

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

The City of Edinburgh 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;

"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 plan annexed and signed as relative hereto;

- (2) These byelaws may be cited as "the City of Edinburgh Council Prohibition of Consumption of Alcohol in Designated Public Places Byelaws 2006."

2. Offence

- (1) Subject to paragraphs (2) and (3) of this byelaw, any person who consumes alcoholic liquor in a designated place and fails to desist on being required to do so by a Police Constable, 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.

3. 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 –

(c) no liquid; or

(d) 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 twenty-one days before the date of the trial, he has given notice to the prosecutor of his intention to do so.

4. Public Notice 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.



Sealed with the Council's Common Seal and subscribed for it and on its behalf by Gillian Lindsay, Council Solicitor, one of its Proper Officers at Edinburgh on 12 October 2006

Gillian Lindsay

SCHEDULE 1

DESIGNATED PLACE – THE CITY OF EDINBURGH COUNCIL

All of the public areas within the City of Edinburgh bounded by the designated boundary of the City of Edinburgh Council as defined in the Local Government Etc (Scotland) Act 1994, all as shown outlined in red on the map annexed to and forming part of these byelaws.

Gillian Lindsay