



***THE FIFE COUNCIL
BYELAWS PROHIBITING
CONSUMPTION OF
ALCOHOLIC LIQUOR IN
DESIGNATED PUBLIC
PLACES***

***(Balmullo, Crail, Cults &
Pitlessie, High Valleyfield,
Kingsbarns, Ladybank,
Newburgh, St. Monans &
Tayport and
Tentsmuir Forest)***

2008

The Fife Council Byelaws Prohibiting Consumption of Alcoholic Liquor in Designated Public Places

The Fife Council (hereinafter referred to as "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 on the plans annexed and signed as relative hereto;

(2) These byelaws may be cited as "The Fife Council Prohibition of Consumption of Alcoholic Liquor in Designated Public Places Byelaws 2008".

Application/

Application

2. These byelaws shall not apply:-

- (a) On 31st December in any year, from 6.00 p.m. until the end of that day;
and
- (b) On 1st January in any year until 6.00 a.m.

Offence

3. (1) Subject to paragraphs (2) and (3) of this byelaw, any person who consumes alcoholic liquor in a designated place or is found to be in possession of an open container containing alcoholic liquor in a designated public 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/

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 paragraph (2) or (3) above unless, not less than seven 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.

Amendment of Byelaws of 1997, 1999 & 2004

6. Byelaw 3(i) of each of the three existing Fife Council Byelaws Prohibiting Consumption of Alcoholic Liquor in Designated Public Places and effective respectively from 24th November, 1997, 11th November, 1999 and 19th July, 2004 is hereby amended as follows:-

The following words shall be inserted between the words "place" and "shall" where they occur in the second line thereof:-

"or is found to be in possession of an open container containing alcoholic liquor in a designated place".

Furthermore/

Furthermore, the following extensions to specified areas are hereby made:

1. The area specified at 4 in the Schedule to the aforesaid 1999 Byelaws and relating to St. Monans is extended to include the Saltpans and Windmill Areas; Plan No. 4 attached to the 1999 Byelaws is accordingly repealed and Plan No. 8 annexed hereto is substituted therefor.

2. The area specified at 9 in the Schedule to the aforesaid 2004 Byelaws and relating to Ladybank is extended to include identified woodland areas; Plan No. 9 attached to the 2004 Byelaws is accordingly repealed and Plan No. 6 annexed hereto is substituted therefor.

Dated the Nineteenth day of May, Two Thousand and Eight

Iain L. Grant

Iain L. Grant,

Proper Officer of The Fife Council

SCHEDULE

LIST OF SPECIFIED AREAS

Each of the areas in the Fife Local Government Area specified below, is a designated area for the purpose of these byelaws:-

1. The village of Balmullo as shown within the boundary edged in red on Plan No. 1 annexed and executed as relative hereto.
2. The village of Crail as shown within the boundary edged in red on Plan No. 2 annexed and executed as relative hereto.
3. The villages of Cults and Pitlessie and the area known as Pitlessie Mill as shown within the boundaries edged in red on Plan No. 3 annexed and executed as relative hereto.
4. The village of High Valleyfield as shown within the boundary edged in red on Plan No. 4 annexed and executed as relative hereto.
5. The village of Kingsbarns as shown within the boundary edged in red on Plan No. 5 annexed and executed as relative hereto.

6./

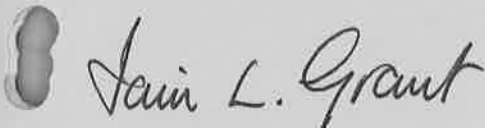
6. The town of Ladybank and surrounding Woodland areas as shown within the boundaries edged in red on Plan No. 6 annexed and executed as relative hereto.

7. The town of Newburgh as shown within the boundary edged in red on Plan No. 7 annexed and executed as relative hereto.

8. The village of St. Monans, including the Saltpans and Windmill Areas as shown within the boundary edged in red on Plan No. 8 annexed and executed as relative hereto.

9. The town of Tayport and Tentsmuir Forrest as shown within the boundaries edged in red on Plan No. 9 annexed and executed as relative hereto.

This is the Schedule referred to in the foregoing byelaws and subscribed by the
Proper Officer.



Iain L. Grant,

Proper Officer of the Fife Council.

**THE FIFE COUNCIL PROHIBITION OF CONSUMPTION OF ALCOHOLIC
LIQUOR IN DESIGNATED PUBLIC
PLACES BYELAWS 2008**

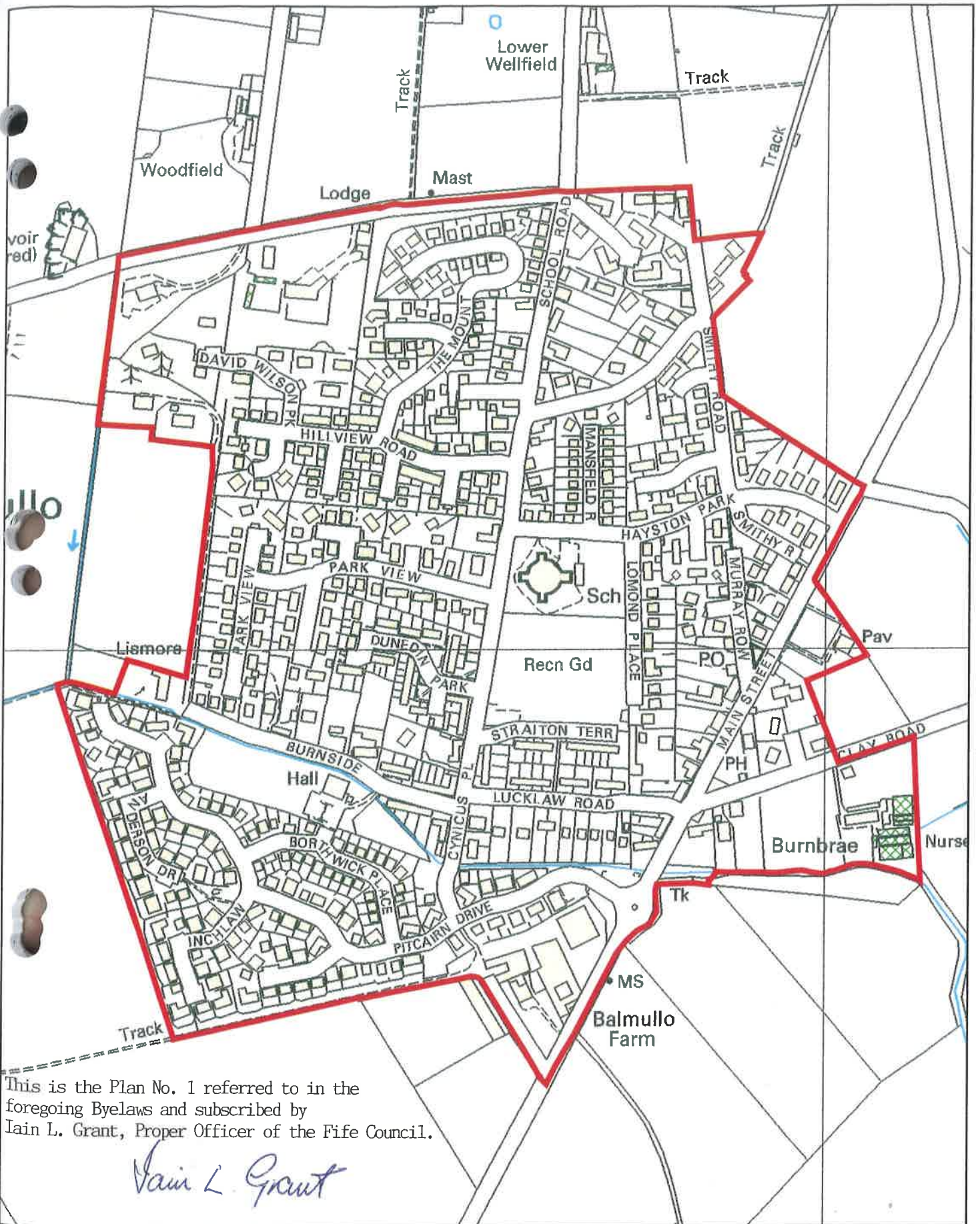
In exercise of the powers conferred upon them by sections 201 and 202 of the Local Government (Scotland) Act 1973, the Scottish Ministers hereby confirm the foregoing byelaws.

The Scottish Ministers hereby fix 31 October 2008 as the date on which the byelaws shall come into operation.



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

The Scottish Government
Criminal Justice Directorate
St Andrew's House
19 September 2008



This is the Plan No. 1 referred to in the foregoing Byelaws and subscribed by Iain L. Grant, Proper Officer of the Fife Council.

Iain L. Grant

The Fife Council byelaws prohibiting consumption of alcoholic liquor in designated public places

Balmullo

Date: 26/2/2007

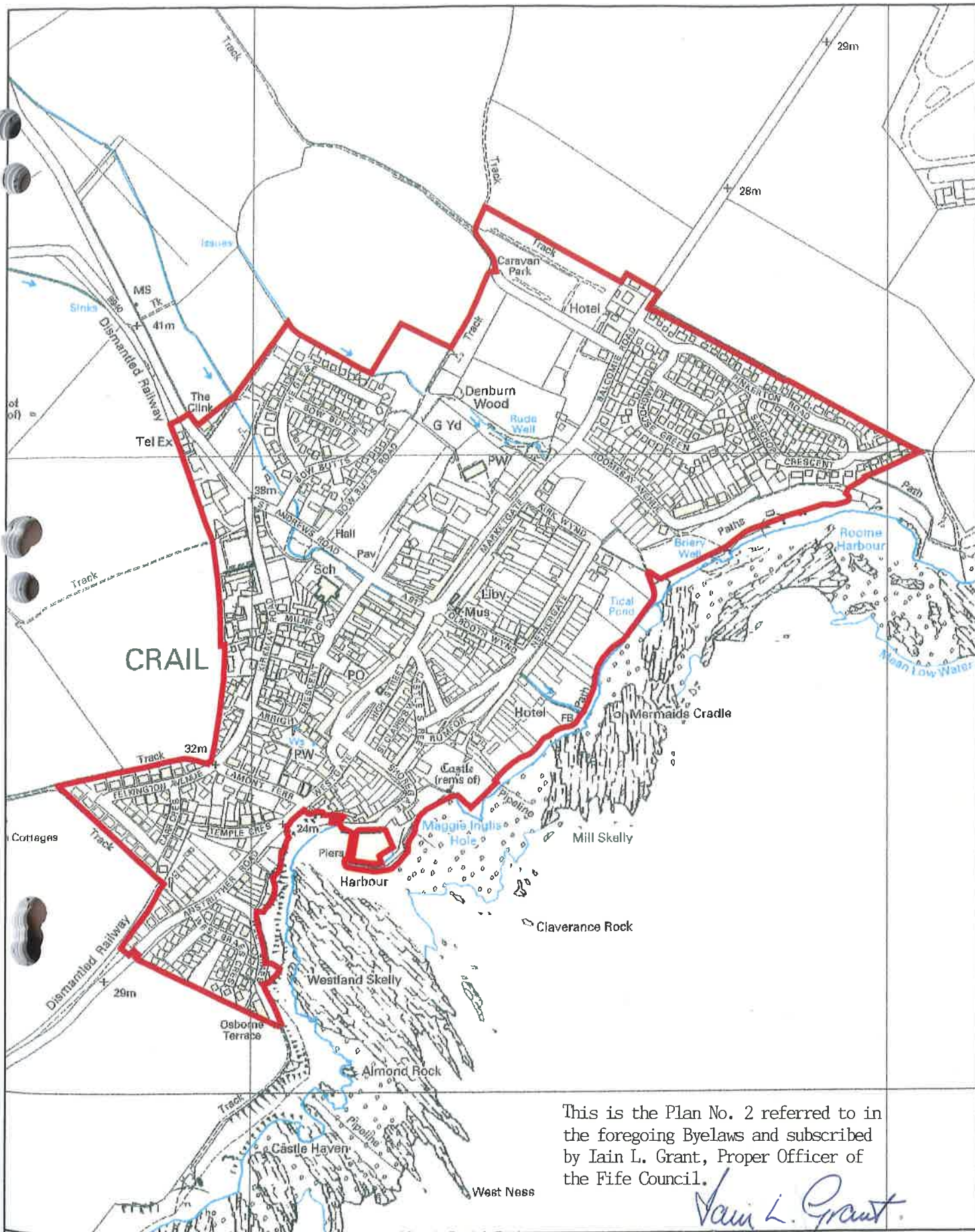
Plan No. 1



Scale 1:5,000



DEVELOPMENT SERVICES



This is the Plan No. 2 referred to in the foregoing Byelaws and subscribed by Iain L. Grant, Proper Officer of the Fife Council.

Iain L. Grant

The Fife Council byelaws prohibiting consumption of alcoholic liquor in designated public places

Crail

Date: 26/2/2007

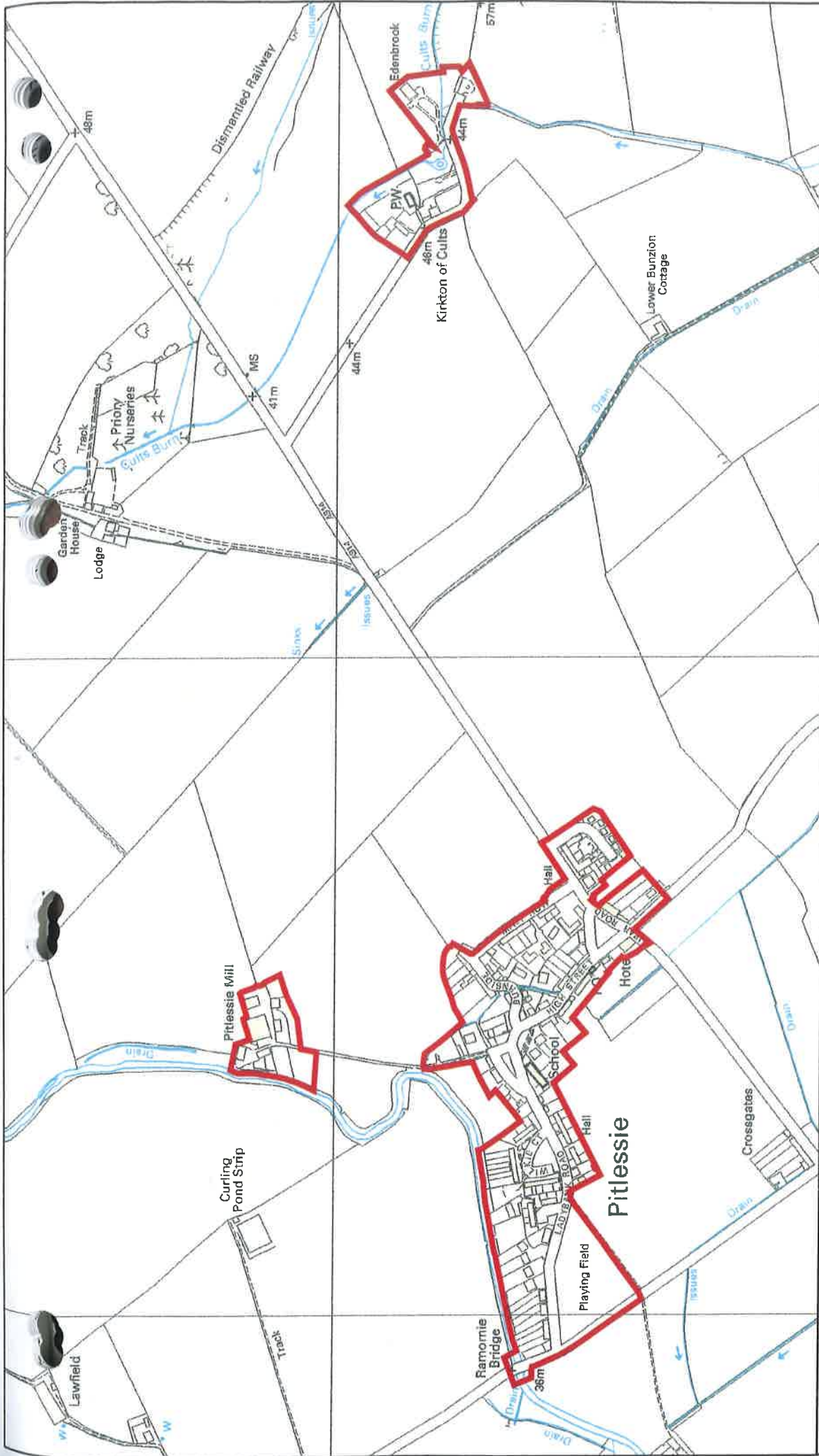
Plan No. 2



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DEVELOPMENT SERVICES



The Fife Council byelaws prohibiting consumption of alcoholic liquor in designated public places

Cults and Pitlessie (including Pitlessie Mill area)

This is the Plan No. 3 referred to in the foregoing Byelaws and subscribed by

Iain L. Grant, Proper Officer of the Fife Council.

Iain L. Grant

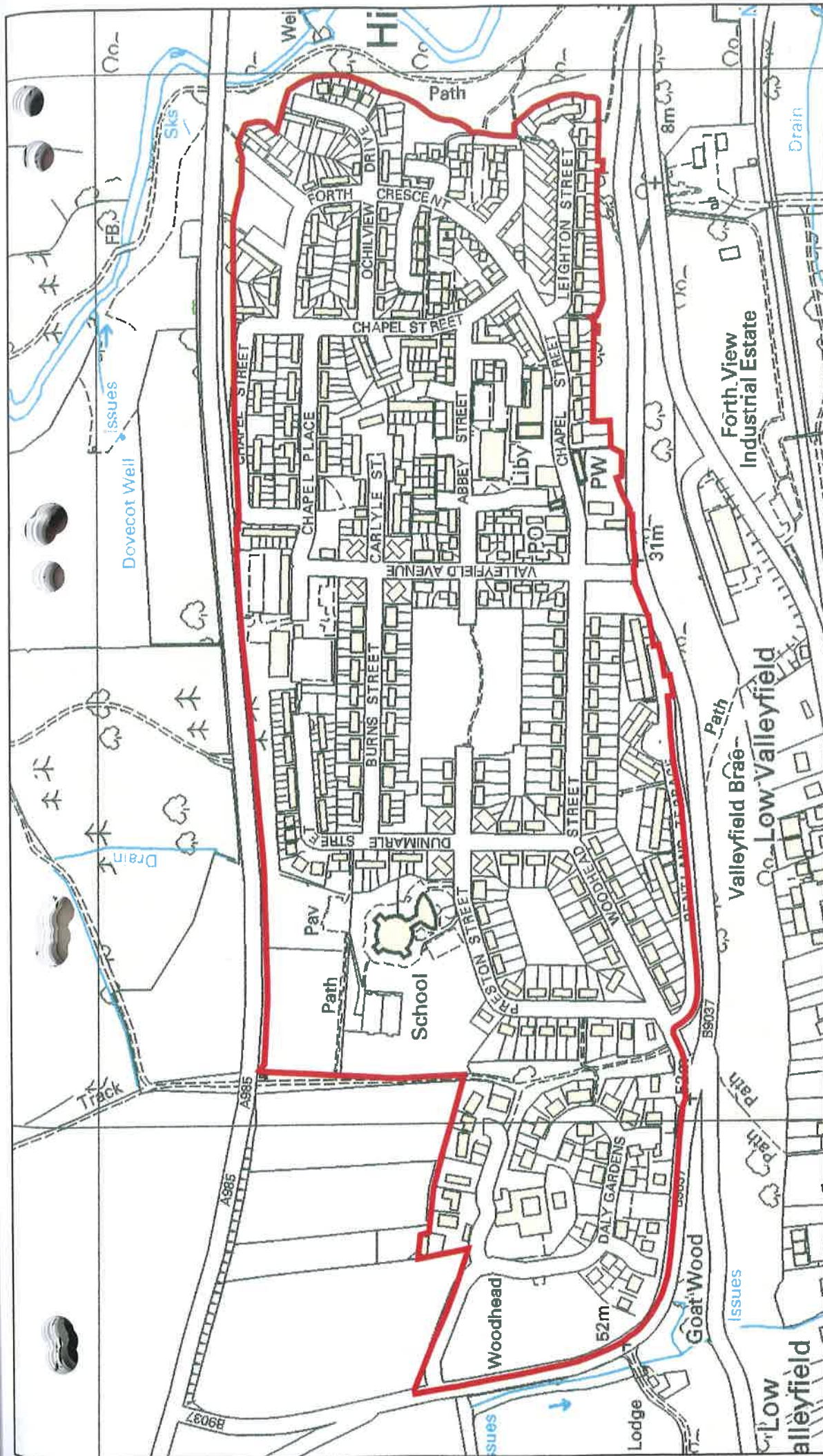
Date: 19/7/2007

Plan No. 3

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DEVELOPMENT SERVICES



The Fife Council byelaws prohibiting consumption of alcoholic liquor in designated public places

High Valleyfield

This is the Plan No. 4 referred to in the foregoing Byelaws and subscribed by

Iain L. Grant, Proper Officer of the Fife Council.

Date: 19/7/2007



Scale 1:5,000



DEVELOPMENT SERVICES

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Croft Butts

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School

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P.O.

MS

This is the Plan No. 5 referred to in the foregoing Byelaws and subscribed by Iain L. Grant, Proper Officer of the Fife Council.

Iain L. Grant

The Fife Council byelaws prohibiting consumption of alcoholic liquor in designated public places

Kingsbarns

Plan No. 5

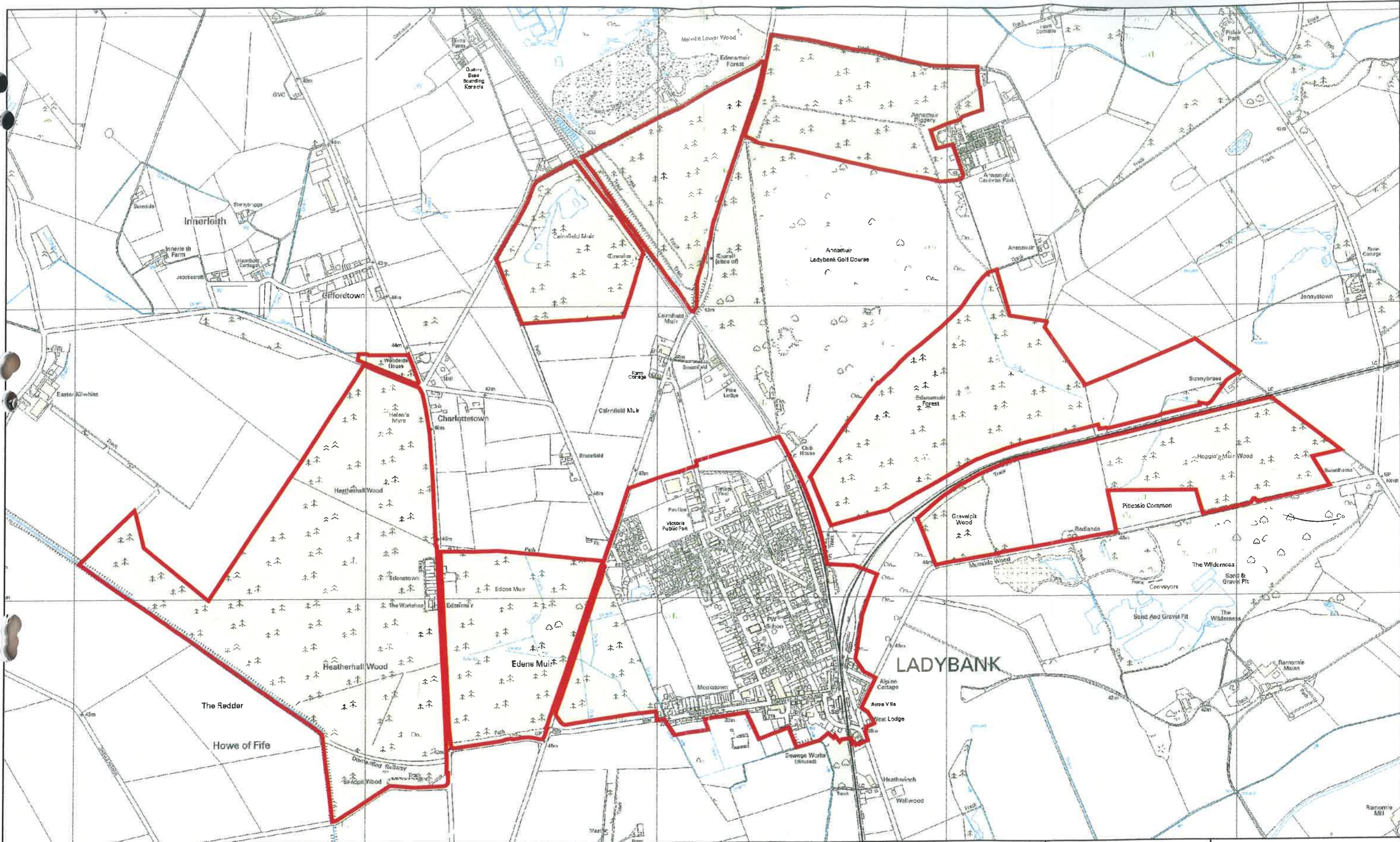


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Date: 26/2/2007



The Fife Council byelaws prohibiting consumption of alcoholic liquor in designated public places

This is the Plan No. 6 referred to in the foregoing
 Byelaws and subscribed by Iain L. Grant,
 Proper Officer of the Fife Council.

Iain L. Grant

Ladybank and Surrounding Woodland

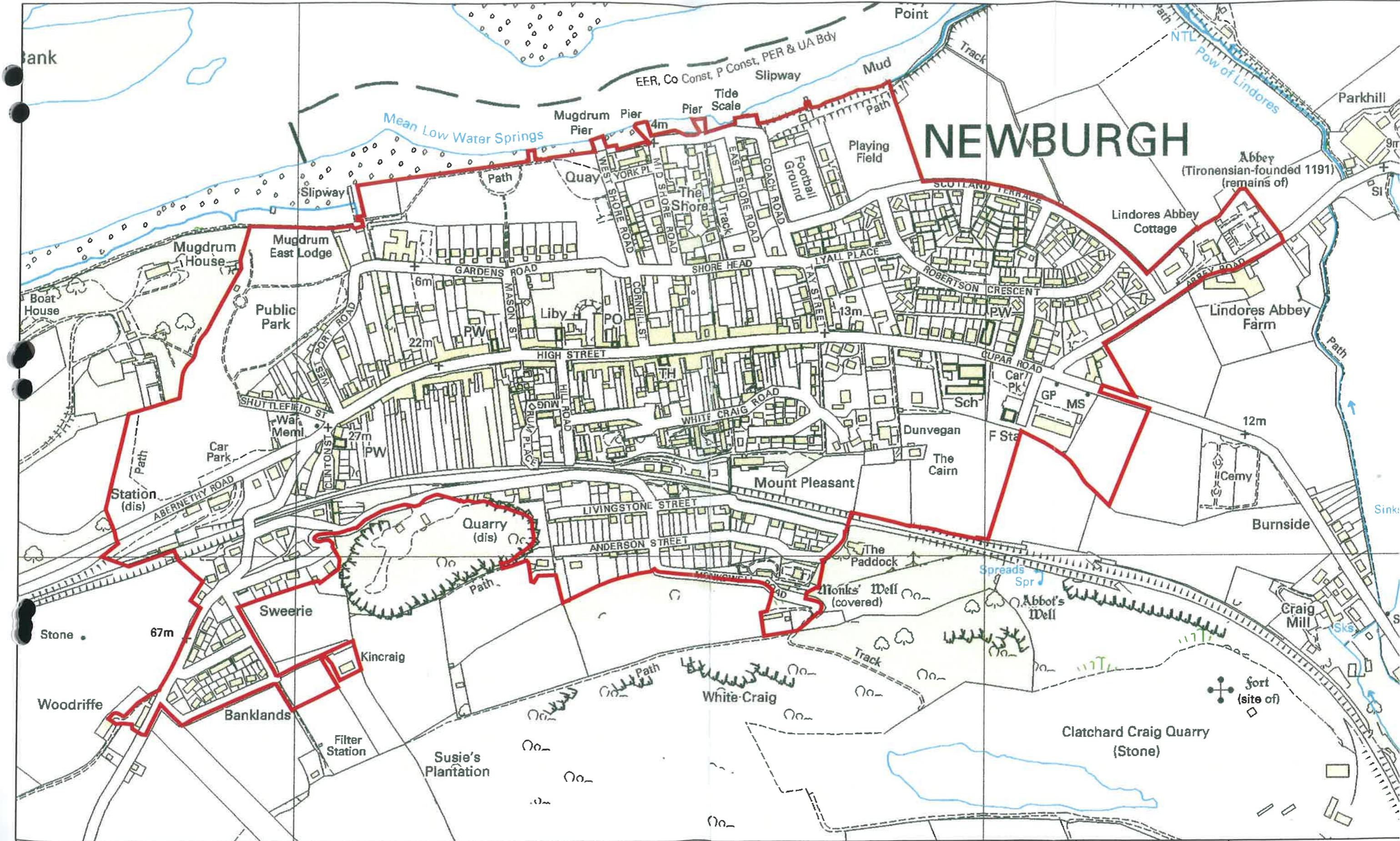
Date: 04/9/2007

Plan No. 6

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The Fife Council byelaws prohibiting consumption of alcoholic liquor in designated public places

Newburgh

This is the Plan No. 7 referred to in the foregoing Byelaws and subscribed by Iain L. Grant, Proper Officer of the Fife Council.

Iain L. Grant

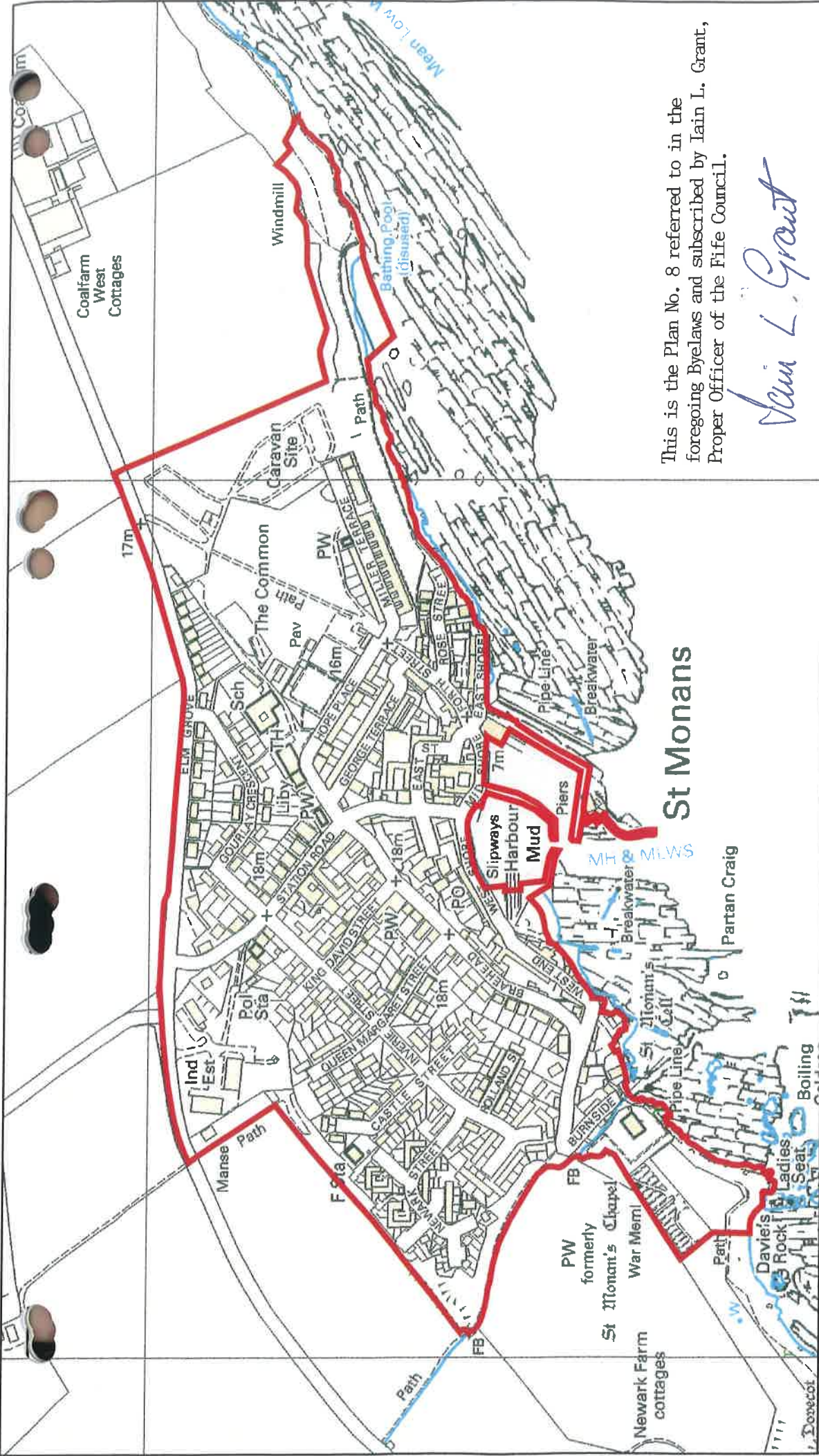
Date: 19/7/2007

Plan No. 7

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This is the Plan No. 8 referred to in the foregoing Byelaws and subscribed by Iain L. Grant, Proper Officer of the Fife Council.

Iain L. Grant

The Fife Council byelaws prohibiting consumption of alcoholic liquor in designated public places

St. Monans

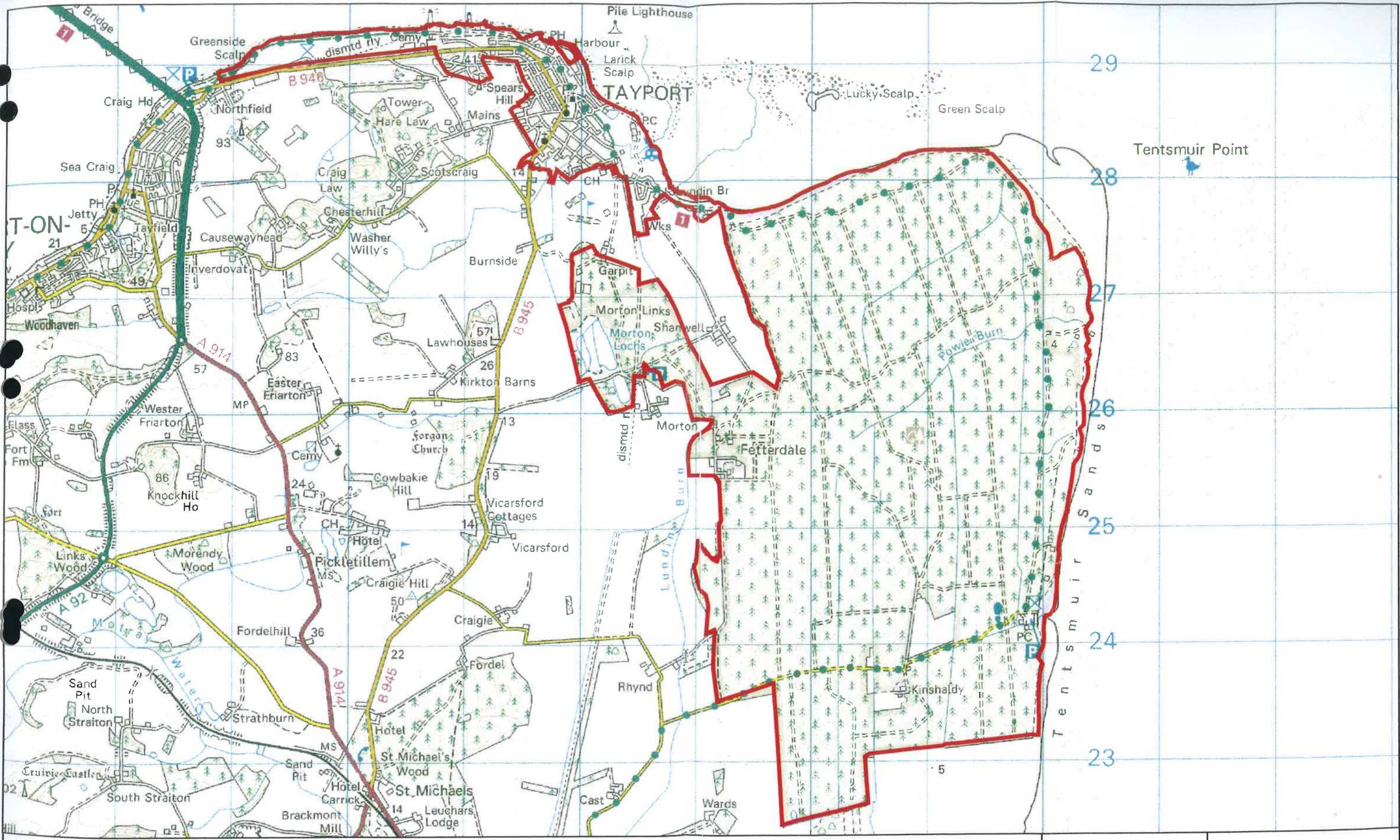
Date: 26/2/2007

Plan No. 8

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DEVELOPMENT SERVICES



The Fife Council byelaws prohibiting consumption of alcoholic liquor in designated public places

This is the Plan No. 9 referred to in the foregoing Byelaws
 and Subscribed by Iain L. Grant, Proper Officer of the Fife Council.

Iain L Grant

Tayport & Tentsmuir Forest

Date: 5/3/2007



Plan No. 9

Scale 1:30,000



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