

**THE HIGHLAND COUNCIL PROHIBITION OF
CONSUMPTION OF ALCOHOL IN DESIGNATED
PUBLIC PLACES (ARDERSIER)
BYELAWS 2012**

In exercise of the powers conferred upon them by sections 201 and 202 of the Local Government (Scotland) Act 1973, the Scottish Ministers hereby confirm the foregoing byelaws.

The Scottish Ministers hereby fix 30 November 2012 as the date on which the byelaws shall come into operation.



NEIL RENNICK

A member of the staff of
the Scottish Ministers

The Scottish Government
Justice Directorate
St Andrew's House
2 November 2012

**THE HIGHLAND COUNCIL
PROHIBITION OF CONSUMPTION OF ALCOHOL IN DESIGNATED PUBLIC PLACES
(ARDERSIER) BYELAWS 2012**

The Highland 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 the other powers enabling it in that behalf, hereby makes the following byelaws:-

Interpretation and Citation

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

"alcohol" has the same meaning as in section 2 of the Licensing (Scotland) Act 2005;

"licensed premises" has the same meaning as in section 147(1) of the Licensing (Scotland) Act 2005 but does not include premises in respect of which there is a provisional premises licence (within the meaning of section 45(5) of that Act);

"occasional licence" has the same meaning as in section 56(1) of the Licensing (Scotland) Act 2005;

"designated place" means any place to which the public have access within the areas specified in Schedule 1 to these byelaws and shown outlined in black on the plan annexed and signed as relative hereto.

(2) These byelaws may be cited as "The Highland Council Prohibition of Consumption of Alcohol in Designated Public Places (Ardersier) Byelaws 2012".

Application

2. These byelaws shall not apply -
 - (a) on 31 December, from 6pm until the end of that day; and
 - (b) on 1 January, until 6am.

Offence

3. (1) Any person who consumes alcohol in a designated place or is found to be in possession of an open container containing alcohol in a designated place in circumstances whereby it is reasonable to infer that that person intended to drink from it whilst 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 comes within the meaning of licensed premises.

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

when alcohol may be sold there by virtue of that licence and for 15 minutes after the expiry of such period.

Presumptions

4. (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.

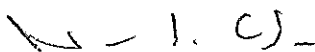
(4) A person shall not be entitled to lead evidence for the purpose of rebutting a presumption mentioned in paragraphs (2) or (3) above unless, not less than 7 days before the date of the trial, he has given notice to the prosecutor of his intention to do so.

Public Notice of Effect

5. (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.

Dated at Fort William this Fourteenth day of September Two thousand and twelve



Ninian Francis Christie
Proper Officer of the Council

SCHEDULE 1

List of Designated Places – Ardersier

1. The whole of the village of Ardersier as shown outlined in black on the plan annexed to and forming part of these Byelaws.

As - 1. d.



This is Plan 1 referred to in the foregoing Highland Council Byelaws Prohibiting Consumption of Alcoholic Liquor in Designated Place (Ardersier) 2010 and subscribed by the Proper Officer.

Dated at Fort William this Fourteenth day of September Two Thousand and Twelve.

**Ninian Francis Christie
Proper Officer of the Council**



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THIS IS THE PLAN REFERRED TO IN THE FOREGOING THE HIGHLAND COUNCIL BYELAWS 2012 AND SUBSCRIBED BY THE PROPER OFFICER

Ninian Francis Christie, Proper Officer

