

Byelaws re Consumption of Alcohol in Public Places, Ross and Cromarty

TAIN

THE HIGHLAND COUNCIL

THE HIGHLAND COUNCIL BYELAWS PROHIBITING CONSUMPTION OF ALCOHOLIC LIQUOR IN DESIGNATED PLACES (TAIN) 2001

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 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, until 6.00am.

(3) These byelaws may be cited as "The Highland Council Byelaws Prohibiting Consumption of Alcoholic Liquor in Designated Places (Tain) 2001".

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.

'Common Seal
of Highland
Council'

"David N J Neill"
David Norman John Neill
Proper Officer of the Council
Council Offices,
High Street,
Dingwall

14th May 2001
Date

This is the Schedule referred to in the foregoing "The Highland Council Byelaws Prohibiting Consumption of Alcoholic Liquor in Designated Places (Tain) 2001" dated 14th May 2001

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 to of the Local Government etc (Scotland) Act 1994), is a specified area for the purpose of these byelaws.

The town of Tain, including, but not exclusively,
Academy Street, Ankerville Street, Ardross Terrace, Argyle Court, Bank Street, Benview Road, Blarliath Industrial Estate roads, Burgage Court, Burgage Drive, Cadboll Place, Cameron Avenue, Cameron Road, Cameron Gardens, Canmore Way, Castle Brae, Castle Street, Chapel Road, Chapel Street, Craig Avenue, Craig Crescent, Craighill Terrace, Crammond Brae, Cromartie Gardens, Culpleasant Avenue, Culpleasant Drive, Drummond Street, Duke Street, Dunrobin Street, Duthac Wynd, Esther Place, Fountain Road, Geanies Street, Glebe Crescent, Gower Place, Gower Street, Hartfield Gardens, Hartfield Place, Hartfield Road, Hartfield Street, High Street, Hill Street, Jubilee Drive, King Street, Kingsway Avenue, Kirksheaf Road, Knockbreck Avenue, Knockbreck Gardens, Knockbreck Road, Knockbreck Street, Lamington Street, Laundry Lane, Lewes Lane, Manse Crescent, Manse Gardens, Manse Street, Mansfield Estate, Market Street, Mayfield Wynd, Morangie Road, Moss Road, Munro Place, Murray Place, Murray Street, Petley Place, Petley Street, Provost Ferguson Drive, Quarry Lane, Quarry Road, Quebec Avenue, Queen Street, Rose Street, Ross Lane, Ross Street, St.Andrews Road, St.Duthus Place, St. Duthus Street, St.Mary's Well, St. Vincent Road, Scotsburn Court, Scotsburn Road, Seaforth Court, Seaforth Road, Shandwick Street, Shore Road, Springfield Gardens, Stafford Place, Stafford Street, Stagcroft Park, Station Road, Sutherland Crescent, Sutherland Street, Tain Links, Tower Street, Upper King Street, Victoria Road, Victoria Terrace, View Place, Viewfield Park, Viewfield Road, Viewhill Crescent, Vine Place, Well Street,
and all other roads and streets, public vehicular parks, burial grounds, gardens, parks and playing fields
within the area outlined in red on the Plan annexed and signed as relative hereto.

'Common Seal of
Highland Council'

"David N J Neill"
Proper Officer

The Tain Byelaws were confirmed and came into operation on 30th September 2001.
The map which encompasses the whole town is not available electronically.