

**THE EAST LOTHIAN COUNCIL  
PROHIBITION OF CONSUMPTION OF ALCOHOL  
IN DESIGNATED PUBLIC PLACES BYELAWS (MACMERRY) 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 30 June 2008 as the date on which the byelaws shall come into operation.



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

Criminal Justice Directorate  
Scottish Government  
St Andrew's House  
Edinburgh  
12 June 2008

**Byelaws**  
**by**  
**East Lothian Council**

**Byelaws Prohibiting Consumption of Alcohol in Designated Public Places  
(Macmerry) 2008**

**2008**

**Subject: Macmerry**

**Keith MacConnachie  
Council Solicitor  
East Lothian Council  
John Muir House  
Haddington**

## **EAST LoTHIAN COUNCIL**

### **BYELAWS PROHIBITING CONSUMPTION OF ALCOHOL IN DESIGNATED PUBLIC PLACES (MACMERRY) 2008**

East Lothian 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 the 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 meanings as in the Licensing (Scotland) Act 1976;

"designated place" means any place to which the public have access within the areas referred to in Schedule 1 to these Byelaws and shown outlined in black and coloured pink on the plan annexed and signed as relative hereto.

- (2) These Byelaws may be cited as "The East Lothian Council Prohibition of Consumption of Alcohol in Designated Public Places Byelaws (Macmerry) 2008."

#### **Application**

2. There are no exemptions to the application of these Byelaws.

#### **Offence**

3. (1) 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 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 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 license 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.



Council Solicitor  
Proper Officer  
John Muir House  
Haddington

6th March 2008