

Byelaws Prohibiting the Consumption of Alcohol in Designated Public Places

**THE MORAY COUNCIL
BYELAWS PROHIBITING THE CONSUMPTION OF ALCOHOL
IN DESIGNATED PUBLIC PLACES**

The Moray Council ("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:-

1. Interpretation and Citation

(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; and

"designated place" means any place to which the public have access within the areas specified in Schedule 1 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 Moray Council Prohibition of Consumption of Alcohol in Designated Public Places Byelaws 1998"

2. Application

These byelaws shall not apply -

(a) on 31 December, from 6 pm until the end of that day; and

(b) on 1 January, until 6 am.

3. Offence

(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 designated place which is a licensed canteen, licensed premises or a registered club.

(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 for 15 minutes after the expiry of such period.

4. **Presumptions**

(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) 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.

5. **Public Notices of Effect**

(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.



Proper Officer
The Moray Council

SCHEDULE 1

BUCKIE

Commencing on the high water mark on the northern boundary of Moray at a point north of the western curtilage of the property known as 48 Great Western Road, Buckie; generally south eastward to and south westward along the dismantled railway; then generally southward and eastward along the northern boundary of the coastal embankment to and then eastwards along the southern curtilage of the abattoir; then generally south eastward to and south westward along a track leading from Seaview Road to Buckpool Golf Course to a point in line with the western curtilage of the Golf Clubhouse; then generally south eastward along the western curtilage of the Golf Clubhouse and its continuation in a straight line to Golf View Road; then generally south westward along Golf View Road to a point in line with the western boundary of Buckpool Cemetery; then south eastward along the western boundary of Buckpool Cemetery and its continuation in a straight line to the access road leading to Muirton; then north eastward along said access road to a point on Barhill Road at its junction with Netherha Road; then generally south eastward along Barhill Road to a point in line with the southern curtilage of the property known as Edendale; then generally north eastward along said curtilage and its prolongation in a straight line and continuing along the rear curtilages of properties to the south of Braeview Road to a track leading to Mill of Buckie; then generally south eastward along said track to and continuing generally south eastward along the eastern curtilage of Mill of Buckie and the Burn of Buckie to a point on the southern boundary of the properties known as Mains of Buckie; then generally northward along said southern boundary to its junction with the eastern boundary of said property; then generally eastward in a straight line to a point where it meets the Freuchny Burn; then generally eastward along said burn to a point in line with a track leading past the property known as Stripeside; then eastward along said track to its junction with March Road; then northward along March Road to a point north of the southern boundary of the Maltings; then generally north eastward along an undefined boundary to the unclassified road leading from March Road to Rathven Village; then eastward along said road to a point where it crosses the Burn of Rathven; then generally north westward to the eastern boundary of Burnside Cemetery; then generally northward and north westward along the eastern and north boundaries of said Cemetery and its prolongation to a point on the dismantled railway leading from Buckie to Portessie; then generally north eastward along the dismantled railway and its continuation along the coastal embankment to a point on the northern boundary of Moray west of Gabert Point; then generally westward along said northern boundary to the point of commencement.

ELGIN

All the public areas within the four Electoral Wards of Elgin commencing on the River Lossie at a point in line with the eastern boundary of Quarrywood, Elgin; then due northward in a straight line to the northern boundary of Quarrywood; then northeastward to the unclassified road past Woodside Stud; then continuing northeastward crossing the said road to and along the track at the northern boundary of the woodland southeast of Woodside Stud to the B9012 road; then continuing northeastward in a straight line to and continuing southeastward along a track leading to the property known as Woodlands to its junction with a field track leading to Covesea Road; then continuing northeastward along said track to and crossing Covesea Road at the southeast boundary of the Electricity Sub-Station; then continuing generally northeastward to NG Ref NJ 2130 6460 to Lossiemouth Road, to NG Ref NJ 2183 6479 and

passing immediately to the north of Muir of Linksfield, then generally eastward along the said field boundaries to and southward along the access road to Spynie to the unclassified road leading past Linksfield Crossing and Wester Calcots; then generally southeastward and southward along the said road and its prolongation in a straight line to the northern boundary of Kirhill Wood; then generally southeastward along the northern and eastern boundaries of the said wood to and westward along the River Lossie to his confluence with the Burn of Linkwood; then generally southwestward along the said Burn to the bridge carrying the Inverness to Aberdeen Railway; then westward along the said railway to the point where it is crossed by the unclassified road leading to Reiket Lane; then southwestward and southward along Reiket Lane to its junction with the unclassified road leading to Linkwood; then northwestward along said unclassified road to its junction with Thornhill Road; then southwestward along Thornhill Road crossing the A941 (T) road and continuing generally southwestward along Birnie Road to the track along the eastern margin of Mayne Wood; then northwestward along the said track to a point due west of Hardhillock Golf Club House; then due westward in a straight line to and northwestward and southwestward along the western margin of Mayne Wood to the line of field boundaries leading southwestward from the southern end of the access road past Mayne House; then continuing southwestward along said field boundaries to the River Lossie; then generally northward along the River Lossie to the point of commencement.

FORRES

All the public areas within the Town of Forres commencing on the Inverness to Aberdeen Railway line north of Forres Station; then eastward to a point where it is crossed by Invererne Road; then generally northward along Invererne Road to the Burn of Mosset; then generally northeastward along the said Burn to a point north of Bruxburn; then southeastward along said access road to its junction with the A96 (T) road; then generally eastward along the said Trunk Road to a point in line with the access road leading to the Lochyhill; then southeastward along said access road and its continuation southwestwards to its junction with the unclassified road leading to Easter New Forres on the northeastern boundary of Muiryshade Golf Course; then southeastward and southwestward along the northern and eastern boundaries of Muiryshade Golf Course; then eastward and southward along the northern and eastern boundaries of Newbold Hotel to St. Leonard's Road; then continuing southwards crossing St. Leonard's Road to a point in line with the southern boundaries of properties to the south of St. Leonard's Road; then westwards along the said southern boundaries to the access track leading to Chapelton Farm; then southwestward and northwestward along the eastern and southern boundaries of Chapelton Farm and continuing southward, southwestward and northwestward along a track running to the south of Sanquhar Woodlands to the point where it meets the access road to Sanquhar Mains at NG Ref NJ 0377 5724; then northwards and westwards along said track to Mannachie Road; then southward along Mannachie Road to the track leading from Mannachie Road to the A940 Forres to Grantown Road; then westward along said track to and continuing northwestward crossing the A940 to the unclassified road leading to Balnageith; then northward along the unclassified road leading to Pilmuir Road West and its prolongation northward along a field boundary to the rear of properties on Califer Road to the A96 (T) road; then westward along said Trunk Road to and northward along the River Findhorn to a point where it is crossed by the Aberdeen to Inverness Railway; then generally eastwards along the said railway to the point of commencement.

**THE MORAY COUNCIL BYELAWS PROHIBITING
CONSUMPTION OF ALCOHOL IN DESIGNATED PLACES**

In exercise of the powers conferred upon him by sections 201 and 202 of the Local Government (Scotland) Act 1973, the Secretary of State hereby confirms the foregoing byelaws subject to that, after byelaw 4(2) and before the signature of the proper officer, there shall be inserted the following words:-

“Dated this 12th day of February 1998”

The Secretary of State hereby fixes 1 June 1998 as the date on which the byelaws shall come into operation.



C M BAXTER
Assistant Secretary

The Scottish Office Home Department
Saughton House
Broomhouse Drive
EDINBURGH
28 April 1998

**REVIEW OF LOCAL STATUTORY PROVISIONS
LOCAL GOVERNMENT ETC (SCOTLAND) ACT 1994: SECTION 59
APPLICATION FOR EXEMPTION OR POSTPONEMENT FROM REPEAL**

1. Title of Provision

By-laws for Prohibiting the Consumption of Alcohol in Designated Public Places 1998.

2. Effect and extent

The By-laws have effect from 1st June, 1998 and regulate the consumption of alcohol within designated public places within Moray.

3. Has the Council reviewed this provision and concluded that it is still required beyond 31 December 1999?

The Council has reviewed the position and concludes that the By-laws are still required beyond 31st December, 1999.

4. Does the Council seek (i) exemption from repeal or (ii) postponement of repeal of the provision?

The Council seeks exemption from repeal.

5. Is the content of the provision appropriate to contemporary needs?

The By-laws are up-to-date and are appropriate to current needs. They are wholly supported by the local Police force.

6. Does the provision apply to the whole of the Council's area? If not, why is it considered appropriate to continue to limit its application to the area in question?

The By-laws apply to designated areas within The Moray Council's administrative area. These are areas where the consumption of alcohol in public is a particular problem. It is not proposed to extend the By-laws further in the foreseeable future.

7. Is it confirmed that the provision does not duplicate matters in public statute?

It is confirmed that the By-laws do not duplicate matters contained within public statute.

8. If exemption is sought, why is it considered inappropriate to re-enact the provision, e.g. no changes required to existing legislation?

No changes are proposed as the By-laws were recently drafted and are working well.

9. If postponement is sought, when will a Provisional Order be deposited re-enacting the provision?

N/A.

10. Any other factors or information which the Council considers relevant.

N/A.

**REVIEW OF LOCAL STATUTORY PROVISIONS
LOCAL GOVERNMENT ETC (SCOTLAND) ACT 1994: SECTION 59
APPLICATION FOR EXEMPTION FROM REPEAL**

1. Title of Provision:

By-laws with respect to the Employment of Children (copy attached).

2. Effect and extent:

Effective from 28th March, 1999. Complementary to the Children and Young Persons (Scotland) Act 1937. Covers the age at which children can work and the type of employment they may become engaged in.

3. Has the Council reviewed this provision and concluded that it is still required beyond 31 December 1999?

The Council has recently introduced these By-laws in conjunction with the Scottish Office and following appropriate consultation.

4. Does the Council seek (i) exemption from repeal or (ii) postponement of repeal of the provision?

The Council seeks **exemption** from repeal.

5. Is the content of the provision appropriate to contemporary needs?

The content of the By-laws is appropriate to contemporary needs.

6. Does the provision apply to the whole of the Council's area? If not, why is it considered appropriate to continue to limit its application to the area in question?

The By-law applies to the whole of the Moray Council's area.

7. Is it confirmed that the provision does not duplicate matters in public statute?

The By-law is complementary to related matters within public statute.

8. If exemption is sought, why is it considered inappropriate to re-enact the provision, e.g. no changes required to existing legislation?

The By-laws are brand new and re-enactment would be inappropriate.

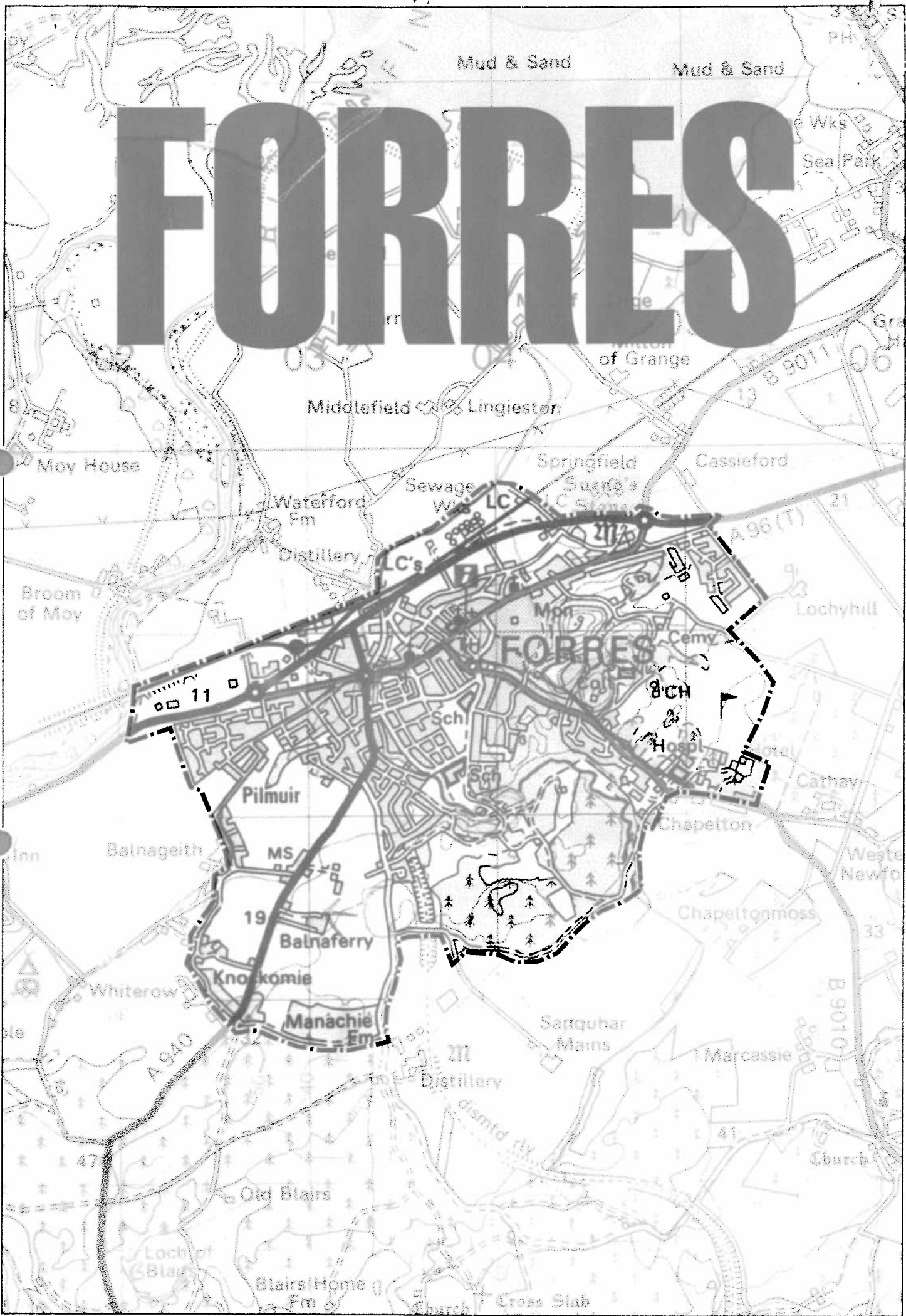
9. If postponement is sought, when will a Provisional Order be deposited re-enacting the provision?

N/A.

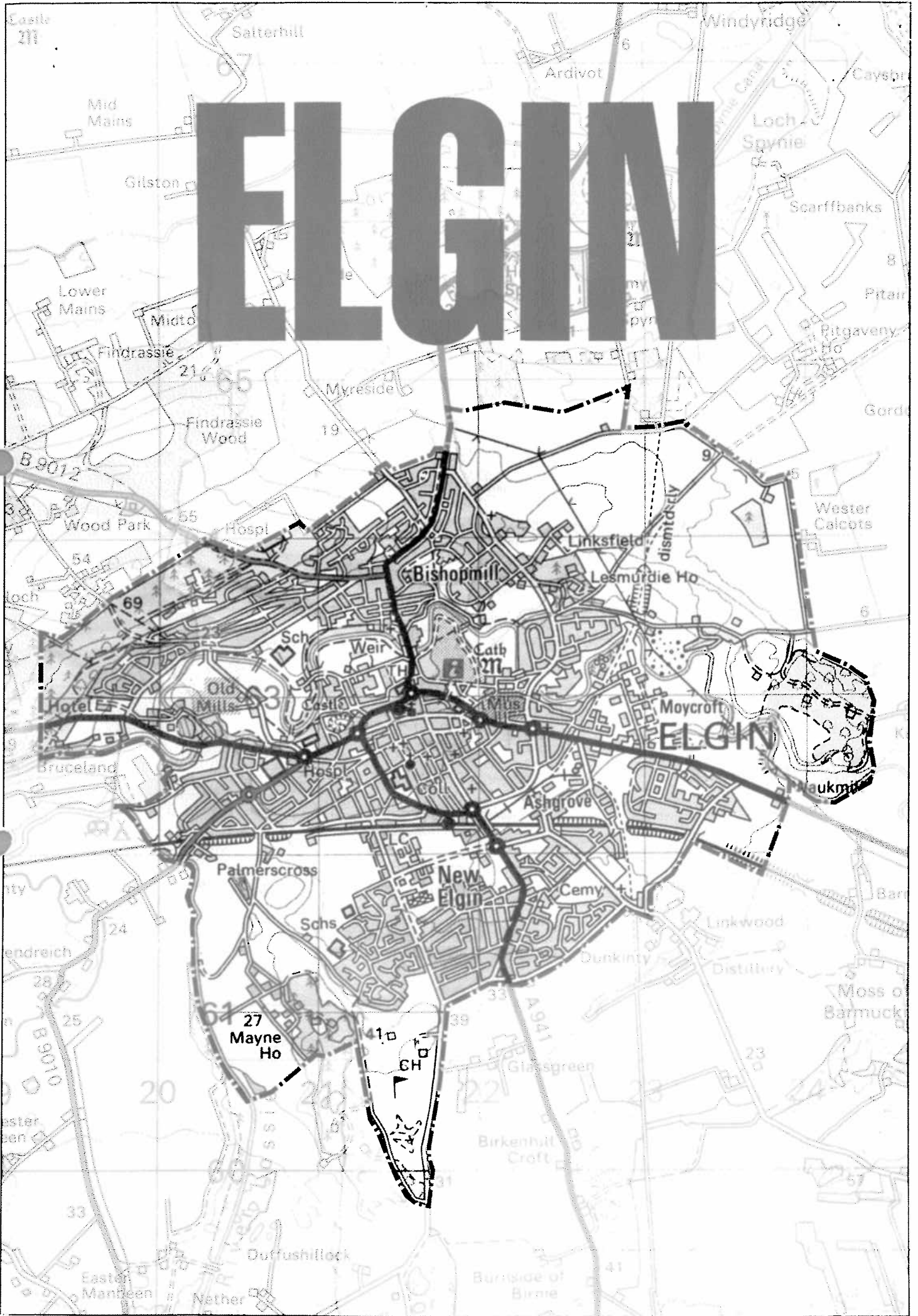
10. Any other factors or information which the Council considers relevant.

N/A.

FORRES



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