

THE HIGHLAND COUNCIL BYELAWS PROHIBITING CONSUMPTION
OF ALCOHOLIC LIQUOR IN DESIGNATED PLACES (FORTROSE AND
ROSEMARKIE) 2003

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 and shown outlined in red on the Plans, numbered Plan One and Plan Two, 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 (Fortrose and Rosemarkie) 2003".

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'	29th April 2003
	David Norman John Neill	Date
	Proper Officer of the Council	
	Council Offices,	
	High Street,	
	Dingwall	

This is the Schedule referred to in the foregoing "The Highland Council Byelaws Prohibiting Consumption of Alcoholic Liquor in Designated Places (Fortrose and Rosemarkie) 2003" dated 29th April 2003

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 former Royal Burgh of Fortrose and Rosemarkie, including, but not exclusively,

Academy Street, Alexander Court, Anderson Drive, Balfour Court, Bishops Road, Bridge Street, Bruce Gardens, Canonbury Terrace, Car Park and Jetty Chanonry Ness, Castle Street, Cathedral Square, Chanonry Crescent, Church Place, Church Street, Courthill Road, Crawford Avenue, Deans Road, East Watergate, Easter Greengate, Fairy Glen, Feddon Hill, Fiery Hillock, Fortrose Academy School grounds and playing fields, Fortrose Caravan Site, Fortrose Harbour, Fortrose Town Hall precincts, Gollanhead Avenue, Gowanbrae Crescent, Greengates Place, Greenside Avenue, Harbour Road, Hawkhill Road, High Street (Fortrose), High Street (Rosemarkie), Hill of Fortrose Road, Holmes' Close, Kincurdy Drive, King George V Playing Field, Mackenzie Terrace, McKeddie Drive, Manse Brae, Marine Terrace, Mill Road, Munro Terrace, Ness Place, Ness Road, Ness Road East, Ness Way, Platcock Wynd, Playing Fields and Tennis Courts (Rosemarkie), Precincts Road, Rodgers Close, Rodgers Court, Rose Street, Rosemarkie Road, St.Andrew's Walk, Smithy Holm, Station Crescent, Station Road, Seaforth Place, The Orchard, Union Street, Waterfurrows, Well Road, Wester Greengates, Wester Links, Young Court,

and all other roads and streets, public footpaths, public vehicular parks, burial grounds, gardens, public parks and open spaces, play areas, playing fields and war memorial sites within the two areas outlined in red on the Plans, numbered Plan One and Plan Two, annexed and signed as relative hereto.

SEAL

'David N J Neill'
Proper Officer

The Fortrose and Rosemarkie Byelaws were confirmed and came into operation on 31st August 2003. The map which encompasses the whole two places is not available electronically.