

## **THE HIGHLAND COUNCIL BYELAWS PROHIBITING CONSUMPTION OF ALCOHOLIC LIQUOR IN DESIGNATED PUBLIC PLACES (BROADFORD AND HARRAPOOL) 2008**

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 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 plans annexed and signed as relative hereto.

(2) These byelaws may be cited as "The Highland Council Byelaws Prohibiting Consumption of Alcoholic Liquor in Designated Places (Broadford and Harrapool) 2008".

### **Application**

2 (1) 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.

### **Offence**

3 (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

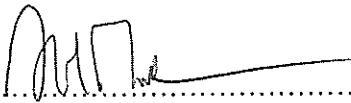
during any period when alcoholic liquor may be sold there by virtue of that licence or, as the case may be, permission and for 15 minutes after the expiry of such period.

## Presumptions

- 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 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

- 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.



28th July 2008

Alaisdair Hugh Mackenzie  
Proper Officer of the Council  
Tigh Na Sgìre  
Park Lane  
PORTREE  
Isle of Skye  
IV51 9GP

Date

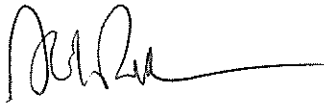
## SCHEDULE/

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

The village of Broadford, including but not exclusively Pairc na Craobh Industrial Estate, Ford Road, Riverbank, High Road, Liveras, Liveras Park, Corry, Old Corry Industrial Estate, The Big Pier, The Wee or Old Pier, Pier Road, A87 including Shore Road and Harrapool, B8083 Torrin Road, Bayview Crescent, Borreraig Place, Glen Road, Seafield Crescent, Sraid na h-Atha, Limepark, Limepark Terrace, Cul a'chuirn, Blackpark, Caberfeidh, Sraid Nic Choinnich, Sraid Uilean Ros, Heaste Road, Road to the Fire Station, Harrapool Industrial Estate and Glas Eilean Court 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 THE CONSUMPTION OF  
ALCOHOLIC LIQUOR IN DESIGNATED PUBLIC PLACE  
(BROADFORD AND HARRAPOOL) 2008**

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 28 November 2008 as the date on which the byelaws shall come into operation.



**VALERIE MACNIVEN**  
**A member of the staff of**  
**the Scottish Ministers**

The Scottish Government  
Criminal Justice Directorate  
St Andrew's House  
7 November 2008