



Guest beer agreements

The Scottish Tied Pubs Act outlines specific provisions regarding guest beer arrangements to support tenant flexibility and choice. These key points ensure that tenants can diversify their offerings without undue restrictions, thereby fostering a fair and competitive market.

The following guidance aims to help tenants navigate the guest beer arrangements under the Scottish Pubs Code.

Understanding the guest beer agreement

As a tied pub tenant, you have the right to request a guest beer agreement. This agreement allows you to sell at least one beer of your choice at a price you set. The guest beer can be sold in whichever format you decide, whether cask or keg, bottles or cans.

This flexibility may help you diversify your offerings and attract more customers. The agreement should allow you to change the guest beer you provide as frequently as you wish.

Beer production level

The guest beer must come from a brand that produces 5,000 hectolitres or less annually. If it's a new beer, this is also allowed, as long as the estimated production will be less than 5,000 hectolitres that year. This ensures that you are promoting smaller, possibly local breweries, and

offering unique or new selections that might not be available in larger chains. If the landlord thinks that the brand is exceeding these production levels, they can write to you and ask you to change the guest beer brand. If this happens, the landlord should give you fair and reasonable notice.

Negotiating terms with pub-owning businesses

Contact your pub-owning business (the landlord) to discuss the terms of a guest beer agreement. For your request to be valid, it needs to be made in writing but no specific wording or formal notice is required. After you submit your request, the landlord must offer you a guest beer agreement, unless one is already in place. This offer should be made as soon as possible and no later than four weeks after your request.

The agreement between you and the landlord cannot penalise you or require you to stop selling any product. It may only amend the lease to include the guest beer agreement and any service equipment charge that may be agreed.



Costs

You and the landlord should minimise any costs or administrative burden when entering this agreement. Each party is responsible for covering any legal costs they incur; for instance, if you chose to seek professional advice on any variation to your lease to allow for the guest beer agreement.

The only cost that can be included in a guest beer agreement, and if both you and your landlord agree, is a service equipment charge. This charge is a reasonable charge by your landlord for the cost of servicing or maintaining equipment used to sell guest beer. It needs to take account of the proportion of equipment usage for your guest beer relative to the other products you sell.

Existing guest beer agreements

Your landlord may decline your guest beer agreement request if you already have a guest beer agreement with them that satisfies the requirements of the Code. Some tenants may have reached agreements before the Code came into force in March 2025.

If these pre-existing agreements meet the requirements of the Code, including allowing you a free choice of beer, in a format of your choosing, to be changed as often as you require and without cost (save for any service equipment charge), your landlord may decline your request.

Disputes

If you face challenges in reaching a guest beer agreement, negotiating its terms, or addressing related issues, you should first try to resolve them informally with the landlord. If this is unsuccessful, you may submit a formal complaint to the Adjudicator, who will assess the case based on its specific facts to determine if the Code has been breached.

We remain committed to supporting tenants in exercising their rights and encourage anyone experiencing difficulty to contact SPCA.

Find more information



Go to the Scottish Pubs Code Adjudicator website:

www.gov.scot/groups/scottish-pubs-code-adjudicator/



Contact the office of the Scottish Pubs Code Adjudicator on:
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**Scottish Pubs
Code Adjudicator**