

THE HIGHLAND COUNCIL

THE HIGHLAND COUNCIL BYELAWS PROHIBITING CONSUMPTION OF ALCOHOLIC LIQUOR IN DESIGNATED PUBLIC PLACES (WICK) 2009

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 6.00 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 (Wick) 2009”.

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, outdoor drinking area pertaining to a 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,
- (b) an occasional permission in terms of section 34(1) of the Licensing (Scotland) Act 1976.

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/

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 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.

These presents typewritten on this and the preceding page including the Schedule and Plan are sealed with the Common Seal of the Highland Council and subscribed for them and on their behalf by Alasdair Hugh Mackenzie, Area Solicitor and Proper Office at Portree on the Twelfth day of August Two Thousand and Nine.

Alasdair Hugh Mackenzie
Proper Officer of the Council
Tigh na Sgìre
Park Lane
Portree
Isle of Skye
IV51 9GP

12th August 2009

SCHEDULE/

SCHEDULE

LIST OF SPECIFIED AREAS

Each of the areas 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.

The town of Wick, including but not exclusively:-

Ackergill Crescent, Ackergill Street, Adam Lane, Agnes Street, Airport Road, Albert Street, Anderson Drive, Anderson Lane, Angle Park, Argyle Square, Ashley Court, Back Bridge Street, Bank Head Road, Bank Head, Bank Row, Barbara Place, Barons Court, Barons Well, Barrogill Street, Battery Road, Bayview, Beaufoy Street, Bexley Terrace, Bignold Court (George Street), Bignold Park (South Road), Bon Accord Street, Breadalbane Crescent Mews, Breadalbane Terrace, Bremners Walk, Bridge Street, Broadhaven, Brown Place, Burn Street, Caferfeidh Court (Wellington Street), Cairndhuna Terrace, Car Park (Behind Back Bridge Street), Car Park (Camps), Car Park (Riverside - Somerfield), Church Street, Coach Road, Coghill Street, Corner Crescent, Coronation Street, Dalzeil Crescent, Dempster Street, Duffus Street, Dunnett Avenue, East Banks, East End, Francis Street, Fraser Drive, Girnigoe Street, Glamis Road, Gowrie Place, Grant Street, Green Road, Gunn's Terrace, George Street, Gladstone Place, Harbour Place, Harbour Quay, Harbour Terrace, Harrow Hill, Harrow Road, Harrow Terrace, Henrietta Court, Henrietta Street, Henrietta Terrace, High Street, Hill Avenue, Hillhead, Hillhead Road, Hood Street, Hospital Road, Huddart Street, Janetstown, John Street, Kennedy Terrace, Kenneth Street, Kinnaird Street, Kirk Lane, Kirkhill Road, Langley Lane, Langley Park, Langwell Crescent, Leishman Avenue, Leith Walk, Lindsay Drive, Lindsay Place, Loch Street, Louisburgh Street, Lower Dunbar Street, Macarthur Place, Macarthur Street, Macleay Lane, Macleay Street, Macleod Road, Macrae Street, Malcolm Street, March Road, Market Place (under exception of the outdoor drinking areas shown coloured green on Plan 2 annexed hereto), Market Street, Martha Terrace, Miller Avenue, Miller Street, Millers Lane, Moray Street, Mount Hooly Terrace, Mowat Lane, Mowat Place, Murchison Street, Newton Avenue, Newton Hill, Newton Road, Newton Row, Nicolson Street, North Murchison Street, Northfield Avenue, Norton Place, North Road, Northcote Street Oag Lane, Oldwick Road, Oldwick, Osbourne Close, Owen Place, Parliament Square, Port Dunbar, Proudfoot Road, Queen's Square, Randolph Place, River Lane, River Street, Riverside Drive, Robert Street, Robertson Square, Rose Street, Rosebank (Thurso Street), Roxburgh Road, Royal Place, Rutherford Street, Saltoun Street, Sandigoe Drive, Scalesburn, Seaforth Avenue, Service Bridge, Shore Houses, Shore Lane, Sinclair Drive, Sinclair Terrace, Smith Terrace, South Head, South Quay Road, St. Fergus Court, Stafford Lane, Station Road, Sunbeam Terrace, Telford Street, The Glebe, Thistle Park, Thurso Road, Thurso Street, Tolbooth Lane, Union Street, Upper Dunbar Street, Vansittart Street, Victoria Place, Wares Lane, Waverley Road, Wellington Avenue, Wellington Street, West Banks Avenue, West Banks Terrace, West Park, Whitechapel Road, Whitehouse Park, Wick Cemetary Road, Wick Industrial Estate Access Road to Site No. 5, Wick Industrial Estate Internal Access Roads, Williamson Street, Willowbank 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 annexed and signed as relative hereto.

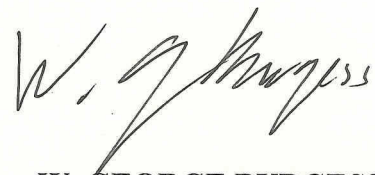
**THE HIGHLAND
COUNCIL
BYELAWS
PROHIBITING
CONSUMPTION
OF ALCOHOLIC LIQUOR
IN DESIGNATED
PUBLIC PLACES
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DESIGNATED PLACES (WICK) 2009**

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 subject to the following modifications:-

- (a) for all references to “alcohol liquor” substitute “alcohol” within the meaning given by section 2 (meaning of alcohol) of the Licensing (Scotland) Act 2005;
- (b) all references to “licensed premises” shall have the same meaning as in section 147(1) (interpretation) of the Licensing (Scotland) Act 2005 but shall not include premises in respect of which there is a provisional premises licence (within the meaning of section 45(5) (provisional premises license) of that Act;
- (c) references to “occasional licence” shall have the same meaning as in section 56(1) (occasional licence) of the Licensing (Scotland) Act 2005;
- (d) all references to “licensed canteen”, “registered club” and “occasional permissions” shall be deleted; and
- (e) for all references to “the Licensing (Scotland) Act 1976” substitute “the Licensing (Scotland) Act 2005”.

The Scottish Ministers hereby fix 29 March 2010 as the date on which the byelaws shall come into operation.



W. GEORGE BURGESS
A member of the staff of
the Scottish Ministers

The Scottish Government
Justice Directorate
St Andrew's House
24 March 2010

