

THE LOCAL
GOVERNMENT
ACT 1985

**THE VILLAGE DISTRICT
OF PORT ERIN**

GENERAL
BYELAWS 1991

Approved by Tynwald 17th April, 1991

Coming into operation 17th April, 1991

In exercise of the powers conferred on the Commissioners of the Village District of Port Erin by sections 28 and 30 (7) of the Local Government Act 1985 (a), and of all other enabling powers, the following are hereby made:-

General

Citation and Interpretation

1. (1) These byelaws may be cited as the Village District of Port Erin General Byelaws 1991.

(2) In these byelaws -
"the district" means the Village District of Port Erin "the local authority" means the Commissioners of the district: "street" includes any bridge, road, lane, footway, subway, square, court, alley or passage, whether a thoroughfare or not, which is open to the public; and the doorways and entrances of premises abutting on, and any land adjoining and open to, a street shall be treated as forming part of the street.

(3) Subject to paragraph (2), section 73 (interpretation of certain expressions) of the Local Government Act 1985 applies to these byelaws.

Penalties

2. Any person contravening any of these byelaws shall be liable on summary conviction to a fine not exceeding £500.

Street Offences

Noise

3. No person shall -

- (a) sound or play upon musical or noisy instrument, or
- (b) sing or shout, or
- (c) otherwise make any loud noise,

in any street or public place so as to cause disturbance or annoyance to residents of the area.

Processions

4. (1) No person shall hold a procession in any street or public place unless he has 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 or public place 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 or public place -

- (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.

Street Collections

5. (1) No person shall organise a collection of money from the public for charitable or benevolent purposes in any street or public place -

- (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 constable on demand;

(c) requiring all contributions received to be placed at one 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 Isle of Man 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 any thing in a street or public place 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.

Touting

6. No person shall tout, solicit or otherwise importune any person in any street or public place for the purpose of selling or advertising any article or service so as to cause annoyance or obstruction to persons in the street or place.

Photography

7. No person shall tout or otherwise importune any person in any street for the purpose of taking or selling a photograph.

Skating

8. No person shall skate on roller-skates, a skateboard, rollers or wheels or any similar device so as to cause danger to other persons in the street.

Dangerous Games near streets

9. No person shall play any offensive or dangerous game on land adjoining a street so as to cause danger or obstruction to persons or traffic in the street.

Loitering at church doors

10. No person shall persistently loiter at or near the entrance of any church, chapel or other places of public worship so as to cause annoyance or obstruction to persons going to or from, or attending divine service at, the church, chapel or place of worship.

Indecent Behaviour

11. No person shall urinate or defecate in any street or public place.

Indecent Language

12. No person shall use obscene or indecent language in any street or public place to the annoyance of any person.

Fireworks in places of entertainment

13. No person shall, with intent to cause annoyance or inconvenience to any person in a place of entertainment to which the public are admitted (whether on payment or otherwise) -

(a) throw or let off any firework, stink bomb or similar article, or

(b) squirt, spray or otherwise throw or scatter any offensive substance, in that place

at any time when members of the public are present.

Sale of contraceptives

14. No person shall make a contraceptive available by means of an automatic machine in such a position that the machine can be used by persons in a street.

Awnings

15. No person shall place or fix any awning or shade over a window or in front of a shop so as to cause danger or obstruction to persons or traffic in a street.

Washing or repairing commercial vehicle

16. (1) No person shall wash or repair any vehicle on the footway or carriageway of any street.

(2) In proceedings for a contravention of this byelaw it shall be a defence for the person accused to show -

(a) that the vehicle was not kept or used by him for the purpose of any business, and that the act complained of was not carried out by him in the course of any business; or

(b) that the vehicle had broken down and the act complained of was necessary in order to remove it.

Miscellaneous Offences

Interference with life-saving appliances

17. No person shall, except in an emergency, remove, displace or otherwise interfere with any life-saving appliance placed in a street or other public place by or with the consent of the local authority or any Department.

Bill-posting, etc.

18. (1) No person shall, without the consent of the local authority, place, affix or post any bill, placard or notice to or upon -

- (a) any wall or fence enclosing a park or public pleasure ground,
- (b) any tree, post or other structure in a street, or
- (c) any vehicle in a street.

(2) In proceedings for a contravention of this byelaw it shall be a defence that the act complained of was authorised by the owner of the wall, fence, tree, post, structure or vehicle in question.

Scrambling

19. (1) Subject to paragraph (3), no person shall drive a vehicle to which this byelaw applies on any open land within the district (other than land excluded by paragraph (4)) so as to cause annoyance or disturbance to residents of the area.

(2) This byelaw applies to -

- (a) a motor cycle (within the meaning of the Road Traffic Act 1985 (b)), or
- (b) a mechanically propelled vehicle not intended or adapted for use on roads,

other than a vehicle designed or adapted for use by a person suffering from a physical disability.

(3) In proceedings for a contravention of this byelaw it shall be a defence for the person accused to show that he was taking part in a rally, trial, race or similar event held with the consent of the local authority or of the owner of the land in question.

(4) This byelaw does not apply to land to which byelaws under any of the following enactments apply -

- (a) section 315 (12) of the Local Government Consolidation Act 1916 (c) (pleasure grounds);
- (b) section 7 of the Forestry Act 1984 (d) (land of Department of Agriculture, Fisheries and Forestry).

Made this 12th day of February 1991

The COMMON SEAL of the Commissioners of Port Erin affixed in the presence of



R. Kay J.P.
Chairman

M.J. Kewley
Clerk to the Commissioners