

EAST AYRSHIRE COUNCIL
BYELAWS PROHIBITING
CONSUMPTION OF ALCOHOLIC
LIQUOR IN DESIGNATED PLACES

East Ayrshire 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 Application

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 the East Ayrshire Council (Prohibition of the Consumption of Alcoholic Liquor in Designated Places) (Amendment No 1) Byelaws 2007 and shown outlined in red on the plans annexed and signed as relative thereto”.

2. These byelaws shall not apply:-

- (a) on 31st December, from 6pm until the end of that day; and
- (b) on 1st January, until 6am.

Offence

2. (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 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

3. (1) This byelaw applies for the purposes of any trial for any offence against these byelaws.
- (2) Any liquid found in a container shall, subjects 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

4. (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.

SCHEDULE

Each of the areas specified below is a designated place for the purposes of these byelaws:

1. ALL and WHOLE the village of Auchinleck, which forms part of the East Ayrshire Council area shown within the boundaries outlined in red on plan 1 annexed and signed as relative hereto.
2. ALL and WHOLE the village of Bellsbank, which forms part of the East Ayrshire Council area shown within the boundaries outlined in red on plan 2 annexed and signed as relative hereto.
3. ALL and WHOLE the village of Burnside, which forms part of the East Ayrshire Council area shown within the boundaries outlined in red on plan 3 annexed and signed as relative hereto.
4. ALL and WHOLE the village of Catrine, which forms part of the East Ayrshire Council area shown within the boundaries outlined in red on plan 4 annexed and signed as relative hereto.
5. ALL and WHOLE the village of Coalhall, which forms part of the East Ayrshire Council area shown within the boundaries outlined in red on plan 5 annexed and signed as relative hereto.
6. ALL and WHOLE the village of Cronberry, which forms part of the East Ayrshire Council area shown within the boundaries outlined in red on plan 6 annexed and signed as relative hereto.
7. ALL and WHOLE the village of Crookedholm, which forms part of the East Ayrshire Council area shown within the boundaries outlined in red on plan 7 annexed and signed as relative hereto.
8. ALL and WHOLE the village of Crosshouse, which forms part of the East Ayrshire Council area shown within the boundaries outlined in red on plan 8 annexed and signed as relative hereto.
9. ALL and WHOLE the town of Cumnock, which forms part of the East Ayrshire Council area shown within the boundaries outlined in red on plan 9 annexed and signed as relative hereto.
10. ALL and WHOLE the village of Dalmellington and Burnton, which forms part of the East Ayrshire Council area shown within the boundaries outlined in red on plan 10 annexed and signed as relative hereto.
11. ALL and WHOLE the village of Dalrymple, which forms part of the East Ayrshire Council area shown within the boundaries outlined in red on plan 11 annexed and signed as relative hereto.

12. ALL and WHOLE the village of Darvel and Priestland, which forms part of the East Ayrshire Council area shown within the boundaries outlined in red on plan 12 annexed and signed as relative hereto.
13. ALL and WHOLE the village of Drongan, which forms part of the East Ayrshire Council area shown within the boundaries outlined in red on plan 13 annexed and signed as relative hereto.
14. ALL and WHOLE the village of Dunlop, which forms part of the East Ayrshire Council area shown within the boundaries outlined in red on plan 14 annexed and signed as relative hereto.
15. ALL and WHOLE the village of Fenwick and Laigh Fenwick, which forms part of the East Ayrshire Council area shown within the boundaries outlined in red on plan 15 annexed and signed as relative hereto.
16. ALL and WHOLE the village of Galston, which forms part of the East Ayrshire Council area shown within the boundaries outlined in red on plan 16 annexed and signed as relative hereto.
17. ALL and WHOLE the village of Gatehead, which forms part of the East Ayrshire Council area shown within the boundaries outlined in red on plan 17 annexed and signed as relative hereto.
18. ALL and WHOLE the village of Hollybush and Skeldon Mills, which forms part of the East Ayrshire Council area shown within the boundaries outlined in red on plan 18 annexed and signed as relative hereto.
19. ALL and WHOLE the village of Hurlford, which forms part of the East Ayrshire Council area shown within the boundaries outlined in red on plan 19 annexed and signed as relative hereto.
20. ALL and WHOLE the town of Kilmarnock, which forms part of the East Ayrshire Council area shown within the boundaries outlined in red on plan 20 annexed and signed as relative hereto.
21. ALL and WHOLE the village of Kilmaurs, which forms part of the East Ayrshire Council area shown within the boundaries outlined in red on plan 21 annexed and signed as relative hereto.
22. ALL and WHOLE the village of Knockentiber, which forms part of the East Ayrshire Council area shown within the boundaries outlined in red on plan 22 annexed and signed as relative hereto.
23. ALL and WHOLE the village of Leggate, Connel and Bank Glen, which forms part of the East Ayrshire Council area shown within the boundaries outlined in red on plan 23 annexed and signed as relative hereto.
24. ALL and WHOLE the village of Logan and Lugar, which forms part of the East Ayrshire Council area shown within the boundaries outlined in red on plan 24 annexed and signed

as relative hereto.

25. ALL and WHOLE the village of Lugton, which forms part of the East Ayrshire Council area shown within the boundaries outlined in red on plan 25 annexed and signed as relative hereto.
26. ALL and WHOLE the village of Mauchline, which forms part of the East Ayrshire Council area shown within the boundaries outlined in red on plan 26 annexed and signed as relative hereto.
27. ALL and WHOLE the village of Moscow, which forms part of the East Ayrshire Council area shown within the boundaries outlined in red on plan 27 annexed and signed as relative hereto.
28. ALL and WHOLE the village of Muirkirk, which forms part of the East Ayrshire Council area shown within the boundaries outlined in red on plan 28 annexed and signed as relative hereto.
29. ALL and WHOLE the village of New Cumnock, which forms part of the East Ayrshire Council area shown within the boundaries outlined in red on plan 29. annexed and signed as relative hereto.
30. ALL and WHOLE the village of Newmilns, which forms part of the East Ayrshire Council area shown within the boundaries outlined in red on plan 30 annexed and signed as relative hereto.
31. ALL and WHOLE the village of Ochiltree, which forms part of the East Ayrshire Council area shown within the boundaries outlined in red on plan 31 annexed and signed as relative hereto.
32. ALL and WHOLE the village of Patna, which forms part of the East Ayrshire Council area shown within the boundaries outlined in red on plan 32 annexed and signed as relative hereto.
33. ALL and WHOLE the village of Polnessan, which forms part of the East Ayrshire Council area shown within the boundaries outlined in red on plan 33 annexed and signed as relative hereto.
34. ALL and WHOLE the village of Rankinston, which forms part of the East Ayrshire Council area shown within the boundaries outlined in red on plan 34 annexed and signed as relative hereto.
35. ALL and WHOLE the village of Sinclairston, which forms part of the East Ayrshire Council area shown within the boundaries outlined in red on plan 35 annexed and signed as relative hereto.
36. ALL and WHOLE the village of Skares, which forms part of the East Ayrshire Council area shown within the boundaries outlined in red on plan 36 annexed and signed as relative hereto.

37. ALL and WHOLE the village of Sorn, which forms part of the East Ayrshire Council area shown within the boundaries outlined in red on plan 37 annexed and signed as relative hereto.
38. ALL and WHOLE the village of Stewarton, which forms part of the East Ayrshire Council area shown within the boundaries outlined in red on plan 38 annexed and signed as relative hereto.
39. ALL and WHOLE the village of Waterside (Doon Valley), which forms part of the East Ayrshire Council area shown within the boundaries outlined in red on plan 39 annexed and signed as relative hereto.
40. ALL and WHOLE the village of Waterside (by Fenwick), which forms part of the East Ayrshire Council area shown within the boundaries outlined in red on plan 40 annexed and signed as relative hereto.