

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

Clackmannanshire 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:-

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 and hatched red on the plan annexed and signed as relative hereto.

(2) These byelaws may be cited as "The Clackmannanshire Council Prohibition of Consumption of Alcohol in Designated Public Places Byelaws 1997".

Application

2. These byelaws shall not apply -

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

(b) on 1 January, until 6 a.m.

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.

(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) 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.



Proper Officer,
Clackmannanshire Council

*signed by Robert Allan,
Chief Executive, at Alloa,
on 29th September, 1997.*

SCHEDULE

Designated Places within Alloa, Alva, Cambus, Clackmannan, Coalsnaughton, Devonside, Dollar, Fishcross, Glenochil Village, Kennet, Menstrie, Sauchie, Tillicoultry and Tullibody.

Those areas of Alloa, Alva, Cambus, Clackmannan, Coalsnaughton, Devonside, Dollar, Fishcross, Glenochil Village, Kennet, Menstrie, Sauchie, Tillicoultry and Tullibody, all situated within the former District of Clackmannan and now in the Clackmannanshire Local Government Area, which are shown outlined in red and hatched red on the plan annexed and signed as relative hereto.

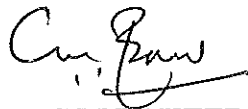


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In exercise of the powers conferred upon him by sections 201 and 202 of the Local Government (Scotland) Act 1973, the Secretary of State hereby confirms the foregoing byelaws.

The Secretary of State hereby fixes 5 January 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
26 November 1997