

## Deadlines affected by the Covid-19 Emergency – What tenants need to know

### Declaration by Pub-Ownning Businesses on Preserving Tied Pub Tenants' Pubs Code Rights During the COVID-19 Emergency

#### Emergency Period – 16 March to 30 June 2020

The six regulated pub-owning businesses (POBs) agreed a formal declaration to preserve and protect some important Pubs Code rights during the Covid-19 emergency period. It applied from 16 March 2020 and you can find out more about it [here](#). The emergency period covered by that declaration will cease from 30 June 2020.

Nothing in the declaration prevents a tied pub tenant from exercising a right under the Pubs Code or making a referral for arbitration to the Pubs Code Adjudicator (PCA) at any time. However, the aim of the declaration is to preserve certain tenants' rights during the emergency period. It did this by stopping the clock on some important deadlines. This document is intended to provide information to tied pub tenants, summarising what the declaration and new deadlines mean to them in practice.

As the emergency period is coming to an end at the end of June 2020, tenants may wish to consider whether they should take any action in respect of any right under the Pubs Code. The Office of the PCA is not able to offer advice to tenants on their individual circumstances and tenants may wish to consider their situation with a professional advisor. The full text of the declaration can be found [here](#).

Pubs Code right	Effect of Declaration agreement
<p>Your right to make a referral of a non-MRO dispute to the PCA for arbitration. This includes allegations about:</p> <ul style="list-style-type: none"> <li>• conduct of Business Development Managers (under regulation 41);</li> <li>• being subjected to a detriment because you have attempted to exercise a Pubs Code right (under regulation 50);</li> <li>• the failure of a pub-owning business to provide you with a rent assessment proposal (RAP) or rent proposal (RP) when required to do so under the Pubs Code, or disputes about whether any RAP or RP provided complies with the requirements of the Pubs Code.</li> </ul>	<p>The time during the emergency period will not count in the calculation of time for the 4 month time limit for bringing an arbitration, so:</p> <p>If the alleged breach took place before 16 March 2020, on 01 July 2020 you still have the same number of days to bring your referral to the PCA as you had on 16 March 2020.</p> <p>If the alleged breach took place between 16 March and 30 June 2020, the 4 month time limit begins from 01 July 2020.</p>

### Serving a MRO notice

The MRO notice must be received by the pub-owning business within 21 days of a number of “events” provided for in the Pubs Code. The following summarises how this deadline is affected by the declaration.

You can find out more information about serving a MRO notice [here](#).

Event	Effect of Declaration agreement
<p>If you have received a Rent Assessment Proposal</p>	<p>If you received a RAP before 16 March 2020, on 30 June 2020 you still have the same number of days to serve a MRO notice as you had on 16 March 2020.</p>

	<p>If you received a RAP between 16 March 2020 and 30 June 2020, you have until 21 July 2020 to serve a MRO notice.</p> <p>If you were due a RAP during the emergency period but the POB failed to serve one, the POB has committed to providing you with a RAP shortly after 30 June 2020, giving you the right to serve a MRO notice within 21 days of its receipt.</p>
Renewal of your tenancy	Where you receive a notice from your POB under s.25 of the Landlord and Tenant Act 1954 during, or fewer than 21 days before the start of, the emergency period, your right to serve a MRO notice is preserved until 21 July 2020.
Trigger event – your right to send your pub-owning business a “relevant analysis” (a 12-month trading forecast under regulation 25(2)(b) of the Pubs Code) which demonstrates that a trigger event has occurred	If the trigger event occurred during the emergency period, or before it and you were still in time to serve the relevant analysis when it began, you have until 24 August 2020 to serve a relevant analysis.

### **POB Duty to Serve a MRO Full Response within 21 days of receiving a valid MRO notice from the TPT.**

The following matters have been agreed to protect a tenant’s rights in respect of this.

You can find more information about the MRO process [here](#).

<b>Pubs Code right</b>	<b>Effect of Declaration agreement</b>
If you received a MRO full response from your pub-owning business before the emergency period and time to refer a dispute as to its compliance had not already expired on 16 March 2020.	You will have the same number of days remaining to make a referral for arbitration from 30 June 2020 as you did on 16 March 2020.
If you received a MRO full response from your pub-owning business during the emergency period and want to refer a dispute as to its compliance.	You will have until 15 July 2020 to make a referral for arbitration.
If your POBs failed in its duty to provide a MRO full response due to you during the emergency period	Within 14 days of its breach of duty to you, the pub-owning business will make a referral for arbitration to the PCA in order to preserve your right to challenge its failure.

Each POB has agreed to act in good faith and within the letter and spirit of the declaration in its dealings in relation to Pubs Code matters.

