



# 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

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*Status: This is the original version (as it was originally enacted).*

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- (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.