

*These notes relate to the Licensing (Scotland) Act 2005  
(asp 16) which received Royal Assent on 21 December 2005*

# **LICENSING (SCOTLAND) ACT 2005**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON PARTS**

#### **Part 2 – Licensing Bodies and Officers**

##### ***Section 7 – Duty to assess overprovision***

21. Subsection (1) places a duty on Licensing Boards to make a pro-active assessment of overprovision of licensed premises in their area as part of their policy statements. There would also be flexibility for Boards to decide, for any locality, whether there was overprovision generally in relation to licensed premises or only in relation to a particular identifiable sector.
22. Subsection (2) provides that Boards would themselves determine what amounts to a “locality” for this purpose. This is as flexible as possible to reflect the very different pressures which may apply in different geographical areas throughout the country.
23. Subsection (3) places a duty on Boards when considering their policy on overprovision to have regard to those matters specified and to consult with those persons listed in subsection (4).
24. Premises which have only an occasional licence are to be left out of the assessment of overprovision.