



Statutory Document No.

THE LOCAL GOVERNMENT ACT 1985

**BOROUGH OF DOUGLAS GENERAL BYELAWS 2007**

*Approved by Tynwald* 200

*Coming into operation* 200

In exercise of the powers conferred on the Mayor, Aldermen and Burgesses of the Borough of Douglas by sections 28 and 30(7) of the Local Government Act 1985<sup>1</sup>, and of all other enabling powers, the following Byelaws are hereby made: —

**1. Citation and interpretation**

(1) These Byelaws may be cited as the Borough of Douglas General Byelaws 2006, and subject to section 30(4) of the Act, shall come into operation on.....

(2) these byelaws are made for the good rule and government of the Borough of Douglas, for the suppression of nuisances and for the maintenance of the quality of life for those residing, and for any other person, therein;

"the Act" means the Local Government Act 1985;

"the district" means the Borough of Douglas;

"the local authority" means the Mayor, Aldermen and Burgesses of the Borough of Douglas and Douglas Corporation;

"authorised person" means a duly authorised officer, an officer, employee, servant, contractor or agent of the local authority;

"street" means any highway and includes any road, bridge, lane, footpath, footway, subway, square, court, alley or passage, whether a thoroughfare or not, and any public passage or other area or place which is open to the public; the doorways and

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<sup>1</sup> 1985 c.24

entrances of premises abutting on, and any land adjoining and open to, a street shall be treated as forming part of the street;

“open area” means any land, which is the property of or vested in Douglas Corporation, and includes all those areas provided or intended or used for off-road parking;

“motor vehicle” means any mechanically propelled vehicle, whether or not made or adapted for use on a road, other than a motor cycle or invalid carriage;

“motor cycle” means a mechanically propelled motor cycle as defined in the Road Traffic Act 1985, and any other mechanically propelled vehicle not made, adapted or permitted to be used on a road;

“trailer” means any vehicle made, used, adapted or constructed to be drawn or towed by a motor vehicle or motor cycle;

“self-propelled vehicle” means a vehicle, including a pedal cycle, other than a wheel-chair and perambulator used in the manner for which they were constructed, which is propelled by the weight or force of one or more persons standing, skating, sliding or riding on the vehicle, or by one or more persons pulling or pushing the vehicle;

“moveable dwelling” means any tent, caravan, van, or other conveyance (whether or not capable of being used on roads), and any shed or similar structure, which is used either regularly or intermittently for human habitation;

“foreshore” means and includes the whole of Douglas beach between Pollock Rocks to a line drawn at right angles to the sea wall through the southern end of the Manx Electric Railway Terminus at Derby Castle and bounded (hopefully the Department of Transport will allow us to ignore the demarcation of ‘mean low water mark’ when enforcing byelaws) by the promenades’ walkway from the Sea Terminal to Derby Castle, as shown in the plan in Appendix A; also, Port Skillion beach;

“horse-tram and tramway” means any horse-drawn carriage, made and used for the carriage of passengers, driven along tracks laid in the roadway of Douglas promenades and tramway means the whole of the tracks laid from the Derby Castle Terminus to the Sea Terminal buildings;

“market” means the Douglas Market, specified and defined in Section 2 of the Douglas Market Act 1956;

“market inspector” means the designated officer of the local authority with specific responsibilities for overseeing the correct operation of the market and any other officer carrying out his or her duties in absentia, or any other authorised officer of the local authority;

“nuisance”, within these byelaws, means an irritating thing causing harm or offence to people or a person and, without prejudice to Public Health Act 1990 Statutory Nuisances, is of such a nature that immediate action is required to prevent a continuation.

(3) section 73 (interpretation of other legislation) of the Act also applies to these Byelaws.

## **2. Penalties and Enforcement**

(1) Any person contravening any of these Byelaws shall be liable on summary conviction to a fine not exceeding £2,500.

(2) These Byelaws shall be enforceable by any police officer or authorised officer of the local authority and any action taken hereunder may be instigated by such officers whether or not a complaint has been made by any other party.

## **3. Excessive Noise**

- (1) No person shall, after being asked to desist by any person,
- (a) play upon or sound any musical or noisy instrument, or
  - (b) sing or shout, or
  - (c) operate or permit to be operated, any radio, amplifier, compact disc player or other similar device, or
  - (d) otherwise make any noise,

which is so loud or so continuous or repeated as to cause disturbance or nuisance or give reasonable grounds for annoyance to any other person in the street, open area, foreshore or residents living in the area.

(2) This byelaw shall not apply to persons having received written, conditional authorisation or consent from the local authority or Government Department, provided they abide by such reasonable conditions as may be stipulated within the consent of the local authority or Government Department, for the purpose of public entertainment.

(3) This byelaw does not affect any of the provisions contained in Section 14 of the Public Health Act 1990 (Noise in streets), relating to the use of loud speakers in the street.

## **4. Processions**

(1) No person shall hold a procession in any street, open area or foreshore unless they have given notice in writing to the local authority not less than 7 days before it is held, specifying –

- (a) the date and time of the procession;
- (b) its intended route;

- (c) the number of persons likely to take part in it;
- (d) the arrangements for its control being made by that person; and
- (e) that person's name and address.

(2) Where a notice under paragraph (1) is given to the local authority, the authority may, not less than 2 days before the date on which the procession is to be held, give to the person by whom the notice is given a direction in writing imposing conditions on the holding of the procession, relating to –

- (a) the time when it is to be held; and
- (b) the route which it is to take.

(3) No person shall hold a procession in any street, open space or foreshore in contravention of any condition contained in a direction given under paragraph (2).

(4) No person shall, if he is required to desist by a constable in uniform, take part in a procession in any street, open area or foreshore –

- (a) notice of which has not been given under paragraph (1); or
- (b) in contravention of any condition contained in a direction given under paragraph (2).

(5) This byelaw does not apply to a march by a contingent of Her Majesty's armed forces, or a procession forming part of a religious service.

## **5. Street collections**

(1) No person shall organise, or make, a collection of money from the public for charitable or benevolent purposes in any street, open area or foreshore –

- (a) without the consent in writing of the local authority, or
- (b) in contravention of any condition imposed under paragraph (2).

(2) The local authority may give its consent to such a collection subject to such conditions as it thinks fit –

- (a) specifying the date, time and place of the collection;
- (b) requiring every person taking part in the collection to be authorised in writing by the person by whom it is organised and to produce such authorisation to a police officer or authorised officer on demand;
- (c) requiring all contributions received to be placed at once in a numbered box or other receptacle securely closed and sealed so as to prevent its being opened without the seal being broken;
- (d) requiring every such box or receptacle to be delivered with the seal unbroken to a person by whom the collection is organised;
- (e) prohibiting the making of any payment or reward to any person taking part in, or rendering any service in connection with, the collection;

(f) requiring the person by whom the collection is organised within 28 days of the day on which it is held –

- (i) to give to the local authority a statement certified by an auditor holding such qualification as may be specified of the amount collected, the expenses of the collection and the application of the proceeds of it; and
- (ii) to publish in a newspaper published and circulating in the Island a statement of the name of the person organising the collection, its objects, the date on which it was held, the amount collected, the expenses of the collection and the application of the proceeds of it.

(3) No person shall take part in such a collection in contravention of a condition imposed under paragraph (2)(a) to (e).

(4) Any sale, offer for sale or invitation to offer to buy anything in a street, open area or foreshore shall be treated as a collection for the purposes of this byelaw, if it is accompanied by an express or implied representation that the proceeds or any part of them will be devoted to charitable or benevolent purposes.

## **6. Touting**

(1) No person shall in any street, open area or foreshore:-

- (a) tout, advertise, solicit custom or otherwise importune any person for any service or event; or
- (b) tout or otherwise importune any person for the purpose of taking or selling any photograph, image or likeness

in such a manner as to cause obstruction or give reasonable grounds for annoyance to any person in the street, open area or foreshore.

(2) The local authority may grant permission, subject to certain conditions, which may include:-

- (i) organisers and persons taking part in distribution of leaflets to ensure that discarded leaflets are retrieved so as to prevent littering of the streets; and/or
- (ii) such organisers and persons to remain in certain areas thus minimising the possibility of obstruction, nuisance or annoyance being caused to members of the public in the street or open area.

## **7. Dangerous games near streets**

No person shall play football or any other game on land adjacent to a street in a manner likely to

- (a) cause danger or give reasonable grounds for annoyance to any person, or
- (b) cause obstruction to traffic

in the street.

**8. Ball Games, self-propelled vehicles, etc. to the annoyance of local residents**

- (1) No person shall
  - (a) play football or any other ball game,
  - (b) ride a pedal cycle or skate, slide or ride on rollers, skateboards or other self-propelled vehicles

in any street, open area or foreshore, or in any parking place provided by the local authority under section 13 of the Road Traffic Regulation Act 1985, and specified in Schedule 1 hereto, in such a manner as to cause danger, obstruction or give reasonable grounds for annoyance to any person in the street, parking place or living nearby.

(2) This byelaw shall apply to any parking place provided by the local authority after commencement of these byelaws as if the parking place was provided at the time of these byelaws.

**9. Loitering at church doors**

No person shall loiter at or near the entrance of any church, chapel or other place of public worship in such a manner as to cause obstruction or give reasonable grounds for annoyance to persons going to or from the church, chapel or place of worship.

**10. Urinating, etc.**

No person shall urinate or defecate in any street, open area or foreshore.

**11. Offensive substances**

No person shall in any street, foreshore or other place, whether in an open area or a building to which the public have access (whether on payment or otherwise), -

- (a) throw or let off any stink bomb or similar article, or
- (b) squirt, spray or otherwise throw or scatter any substance

in such a manner as to cause danger, obstruction or give reasonable grounds for annoyance to any person in the street, foreshore, other place or open area.

**12. Sale of contraceptives**

No person shall make any contraceptive accessible or available to persons in a street, from a vending machine, without the written consent of the local authority.

### **13. Washing or repairing commercial and other vehicles**

(1) No person shall wash any commercial vehicle on the pavement or carriageway of any street.

(2) No person shall wash or clean, or cause any other person to wash or clean, any mechanically propelled vehicle or trailer in or near premises whereby dirt, soil, oil or other detritus is allowed to remain in the street, or run into or along any street, and enter surface water drains or sewage systems.

(3) When the person committing an offence under (2) above has been identified and the local authority decides that it is necessary to cleanse the street or surface water drain as soon as practicable, that person will be invoiced for such cleansing; if payment is not received, the charges may be recoverable as a civil debt.

(4) No person shall service, repair or work upon, for general maintenance purposes, any motor or other mechanically propelled vehicle, in any street;

(5) No person shall leave or cause to be left any motor or other mechanically propelled vehicle for the purpose of service, repair or general maintenance work, in any street.

(6) In proceedings for a contravention of this byelaw it shall only be a defence for the person accused to show that the vehicle had broken down and the act complained of was necessary in order to remove it, or that the vehicle had been left outside suitable premises to await removal into the premises for such service, repair or maintenance work.

### **14. Interference with life-saving equipment**

No person shall, except in an emergency for which the equipment is designed, remove, displace or otherwise interfere with, or to render such equipment in any way incapable of, or unsafe for, immediate use, any life-saving appliance placed in a street, open area or foreshore by the local or any other competent authority.

### **15. Bill-posting, etc.**

(1) No person shall place, affix or post, or cause to be placed, affixed or posted, any bill, placard, sign or notice to or upon –

- (a) any tree, wall, fence, post or other structure, or
- (b) any vehicle or trailer

in a street, open area or foreshore or parking place provided by the local authority under section 13 of the Road Traffic Regulation Act 1985, and specified in Schedule 1, for the purpose of selling, or advertising for sale or other reason, any article, service or event, without the consent of the local authority.

(2) If a body corporate, other business, or company be deemed to be guilty of an offence under this byelaw, any director, owner or manager shall be the person named as responsible on behalf of the body corporate, other business, or company.

(3) This byelaw shall apply to any parking place provided by the local authority after commencement of these byelaws as if the parking place was provided at the time of these byelaws.

## **16. Awnings**

(1) No person shall, without the written consent of the local authority, in any street, place or fix, or cause to be placed or fixed, any awning or shade over a window of a shop, less than 2.45m from the ground, or attach to or hang from, or cause any item to be attached to or hung from said awning, in such a manner as to cause obstruction or give reasonable grounds for annoyance to persons in the street.

(2) The owner, occupier or manager of such shop shall be the person responsible for causing a breach of this byelaw.

## **17. Moveable Dwelling**

(1) No person shall maintain or reside in a moveable dwelling in any street or open area, without prior written consent from the local authority.

(2) For the purpose of this byelaw, the following persons shall be treated as maintaining a moveable dwelling –

- (a) any person by whom the dwelling was placed there;
- (b) any person who spends a night or part of a night in said dwelling.

## **18. Unlicensed, derelict and/or unsightly motor vehicles**

(1) No person shall leave or cause to be left, in any open area or in any Parking Place provided by the local authority under section 13 of the Road Traffic Regulation Act 1985 within the district, any motor vehicle not displaying a valid vehicle excise licence issued in accordance with the Licensing and Registration of Vehicles Act 1985<sup>4</sup> as amended, or a vehicle which appears to be derelict, in obvious need of repair or is being used for purposes other than which it was generally intended.

(2) Any vehicle, described in (1) above, not removed after 14 days of the last registered owner, known to the relevant Licensing Authority, being served with a notice, from the local authority, to remove such vehicle, will be treated as one left in contravention of a restriction and shall be removed under the provisions of section 2 of the Local Government (Miscellaneous Provisions) Act 1984.

(3) If ownership of such a vehicle has changed and the relevant Licensing Authority cannot verify the change, the last registered owner shall be responsible until proof of change of ownership and, therefore, responsibility for the vehicle, can be provided to the local authority.

(4) No proceedings for this byelaw will be taken if the owner of such a motor vehicle can show that it is broken down and is in the ongoing and timely process of being repaired.

#### **19. Washing or cleaning yards, gardens, premises, etc.**

(1) No person or business shall wash, sluice or brush, or cause to be washed, sluiced or brushed, into any street or open area, any dirt, debris or other waste from their yard, garden or other part of the curtilage of their premises.

(2) For the purposes of this byelaw a manager, or person at the time in charge of the business, shall be deemed to be the person responsible for causing an offence under (1) above.

(3) Should the local authority decide that it is necessary, in the interests of health or hygiene, to cleanse the street or area as soon as practicable, the person or business will be invoiced for such cleansing; if payment is not received, the charges shall be recoverable as a civil debt.

#### **20. Feeding of animals and birds**

No person shall feed, or attract the gathering of gulls, pigeons or other wildlife, by providing any food in any street, open area or foreshore, likely to cause nuisance, inconvenience or to give reasonable grounds for annoyance to any person.

#### **21. Parking Restrictions**

(1) Notwithstanding any restrictions or prohibitions under any other legislation, in any street in a residential area or open area, no person, body corporate or other business or company shall park, leave or cause to be parked or left overnight, more than two motor vehicles.

(2) Unless those motor vehicles, exceeding the two permitted, are removed following Notice being served upon the vehicle in question and copied to the person, body corporate or other business or company, they will be deemed to be in contravention of a parking restriction, and liable to be removed. Any costs incurred by the local authority in the removal of any vehicles will be recoverable as a civil debt.

(3) For the purpose of this byelaw, reference to motor vehicle includes trailer.

#### **22. Traders**

(1) Whether or not ownership of land adjoining a street is vested in the local authority, any traders or purveyors of victuals commit an offence if they fail to notify the local authority, and obtain permission when appropriate, before operating in any street, open area or foreshore within the district.

(2) It is an offence for any such trader, etc. to fail to abide by arrangements, agreed by the local authority, made for waste disposal and litter control.

(3) This byelaw does not affect any of the provisions of the Pedlars and Street Traders Act 1906, nor any Byelaws made thereunder.

### **23. Removal of Notices and Signs**

It shall be an offence for any person, other than an authorised person, to remove or otherwise tamper with any notice, sign, street name plate or other article legitimately erected, placed on or attached to any property by or behalf of the local authority in pursuance of any statutory functions or for public information.

### **24. Refuse bins**

(1) It shall be an offence for any owner, resident or occupant of any domestic or commercial premises to place, leave or cause to be placed or left, in any street, open area or foreshore or other place to which there is public access, whether or not adopted as a public highway, any refuse bin provided for collection of controlled household, domestic, commercial or industrial waste.

(2) This byelaw does not affect the requirement for such owners, residents or occupants to place and leave the refuse bin in the street, open area or other place, without causing any obstruction whatsoever to any person, on the day it is to be emptied, and provided the refuse bin is removed from the street, open area or other place as soon as practicable and in any case on the same day.

(3) In the case of premises which are leased, let, rented or occupied whether on payment or otherwise, it shall be an offence for any owner, landlord or agent thereof, to fail to provide particulars of the person likely to be responsible for any breach of this byelaw, be it the owner, resident, tenant or occupant, having been requested, in writing, to provide such particulars by any police officer or authorised person.

(4) It shall be an offence for any person to collect, store or dispose of any controlled waste other than by placing it in refuse bins provided for that purpose, or in accordance with arrangements made with or approved by the local authority.

(5) The parts of this byelaw relating to placing and removal of refuse bins from the street, shall not apply to persons who have received authority from the Department of Transport, or other competent authority, allowing the refuse bin to remain

in the street, provided always that no obstruction whatsoever is caused to other persons in the street.

**25. Goods, Wares, Advertising Material and other such obstructions**

(1) Subject to (2) and (3) below, it shall be an offence for any person to leave or cause to be left any goods, wares, items offered for sale or signs, boards, posters or any other items of an advertising nature, in any street other than outside their premises,.

(2) No person shall leave or cause to be left any goods, wares or any other items offered for sale, to be placed in a street in such a way so they extend beyond one metre from the building line of their premises.

(3) No person shall leave or cause to be left any sign, board, poster, advertising material or any other obstruction whatsoever of a similar nature, which extends beyond one metre from the building line of their premises.

(4) No person shall leave or cause to be left any such goods or advertising material in a street, as described in (1), (2) or (3) above, which causes or is likely to cause any obstruction or nuisance to pedestrians using the pavement outside their premises, because of its position or the close proximity of other street furniture.

(5) For the purpose of this byelaw, “their premises” means the premises from which the goods, wares, etc. are offered for sale and for which any signs, boards, advertising material, etc. are promoting.

(6) In this byelaw, the person who causes any such goods or advertising material in a street, shall be the owner, occupier or manager of the premises at the time of the offence.

(7) This byelaw shall not apply to those persons who have received, and abide by, a conditional licence for placing any such items in the street, issued by the relevant Highway or local authority, but it shall be an offence for any person granted such a licence to fail to abide by any conditions thereof.

**26. Drying or airing clothes, etc.**

No person shall hang, drape or otherwise leave, nor cause or permit to be hung, draped or otherwise left, any clothing, bedding, towels or other items to be dried or aired at the front of, or a side abutting a street of, any premises on any string, line, rail or other apparatus

**27. Failure to provide particulars**

It shall be an offence for any person to refuse to provide his or her correct full name and address to an authorised person or police officer who has reasonable grounds for believing he or she is committing or has committed an offence against these byelaws.

**28. Expiry of Byelaws**

These Byelaws shall cease to have effect ten years after they have been approved by Tynwald.

**32. Revocation**

The Borough of Douglas General Bye-Laws 1991 are hereby revoked.

MADE this      day of              200

THE COMMON SEAL of the Mayor, Aldermen  
and Burgesses of the Borough of Douglas was  
hereby affixed in the presence of:-

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Mayor

.....

Town Clerk

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EXPLANATORY NOTE

(This note is not part of the Byelaws)

These Byelaws regulate various activities and also relate to the prevention and suppression of certain nuisances within the Borough of Douglas and for the maintenance of the quality of life for those residing, and for any other person, therein, and for regulation and control in matters of Housing, Douglas Bay Tramways and Douglas Market.

**Byelaws 8 and 15    SCHEDULE 1**

**Parking places where ball games, etc., and bill-posting are prohibited**

SHAW'S BROW

LORD STREET 'BUS STATION

BOTTLENECK

KING GEORGE V PARK

ANAGH COAR SHOPS

QUEEN STREET

RIDGEWAY STREET LANE

PULROSE SHOPS