

Tied Pubs (Scotland) Bill

Groupings of Amendments for Stage 3

This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- the text of amendments to be debated on during Stage 3 consideration, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

Groupings of amendments

Group 1: Application of the Arbitration (Scotland) Act in relation to section 14

2

Group 2: Investigation into changes to pub leasing arrangements before Act fully in force

3, 10

Group 3: Scottish Pubs Code: requirement to offer guest beer agreement provided beer is produced by a small brewery

4, 5, 6

Group 4: Scottish Pubs Code: requirement to offer market rent only lease

12, 13, 8, 9

Notes on amendments in this group

Amendment 8 pre-empts amendment 9

Group 5: Scottish Pubs Code Adjudicator: power to require information

1

Group 6: Scottish Pubs Code Adjudicator: assistance from the Scottish Ministers

11

THIS IS NOT THE MARSHALLED LIST

Amendments in debating order

Group 1: Application of the Arbitration (Scotland) Act in relation to section 14

Andy Wightman

- 2 In section 14, page 6, line 13, leave out subsection (2) and insert—
- <() Until the Arbitration (Scotland) Act 2010 is in force in relation to any arbitration carried out in pursuance of subsection (1), that Act applies as if it were in force in relation to that arbitration.>

Group 2: Investigation into changes to pub leasing arrangements before Act fully in force

Neil Bibby

- 3 After section 19, insert—
- <Investigation into changes to pub leasing arrangements before Act fully in force**
- (1) The adjudicator must, within 12 months of a person first being appointed to the office of adjudicator, begin an investigation into whether changes were made during the period described in subsection (2) to the terms on which pubs were let resulting in the code not applying in connection with them.
- (2) The period referred to in subsection (1) is the period—
- (a) beginning with the Bill for this Act receiving Royal Assent, and
- (b) ending with section 7 coming into force.
- (3) As soon as practicable after concluding that investigation, the adjudicator must—
- (a) make publicly available a report of the adjudicator’s findings, which must include an explanation of the basis on which the adjudicator has reached those findings, and
- (b) lay a copy of the report before the Scottish Parliament.>

Neil Bibby

- 10 In schedule 2, page 15, line 12, at end insert—
- <() carrying out an investigation under section (*Investigation into changes to pub leasing arrangements before Act fully in force*).>

Group 3: Scottish Pubs Code: requirement to offer guest beer agreement provided beer is produced by a small brewery

Graham Simpson

- 4 In schedule 1, page 12, line 8, leave out <(regardless of who produces it)> and insert <(provided that it is produced by a small brewery)>

THIS IS NOT THE MARSHALLED LIST

Graham Simpson

- 5 In schedule 1, page 12, line 9, after <chosen> insert <small brewery>

Graham Simpson

- 6 In schedule 1, page 12, line 11, at end insert—
<() The code is to specify the meaning of “small brewery” for the purposes of this paragraph.>

Group 4: Scottish Pubs Code: requirement to offer market rent only lease

Graham Simpson

- 12 In schedule 1, page 12, line 15, leave out <(3)(aa)> and insert <(2A)>

Graham Simpson

- 13 In schedule 1, page 12, line 31, at end insert—
<(2A) The code must specify circumstances in which a pub-owning business need not offer to enter into a market rent only lease with a tied-pub tenant (including, for example, where an agreement to invest in a tied pub has been entered into).>

Graham Simpson

- 8 In schedule 1, page 12, leave out lines 35 and 36

Jamie Hepburn

- 9 In schedule 1, page 12, line 36, after <tenant> insert <(including, for example, where an agreement to invest in a tied pub has been entered into)>

Group 5: Scottish Pubs Code Adjudicator: power to require information

Neil Bibby

- 1 In schedule 2, page 15, line 10, leave out <a recommendation made under section 9(1)(a) has been followed> and insert <the requirement to comply with a direction given under section 9(2)(a) has been fulfilled>

Group 6: Scottish Pubs Code Adjudicator: assistance from the Scottish Ministers

Andy Wightman

- 11 In schedule 2, page 17, line 16, after <provide> insert <, or ensure the provision of,>

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