

# **THE HIGHLAND COUNCIL**

## **THE HIGHLAND COUNCIL BYELAWS PROHIBITING CONSUMPTION OF ALCOHOLIC LIQUOR IN DESIGNATED PUBLIC PLACES (KYLEAKIN, KYLE OF LOCHALSH AND PORTREE) 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 areas specified in the Schedule to these byelaws and shown outlined in red on the plans annexed and signed as relative hereto.
- (2) These byelaws shall not apply –
  - (a) on 31 December from 6.00 pm until the end of that day; and
  - (b) on 1 January until 6.00 am.
- (3) These byelaws may be cited as “The Highland Council Byelaws Prohibiting Consumption of Alcoholic Liquor in Designated Places (Kyleakin, Kyle of Lochalsh and Portree) 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

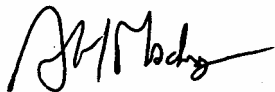
during any period when alcoholic liquor may be sold there by virtue of that licence or, as the case may be, permission and for 15 minutes after the expiry of such period.

**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 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 purposes of rebutting a presumption mentioned in paragraphs (2) and (3) above unless, not less than 7 days before the date of the 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.



10<sup>th</sup> September 2003

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Alaisdair Hugh Mackenzie  
Proper Officer of the Council  
Tigh Na Sgire  
Park Lane  
PORTREE  
Isle of Skye  
IV51 9GP

Date

**SCHEDULE/**

# **SCHEDULE**

## **LIST OF SPECIFIED AREAS**

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

### **(FIRST)**

The village of Kyleakin, including but not exclusively Achmore Court, Achmore Road, The Corran, Crowlin Road, The Fishery Pier, King Street, Kyleside, Meuse Lane, Olaf Road, The Pierhead and Slipways, South Obbe and other roads and streets, public gardens, play areas, parks and other open spaces, beaches, paths, public car and vehicular parks, public vehicular accesses, war memorial sites and playing fields in the area outlined in red on the plan A annexed and signed as relative hereto.

### **(SECOND)**

The village of Kyle of Lochalsh, including but not exclusively Church Road, Cnoc Terrace, Douglas Court, Dun Alainn, Ferry Road, Fishery Pier Road, Hamilton Place, Heathmount Place, Heathmount Road, Kyle Fishery Pier, Kyle Industrial Estate, Kyle Promenade, Kyle Railway Pier, Kyle Terrace, Kyle Station, Langlands Terrace, Lochalsh Road, Lower Carpark, MacKenzie Place, Main Street, Nicolson Court, Nicolson Terrace, Old Sick Bay, Old Ferry Piers and Jetties, Old Plock Road, Pladaig Road, The Plock, Plock Road, Plockton Road, Railway Terrace, Rowanbank, School Road, Seaview, Simona Place, Station Road, Station Yard, Stoney Road, Upper Carpark, Wemyss Place and other roads and streets, public gardens, play areas, parks and other open spaces, beaches, paths, public car and vehicular parks, public vehicular accesses, war memorial sites and playing fields in the area outlined in red on the plan B annexed and signed as relative hereto.

### **(THIRD)**

The town of Portree, including but not exclusively Ascrib Place, Balmoral Road, Bank Street, Bayfield, Bayfield Lane, Bayfield Road, Beaumont Crescent, Beechwood, Blaven Park, Blaven Road, Bosville Terrace, Bridge Road, Budhmor, Budhmor Place, Camanachd Square, Carn Dearg Place, Coolin Drive, Craigleadh, Cruachan Place, Douglas Row, Druim Na Pairc, Dunvegan Road, Fairy Hill, Fingal Avenue, Fingal Place, Fisherfield, Fladda Crescent, Fraser Crescent, Glamaig Place, The Green, Hedgefield Road, Heron Place, Hill Road, Holm Court, Home Farm Place, Home Farm Road, King George V Playing Field, Kitson Crescent, Lisigarry Court, Manse Lane, Marcso Place, Martin Crescent, Matheson Place, Meall Na h'Acarsaid, Mill Park, Mill Road, Oronsay Court, Pabay Court, Park Lane, Park Road, Portree House Gardens, Quay Brae, Quay Street, Raasay Court, Rona Place, Rosebank, Rosebank Terrace, Scalpay Place, Scorrybreac Road, Seafield Place, Shullishadder, Shullishadder Beag, Shullishadder Mor, Shullishadder Road, Sluggans, Sluggans Drive, Soay Place, Somerled Square, Springfield, Springfield Road, Staffin Road, Stormyhill, Stormyhill Road, Stormyhill Terrace, Storr Place, Storr Road, Storr Terrace, Struan Road, Tarner Court, Tianavaig Place, Urquhart Place, Viewfield Road, Viewfield Square, Wentworth Street, Woodpark, Windsor Crescent, York Drive and other open spaces, beaches, paths, public car and vehicular parks, public vehicular accesses, war memorial sites, burial grounds, roads and streets, public gardens, play areas, parks and playing fields in the area outlined in red on the plan C annexed and signed as relative hereto.