

NAIRN DISTRICT COUNCIL

BYELAWS PROHIBITING CONSUMPTION OF ALCOHOLIC LIQUOR IN DESIGNATED AREAS

NAIRN DISTRICT COUNCIL (“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 and Application

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 p.m. until the end of the day; and

(b) on 1 January, until 6.00 a.m.

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 licensed canteen, licensed premises or a registered club.

(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.

Presumption

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) or (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 byelaws.

IN WITNESS WHEREOF thee presents comprising this and the preceding two pages are, together with the schedule and plan hereto attached, executed on behalf of The Highland Council as statutory successors to Nairn District Council in terms of the Local Government etc (Scotland) Act 1994, and in particular in terms of Section 181 thereof, as follows: they are sealed with the Common Seal of the said The Highland Council and subscribed for them and on their behalf by Marion Newlands Notman, subscribing her usual signature M Notman, Property Officer of the Council, all at Inverness on the Nineteenth day of April Nineteen hundred and Ninety-six.



SCHEDULE

BYE-LAW RELATING TO DRINKING IN PUBLIC PLACES

DESCRIPTION OF DESIGNATED PLACES

The area to be covered by the foregoing Bye-law is bounded as follows:-

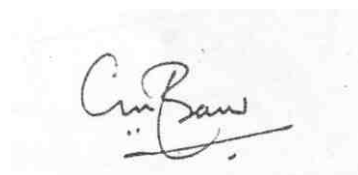
On or towards the East and South East by the River Nairn commencing from the uppermost point of the West Pier at Nairn Harbour, along which boundary the area extends generally Southwards until the River meets the Railway Bridge of the main Inverness to Aberdeen Railway; thereafter to the South South East by said Railway, along which the boundary proceeds in a South Westerly direction till it meets the Cawdor Road; thereafter bounded on the West by said Cawdor Road till its junction with Leopold Street, and thereafter bounded on or towards the South South West by Leopold Street along which the boundary proceeds in a North Westerly direction crossing Academy Street; thereafter being bounded towards the South West by the rear boundaries of properties on Albert Street, Nairn; thereafter bounded on the North West by the rear boundaries of properties on Victoria Street, Nairn, and also on Viewfield Street, Nairn; thereafter being bounded on or towards the North North East by the boundary of Viewfield Gardens along which it proceeds in a South Easterly direction thereby as far as King Street, Nairn; thereafter bounded by the Western side of said King Street, by the Southern side of Crescent Road and by the continuation of Crescent Road to its junction with Marine Road, thereafter in an Easterly direction along Marine Road to its junction with Cumming Street and thereafter in a Northerly direction by Cumming Street and the projection of said Cumming Street to the sea; all as the above said area is shown delineated in red on the plan thereof executed as relative hereto.

M. McEwan

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CONSUMPTION OF ALCOHOLIC LIQUOR IN DESIGNATED
PLACES**

In exercise of the powers conferred upon him by Sections 201 and 202 of the Local Government (Scotland) Act 1973, the Secretary of State hereby confirms the foregoing byelaws.

The Secretary of State hereby fixes 1 August 1996 as the date on which the byelaws shall come into operation.

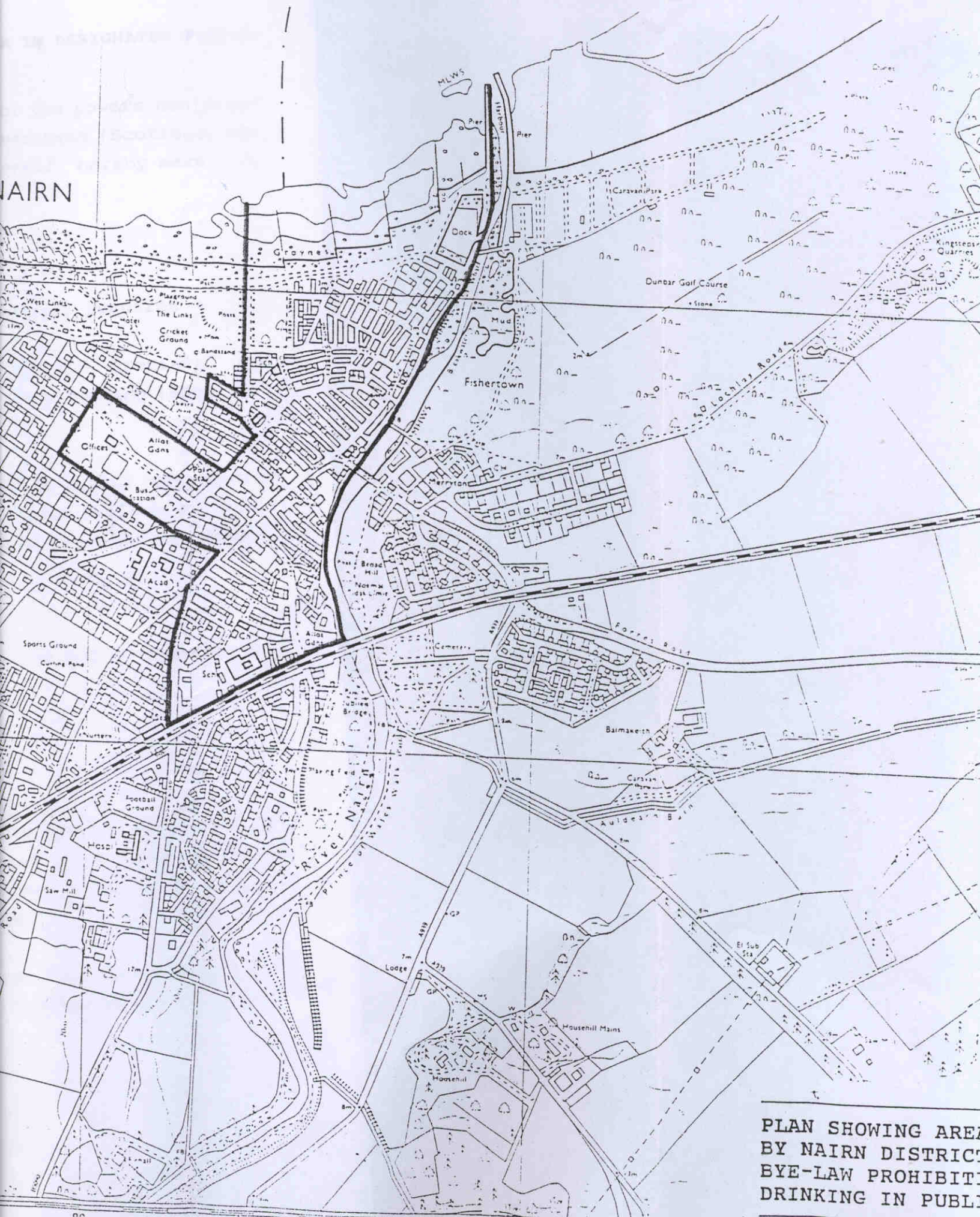
A handwritten signature in black ink, appearing to read 'C M Baxter', is written over a light-colored rectangular stamp or background.

C M BAXTER
Assistant Secretary

The Scottish Office Home Department
St Andrew's House,
EDINBURGH

24 June 1996

NAIRN



PLAN SHOWING AREA
 BY NAIRN DISTRICT
 EYE-LAW PROHIBITING
 DRINKING IN PUBLIC