

## **THE HIGHLAND COUNCIL**

### **THE HIGHLAND COUNCIL BYELAWS PROHIBITING CONSUMPTION OF ALCOHOLIC LIQUOR IN DESIGNATED PUBLIC PLACES (THURSO) 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 (Thurso) 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/

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 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 Officer 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

12<sup>th</sup> 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 Thurso, including but not exclusively:-

Albyn Court, Angus Court, Back Shore Street, Balimore Place, Bank Court, Bank Place, Bank Street, Barrock Street, Bayview Terrace, Beach Court, Beach Road, Bishops Drive, Bleachfield House, Bower Court, Brabster Street, Braemore Place, Bridgend, Brilon Court, Brims Road, Brownhill Road, Burnett Place, Burnside, Cairnfield Place, Cairnmore Place, Calder Drive, Caledonian Place, Campbell Street, Carnaby Place, Castle Street, Castle Terrace, Castlegreen Court, Castlegreen Road, Castletown Road, Claredon Place, Clarence Street, College Court, College Place, Couper Square, Couper Street, Couper Terrace, Cowie Lane, Dale Road, Davidsons Lane, Dirlot Place, Donald Grant Road, Dunbar Terrace, Duncan Street, Dunnet Place, Dunnet Road, Durness Street Dwarwick Court, East Church Street, East Gill, Scrabster, Farmacres Forss Road, Forss Road, Freswick Gardens, Fulmar Road, George Crescent, George Street, Gerry Square, Glengolly, Grant Avenue, Granville Crescent, Granville Street, Green Court, Grove Lane, Gunn Court, Haimer Place, Hakon Road, Harald Drive, Harbour Court, Hawkhillock, Heathfield Road, Heathfield, Henderson Court, Henderson Street, High Ormlie, High Street Hill Place, Holborn Avenue, Houston Terrace, Howburn Road, Hoy Place, Hoy Terrace, Ironside Place, Janet Street, John Kennedy Drive, Jubilee Cottages, Juniper Bank, Juniper Drive, Kirk View, Llangland Court, Langwell Court, Laurie Terrace, Lord Thurso Court, Lyness House, Lythmore Road, Macaulay View, Macdonald Green, Mackay Court, MacIntosh Place, Macpherson Walk, Manson's Lane, Marine Terrace, Market Lane, Market Street, Marr Terrace, Mayfield Road, Meadow Lane, Mears Place Meiklejohn Court, Mey Terrace, Mill Cottages, Mill Road, Mill Terrace, Millbank Mews, Millbank Road, Millbank, Millers Lane, Millers Terrace, Moorside Avenue, Moorside Court, Morton Court, Morven Place, Mount Pleasant, Mount Pleasant Road, Mount Vernon, Mowat Court, Murkle Terrace, Naver House, Naver Place, Naver Road, Neil Gunn Drive, Ola Drive, Oldfield Court, Oldfield Hill, Oldfield Road, Oldfield Terrace, Orlig Street, Ord Terrace, Ormlie Cottages, Ormlie Crescent, Ormlie Drive, Ormlie Hill, Ormlie Industrial Site Road, Ormlie Road, Palace Court, Park Avenue, Patersons Lane, Pennyland Drive, Pennyland Place, Pennyland Terrace, Pennyland, Pentland Court, Pentland Crescent, Pollock Place, Primrose Avenue, Princes Street, Provost Cormack Drive, Provost Sinclair Drive, Provost Sinclair Road, Queen's Court, Queen's Square, Queens Terrace, Ravenshill Place, Ravenshill Road, Rendel Govan Road, River View, Riverside Place, Riverside Road, Riverside Terrace, Riverside, Robert Dick Place, Robertson's Lane, Rockwell Crescent, Rockwell Terrace, Rose Street, Rotterdam Street, Royal Terrace, Scaraben Court, Scrabster Road, Seaforth Place, Seaforth Road, Seaforth Terrace, Seaview Lane, Seaview Terrace, Shebster Court, Shore Street, Sigurd Road, Sinclair Street, Sir Archibald Road, Sir George's Street, Sir George's Street, Sir John's Square, Smith Place, Smith Terrace, South Toll, Springpark Terrace, St. Andrews Drive, St. Magnus Road, St. Mary's Road, St. Olaf Road, St. Peters Road, Stainland, Stainland Drive, Station Square, Strathmore Court, Strathmore Place, Strathmore Road, Stroma Place, Stroma Place, Stroma Road, Stroma Road, Sutherland Cottages,

Sutherland Court, Swanson Street, Sweyn Road, Thorfinn Place, Thorfinn Terrace, Thorkel Road, Thorsdale View, Thurso East, Tom Matheson Court, Tormsdale Place, Towerhill Road, Traill Street, Trostan Road, Trostan Terrace, Upper Burnside Avenue, Upper Burnside Court, Upper Burnside Drive, Ulbster Place, Vernon Place, Viewfirth Terrace, Vulcan Court, West Bank Street, West Burnside, West Church Street, Westfield Terrace, Westside (Sir John's Square), Wilson Lane, Wilson Street, Wilson Terrace, Wolfburn Road 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.

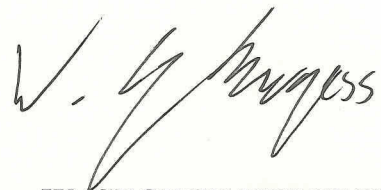
**THE HIGHLAND  
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PROHIBITING  
CONSUMPTION  
OF ALCOHOLIC LIQUOR  
IN DESIGNATED  
PUBLIC PLACES  
(THURSO) 2009**

**THE HIGHLAND COUNCIL BYELAWS  
PROHIBITING THE CONSUMPTION OF ALCOHOLIC LIQUOR IN  
DESIGNATED PLACES (THURSO) 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

