



Licensing (Scotland) Act 2005

2005 asp 16

PART 2

LICENSING BODIES AND OFFICERS

Licensing Boards

7 **Duty to assess overprovision**

- (1) Each licensing policy statement published by a Licensing Board must, in particular, include a statement as to the extent to which the Board considers there to be overprovision of—
 - (a) licensed premises, or
 - (b) licensed premises of a particular description,in any locality within the Board's area.
- (2) It is for the Licensing Board to determine the “localities” within the Board's area for the purposes of this Act [^{F1}and in doing so the Board may determine that the whole of the Board's area is a locality].
- (3) In considering whether there is overprovision for the purposes of subsection (1) in any locality, the Board ^{F2}...—
 - (a) [^{F3}must] have regard to the number and capacity of licensed premises in the locality, ^{F4}...
 - [^{F5}(aa) may have regard to such other matters as the Board thinks fit including, in particular, the licensed hours of licensed premises in the locality, and]
 - (b) [^{F6}must] consult the persons specified in subsection (4).
- (4) Those persons are—
 - (a) the [^{F7}chief constable],
 - [^{F8}(aa) the relevant health board,]
 - (b) such persons as appear to the Board to be representative of the interests of—
 - (i) holders of premises licences in respect of premises within the locality,
 - (ii) persons resident in the locality, and
 - (c) such other persons as the Board thinks fit.

Changes to legislation: Licensing (Scotland) Act 2005, Section 7 is up to date with all changes known to be in force on or before 22 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

- (5) In this section, references to “licensed premises” do not include references to any premises in respect of which an occasional licence has effect.

Textual Amendments

- F1** Words in s. 7(2) inserted (30.9.2016) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), **ss. 55(2)(a)**, 88(2); S.S.I. 2016/132, art. 2(b) (with art. 4)
- F2** Word in s. 7(3) repealed (30.9.2016) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), **ss. 55(2)(b)(i)**, 88(2); S.S.I. 2016/132, art. 2(b) (with art. 4)
- F3** Word in s. 7(3)(a) inserted (30.9.2016) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), **ss. 55(2)(b)(ii)**, 88(2); S.S.I. 2016/132, art. 2(b) (with art. 4)
- F4** Word in s. 7(3) repealed (30.9.2016) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), **ss. 55(2)(b)(iii)**, 88(2); S.S.I. 2016/132, art. 2(b) (with art. 4)
- F5** S. 7(3)(aa) inserted (30.9.2016) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), **ss. 55(2)(b)(iv)**, 88(2); S.S.I. 2016/132, art. 2(b) (with art. 4)
- F6** Word in s. 7(3)(b) inserted (30.9.2016) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), **ss. 55(2)(b)(v)**, 88(2); S.S.I. 2016/132, art. 2(b) (with art. 4)
- F7** Words in s. 7(4)(a) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), sch. 7 para. 29(2)(3); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F8** S. 7(4)(aa) inserted (1.10.2011) by [Alcohol etc. \(Scotland\) Act 2010 \(asp 18\)](#), **ss. 11(3)**, 18(1) (with s. 16); S.S.I. 2011/149, art. 2, Sch.

Commencement Information

- I1** S. 7(1)(3)-(5) in force at 1.9.2009 at 5.00 a.m. by S.S.I. 2007/472, **art. 3**
- I2** S. 7(2) in force at 1.5.2007 by S.S.I. 2007/129, art. 3, **Sch.**

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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\(2\)](#)