2015

2015 CHAPTER 26

PART 4

THE PUBS CODE ADJUDICATOR AND THE PUBS CODE

Supplementary

69 “Pub-owning business”

- (1) A person is a “pub-owning business” for the purposes of this Part—
 - (a) in the period beginning with the day on which the Pubs Code comes into force and ending with the following 31 March, if immediately before the Pubs Code comes into force the person was the landlord of 500 or more tied pubs;
 - (b) in any subsequent financial year, if for a period of at least 6 months in the previous financial year the person was the landlord of 500 or more tied pubs.
- (2) For the purposes of calculating the number of tied pubs of which a person (“L”) is the landlord, any tied pub the landlord of which is a person who is a group undertaking in relation to L is treated as a tied pub of which L is the landlord.
- (3) A person not falling within subsection (1) and who is the landlord of a tied pub occupied by a tied pub tenant who has extended protection in relation to that tied pub is also a pub-owning business for the purposes of this Part in relation to that occupation.
- (4) A tied pub tenant has “extended protection in relation to a tied pub” if—
 - (a) the tenant occupies the tied pub under a tenancy or licence at a time when the landlord is a person who is a pub-owning business by virtue of subsection (1), and
 - (b) before the end of that tenancy or licence the landlord is no longer such a person (whether because of a transfer of title or because the landlord ceases to fall within subsection (1)).

Status: This is the original version (as it was originally enacted).

- (5) But a tied pub tenant ceases to have “extended protection in relation to a tied pub” on the earlier of—
- (a) the end of the tenancy or licence concerned, and
 - (b) the conclusion of the first rent assessment or assessment of money payable in lieu of rent to be provided after the landlord is no longer a person who is a pub-owning business by virtue of subsection (1).
- (6) The Secretary of State may for the purposes of subsections (4) and (5) by regulations specify—
- (a) when a tenancy or licence ends;
 - (b) when a rent assessment or assessment of money payable in lieu of rent is concluded.
- (7) Nothing in sections 43 to 45 and sections 53 to 59 has effect in relation to a person who is a pub-owning business by virtue of subsection (3).
- (8) The Secretary of State may by regulations specify circumstances in which a person who is a group undertaking in relation to a pub-owning business—
- (a) is to be treated, or
 - (b) may if the Adjudicator so determines be treated,
- as a pub-owning business (as well as or instead of any other person) for the purposes of any provision of or made under this Part.
- (9) The Secretary of State may by regulations—
- (a) amend subsection (1)(a) or (b) so as to substitute a different number of tied pubs, or a different period, from the number or period for the time being specified there,
 - (b) make provision in relation to the calculation of the number of tied pubs, whether by amending subsection (2) or otherwise.