

CASTLEBAR URBAN DISTRICT COUNCIL

LOCAL GOVERNMENT ACT 1994

LOCAL GOVERNMENT ACT 1994 (BYE-LAWS) REGULATIONS 1995

CASTLEBAR (REGULATION AND CONTROL OF THE CONSUMPTION AND POSSESSION OF INTOXICATING LIQUOR IN PUBLIC PLACES) BYE-LAWS 2000

WHEREAS the Council is of the opinion that it is desirable in the interests of the common good of the local community within the Urban Area that certain activities being the consumption and possession of intoxicating liquor in public places be regulated and controlled NOW the Council, being the Local Authority for the Urban District of Castlebar in exercise of the powers conferred on it by Section 37 (2) of the Local Government Act 1994 and in accordance with the Local Government Act 1994 (Bye-Laws) Regulations 1995 hereby makes the following Bye-Laws:-

1. These Bye-Laws may be cited as the Castlebar (Regulation and Control of the Consumption and Possession of Intoxicating Liquor in Public Places) Bye-Laws 2000.
2. These Bye-Laws shall come into operation on the 12th day of October, 2000.
3. INTERPRETATION - In These Bye-Laws :-

“The Act” means the Local Government Act 1994.

“The Regulations” mean the Local Government Act 1994 (Bye-Laws) Regulation, 1995.

“The Council” means the Castlebar Urban District Council.

“The Urban Area” means the area which is by statute designated as the Castlebar Urban District being the District in respect of which the Council is the Local Authority.

“An Authorised Person” means a person authorised pursuant to Section 40 (10) of the Act (as substituted by Section 35 (1) (c) of the Litter Pollution Act, 1997).

“Intoxicating Liquor” has the same meaning as in the Licensing Acts (1833 - 1995).

“Public Place” includes :-

- (a) Any footpath, footway or road in the Urban Area.
- (b) Any cemetery, church, churchyard or the curtilage of any church.
- (c) Any other outdoor area or place to which at the material time members of the public have or are permitted to have access, whether as of right, as a trespasser, or by express or implied invitation, permission or otherwise but does not include an area outside a hotel, restaurant or licensed premises on which tables and chairs have been placed and in respect of which a licence has been granted by the Council under Section 89 of the Local Government (Planning and Development) Act, 1963.

“Footpath”, “Footway” and “Road” have the meanings assigned to them by Section 2 of the Roads Act, 1993.

4. (a) A person shall not consume or attempt to consume intoxicating liquor in a public place within the Urban Area.
- (b) A person shall not have in his possession intoxicating liquor in a public place within the Urban Area with the intention of consuming it in a public place or supplying it to any other person for consumption in a public place within the Urban Area.
- (c) For the purposes of sub-paragraph (b) above where a person has intoxicating liquor in his possession in a public place within the Urban Area in circumstances where it is reasonable to conclude that he intends to consume the same in that public place or another public place within the Urban Area or to supply the same to another person for such consumption, it shall be presumed (until the contrary is shown, the onus for which shall lie on the accused) that he intended to consume the same or to supply it to another person for such consumption as aforesaid.
- (d) For the purposes of sub-paragraph (b) hereof where a group of persons are congregated together in a public place within the Urban Area with intoxicating liquor in their immediate vicinity then each member of the group shall be deemed to be in possession of the intoxicating liquor and it shall not be necessary to prove that any one or more of the individuals handled the containers of intoxicating liquor.


(e) In a prosecution for an offence under paragraph (a) or (b) of this Bye-Law where it is proved that the accused was consuming or attempting to consume from or (as appropriate) was in possession of a bottle or other container normally used for the sale of intoxicating liquor of any particular description, it shall be presumed (until the contrary is shown, the onus for which shall lie on the accused) that the accused was consuming, attempting to consume or (as appropriate) was in possession of intoxicating liquor and it shall not be necessary for the prosecutor to prove by analysis or otherwise that the liquor involved was intoxicating liquor.

5. Where an authorised officer suspects with reasonable cause that an offence or offences under Bye-law 4 hereof have been committed he may without warrant seize and remove the intoxicating liquor and bottle(s) and container(s) relevant to the offence or offences.
6. A person who contravenes a provision of these Bye-laws shall be liable on summary conviction to a fine not exceeding £500.00 in lieu of the maximum fine specified in Section 40 (1) of the Act.

Made and adopted under the Common Seal of the Castlebar Urban District Council

this 12th day of October, 2000.

Present when the Seal of the
Castlebar Urban District Council
was affixed hereto:-


MANAGER


TOWN CLERK


NOMINATED MEMBER