

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

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

The Scottish Ministers hereby fix 2 March 2007 as the date on which the byelaws shall come into operation.



W. GEORGE BURGESS
A member of the staff of
the Scottish Ministers

Scottish Executive Justice Department
St Andrews House
Edinburgh
} February 2007

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

The Shetland Islands 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 area specified in Schedule 1 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 Shetland Islands Council Prohibition of Consumption of Alcohol in Designated Public Places Byelaws 2005”.

Application

2. These byelaws shall not apply -
 - (a) on 31 December, from 6pm until the end of that day;
 - (b) on 1 January, until 6am;
 - (c) on the last Tuesday of January (Lerwick Up Helly Aa); and
 - (d) on the Wednesday following the last Tuesday of January.

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 section.

Dated this First day of September 2005



Brian Crawford Hill
Acting Divisional Manager - Legal
Proper Officer, Shetland Islands Council

SCHEDULE 1

Designated Place – Lerwick

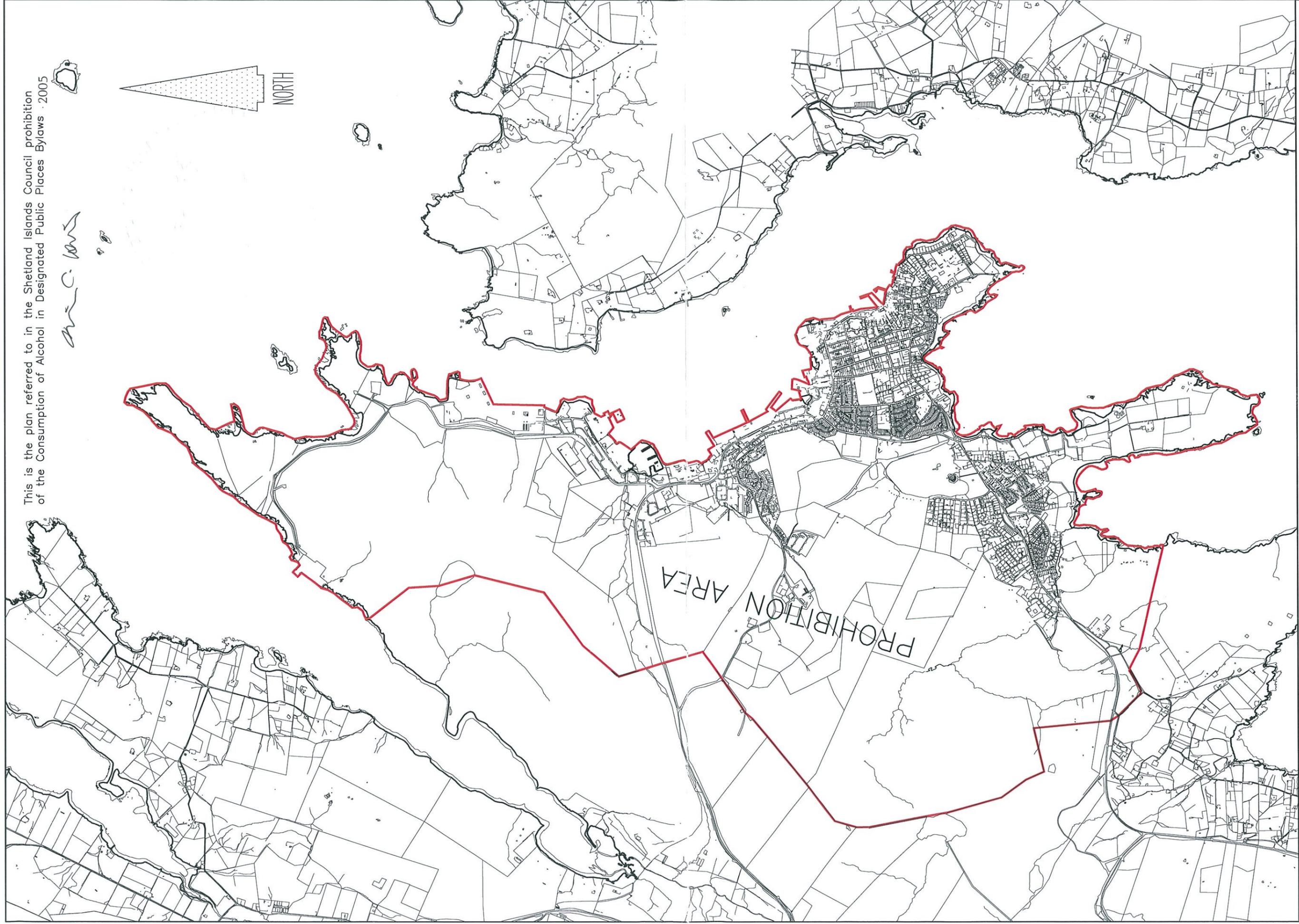
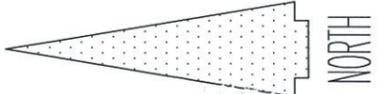
With reference to byelaw 1(1) of these byelaws, the area referred to shall be ALL and WHOLE the Lerwick Community Council Area as shown outlined in red on the plan annexed and signed as relative hereto, but excluding therefrom the areas comprising the Port and Harbour of Lerwick as described in the Lerwick Harbour Acts and Orders 1877 to 2003.



Proper Officer

This is the plan referred to in the Shetland Islands Council prohibition of the Consumption of Alcohol in Designated Public Places Bylaws 2005

Handwritten signature



Plan reproduced using
Ordnance Survey Mapping

Scale 1:25,000

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