

THE HIGHLAND COUNCIL

**THE HIGHLAND COUNCIL BYELAWS PROHIBITING CONSUMPTION OF
ALCOHOLIC LIQUOR IN DESIGNATED PLACES (GRANTOWN ON SPEY) 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 purple on the Plan 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; and

(c) on 2 January until 6.00am

(3) These byelaws may be cited as "The Highland Council Byelaws Prohibiting Consumption of Alcoholic Liquor in Designated Places (Grantown on Spey) 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 analysisshall, 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/she has given notice to the prosecutor of his/her 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.

These presents typewritten on this page including the Schedule and plan annexed hereto are sealed with the Common Seal of the said Highland Council subscribed for them and on their behalf by David Haas, Area Solicitor/ Administrator and authorised signatory, at Kingussie on the Twenty Sixth day of June Two Thousand and Three.

.....
David Haas
Authorised Signatory of the Council
Council Offices
Ruthven Road
Kingussie

.....
Date

SCHEDULE/

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 Grantown on Spey including, but not exclusively, Castle Road East, the B9102, Heathfield Road, Golf Course Road, Market Road, Castle Road, Mossie Road, Burnfield Avenue, South Street, South West High Street, Forest Road, The Square, Church Avenue, Grant Road, Seafield Avenue, Rhuarden Court, Beachen Court, Ryvoan Drive, Dulaig Court, Mackay Avenue, Coppice Court, Chapel Road, High Street, Spey Avenue, Woodside Avenue, Inverallan Court, Strathspey Court, Birchview Terrace, Woodside, Woodside Avenue, the A939, Woodlands Terrace, Strathspey Drive, Strathspey Industrial Estate, Dunstaffnage Brae, Church Avenue, MacGregor Avenue, Kylintra Crescent and all other roads and streets, public footpaths, public vehicular accesses, public vehicular parks, burial grounds, gardens, public parks and open spaces, play areas, playing fields and war memorial sites all as they lie within the area outlined in purple on the Plan annexed and signed as relative hereto.

BYELAWS

BY

HIGHLAND COUNCIL

**IN RESPECT OF
GRANTOWN ON SPEY**

2003

**David Haas
Area Solicitor/Administrator
Highland Council
Badenoch and Strathspey Area
Kingussie.**

