
DRAFT STATUTORY INSTRUMENTS

2016 No.

The Pubs Code etc. Regulations 2016

PART 13

Void or unenforceable terms

Void or unenforceable terms of a tenancy or licence

57.—(1) A term of a tenancy or other agreement between a tied pub tenant and a pub-owning business (whether entered into before or after the commencement date) is void if it purports to—

- (a) penalise the tenant for requiring the pub-owning business to act, or not act, in accordance with Parts 2 to 10 of these Regulations; or
- (b) provide that a rent review or a review of money payable by the tenant in lieu of rent in relation to the tied pub—
 - (i) may be initiated only by the pub-owning business; or
 - (ii) may only determine that the rent or money payable in lieu of rent is to be increased.

(2) A dispute in relation to a term which is unenforceable, in that it purports to exclude, limit or otherwise modify the processes or the obligations of pub-owning businesses required under Parts 2 to 10 of these Regulations, may be arbitrated in accordance with an arbitration agreement⁽¹⁾.

⁽¹⁾ Section 72(1) of SBEEA 2015 defines “arbitration agreement”.