

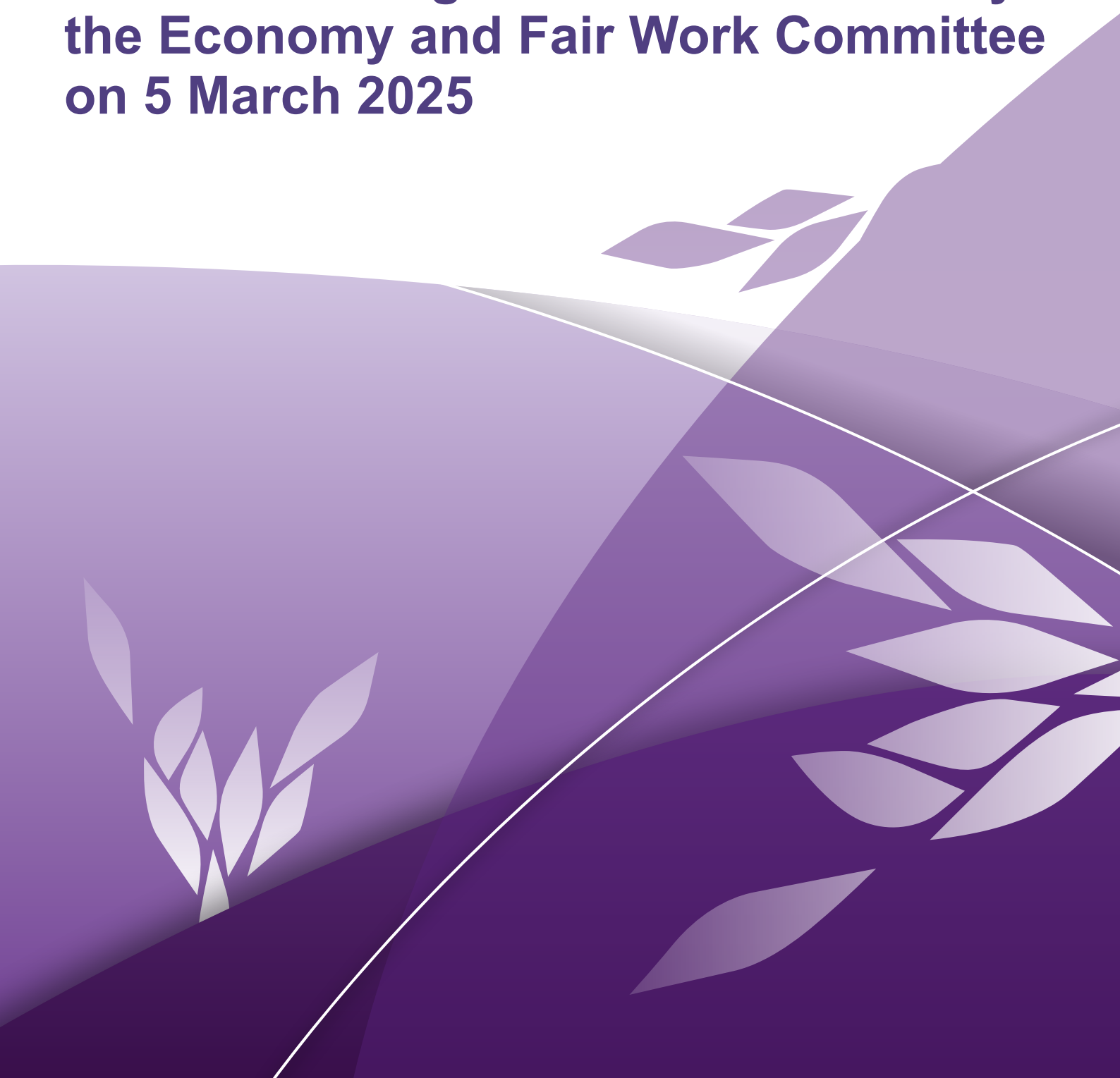


The Scottish Parliament  
Pàrlamaid na h-Alba

Published 6 March 2025  
SP Paper 748  
4th Report, 2025 (Session 6)

## **Economy and Fair Work Committee**

# **Subordinate legislation considered by the Economy and Fair Work Committee on 5 March 2025**



**Published in Scotland by the Scottish Parliamentary Corporate Body.**

---

All documents are available on the Scottish Parliament website at:  
<http://www.parliament.scot/abouttheparliament/91279.aspx>

For information on the Scottish Parliament contact Public Information on:  
Telephone: 0131 348 5000  
Textphone: 0800 092 7100  
Email: [sp.info@parliament.scot](mailto:sp.info@parliament.scot)

# Contents

<b>Introduction</b>	<b>1</b>
<b>About the instrument</b>	<b>2</b>
<b>Consideration by the Delegated Powers and Law Reform Committee</b>	<b>4</b>
<b>Consideration by the Economy and Fair Work Committee</b>	<b>5</b>
<b>Bibliography</b>	<b>6</b>

# Economy and Fair Work Committee

To consider and report on matters within the responsibility of the Deputy First Minister and Cabinet Secretary for Economy and Gaelic, with the exception of Gaelic; and on matters relating to just transition.



[economyandfairwork.committee@parliament.scot](mailto:economyandfairwork.committee@parliament.scot)



0131 348 5975

# Committee Membership



**Convener**  
**Colin Smyth**  
Scottish Labour



**Deputy Convener**  
**Michelle Thomson**  
Scottish National Party



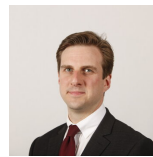
**Willie Coffey**  
Scottish National Party



**Murdo Fraser**  
Scottish Conservative  
and Unionist Party



**Jamie Halcro Johnston**  
Scottish Conservative  
and Unionist Party



**Daniel Johnson**  
Scottish Labour



**Gordon MacDonald**  
Scottish National Party



**Lorna Slater**  
Scottish Green Party



**Kevin Stewart**  
Scottish National Party

# Introduction

1. This report concerns [the Tied Pubs \(Miscellaneous Amendment\) \(Scotland\) Regulations 2025](#). The instrument was originally laid before the Parliament on 24 January 2025, subsequently withdrawn and re-laid on 10 February 2025.
2. The instrument, laid in draft, is subject to the affirmative procedure – which means it cannot be made unless it has been approved by a resolution of the Parliament.
3. It is for the Economy and Fair Work Committee, as lead committee, to decide whether or not to recommend approval.

# About the instrument

4. This instrument follows a series of instruments previously [considered by the Economy and Fair Work Committee in June 2024](#) to enact the Tied Pubs (Scotland) Act 2021.
5. At that time, the Minister [acknowledged continuing concerns from the sector about the Code](#), and stated the Scottish Government would undertake "a short, focused and targeted consultation about how the Scottish Pubs Code could be amended". Following this work, amending regulations would be brought forward.
6. The Committee had questioned the rationale for being asked to approve regulations, knowing further consultation would take place and amending regulations required. The Minister [acknowledged this concern](#) but stated that—  

” Were it considered by the government possible to withdraw the regulations, that is the approach that we would take. However, we are in a position where we have had to bring forward the regulations to comply with the requirements set out in the Act. That was a decision by Parliament and Ministers are bound by statute. <sup>1</sup>
7. The Committee accepted this explanation and agreed to recommend approval of the regulations on the understanding that further consultation and amendment would follow.
8. In December 2024, [the Minister informed the Committee](#) that the consultation was complete and regulations would be laid in January 2025. In January, the Minister [informed the Committee](#) that the coming into force date for parts of the regulations would be delayed to 30 June 2025 to “allow pub owning businesses additional time to prepare for some of the more challenging aspects of the code.”
9. The Tied Pubs (Miscellaneous Amendment) (Scotland) Regulations 2025 were laid on 24 January 2025, withdrawn due to an error, and re-laid on 10 February 2025.
10. The regulations would make the following amendments—
  - Introduction of a right to appeal the independent rent assessment, with a 14-day limit for the appeal to be made and this to be additional to the 4-week period provided for creation of the Market Rent Only (MRO) offer.
  - MRO application process to be able to start before the half-way point of any lease so that the MRO can begin at the half-way point, with the process able to start 6 months before the half-way point.
  - Pub-owning companies to be required to provide prospective tenants with at least one publicly available report analysing the trading costs of tied pubs (rather than provide any such publicly available reports, as at present).
  - Introduction of a requirement for pub-owning companies to provide a Schedule of Condition to prospective tenants - and removal of the requirement to provide a copy of any dilapidation report prepared in respect of the lease covering the period of the previous tenancy of the tied pub.

- Amendment of the notice to quit exemption so that a pub-owning business need not offer an MRO only where they or a tenant have served a notice to end the lease within a specified time-frame, with that time-frame being 3 months before the end of the lease.

## Consideration by the Delegated Powers and Law Reform Committee

11. The Delegated Powers and Law Reform Committee (DPLRC) considered the instrument on 18 February and reported in its [11<sup>th</sup> Report, 2025](#).
12. It made no recommendations in relation to the instrument but noted the instrument had been withdrawn and re-laid on the same day, [following a question by the DPLRC](#) on commencement dates.

# Consideration by the Economy and Fair Work Committee

13. The Committee took evidence on the instrument from the Minister for Employment and Investment on 5 March 2025.
14. The Committee asked the Minister about the consultation, the extent to which concerns remained, how awareness of the Code would be ensured, and the amount to be levied against pub owners.
15. The Minister noted that the legislation had been passed four years ago with the purpose of improving the position of tied pub tenants. The focus of the consultation had been the key concerns. The Minister stated it had been a difficult balancing act and that the work of the adjudicator and the code would be reviewed after 31 March 2026, and every three years thereafter. There would be the opportunity to consider impact and any proposed improvements. The Minister advised that following the appointment of the adjudicator, engagement with stakeholders had been good and that he would also be seeking to raise awareness of the Code. Costs will be clearer once it is known how many cases are being brought to the adjudicator. The Scottish Government expects to soon be in a position to provide further detail.
16. The Minister moved motion S6M-16234—  
  
That the Economy and Fair Work Committee recommends that the Tied Pubs (Miscellaneous Amendment) (Scotland) Regulations 2025 [draft] be approved.
17. The Motion was agreed to.
18. **Accordingly, the Committee recommends to the Parliament that the draft Tied Pubs (Miscellaneous Amendment) (Scotland) Regulations 2025 be approved.**

- [1] Scottish Parliament. (2024, June 5). Official Report of the Economy and Fair Work Committee. Retrieved from <https://www.parliament.scot/chamber-and-committees/official-report/search-what-was-said-in-parliament/EFW-05-06-2024?meeting=15915&iob=135869>

**Economy and Fair Work Committee**

Subordinate legislation considered by the Economy and Fair Work Committee on 5 March 2025, 4th Report, 2025 (Session 6)

