



Licensing (Scotland) Act 2005

2005 asp 16

PART 9

MISCELLANEOUS AND GENERAL

Excluded and exempt premises

123 Excluded premises

- (1) No premises licence or occasional licence has effect to authorise the sale of alcohol on excluded premises.
- (2) For the purposes of this Act, “excluded premises” means—
 - (a) premises on land—
 - (i) acquired or appropriated by a special roads authority, and
 - (ii) for the time being used,
for the provision of facilities to be used in connection with the use of a special road provided for the use of traffic of class 1 (with or without other classes),
and
 - (b) subject to subsection (5), premises used as a garage or which form part of premises which are so used.
- (3) For the purposes of subsection (2)(a)—
 - (a) “special road” and “special roads authority” have the same meanings as in the Roads (Scotland) Act 1984 (c. 54), and
 - (b) “class 1” means class 1 in Schedule 3 to that Act, as varied from time to time by an order under section 8 of that Act, but, if that Schedule is amended by such an order so as to add to it a further class of traffic, the order may adapt the reference in this section to traffic of class 1 so as to take account of the additional class.
- (4) For the purposes of subsection (2)(b), premises are used as a garage if they are used for one or more of the following—
 - (a) the sale by retail of petrol or derv,
 - (b) the sale of motor vehicles, or

Changes to legislation: Licensing (Scotland) Act 2005, Cross Heading: Excluded and exempt premises is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (c) the maintenance of motor vehicles.
- (5) Despite subsection (2)(b), premises used for the sale by retail of petrol or derv or which form part of premises so used are not excluded premises if persons resident in the locality in which the premises are situated are, or are likely to become, reliant to a significant extent on the premises as the principal source of—
 - (a) petrol or derv, or
 - (b) groceries (where the premises are, or are to be, used also for the sale by retail of groceries).
- (6) The Scottish Ministers may by order amend the definition of “excluded premises” in subsection (2) so as to include or exclude premises of such description as may be specified in the order.

Commencement Information

II [S. 123](#) in force at 5.9.2008 by [S.S.I. 2008/292](#), [art. 2](#)

124 Exempt premises

- (1) Each of the following are exempt premises for the purposes of this Act—
 - (a) an examination station at an airport designated for the purposes of this section in an order made by the Scottish Ministers,
 - (b) an approved wharf at a port or hoverport so designated,
 - (c) an aircraft, a hovercraft or a railway vehicle while engaged on a journey,
 - (d) a vessel while engaged on—
 - (i) an international journey, or
 - (ii) a journey (other than an international journey) forming part of a ferry service, and
 - (e) premises which are occupied (whether indefinitely or temporarily) for the purposes of the armed forces of the Crown, except while being used for other purposes.
- (2) The Scottish Ministers may make an order under subsection (1) designating an airport, port or hoverport for the purposes of this section only if it appears to them to be one at which there is a substantial amount of international passenger traffic.
- (3) For the purpose of subsection (1), the period during which an aircraft, hovercraft, railway vehicle or vessel is engaged in a journey includes—
 - (a) any period ending with its departure when preparations are being made for the journey, and
 - (b) any period after its arrival at its destination when it continues to be occupied by those (or any of those) who made the journey (or any part of it).
- (4) In this section—
 - “approved wharf” has the meaning given in section 20A of the Customs and Excise Management Act 1979 (c. 2),
 - “examination station” has the meaning given in section 22A of that Act,
 - “ferry service” means a service the principal purpose of which is the transport of passengers or goods over water,
 - “international journey” means a journey with—

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- (a) a point of departure,
- (b) a destination, or
- (c) at least one port of call,

outside the United Kingdom, and includes any part of such a journey.

Commencement Information

I2 [S. 124](#) in force at 1.9.2009 at 5.00 a.m. by [S.S.I. 2007/472](#), [art. 3](#)

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) Appointed Day(s) by [S.S.I. 2006/239 art. 2](#) (This S.S.I. is revoked on 25.5.2006 by S.S.I. 2006/286, art. 6)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 33(1)(1A) substituted for s. 33(1)-(3) by [2015 asp 10 s. 49\(2\)\(a\)](#)
- s. 33(8)(za) inserted by [2015 asp 10 s. 49\(2\)\(c\)](#)
- s. 33(8A) inserted by [2015 asp 10 s. 49\(2\)\(d\)](#)
- s. 33A inserted by [2015 asp 10 s. 49\(4\)](#)
- s. 134ZA-134ZC inserted by [2015 asp 10 s. 61\(2\)](#)