

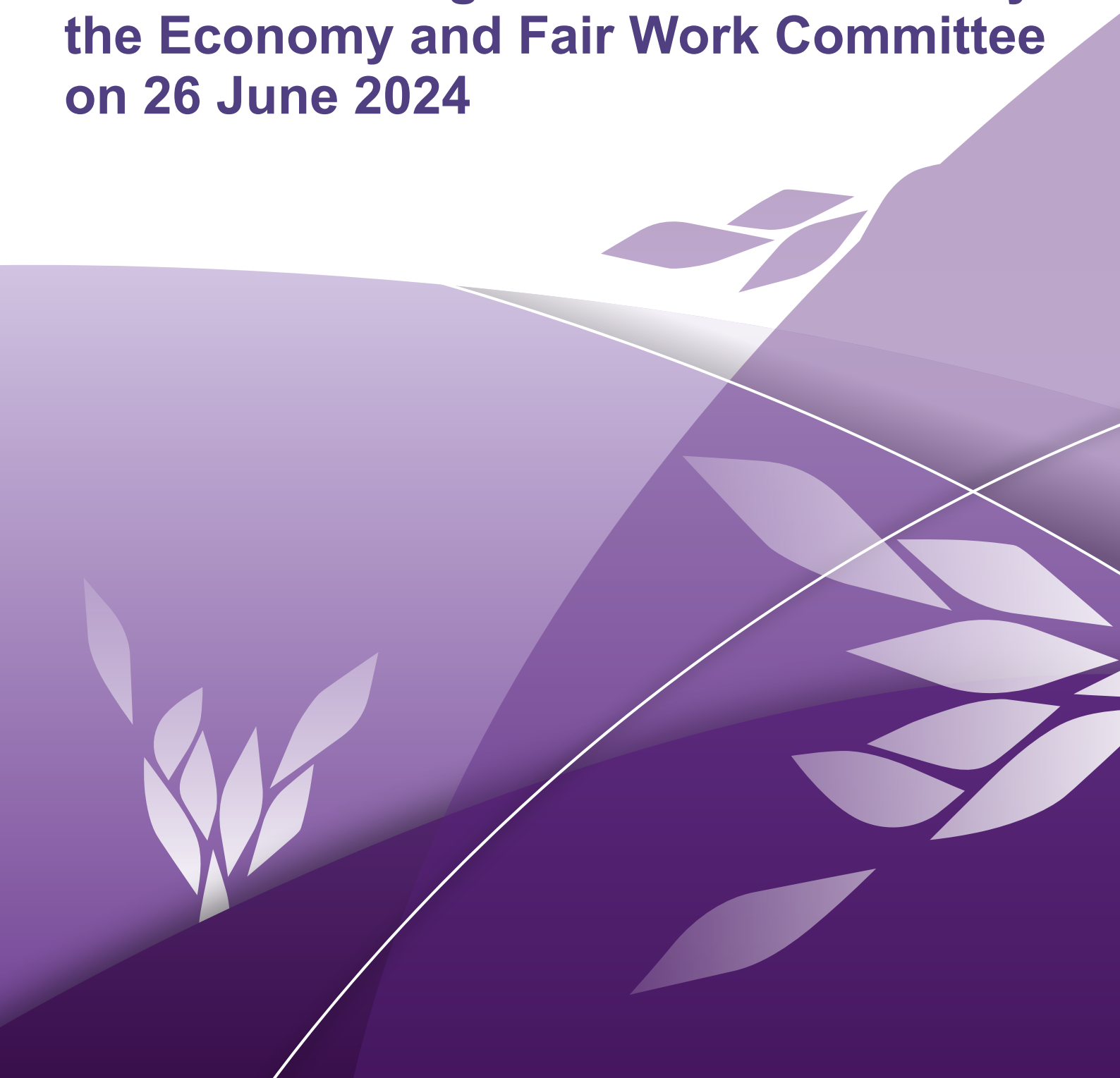


The Scottish Parliament
Pàrlamaid na h-Alba

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Economy and Fair Work Committee

Subordinate Legislation considered by the Economy and Fair Work Committee on 26 June 2024



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Contents

Introduction	1
About the instrument	2
Consideration by the DPLR Committee	3
Consideration by the Economy and Fair Work Committee	4

Economy and Fair Work Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Wellbeing Economy, Net Zero and Energy, with the exception of matters relating to net zero and energy.



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Introduction

1. This report concerns the [Tied Pubs \(Miscellaneous Amendment\) \(Scotland\) Regulations 2024](#), laid before the Parliament by the Scottish Government on 7 June 2024. The instrument, which was 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.
2. It is for the Economy and Fair Work Committee, as lead committee, to decide whether or not to recommend approval.

About the instrument

3. These regulations amend two instruments laid by the Scottish Government on 2 and 3 May under the [Tied Pubs \(Scotland\) Act 2021](#)—

- [The Scottish Pubs Code Regulations 2024](#)

These Regulations created a Scottish Pubs Code for tied pubs as required by the Tied Pubs (Scotland) Act 2021.

- [The Tied Pubs \(Fees and Financial Penalties\) \(Scotland\) Regulations 2024](#)

These Regulations set out the maximum financial penalty the Scottish Pubs Code Adjudicator can impose on a pub-owning business for not complying with the code.

4. The Tied Pubs (Miscellaneous Amendment) (Scotland) Regulations 2024 correct errors and amend the coming into force date of the Scottish Pubs Code to enable the Scottish Government to undertake further consultation on the Code, following stakeholder representations.
5. The Economy and Fair Work Committee considered the original instruments on 5 June 2024 and recommended to the Parliament that they be approved, following the Minister's undertaking to consult further and bring forward these amending regulations.

Consideration by the DPLR Committee

6. The Delegated Powers and Law Reform (DPLR) Committee is required to consider every instrument laid before the Parliament and decide whether to draw it to the attention of the Parliament on any of the “reporting grounds” set out in Rule 10.3 of the Parliament's standing orders.
7. The DPLR Committee considered the instrument on 18 June 2024 and reported in its [45th Report, 2024](#).
8. The DPLR Committee welcomed that the draft instrument fulfils commitments made by the Scottish Government to correct the previously identified drafting errors.

Consideration by the Economy and Fair Work Committee

9. At its meeting on 26 June 2024, the Economy and Fair Work Committee took evidence on the instrument from the Minister for Employment and Investment and officials.
10. The Minister told the Committee that the Regulations delay the coming in to force date for the Scottish Pubs Code and the associated fees and penalties regulations to 31 March 2025. This will enable the Scottish Government to have discussions with the sector and undertake further consultation. The Minister said his intention would then be to lay further amending regulations making changes to the Code.
11. Following the oral evidence, the Minister moved motion S6M-13554—

That the Economy and Fair Work Committee recommends that the Tied Pubs (Miscellaneous Amendment) (Scotland) Regulations 2024 [draft] be approved.
12. The motion was agreed to.
13. **Accordingly, the Committee recommends to the Parliament that the draft Tied Pubs (Miscellaneous Amendment) (Scotland) Regulations 2024 be approved.**

