

Appendix B

THE SCOTTISH BORDERS COUNCIL PROHIBITION OF CONSUMPTION OF ALCOHOL IN DESIGNATED PUBLIC PLACES BYELAWS 201X

The Scottish Borders 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 the 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:

“alcohol” has the same meaning as in Section 2 of the Licensing (Scotland) Act 2005;

“licensed premises” has the same meaning as in Section 147(1) of the Licensing (Scotland) Act 2005 but does not include premises in respect of which there is a provisional premises licence (within the meaning of Section 45(5) of that Act);

“occasional licence” has the same meaning as in Section 56(1) of the Licensing (Scotland) Act 2005;

“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 black on the plans annexed and signed as relative hereto.

(2) These byelaws may be cited as The Scottish Borders Council Prohibition of Consumption of Alcohol in Designated Places Byelaws 201X”.

Application

2 These byelaws shall not apply -

(a) on 31 December, from 6.00 pm until the end of that day;

(b) on 1 January, until 6.00 am;

(c) in respect of the settlement of Coldingham within area outlined in black on plan number 1 annexed and signed as relative hereto during Coldingham Gala Day which is usually held on the last Sunday in July, from 10.00 a.m. on the morning of that day until 10.00 p.m that day.;

(d) in respect of the settlement of Eyemouth within the area outlined in black on plan number 2 annexed and signed as relative hereto during the Herring Queen Festival which is usually held on the first or second Saturday in July each year, from 10.00 a.m. on the morning of that day until 10.00 p.m. that day.

(e) in respect of that part of the settlement of Galashiels outlined in black on the plan number 3 annexed and signed as relative hereto during the Braw Lads Gathering which is usually held on the last Saturday in June or first Saturday in July each year, from 10.00 a.m. on the morning of that day until 10.00 p.m. that day;

- (f) in respect of the settlement of Hawick outlined in black on the plan number 4 annexed and signed as relative hereto during the Hawick Common Riding which is usually held on the first Friday and Saturday, after the first Monday, in June each year, from 10.00 a.m. on the morning of that day until 10.00 p.m. that day;
- (g) in respect of the settlement of Jedburgh within area outlined in black on plan number 5 annexed and signed as relative hereto during the Jethart Callants Festival which is usually held on the second Friday in July, from 10.00 a.m. am on the morning of that day until 10.00 p.m. that day;
- (h) in respect of the settlement of Newtown St. Boswells within area outlined in black on plan number 6 annexed and signed as relative hereto during Newtown St. Boswells Gala Day from 10.00 a.m.am on the morning of that day until 10.00 p.m. that day.

(i)

Offence

- 3
- (1) Any person who consumes alcohol in a designated place or is found to be in possession of an open container containing alcohol in a designated place in circumstances whereby it is reasonable to infer that that person intended to drink from it whilst 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 comes within the meaning of licensed premises.
 - (3) It shall not be an offence against these byelaws to do anything in any designated place in respect of which an occasional licence is in operation during any period when alcohol may be sold there by virtue of that licence and for 15 minutes after the expiry of such period.
 - (4) It shall not be an offence against these byelaws to do anything in any designated place which comprises part of the curtilage of premises licensed for the sale or consumption of alcohol both on and off premises.

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 analysisshall, 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.

Public Notice 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.

SCHEDULE 1

LIST OF DESIGNATED PLACES

1. The settlement of Coldingham shown within the boundary outlined in black on Plan 1.
2. The settlement of Eyemouth shown within the boundary outlined in black on Plan 2.
3. That part of the settlement of Galashiels shown within the boundary outlined in black on Plan 3.
4. The settlement of Hawick shown within the boundary outlined in black on Plan 4.
5. The settlement of Jedburgh shown within the boundary outlined in black on Plan 5.
6. The settlement of Newtown St. Boswells shown within the boundary outlined in black on Plan 6.