

## **THE HIGHLAND COUNCIL BYELAWS PROHIBITING CONSUMPTION OF ALCOHOLIC LIQUOR IN DESIGNATED PLACES (MUNLOCHY) 2008**

The Highland Council constituted under the Local Government (Scotland) Act 1994 (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 by a red line on the Plan 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 (Munlochry) 2008".

### Application

2. [1] These byelaws shall not apply -  
  
[a] on 31st December, from 6.00pm until the end of that day; and  
  
[b] on 1st January, until 6.00am.

### 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 as amended.
- [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 purpose of rebutting a presumption mentioned in paragraphs 2 or 3 of this byelaw unless, not less than 7 days before the date of the trial, notice has been given to the prosecutor of the intention to so do.

#### 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 4 [1] of these byelaws.



Alaisdair Hugh Mackenzie  
Area Solicitor and Proper Officer  
Tigh na Sgìre  
Park Lane  
Portree  
Isle of Skye  
IV51 9GP

DATE: 28<sup>th</sup> July 2008

## 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 Munloch, including but not exclusively

Brae Park  
Brae Terrace  
Burn Place  
Cameron Crescent  
Cameron Drive  
Greenfield Road  
Hill Park Brae  
Millbank Road  
Millbank Park  
Stables Court  
Station Brae  
Station Court  
Station Road

And other roads and streets, public gardens, play areas, parks and other open spaces, 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



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ALCOHOLIC LIQUOR IN DESIGNATED PUBLIC PLACE  
(MUNLOCHY) 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*

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

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

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