

**SCOTTISH BORDERS COUNCIL
BANNING OF DRINKING ALCOHOL IN CERTAIN PUBLIC PLACES
BYELAWS 20XX**

Scottish Borders Council is making alcohol byelaws.

An alcohol byelaw is a local law which bans the drinking of alcohol in certain public places.

About the byelaws

1 (1) In these byelaws the following definitions are used:

“alcohol” means spirits, wine, beer or cider but does not include alcohol which is of a strength of 0.5% or less

“licensed premises” means a place that has a licence to sell alcohol

“occasional licence” means a licence that allows places to sell alcohol on specified days and times, i.e. not all the time

“designated place” means any public place within the areas outlined in black on the maps in the towns listed in Schedule 1 at the end of this document

(2) These byelaws are to be known as “The Scottish Borders Council Prohibition of Consumption of Alcohol in Designated Public Places Byelaws 20XX”.

Application

2 These byelaws will not apply -

This section will set out any days and times when the alcohol byelaws would not apply.

Offence

3 (1) An offence will have taken place when:

- a person drinks alcohol in a designated place covered by the alcohol byelaws, or
- a person has an open container of alcohol in a designated place covered by the alcohol byelaws

and it is reasonable to assume that they intend to drink the alcohol whilst they are in a designated place covered by the alcohol byelaws. That person may then be found guilty of breaking the alcohol byelaws and may receive a fine.

- (2) The alcohol byelaws do not apply on premises that are licensed to sell alcohol such as a pub.
- (3) The alcohol byelaws do not apply on premises that have an occasional licence to sell alcohol, nor for 15 minutes after the occasional licence finishes, such as a beer tent at a car show.
- (4) The alcohol byelaws do not apply in areas of licensed premises that are also covered by the licence such as a pub beer garden.

Assumptions

- 4 (1) These alcohol byelaws will be used in any trial of someone accused of breaking them.
- (2) It will be assumed that a container contains the same liquid as is described on the label.
- (3) It will be assumed that a container which is found to contain:
- (a) no liquid; or
 - (b) insufficient liquid to allow analysis
- did contain the liquid that is described on the label at the time when it is alleged to have been drunk.
- (4) A person shall not be allowed to present evidence on their own behalf in defence of an accusation against them of:
- (a) possessing alcohol to drink in a public place, or
 - (b) having a container that that held alcohol which had been drunk in a public place
- unless they had told the prosecutor at least 7 days before the trial date that they intend to do so.

Public notice of the byelaw(s) coming into effect

- 5 (1) The Council will put notices up about the alcohol byelaws in *XX (towns covered by the byelaws)* in order to let people know about them.
- (2) Anyone that is accused of breaking the alcohol byelaws cannot use that the Council did not put up notices about the alcohol byelaws as their defence.

SCHEDULE 1

LIST OF PLACES COVERED BY THE BYELAWS

A list of the places covered by alcohol byelaws, and maps of the areas, will be included here.