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News story

COVID-19: A Message from the PCA and DPCA

Preserving Pubs Code Rights During the COVID-19 Emergency

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Pubs Code Adjudicator (<https://www.gov.uk/government/organisations/pubs-code-adjudicator>)



The tied pub trade is coping with unprecedented challenges. Right now, the need to preserve the rights of regulated tenants is a priority. Pubs Code duties on the regulated pub-owning businesses (POBs) are not suspended, and indeed they provide protections to tied pub tenants which will be important throughout and after the Covid-19 emergency.

However, all regulated pub-owning businesses have told us that given the circumstances they do not expect to be able to comply with their Pubs Code duties to serve compliant Rent Proposals, Rent Assessment Proposals and MRO full

responses. These duties are vital in ensuring that rents are fairly set, and that tenants are no worse off than if they were free of tie.

During this emergency we recognise the importance of measures to ensure that the burden of preserving rights, including by bringing timely arbitration disputes to the PCA, should not fall on the tenants where this is not a practical or economic possibility. We are therefore pleased that Directors of all the regulated POBs have signed a formal declaration which serves to protect certain tenant rights in the current emergency.

This declaration effectively stops the clock from 16 March 2020 on many Code deadlines that apply to tenants making arbitration referrals during this emergency period, and provides safeguards relating to specific MRO rights. Please see here (https://www.gov.uk/government/publications/covid-19-announcement-of-declaration?utm_source=39f36ead-18c9-43dd-bf9c-d59f3d41ba31&utm_medium=email&utm_campaign=govuk-notifications&utm_content=immediate) for further detail.

These arrangements provide additional protections and expressly do not prevent any tenant from taking any available Code step to access their rights.

We have consulted with tied pub tenant representative groups about these measures. We will continue to engage with the POBs to ensure that they return to compliant processes as soon as possible, and that tenants can continue to benefit from their Code rights. As regulators all our statutory enforcement powers continue to exist. We will be working tirelessly to promote and protect the Code rights of tenants and will take further measures if these prove necessary.

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