

Byelaws re Consumption of Alcohol in Public Places, Ross and Cromarty

ALNESS

THE HIGHLAND COUNCIL

**THE HIGHLAND COUNCIL BYELAWS PROHIBITING CONSUMPTION OF
ALCOHOLIC LIQUOR IN DESIGNATED PLACES (ALNESS) 2004**

The Highland Council (hereinafter referred to as "the Council") in exercise of the powers conferred upon it by sections 201, 202 and 203 of the Local Government (Scotland) Act 1973, and of all other powers enabling it in that behalf, hereby makes the following byelaws:-

Interpretation, Application and Citation.

1.(1) In these byelaws, unless the context otherwise requires -

"alcoholic liquor", "licensed canteen", "licensed premises", and "registered club" have the same meaning as in the Licensing (Scotland) Act 1976;

"designated place" means any place to which the public have access within the area specified in the Schedule to these byelaws annexed and signed as relative hereto

(2) These byelaws shall not apply -

(a) on 31 December, from 6.00pm until the end of that day; and

(b) on 1 January, until 6.00am.

(3) These byelaws may be cited as "The Highland Council Byelaws Prohibiting Consumption of Alcoholic Liquor in Designated Places (Alness) 2004".

Offence.

2.(1) Subject to paragraphs (2) and (3) of this byelaw, any person who consumes alcoholic liquor in a designated place shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(2) It shall not be an offence against these byelaws to do anything in any designated place which is a licensed canteen, licensed premises or a registered club or to do anything which is specifically authorised by any of the provisions of the Licensing (Scotland) Act 1976

(3) It shall not be an offence against these byelaws to do anything in any designated place in respect of which there is in operation -

(a) an occasional licence in terms of section 33(1) or (2) of the Licensing (Scotland) Act 1976, or

(b) an occasional permission in terms of section 34(1) of that Act,

during any period when alcoholic liquor may be sold there by virtue of that licence or, as the case may be, permission and for 15 minutes after the expiry of such period.

Presumptions.

3.(1) This byelaw applies for the purposes of any trial for an offence against these byelaws.

(2) Any liquid found in a container shall, subject to the provisions of this byelaw, be presumed to conform to the description of the liquid on the container.

(3) A container which is found to contain -

(a) no liquid, or

(b) insufficient liquid to permit analysis

shall, subject to the provisions of this byelaw, be presumed to have contained, at the time of the alleged offence, liquid which conformed to the description of the liquid on the container.

(4) A person shall not be entitled to lead evidence for the purpose of rebutting a presumption mentioned in paragraphs (2) and (3) above unless, not less than 7 days before the date of trial, he has given notice to the prosecutor of his intention to do so.

Public Notices of Effect.

- 4.(1) The Council shall erect one or more signs at or reasonably adjacent to each designated place for the purpose of giving notice of the effect of these byelaws.
- (2) It shall be no defence in proceedings against a person for an offence under these byelaws that the Council failed to comply with paragraph (1) of this byelaw.

SEAL

"David N J Neill"

8th September 2004

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David Norman John Neill
 Proper Officer of the Council
 Council Offices,
 High Street,
 Dingwall

Date

This is the Schedule referred to in the foregoing "The Highland Council Byelaws Prohibiting Consumption of Alcoholic Liquor in Designated Places (Alness) 2004" dated 8th September 2004

SCHEDULE
 SPECIFIED AREA

The area specified below, in the Highland Local Government area (as defined in section 1 of and Schedule 1 to the Local Government etc (Scotland) Act 1994) is the specified area for the purpose of these byelaws.

The town of Alness, Ross and Cromarty, including, but not exclusively, Academy Lane, Alexandria Lane, Ardross Place, Ardross Road, Averon or Alness River Banks, Averon Road, Averon Way, Braeface, Braeface Park, Burnside, Caplich Road, Caplich Hill, Corkscrew Road, Coulhill Road, Coulpark, Crawl Park, Dail Nan Rocas, Darroch Brae, Darroch Drive, Firhill, Firthview Terrace, Fyrish Way, High Street, Hill Street, Hill Terrace, Kendal Crescent, Kirkside, Lindley Bank, Market Square, Market Street, McGregor's Lane, Milnafua, Mitchell Lane, Muirden Square, Munro Terrace, Novar Road, Obsdale Gardens, Obsdale Park, Obsdale Road, Old Milnafua Road, Perrins Road, Pipersfield, River Close North, River Close South, River Drive, River Lane, River Wynd, Riverside Drive, Riverside Place, Robertson Court, Robertson Drive, Salvesen Crescent, Shillinghill, Springfield Terrace, Station Road, Teaninich Street, Westford, Whitehills, Willowbank Road, Willowbrae, Woodside, Wright's Lane

and all other roads and streets, public footpaths, public vehicular parks, burial grounds, gardens, public parks, open spaces, play areas, playing fields and war memorial sites within the area of Alness as bounded to the east by the Mean High Water Springs mark on the shore of the Cromarty Firth ex adverso Alness and to the north, west and south by the red line on the Plans numbered 1, 2, 3, 4 and 5 annexed and signed as relative hereto.

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"David N J Neill"
 Proper Officer

The Alness Byelaws were confirmed and came into operation on 9th January 2005.
 The map which encompasses the whole town is not available electronically.