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SCOTTISH STATUTORY INSTRUMENTS

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**2007 No. 196**

**The Gambling Act 2005 (Premises Licences and Provisional Statements) (Scotland) Regulations 2007**

**PART 1**

**General**

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Gambling Act 2005 (Premises Licences and Provisional Statements) (Scotland) Regulations 2007 and shall come into force on 21st May 2007.

(2) These Regulations apply only to—

- (a) applications made to licensing authorities in Scotland; and
- (b) premises licences and provisional statements issued by licensing authorities in Scotland.

**Interpretation**

2.—(1) In these Regulations—

“the Act” means the Gambling Act 2005;

“application”, unless the contrary appears, means any of the following—

- (a) an application under section 159 for a premises licence;
- (b) an application under section 187 to vary a premises licence;
- (c) an application under section 188 to transfer a premises licence;
- (d) an application under section 195 for the reinstatement of a premises licence;
- (e) an application under section 204 for a provisional statement;

“the Commencement and Transitional Provisions Order” means the Gambling Act 2005 (Commencement No. 6 and Transitional Provisions) Order 2006<sup>(1)</sup>;

“converted premises licence” means a premises licence issued in pursuance of paragraph 54 of Schedule 4 to the Commencement and Transitional Provisions Order (which provides for the conversion of licences and other documents under enactments to be repealed by the Act into premises licences under that Act); and any reference to a “converted casino premises licence” is to be construed accordingly;

“the licensing authority” means—

- (a) in relation to an application, the licensing authority to whom the application is made; and
- (b) in relation to a premises licence or a provisional statement, the licensing authority who issued the licence or statement;

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<sup>(1)</sup> S.I.2006/3272, amended by S.I. 2006/3361.

“operating licence number”, in relation to an operating licence, means the reference number given by the Gambling Commission to the operating licence which is unique to that licence and which is specified in it;

“relevant operating licence” means—

- (a) in relation to a person holding a premises licence, an operating licence which authorises the person to carry out the activities for which the premises licence authorises the premises to be used; or
- (b) in relation to a person to whom a provisional statement is issued, an operating licence which authorises the person to carry out the activities for which the premises to which the statement relates would be used;

“summary” means a summary of the terms and conditions of a premises licence issued under section 164(1)(c); and

“working day” means a day which is not a Saturday or a Sunday, Christmas Day, Good Friday or a bank holiday in Scotland under the Banking and Financial Dealings Act 1971(2).

(2) A reference in these Regulations to a numbered section is a reference to the section of the Act so numbered.

## PART 2

### Form and content of applications

#### **Form and content of applications for a premises licence**

**3.—**(1) Subject to the following provisions of this regulation, an application for a premises licence under section 159 shall be in the form, and contain the information, specified in Part 1 of Schedule 1.

(2) Subject to paragraph (3), an application for a premises licence in respect of premises which are a vessel shall be in the form, and contain the information, specified in Part 2 of Schedule 1.

(3) An application for a converted premises licence shall be in the form, and contain the information, specified in—

- (a) Part 3 of Schedule 1, if it is in respect of premises which are not a vessel; or
- (b) Part 4 of Schedule 1, if it is in respect of premises which are a vessel.

(4) This regulation is subject to regulation 11.

#### **Plan to accompany applications for a premises licence**

**4.—**(1) An application for a premises licence under section 159 shall be accompanied by a scale plan of the premises to which the application relates which complies with the following provisions of this regulation.

(2) The plan must show—

- (a) the extent of the boundary or perimeter of the premises;
- (b) where the premises include, or consist of, one or more buildings, the location of any external or internal walls of each such building;
- (c) where the premises form part of a building, the location of any external or internal walls of the building which are included in the premises;

- (d) where the premises are a vessel or a part of a vessel, the location of any part of the sides of the vessel, and of any internal walls of the vessel, which are included in the premises;
  - (e) the location of each point of entry to and exit from the premises, including in each case a description of the place from which entry is made or to which the exit leads; and
  - (f) any other matter required in accordance with the following provisions of this regulation.
- (3) Where the application is for a casino premises licence, the plan must show—
- (a) the principal entrance to the premises of those identified in accordance with paragraph (2) (e);
  - (b) the location and extent of any part of the premises which will be a table gaming area;
  - (c) the location and extent of any other part of the premises which will be used for providing facilities for gambling in reliance on the licence; and
  - (d) the location and extent of any part of the premises which will be a non-gambling area.
- (4) Where the application is for a regional casino premises licence, the plan must show—
- (a) the location and extent of any part of the premises to which children or young persons, or both, will have access; and
  - (b) where any part of the premises referred to in sub-paragraph (a) is immediately adjacent to any part of the casino which will be used to provide facilities for gambling in reliance on the licence, the nature and location of any barrier or other thing separating the two parts of the casino.
- (5) Where the application is for a bingo premises licence in respect of premises to which children or young persons will be permitted to have access, the plan must show—
- (a) the location and extent of any part of the premises which will be used to provide facilities for gaming in reliance on the licence (other than those parts which include Category B or C gaming machines);
  - (b) the location and extent of any part of the premises in which Category B or C gaming machines will be made available for use in reliance on the licence; and
  - (c) the nature and location of any barrier or other thing separating any part of the premises in which Category B or C gaming machines will be made available for use from any other part of the premises.
- (6) Where the application is for an adult gaming centre premises licence, the plan must show the location and extent of any part of the premises in which gaming machines will be made available for use in reliance on the licence.
- (7) Where the application is for a family entertainment centre premises licence, the plan must show—
- (a) the location and extent of any part of the premises in which Category C gaming machines will be made available for use in reliance on the licence;
  - (b) the location and extent of any part of the premises in which Category D gaming machines will be made available for use in reliance on the licence; and
  - (c) the nature and location of any barrier or other thing separating any part of the premises in which Category C gaming machines will be made available for use from any other part of the premises.
- (8) Where the application is for a betting premises licence, other than in respect of a track, the plan must show the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.
- (9) Where the application is for a betting premises licence in respect of a track, the plan must show—

- (a) the location and extent of any part of the premises which is a five times rule betting area;
  - (b) the location and extent of any other parts of the premises which will be used for providing facilities for betting in reliance on the licence;
  - (c) the location and extent of any part of the premises in which Category B or C gaming machines will be made available for use in reliance on the licence; and
  - (d) the nature and location of any barrier or other thing separating any part of the premises in which Category B or C gaming machines will be made available for use from any other part of the premises.
- (10) In this regulation—
- (a) “betting operator” means a person who in the course of the business of a betting operating licence holder accepts or negotiates bets;
  - (b) “five times betting rule area”, in relation to a track, means any part of the track in respect of which, in accordance with conditions attached under section 167, the charge for admission to that part of the track payable by betting operators may not exceed five times the cost of the highest charge paid by members of the public who are authorised to enter that part of the track;
  - (c) “non-gambling area” means any part of the proposed casino—
    - (i) which will be made available to customers but will not be used for providing facilities for gambling; and
    - (ii) which, unless it is a lobby area or toilet facilities, will contain recreational facilities for use by customers on the premises;
  - (d) “partially automated gaming table” means equipment that would fall within the definition of gaming machine in section 235 but for its exclusion from that definition by subsection (2)(h) of that section;
  - (e) “table gaming area” means any part of the proposed casino which is to be used for—
    - (i) casino games played on gaming tables (including wholly or partially automated gaming tables); or
    - (ii) real games of equal chance, other than bingo, played on a table; and
  - (f) “wholly automated gaming table” means equipment that would fall within the definition of a gaming machine in section 235 but for its exclusion from that definition by subsection (2)(i) of that section.

### **Documents to accompany applications for a converted premises licence**

5.—(1) An application under section 159 for a converted premises licence shall be accompanied by—

- (a) a copy of the equivalent permission under the existing legislation; or
- (b) where the applicant is applying for but has not been granted the equivalent permission under the existing legislation, copies of the documents submitted by the applicant in applying for the permission.

(2) Where an applicant is unable to comply with paragraph (1)(a) because it is not reasonably practicable for him to produce a copy of the relevant permission under the existing legislation, he must include with the application under section 159 a statement—

- (a) explaining why it is not reasonably practicable to do so; and
- (b) setting out the nature of the permission, the date on which it was granted and by whom.

(3) In this regulation and in regulation 6, “the equivalent permission under the existing legislation”, in relation to an application for a converted premises licence, means the licence or permit under the Betting, Gaming and Lotteries Act 1963<sup>(3)</sup> or the Gaming Act 1968<sup>(4)</sup>—

- (a) held by the applicant in respect of the premises to which the application relates; and
- (b) by virtue of which the applicant is entitled to be issued with a converted premises licence.

#### **Written statement to accompany applications for a casino premises licence**

6. Where a person who is applying for a casino premises licence—
- (a) is entitled to apply for a converted casino premises licence in respect of the premises to which the application relates, but
  - (b) does not want the application to be treated as an application for a converted casino premises licence,

the application must be accompanied by a written statement confirming that the applicant does not want paragraph 54 of Schedule 4 to the Commencement and Transitional Provisions Order (which provides for the grant of applications for a premises licence made by a person holding the equivalent permission under the existing legislation) to apply.

#### **Form and content of applications to vary a premises licence**

7.—(1) Subject to regulation 11, an application under section 187 to vary a premises licence shall be in the form, and contain the information, specified in Schedule 2.

(2) Where the application includes an application to vary the plan which forms part of the premises licence under section 151(1)(g), the application must be accompanied by a scale plan which complies with paragraph (3).

(3) The plan must show the matters which it would be required to show under regulation 4 if the application were for the issue of a premises licence—

- (a) of the same type as that to which the application relates; and
- (b) which included the variations specified in the application.

#### **Form and content of applications to transfer a premises licence**

8. Subject to regulation 11, an application under section 188 for the transfer of a premises licence shall be in the form, and contain the information, specified in Schedule 3.

#### **Form and content of applications for the reinstatement of a premises licence**

9. Subject to regulation 11, an application under section 195 for the reinstatement of a premises licence shall be in the form, and contain the information, specified in Schedule 4.

#### **Form and content of applications for a provisional statement**

10.—(1) Subject to regulation 11, an application under section 204 for a provisional statement shall be in the form, and contain the information, specified in—

- (a) Part 1 of Schedule 5, if it is in respect of premises or proposed premises which are not a vessel; or
- (b) Part 2 of Schedule 5, if it is in respect of premises or proposed premises which are a vessel.

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(3) 1963 c. 2.  
(4) 1968 c. 65.

(2) An application under section 204 for a provisional statement in respect of premises which the applicant expects to acquire a right to occupy must be accompanied by a scale plan which complies with the requirements of paragraphs (2) to (9) of regulation 4 (as modified in accordance with paragraph (3) of this regulation).

(3) Any reference in paragraphs (3) to (9) of regulation 4 to an application for a particular kind of premises licence is to have effect for the purposes of this regulation as a reference to an application for a provisional statement in respect of premises whose use would require the same kind of premises licence.

### **Matters not required to be included in an application**

**11.**—(1) Where matters are included in square brackets in any form in Schedules 1 to 5, they are intended to indicate and explain the information to be specified in the application to which the form relates, and are not required to be included in the application.

(2) The first page of the form used for an application may include any symbol or logo which is commonly used by the licensing authority to identify documents produced by it.

## **PART 3**

### **Notice of application and period for representations**

#### **Notice of application**

**12.**—(1) Subject to paragraph (2) a person making an application (other than a fast track application) must give notice of the application to each of the authorities which in accordance with section 157 are the responsible authorities in relation to the premises to which the application relates.

(2) Where the application is for the transfer or reinstatement of a premises licence, the applicant must give notice of the application only to the authorities mentioned in paragraphs (b), (c), (f), (h) and (i) of section 157.

(3) Subject to paragraphs (10) and (11), a notice under paragraph (1) must be in the form specified in—

- (a) Part 1 of Schedule 6, where the application is for a premises licence;
- (b) Part 3 of that Schedule, where the application is to vary a premises licence;
- (c) Part 5 of that Schedule, where the application is to transfer a premises licence;
- (d) Part 6 of that Schedule, where the application is for the reinstatement of a premises licence; and
- (e) Part 7 of that Schedule, where the application is for a provisional statement.

(4) A notice under paragraph (1) must be given within a period of 7 days beginning on the date on which the application is made.

(5) Paragraph (6) applies where a person has made an application—

- (a) under section 159 for a premises licence (other than where the application is a fast track application);
- (b) under section 187 to vary a premises licence; or
- (c) under section 204 for a provisional statement.

(6) Where this paragraph applies the applicant must publish notice of the application—

- (a) in a local newspaper or, if there is none, a local newsletter, circular or similar document, circulating within the licensing authority's area on at least one occasion during the period

- of 10 working days starting with the day after the day on which the application is made to the authority; and
- (b) by displaying a notice on the premises to which the application relates—
- (i) in a place at which it can conveniently be read by members of the public from the exterior of the premises; and
  - (ii) for a period of no less than 28 consecutive days starting on the day on which the application is made to the licensing authority.
- (7) Paragraph (8) applies in a case where—
- (a) the application is for a provisional statement in respect of premises; and
  - (b) the premises have not been constructed, or the applicant does not have the right to occupy the premises, on the date on which the application is made.
- (8) In any case to which this paragraph applies, paragraph (6)(b)(i) is to have effect as if it required the applicant to display the notice at a place—
- (a) which is as near as reasonably practicable to the premises or proposed premises; and
  - (b) where it can conveniently be read by members of the public.
- (9) Subject to paragraphs (10) and (11), a notice under sub-paragraph (a) or (b) of paragraph (6) is to be in the form specified in—
- (a) Part 2 of Schedule 6, where the application is for a premises licence;
  - (b) Part 4 of that Schedule, where the application is to vary a premises licence; and
  - (c) Part 8 of that Schedule, where the application is for a provisional statement.
- (10) Where matters are included in square brackets in any form in Schedule 6, they are intended to indicate and explain the information to be specified in the notice to which the form relates, and are not required to be included in the notice.
- (11) The first page of a notice given or published under this regulation may include any symbol or logo which is commonly used by the licensing authority to identify documents produced by it.
- (12) In this regulation, “fast track application” means an application for a premises licence to which paragraph 57 of Schedule 4 to the Commencement and Transitional Provisions Order (which modifies Part 8 of the Act in its application to certain applications for a converted premises licence) applies.

### **Failure to give proper notice of application to a responsible authority**

**13.**—(1) This regulation applies where a person who gives notice to a responsible authority under paragraph (1) of regulation 12 fails to give proper notice of the application within the period provided for under paragraph (4) of that regulation.

(2) For the purposes of paragraph (1), a person fails to give proper notice of the application if that person fails to give a notice which complies with the requirements of these Regulations as to the form or manner in which it is to be given.

(3) The applicant must give notice to the responsible authority in a form and manner which complies with the requirements of these Regulations (other than as to the period within which the notice is to be given) as soon as practicable after the end of the period referred to in paragraph (1).

(4) In a case to which this regulation applies, the responsible authority concerned must make any representations under section 161 within the period of 28 days beginning on the day on which it receives the notice referred to in paragraph (3).

(5) The licensing authority may not grant the application until—

- (a) notice has been given by the applicant in accordance with paragraph (3); and

(b) the period referred to in paragraph (4) has elapsed,  
and if it purports to do so any licence issued by the authority shall be of no effect.

(6) Subject to paragraph (5), the licensing authority may disregard any irregularity in relation to the giving of notice under regulation 12(2).

#### **Failure properly to publish notice of an application**

**14.**—(1) This regulation applies where a person who publishes notice of an application under sub-paragraph (a) or (b) of paragraph (6) of regulation 12 fails to publish a proper notice of the application within the period provided for under the relevant sub-paragraph.

(2) For the purposes of paragraph (1), a person fails to publish a proper notice of an application if the published notice does not comply with the requirements of these Regulations as to the form or manner in which it is to be published.

(3) The applicant must publish notice of the application in a form and manner which complies with the requirements of these Regulations (other than as to the timing of the publication) as soon as practicable after the end of the period referred to in paragraph (1).

(4) In a case to which this regulation applies an interested party must make any representations under section 161 within the period of 28 days beginning on the day on which the notice referred to in paragraph (3) is published.

(5) The licensing authority may not grant the application until—

(a) notice has been published by the applicant in accordance with paragraph (3); and

(b) the period referred to in paragraph (4) has elapsed,

and if it purports to do so any licence issued by the authority shall be of no effect.

(6) Subject to paragraph (5), the licensing authority may disregard any irregularity in relation to the publication of the notice under sub-paragraph (a) or (b) of paragraph (6) of regulation 12.

#### **Period within which representations are to be made by an interested party or responsible authority**

**15.**—(1) This regulation prescribes, for the purposes of section 161, the period within which a responsible authority or interested party may make representations in relation to an application.

(2) Subject to regulations 13(4) and 14(4), any representations must be made within a period of 28 days beginning on the date on which the application was made to the licensing authority.

## **PART 4**

### **Manner of making and giving applications and notices**

#### **Manner of making and giving applications and notices**

**16.**—(1) An application, or a notice under Part 3 of these Regulations, must be made or given in writing.

(2) For the purposes of paragraph (1), an application or notice which is sent by facsimile transmission or electronic mail shall be treated as being made or given in writing if it meets the conditions in paragraph (3).

(3) The conditions are that—

(a) the text of the application or notice—



- (i) is capable of being accessed by the recipient;
  - (ii) is legible in all material respects; and
  - (iii) is capable of being read and reproduced in written form and used for subsequent reference by the recipient; and
- (b) the person to whom the application or notice is to be made or given has agreed in advance that an application or notice may be made or given by the particular electronic means used.
- (4) Subject to paragraph (5), where an application or notice is sent by facsimile transmission or electronic mail, it is to be treated as having been made or given at the time the conditions specified in paragraph (3)(a) are satisfied.
- (5) An application is not to be treated as having been made until—
- (a) the prescribed fee has been received by the licensing authority; or
  - (b) where any document required to accompany the application has not been sent by electronic means, or has been sent in a form that does not meet the conditions in paragraph (3), any such document has been received by the licensing authority in hard copy.
- (6) In this regulation—
- (a) “legible in all material respects” means, in relation to an application or notice sent by electronic means, that the information contained in the application or notice is available to the recipient to no lesser extent than it would be if given by means of a document in written form;
  - (b) “the prescribed fee”, in relation to an application, means the fee determined in accordance with regulations made under Part 8 of the Act which an applicant is required to pay in connection with the making of the application; and
  - (c) any reference to a document in hard copy is to a written document or a document in the form of a plan.

## PART 5

### Form of notice to be given on grant or rejection of applications

#### **Form of notice to be given on grant of application**

17.—(1) This regulation prescribes the form of the notice which a licensing authority is required to give under section 164(1)(a).

(2) Subject to the following provisions of this regulation and regulation 19, the notice shall be in the form specified in—

- (a) Part 1 of Schedule 7, where it relates to the grant of an application for a premises licence;
- (b) Part 2 of that Schedule, where it relates to the grant of an application to vary a premises licence;
- (c) Part 3 of that Schedule, where it relates to the grant of an application to transfer a premises licence;
- (d) Part 4 of that Schedule, where it relates to the grant of an application for the reinstatement of a premises licence; and
- (e) Part 5 of that Schedule, where it relates to the grant of an application for a provisional statement.

(3) Where, on granting an application, the licensing authority exercise their powers to attach one or more conditions to the licence, the notice under section 164(1)(a) must include an annex in the form set out in Part 6 of Schedule 7—

- (a) setting out the conditions; and
- (b) in relation to each condition, giving the authority's reasons for attaching it to the licence.

(4) Where, on granting an application, the licensing authority exercise their powers to exclude one or more conditions that would otherwise be attached to the licence, the notice under section 164(1)(a) must include an annex in the form set out in Part 7 of Schedule 7—

- (a) setting out the conditions to be excluded; and
- (b) in relation to each condition, giving the authority's reasons for excluding it.

(5) Where representations are made under section 161 in relation to an application which is granted by a licensing authority, the notice under section 164(1)(a) must include an annex in the form set out in Part 8 of Schedule 7—

- (a) setting out the representations; and
- (b) giving the authority's response to the representations.

(6) In relation to an application for a provisional statement—

- (a) any reference in paragraph (3) to conditions attached by the licensing authority is to have effect as a reference to those conditions which the authority would attach under section 169(1)(a) if a premises licence were granted in respect of the premises to which the provisional statement relates; and
- (b) any reference in paragraph (4) to conditions excluded by the licensing authority is to have effect as a reference to those conditions which the authority would exclude under section 169(1)(a) if a premises licence were granted in respect of the premises to which the provisional statement relates.

### **Form of notice to be given on rejection of application**

**18.**—(1) This regulation prescribes the form of the notice which a licensing authority is required to give under section 165(1).

(2) Subject to regulation 19, the notice shall be in the form specified in—

- (a) Part 1 of Schedule 8, where it relates to the rejection of an application for a premises licence;
- (b) Part 2 of that Schedule, where it relates to the rejection of an application to vary a premises licence;
- (c) Part 3 of that Schedule, where it relates to the rejection of an application to transfer a premises licence;
- (d) Part 4 of that Schedule, where it relates to the rejection of an application for the reinstatement of a premises licence; or
- (e) Part 5 of that Schedule, where it relates to the rejection of an application for a provisional statement.

### **Matters not required to be included in a notice**

**19.**—(1) Where matters are included in square brackets in any form in Schedule 7 or 8, they are intended to indicate and explain the information to be specified in the notice to which the form relates, and are not required to be included in the notice.

(2) The first page of a notice given by a licensing authority under section 164(1) or 165(1) may include any symbol or logo which is commonly used by that authority to identify documents produced by it.

## PART 6

### Form of premises licences, summaries and provisional statements

#### Information to be included in a premises licence

**20.**—(1) Subject to the following provisions of this regulation, a premises licence shall in addition to the matters set out in section 151(1) of the Act contain the following information—

- (a) the date on which the licence takes effect;
- (b) the operating licence number of the relevant operating licence held by the holder of the premises licence;
- (c) the name of the licensing authority which issued the licence and the address of its principal office; and
- (d) the number of the premises licence (being a number given by the licensing authority to the licence which is unique to that licence).

(2) Paragraph (1)(b) is not to apply in any case where paragraph (3) or (4) applies.

(3) This paragraph applies where the premises licence authorises a track to be used for accepting bets.

(4) This paragraph applies where—

- (a) the premises licence is a converted premises licence; and
- (b) the holder of the licence is applying for a relevant operating licence but the application has not been determined.

(5) Where a premises licence is varied, the licence shall specify the date on which the variations to the licence take effect.

#### Matters to be included in the plan accompanying a premises licence

**21.**—(1) The plan which is to be included in the premises licence by virtue of section 151(1)(g) must be a scale plan which complies with the requirements of paragraphs (2) to (9) of regulation 4 (as modified in accordance with the following provisions of this regulation).

(2) Any reference to the premises to which the application relates in paragraphs (2) to (9) of regulation 4 is to have effect for the purposes of this regulation as a reference to the premises to which the premises licence relates.

(3) Where a requirement of paragraphs (3) to (9) of regulation 4 is expressed only to apply to an application for a premises licence of a particular kind, for the purposes of this regulation that requirement is to apply only to a premises licence of the same kind.

#### Form of a premises licence

**22.**—(1) Subject to the following provisions of this regulation, a premises licence is to be in the form set out in Schedule 9.

(2) The matters in square brackets in the form in Schedule 9, and the guidance notes at the end of that Schedule, indicate and explain matters to be included in a premises licence and are not required to be included in the licence.

(3) The first page of a premises licence issued by a licensing authority may include any symbol or logo which is commonly used by that authority to identify documents produced by it.

### **Form of summary**

**23.**—(1) Subject to the following provisions of this regulation, a summary shall be in the form set out in Schedule 10.

(2) Any matters in square brackets in the form in Schedule 10, and the guidance notes at the end of that Schedule, indicate and explain the matters to be included in a summary and are not required to be included in the summary.

(3) The first page of a summary issued by a licensing authority may include any symbol or logo which is commonly used by that authority to identify documents produced by it.

### **Information to be included in a provisional statement**

**24.**—(1) A provisional statement shall in addition to the matters set out in section 151(1) (as applied by section 204(2)) contain the following information—

- (a) the date on which the provisional statement is issued;
- (b) the operating licence number of the relevant operating licence, if such a licence is held by the person to whom the provisional statement is issued;
- (c) the number of the provisional statement (being a number given by the licensing authority to the provisional statement which is unique to that statement); and
- (d) the name of the licensing authority which issued the provisional statement and the address of its principal office.

(2) Paragraph (1)(b) is not to apply where the provisional statement relates to a track to be used for accepting bets.

### **Matters to be included in the plan accompanying a provisional statement**

**25.**—(1) The plan which is to be included in the provisional statement by virtue of section 151(1) (g) (as applied by section 204(2)) must be a scale plan which complies with the requirements of paragraphs (2) to (9) of regulation 4 (as modified in accordance with the following provisions of this regulation).

(2) Any reference in paragraphs (2) to (9) of regulation 4 to the premises to which the application relates is to have effect for the purposes of this regulation as a reference to the premises or proposed premises to which the provisional statement relates.

(3) Where a requirement of paragraphs (3) to (9) of regulation 4 is expressed only to apply to an application for a premises licence of a particular kind, for the purposes of this regulation that requirement is to apply only to a provisional statement which relates to premises or proposed premises of the same kind.

### **Form of a provisional statement**

**26.**—(1) Subject to the following provisions of this regulation, a provisional statement shall be in the form set out in Schedule 11.

(2) Any matters in square brackets in the form in Schedule 11, and the guidance notes at the end of that Schedule, indicate and explain the matters to be included in a provisional statement and are not required to be included in the statement.

(3) The first page of a provisional statement issued by a licensing authority may include any symbol or logo which is commonly used by that authority to identify documents produced by it.

St Andrew's House,  
Edinburgh  
7th March 2007

*GEORGE LYON*  
Authorised to sign by the Scottish Ministers