



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

*(Auchtermuchty, Ceres,  
Crombie, Falkland, Gateside,  
Glenrothes, Leslie & Markinch  
and Strathmiglo)*

**2013**

## **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 -

"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 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 the Schedule to these byelaws and shown outlined in red on the plans annexed and signed as relative hereto;

(2)/

- (2) These byelaws may be cited as "The Fife Council Prohibition of Consumption of Alcoholic Liquor in Designated Public Places Byelaws 2013".

### 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;
- (b) On 1st January in any year until 6.00 a.m.; and
- (c) for the duration of the Auchtermuchty Festival, from the first Friday in August for a period of 10 days, between 12 noon and 11.00 p.m. each day in the following locations in Auchtermuchty, as shown hatched in blue on the attached plan (1a):

- the car park outside the Cycle Tavern in Burnside and the grassed area opposite the Cycle Tavern,
- Kilnheugh
- the town square as bounded by Kilnheugh to the west, the Cross to the north and east, and High Street to the south, including, for the avoidance of doubt the triangular area of roadway to the north west of the town cross;
- the Station Park, and
- the Low Road Park.

### Offence

3. (1) Subject to paragraphs (2) and (3) of this byelaw, 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 is a licensed premises.
- (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 an occasional licence in terms of section 56(1) of the Licensing (Scotland) Act 2005.

#### **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 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 and 2008**

6. Byelaw 3(1) of each of the four existing Fife Council Byelaws Prohibiting Consumption of Alcoholic Liquor in Designated Public Places and effective respectively from 24th November, 1997, 11th November, 1999, 19th July, 2004 and 19<sup>th</sup> May 2008 is hereby amended as follows:-

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

"in circumstances whereby it is reasonable to infer that that person intended to drink from it whilst in a designated place".

Furthermore, the following extension to a designated area is hereby made:

1. The area specified at 9 in the Schedule to the aforesaid 1999 Byelaws and relating to Glenrothes, Leslie and Markinch is extended to include the Balbirnie Park Area; Plan No. 9 attached to the 1999 Byelaws is accordingly repealed and Plan No. 6 annexed hereto is substituted therefor.

Dated the 14<sup>th</sup> day of November, Two Thousand and Thirteen



Iain Matheson,

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 Auchtermuchty as shown within the boundary edged in red on Plan No. 1 annexed and executed as relative hereto.
2. The village of Ceres as shown within the boundary edged in red on Plan No. 2 annexed and executed as relative hereto.
3. The village of Crombie as shown within the boundaries edged in red on Plan No. 3 annexed and executed as relative hereto.
4. The village of Falkland as shown within the boundary edged in red on Plan No. 4 annexed and executed as relative hereto.
5. The village of Gateside as shown within the boundary edged in red on Plan No. 5 annexed and executed as relative hereto.
- 6./

6. The village of Strathmiglo and surrounding areas as shown within the boundaries edged in red on Plan No. 7 annexed and executed as relative hereto.

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

A handwritten signature in black ink, appearing to read 'Iain Matheson', with a stylized flourish at the end.

Iain Matheson,

Proper Officer of the Fife Council.



**THE FIFE COUNCIL PROHIBITION OF CONSUMPTION OF ALCOHOLIC  
LIQUOR IN DESIGNATED PUBLIC PLACE BYELAWS 2013**

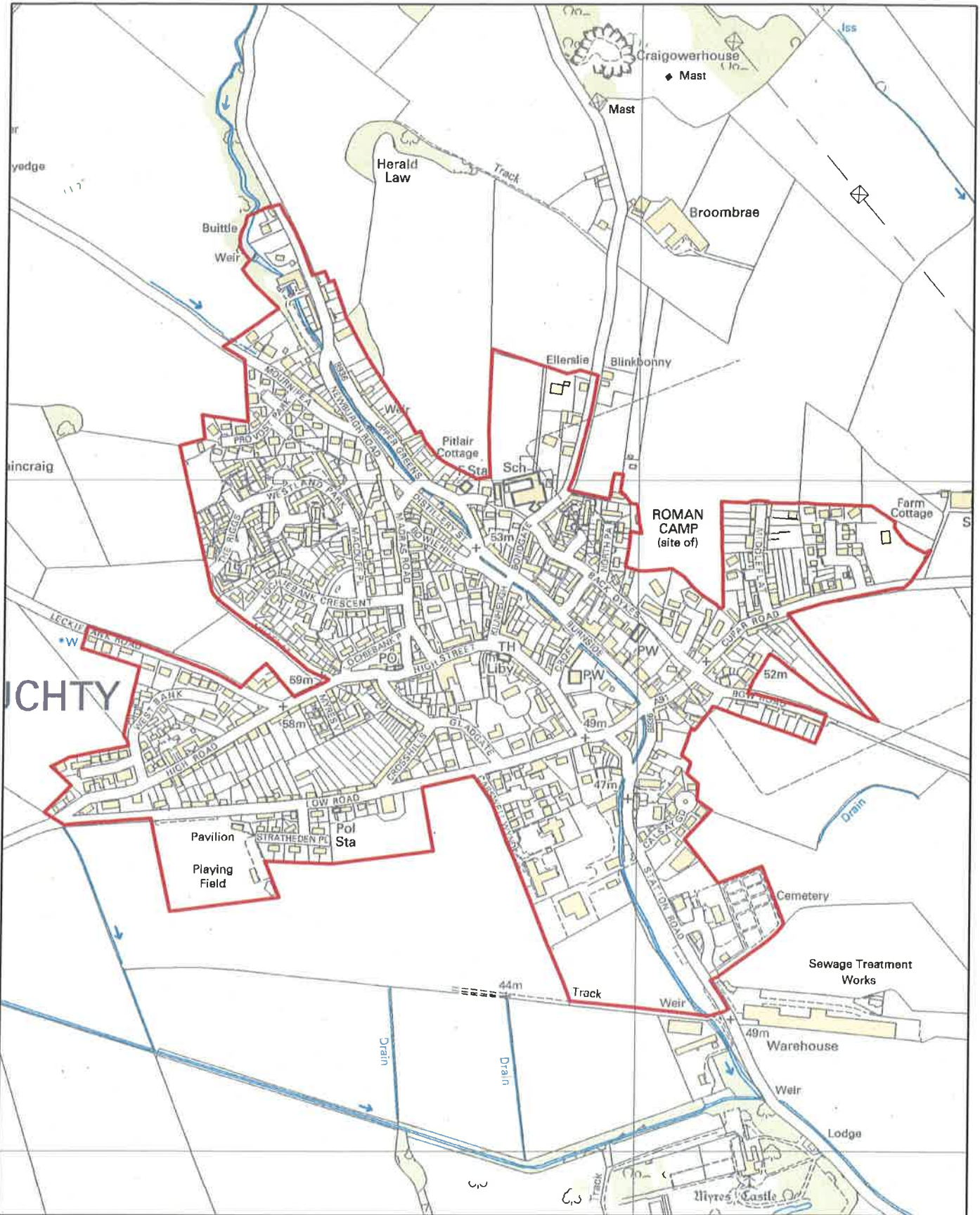
In exercise of the powers conferred upon them by sections 201 and 202 of the Local Government (Scotland) Act 1973, the Scottish Ministers hereby confirm the foregoing byelaws.

The Scottish Ministers hereby fix 1 February 2014 as the date on which the byelaws shall come into operation.



**Neil Rennick**  
A member of the staff of  
the Scottish Ministers

The Scottish Government  
Justice Directorate  
St Andrew's House  
19 December 2013



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

## Auchtermuchty

Date: Nov 2013

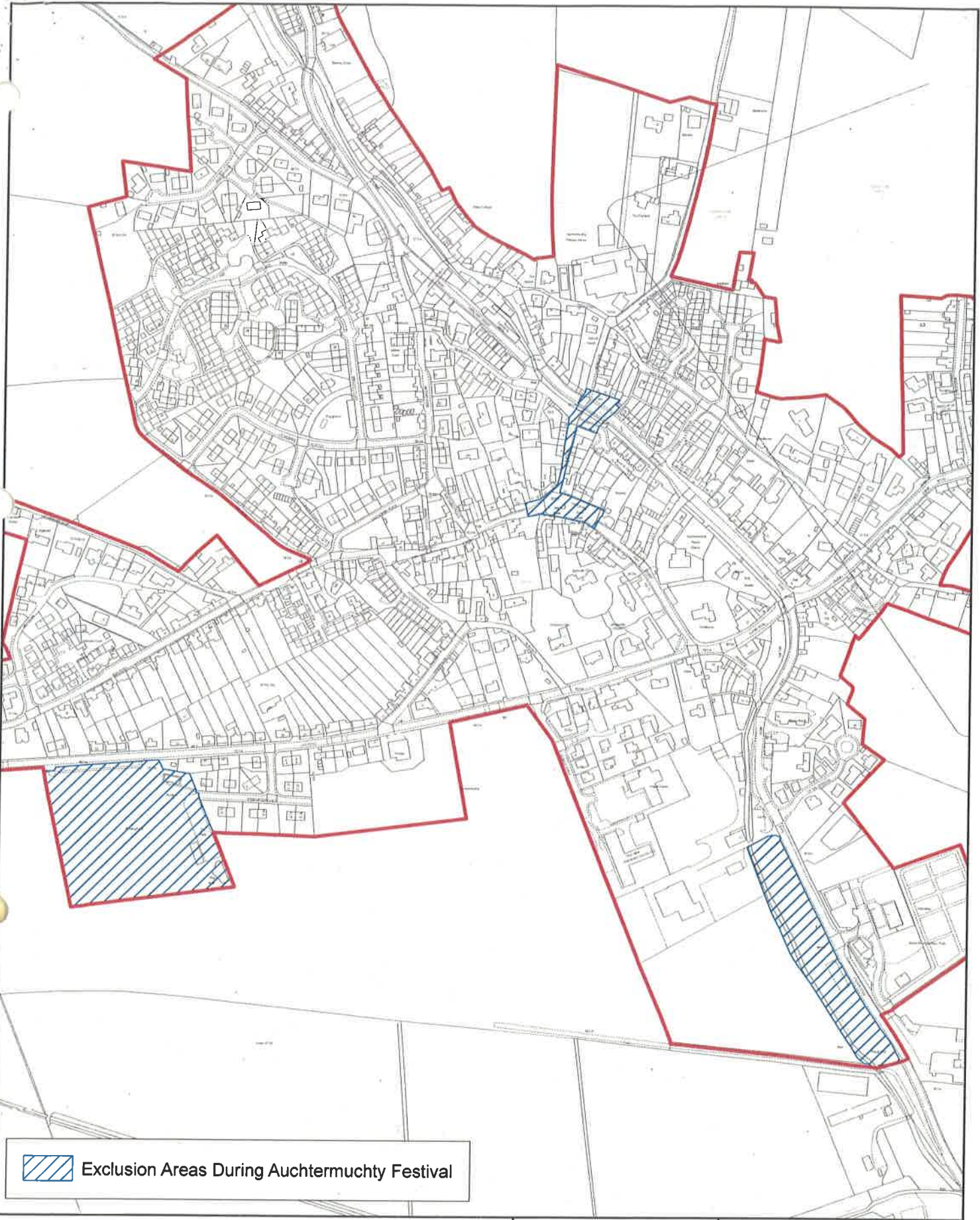
Plan No. 1



Scale 1:7,500



Enterprise, Planning & Protective Services



 Exclusion Areas During Auchtermuchty Festival

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

## Auchtermuchty

Date : Nov 2013

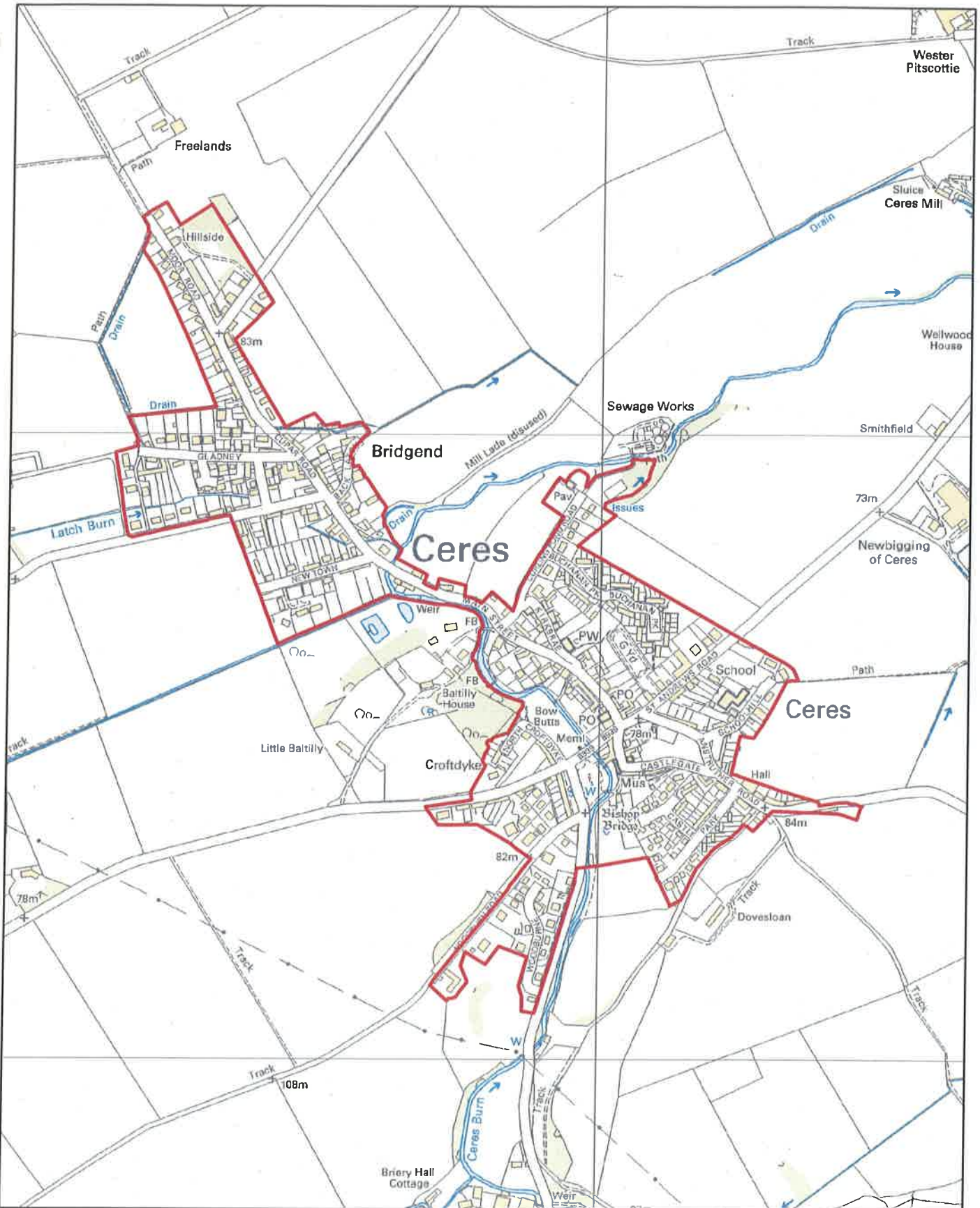
Plan No. 1a



Scale 1:5,000



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

## Ceres

Date: Nov 2013

Plan No. 2

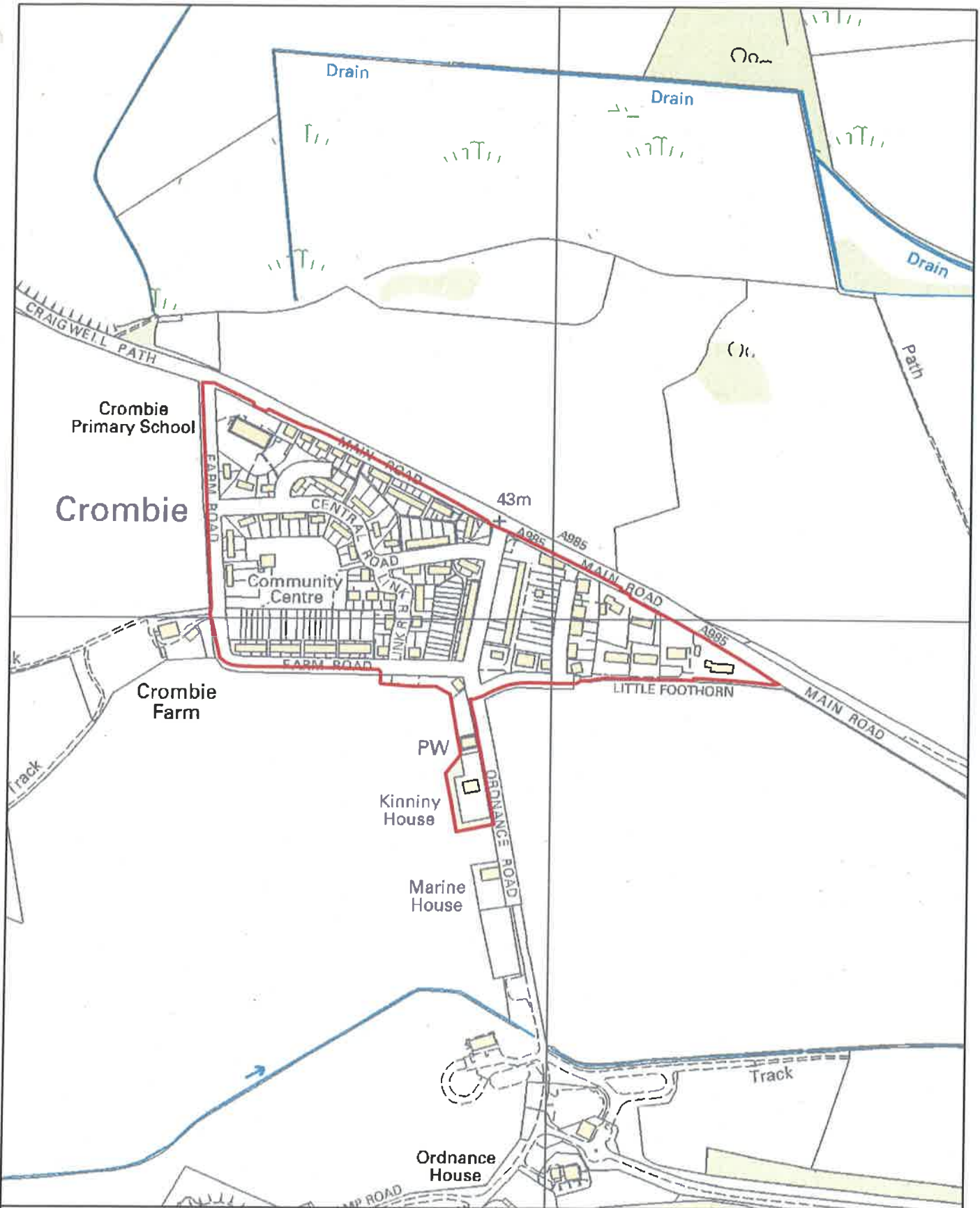


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The Fife Council byelaws prohibiting consumption of alcoholic liquor in designated public places

## Crombie

Date: Nov 2013

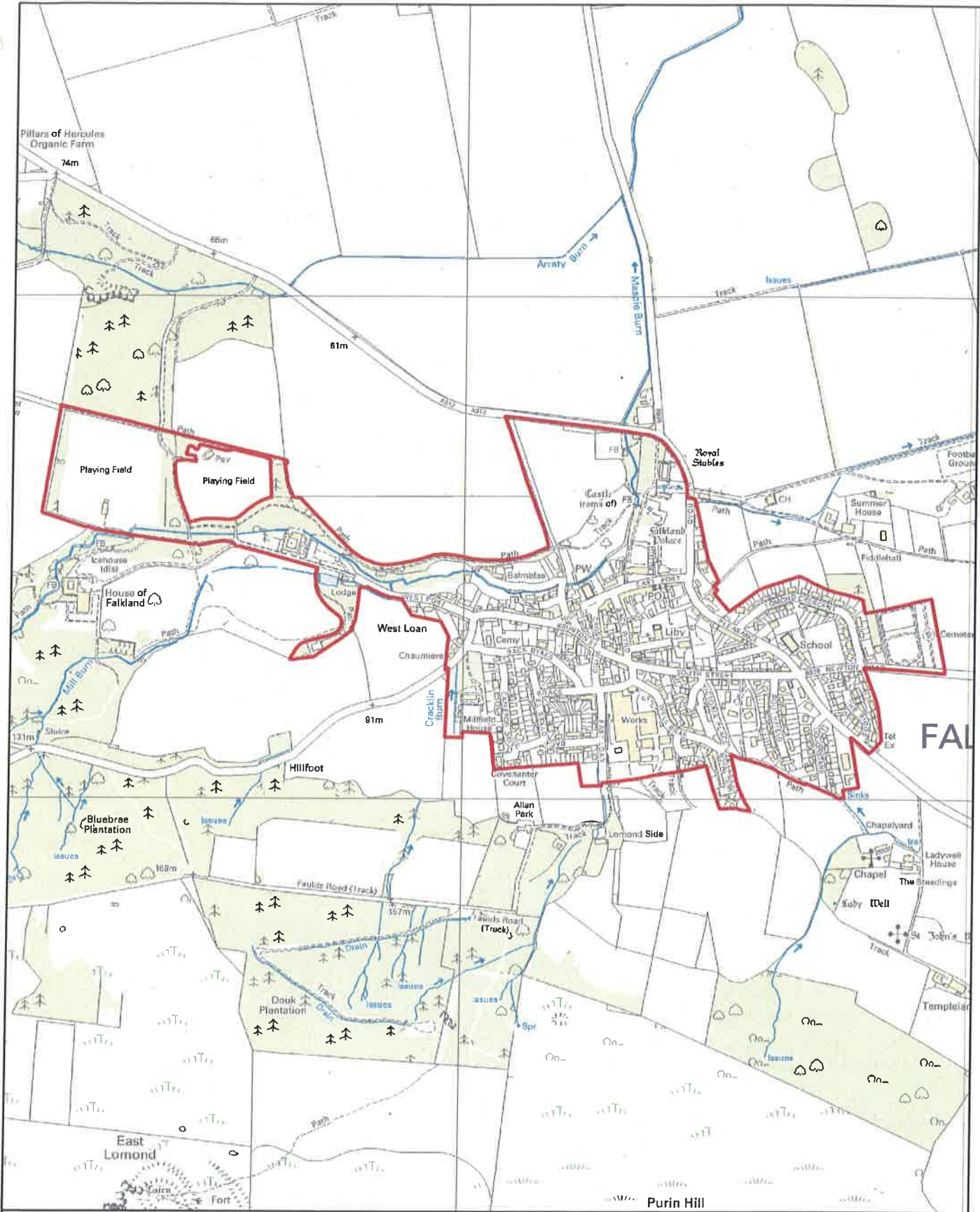
Plan No. 3



Scale 1:5,000



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

# Falkland

Date: Nov 2013

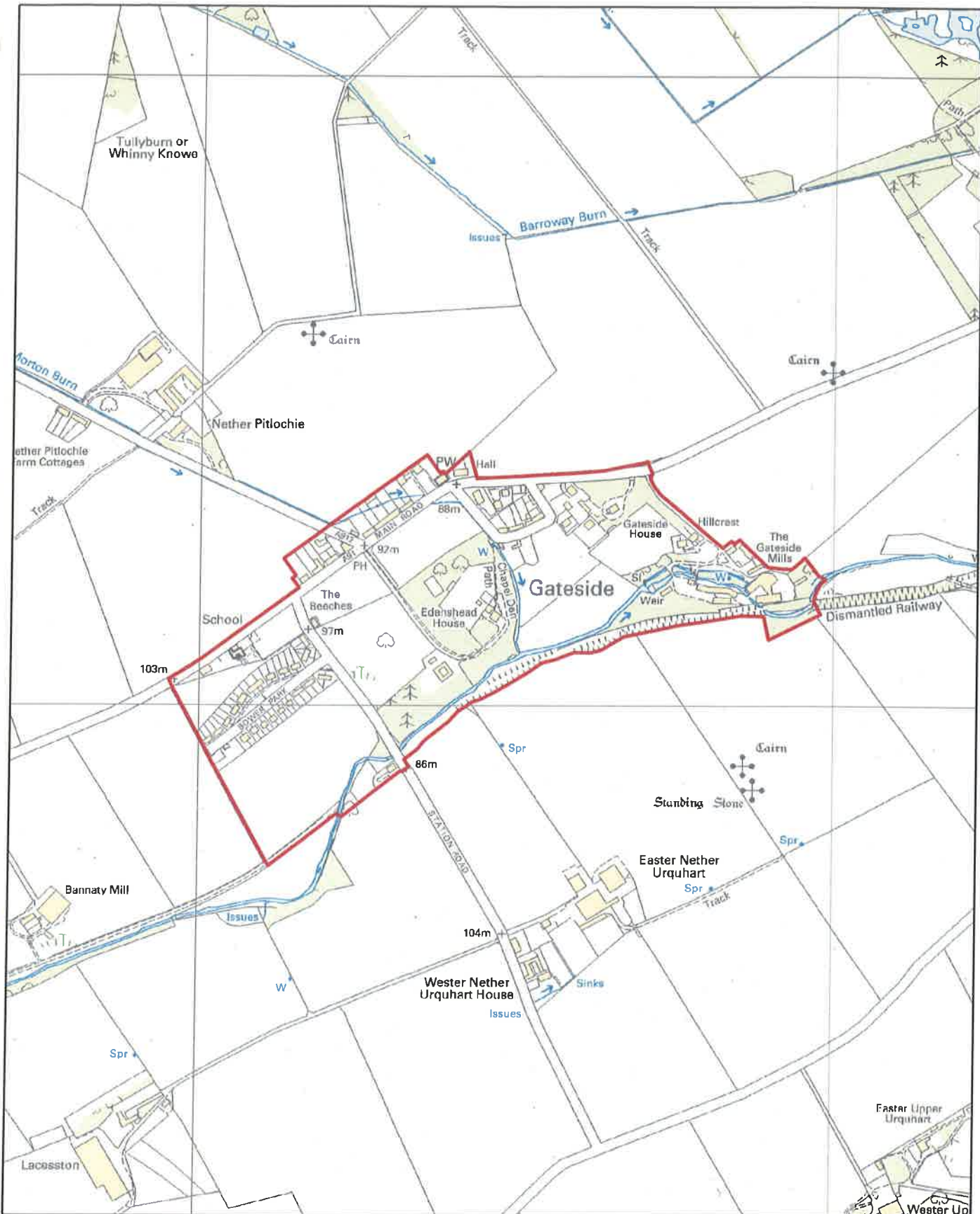
Plan No. 4



Scale 1:10,000



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

## Gateside

Date: Nov 2013

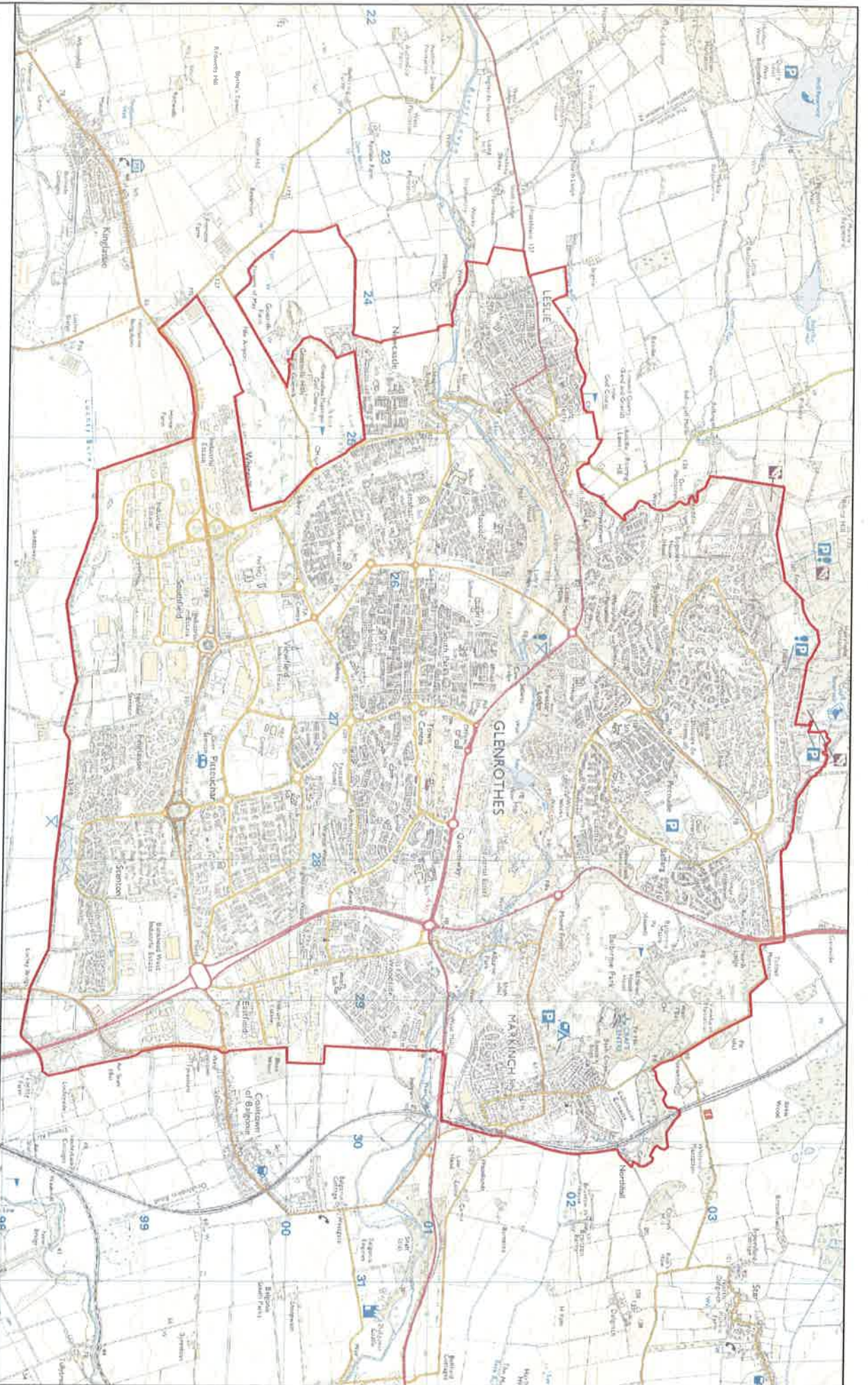
Plan No. 5



Scale 1:8,000



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

## Glenrothes, Leslie & Markinch

Date: Nov 2013

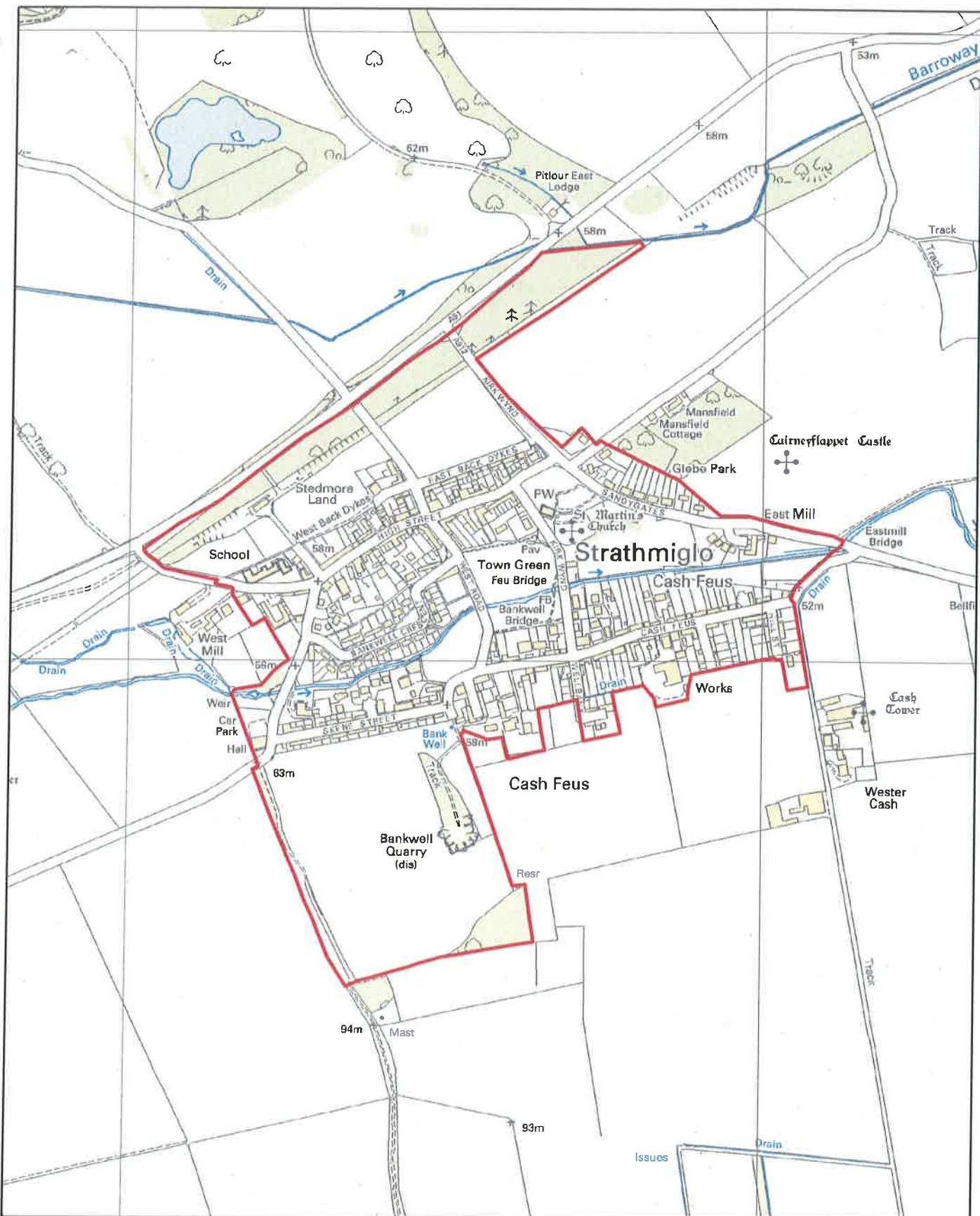
Plan No. 6

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

**Strathmiglo**

Date: Nov 2013

Plan No. 7

Scale 1:8,000



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