

## **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 area specified in the Schedule to these byelaws and shown outlined in red on the plan 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 2001”.

**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 a 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.

Dated this 17th day of January 2001



Proper Officer  
The Moray Council

## SCHEDULE

SPECIFIED AREA: All the public places within the Town of Keith commencing at the point where the Aberdeen to Inverness railway line is crossed by the B9116 road; then south-eastward along the centre line of the said road to the point where it reaches the north-north-west side of Newmill road; then generally south-westward along the north-north-westerly side of the said road to a point lying generally to the east-north-east of Newmill Industrial Estate; then generally south-south-eastward in a straight line to the north-westerly side of a track leading south-westward to Seafield Terrace; then generally south-eastward in a straight line to the north-westerly side of a track leading south-westward to Broomhill Road; then generally south-eastward in a straight line past the rear curtilages of properties to the north-east of Broomhill Court and Taylor Court to a point on the south-east side of Banff Road generally to the north-north-west of Keith Community Centre and swimmingpool; then generally north-eastward along the said road; then generally south-eastward in a straight line to a point on the north side of Drum Road; then generally east-north-eastward along the said road; then generally south-south-eastward in a straight line to a point on the north side of Westerton Road; then generally west-south-westward and north-westward along the northerly side of the said road to a point at its junction with a track; then generally south-eastward along the centre line of the said track; then generally south-westward in a straight line to a point generally to the west-south-west of a lorry park at Edindiach Road; then generally south-eastward to the south-easterly side of a track leading south-westward to Dunnyduff Road; then generally south-westward along the south-easterly side of the said track to the junction between Edindiach Road and Dunnyduff Road; then generally south-eastward along the north-easterly side of Edindiach Road; then generally south-westward along the rear curtilages of properties lying to the south-east of Den Crescent to a point on the north-east side of Old Den Road; then generally north-westward following the north-easterly edge of Old Den Road to a point where it meets Balloch Road; then generally south-westward following a curved line to a point at a junction between Moss Street and Blackhillock Road; then generally south-eastward along the easterly edge of Moss Street; then generally south-westward to a point in the centre of Blackhillock Road at its junction with Coldholm Road; then generally north-westward across Blackhillock Road to a point on the northerly side of Coldholm Road; then generally south-westward along the northerly side of Coldholm Road to a point lying generally to the north-north-east of Den Well; then generally north-westward in a straight line to a point lying to the south-west of Denwell Cottage; then generally south-westward in a straight line; then generally north-westward to a point on the southerly side of a track leading north-eastward to Land Street; then generally south-westward along the southerly edge of the said track; then generally north-westward and west-north-westward to a track running north-north-eastward through Cuthil Wood; then generally north-north-eastward following the westerly side of said track to a point lying to the south-east of Cuthil Wood; then generally westward to a point lying in the centre of the River Isla; then generally north-westward across the Aberdeen to Inverness railway line to a point lying to the north-west of the point where the River Isla is crossed by the Aberdeen to Inverness railway line; then generally north-north-eastward to a point on the western bank of the said River; then generally west-south-westward in a straight line; then generally north-westward, west-south-westward, north-westward and west-north-westward to a point on a track leading north-north-eastward to the Strathmill Distillery and Regent Street; then generally south-westward along the said track to a point to the north-east of Corsairty; then generally north-westward along a track leading north-westward to Fife Street to a point at its junction with an unnamed road; then generally north-westward along the centre line and north-east side of said unnamed road; then generally north-eastward and north-north-eastward along the western perimeter of Fife-Keith Wood to the A95 road; then north-eastward along the said road to the A96(T) road; then north-westward along the north-easterly side of the said road to a point lying to the south of the Haughs; then generally east-north-eastward and north-eastward to a point lying to the north-west of warehouses; then generally in a north-easterly direction along the centre line of an unnamed road along the rear curtilages of the said warehouses; then generally south-eastward across the unnamed road to a point on its southerly side; then generally north-eastward along the southerly side of the said unnamed road; then generally south-eastward to a point on the northerly side of an access road; then generally north-eastward, south-eastward and south-westward to a point on the Aberdeen to Inverness railway line; then generally north-eastward following the said railway line to the point of commencement.

**THE MORAY COUNCIL BYELAWS PROHIBITING  
CONSUMPTION OF ALCOHOL IN DESIGNATED PLACES-  
2001**

In exercise of the powers conferred upon them sections 201 and 202 of the Local Government (Scotland) Act 1973, Scottish Ministers hereby confirm the foregoing byelaws.

Scottish Ministers hereby fix 3 March 2003 as the date on which the byelaws shall come into operation.

A handwritten signature in black ink, appearing to read 'R Scott', with a horizontal line underneath the name.

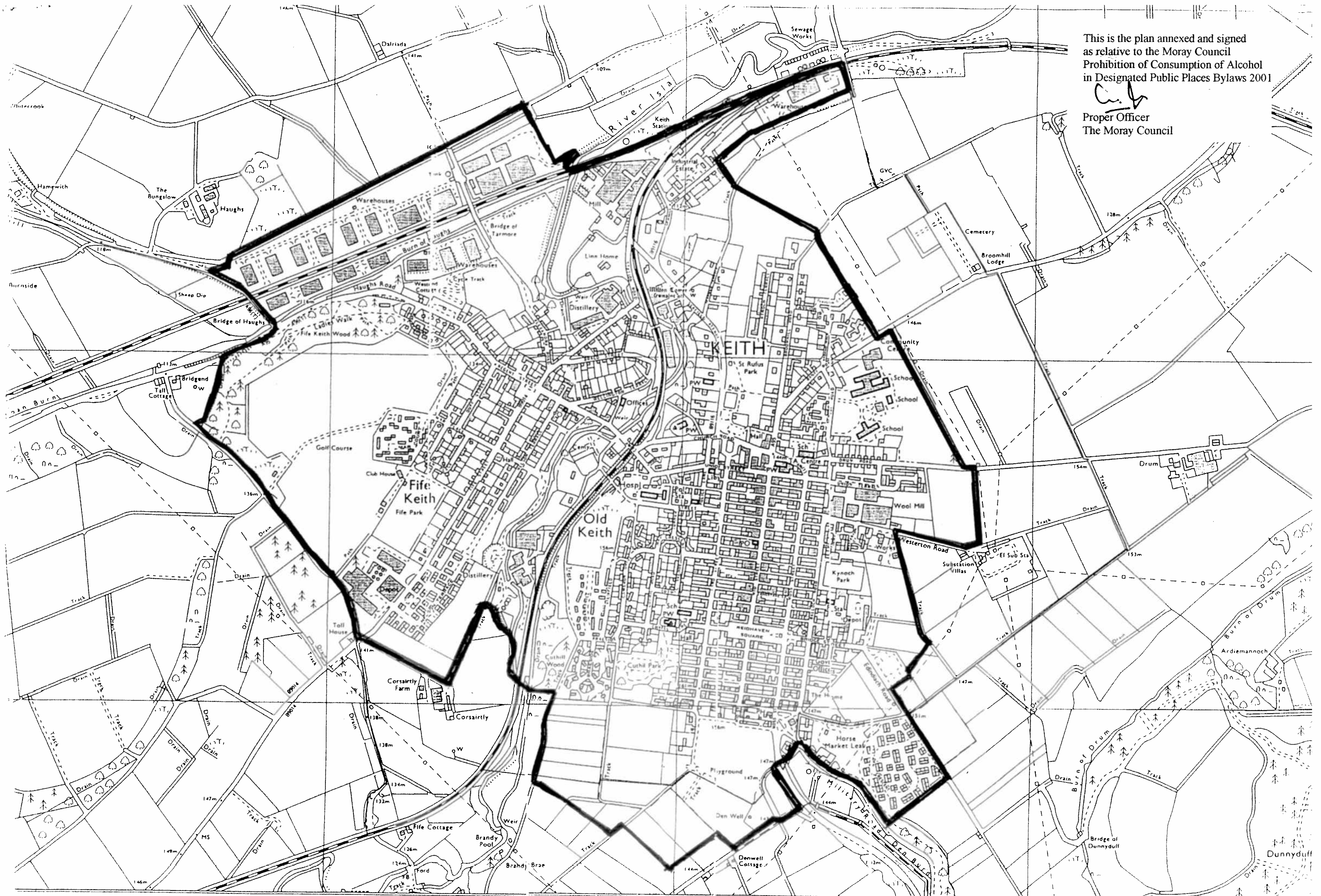
**R SCOTT**  
**Head of Criminal Justice Division**

Scottish Executive Justice Department  
St Andrew's House  
Edinburgh  
20 January 2003

This is the plan annexed and signed  
as relative to the Moray Council  
Prohibition of Consumption of Alcohol  
in Designated Public Places Bylaws 2001



Proper Officer  
The Moray Council



□ Ward Boundaries  
▬ Settlement Boundaries

