



What tied tenants need to know about Pubs Code deadlines affected by the Covid-19 Declaration

All the regulated pub-owning businesses (POBs) agreed a further declaration to stop the clock on some important Pubs Code deadlines during the latest Covid-19 trading restrictions. This declaration applied from 06 January 2021 and covered an 'emergency period' until 31 March 2021. The PCA has received limited call from the industry to extend this and significant agreement among representatives of the tenant community and from the POBs for the Declaration period to end.

The emergency period ends on 31 March 2021.

As the emergency period comes to an end, tenants should consider if they need to act in respect of any of their Pubs Code rights.

To help tenants with this, the PCA has set out key information below about what the declaration and revised deadlines mean in practice.

More information:

You can read more about the declaration [here](#). If tenants have any queries about the effect of this declaration, they may contact their POB's Code Compliance Officer.

Tenants can also find out more about their Pubs Code rights and processes by reading the [PCA factsheets and technical guides](#).

For enquiries about the Code please complete our [web form](#) or email enquiries@pubscodeadjudicator.gov.uk. Please note, the PCA is not able to advise tenants on their individual circumstances. Tenants may wish to consider their situation with a professional advisor.

1. Non-MRO referrals for arbitration

Pubs Code right	Effect of Declaration agreement
Your right to make a referral of a non-MRO dispute to the PCA for arbitration. This includes (but is not limited to) allegations about: <ul style="list-style-type: none">• the conduct of Business Development Managers (under regulation 41);• being subjected to a detriment because you have attempted to	The time during the emergency period will not count towards the 4-month period in which you can refer a dispute for arbitration, so: If the alleged non-compliance took place before 06 January 2021 - on 31 March 2021, you have the same time to bring your referral to the PCA as you had on 06 January 2021.

<p>exercise a Pubs Code right (under regulation 50);</p> <ul style="list-style-type: none"> • 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. 	<p>If the alleged non-compliance took place between 06 January 2021 and 31 March 2021 - the 4-month time limit begins on 01 April 2021.</p>
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2. Serving a MRO notice

The MRO notice must be received by the pub-owning business within 21 days of one of a number of “events” as set out 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
You received a Rent Assessment Proposal (RAP)	<p>If you received a RAP before 06 January 2021:</p> <p>On 31 March 2021 you have the same number of days left to serve a MRO notice as you had on 06 January 2021.</p>
	<p>If you received a RAP between 06 January 2021 and 31 March 2021:</p> <p>You have 21 days to serve a MRO notice from 01 April 2021 i.e. until 21 April 2021.</p>
You were due to receive a Rent Assessment Proposal (RAP)	<p>If you were due a RAP during the emergency period but the POB did not send one:</p> <p>The POB should send you the RAP shortly after 31 March 2021. You can then serve a MRO notice within 21 days of receiving it.</p>
You were due to receive a Rent Proposal	<p>If you were due a Rent Proposal during the emergency period but the POB did not send one:</p> <p>The POB is required to serve the Rent Proposal within 28 days of the 31 March 2021 i.e. by 28 April 2021.</p>
Renewal of your tenancy	<p>If you received a notice from your POB under s.25 of the Landlord and Tenant Act 1954, either during the emergency</p>

	<p>period or within 21 days before it started:</p> <p>You have 21 days to serve a MRO notice from 01 April 2021 up to and including 21 April 2021.</p>
<p>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</p>	<p>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:</p> <p>You have the full 56-days to serve a relevant analysis from 31 March 2021 up to and including 26 May 2021.</p>

3. POB duty to serve a MRO Full Response within 28 days of receiving a valid MRO notice from the tied tenant.

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

Pubs Code right	Effect of Declaration agreement
<p>Right to refer the compliance of the MRO full response.</p>	<p>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 expired on 06 January 2021:</p> <p>The number of days from when the full response was served until 6 January is deducted from the 14 days in which you have to refer the full response at the end of the emergency period.</p> <p>E.g. If your full response was served on the 2 January - that is four days before the emergency period started. So, deduct four days from 31 March – which is 27 March. The 14-day referral period starts the day after on the 28 March (Reg 35(1)) and so ends on the 10 April 2021.</p>
	<p>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:</p> <p>You will have the full 14 days to make a referral for arbitration from 2 April 2021 up to and including 15 April 2021.</p>
	<p>Your POB has not been able to send a MRO full response to you during the</p>

	<p>emergency period (where it accepts there has been a valid MRO notice):</p> <p>Because of this failure, the pub-owning business should have made a referral for arbitration to the PCA so that you do not have to. The POB should have also asked the PCA to put this on hold until 31 March 2021, with a request that the arbitrator makes an order after this date for the POB to serve you with a MRO proposal by way of a 'revised response'.</p>
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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.

