



Independent Assessors

PCA Notification and Appointments process

Introduction

1. The Pubs Code etc. Regulations 2016 (the Pubs Code) requires the Pubs Code Adjudicator (PCA) to specify the [criteria which a person must satisfy in order to be appointed as an Independent Assessor](#)¹ for the purposes of the Code.
2. An Independent Assessor must determine the market rent of premises associated with a proposed tenancy or licence to which the proposed market rent relates.
3. The Pubs Code provides for circumstances where the PCA must appoint an Independent Assessor². This note sets out the process for the appointment of an Independent Assessor by the PCA.

When PCA appointments will be made

4. Where a Pub-Ownning Business (POB) and the Tied Pub Tenant (TPT) are negotiating in relation to a market rent only (MRO) option pursuant to the Code, the TPT may refer the MRO rent to an Independent Assessor³. Where that occurs, the parties are required to jointly appoint an Independent Assessor within 28 days of the POB receiving notice of the referral⁴. An appointed Independent Assessor must be someone who meets the criteria specified by the PCA.
5. Failure to make an appointment requires the parties to notify the PCA of that fact within the **same** 28 days period⁵. Where the PCA receives such a notice the PCA will appointment an Independent Assessor and notify the parties of the appointment within 14 days of the notification⁶.

¹ <https://www.gov.uk/government/publications/pubs-code-appointing-an-independent-assessor>

² See regulation 36(3) and(4) of the Code

³ Between the period which begins 28 days after the negotiating period has begun until 7 days after that period has ended or (if MRO event 1 April 2022 onwards) during the 21 day period after either (a) the updated period of response or (b) from the date of receipt of a revised response

⁴ See regulation 36(3) of the Code

⁵ See regulation 36(3)(b) of the Code

⁶ See regulation 36(4) of the Code

Notifying the PCA of a failure to appoint an Independent Assessor

6. In notifying the PCA of the failure to appoint an Independent Assessor, the parties must complete the Independent Assessor Notification form and send it to:

office@pubscodeadjudicator.gov.uk

or

Office of the Pubs Code Adjudicator
(IA notifications)
4th Floor
23 Stephenson Street
Birmingham
B2 4BJ

7. The completed form must be received by the PCA in line with regulation 8 of the Code (periods of time).
8. Upon receipt of the completed notification, the information will be provided to the Dispute Resolution Service of the Royal Institution of Chartered Surveyors (RICS). The parties may be contacted by RICS, a potential Independent Assessor appointee and /or the PCA during this process.
9. RICS will provide a recommendation to the PCA for the appointment of one or more suitable Independent Assessors who meet the PCA's criteria for appointment of an Independent Assessor⁷.
10. Following the consideration of the RICS recommendation, the PCA will appoint an Independent Assessor and notify the parties (within 14 days).

Independent Assessor Fees

11. The fees of an Independent Assessor are to be paid in equal shares by the POB and TPT⁸. A copy of the fee structure that has been agreed between RICS and its members where the PCA appoints the Independent Assessor can be found at [here](#).
12. In order to facilitate the Independent Assessor process and to ensure that the determination of the market rent takes place expeditiously in accordance with the statutory requirements, the PCA recommends that parties make early payment of the Independent Assessor's fees when requested to do so.

⁷ See criteria specified by the PCA (<https://www.gov.uk/government/publications/pubs-code-appointing-an-independent-assessor>)

⁸ See regulation 36(5) of the Code

**Independent Assessor
PCA Notification Form**

If you need to give notice to the PCA of a failure of the parties to agree on the appointment of an Independent Assessor (to determine the market rent as part of a Market Rent Only Option), please complete this form and send it to office@pubscodeadjudicator.gov.uk or

Office of the Pubs Code Adjudicator
(IA notifications)
4th Floor
23 Stephenson Street
Birmingham
B2 4BJ

Please note: Notifying the PCA of a failure to appoint an Independent Assessor must be made by both parties. Receipt of a completed form is deemed to be notification if received within 28 days of the tied tenant notifying the pub-owning business of their intention to refer the matter to an Independent Assessor.

It is the responsibility of the parties making the notification to ensure that the deadlines and notice periods have been met.

Incomplete or inaccurate information may lead to delay, inappropriate appointment or the notification being deemed invalid.

Your information will be processed by the PCA in line with the [PCA's process for appointing an Independent Assessor](#)⁹ and in accordance with its privacy notice.

Name of Tied Tenant:

Address of Tied Tenant:

Email address of Tied Tenant:

Contact tel no of Tied Tenant:

Contact details for anyone authorised to act on behalf of Tied Tenant:

Name of Pub Owning Business:

Address of Pub Owning Business:

Email address of Pub Owning Business:

Contact tel of Pub Owning Business:

Contact details for anyone authorised to act on behalf of Pub Owning Business:

Full Address of premises to which the market rent determination relates:

Brief description of the premises (including permitted use, amount of current passing rent and any other relevant information):

⁹ <https://www.gov.uk/government/publications/pubs-code-appointing-an-independent-assessor>

Details of any RICS panel member(s) who either party considers would have a conflict of interest in this case, bearing in mind the RICS Conflicts of Interest Guidance, including brief but clear reasons for each person.

Your attention is drawn to the decision in Eurocom Ltd -v- Siemens Plc [2014] EWHC 3710 (TCC) and the effect that misrepresentations can have on the validity of the appointment process where such representations improperly limit the pool of appointees.

SIGNATURE AND DATE - Tied Tenant

SIGNATURE AND DATE – Pub Owning Business