



BRADDAN GENERAL BYELAWS 2017

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Statutory Document No. 2017/0065



Local Government Act 1985

BRADDAN GENERAL BYELAWS 2017

Approved by Tynwald: 25 April 2017

Coming into Operation: in accordance with article 2.

Braddan Parish Commissioners makes the following Byelaws under section 28 and 30(7) of the Local Government Act 1985.

1 Title

These Byelaws are the Braddan General Byelaws 2017.

2 Commencement

If approved by Tynwald, these Byelaws come into operation on the day after they are approved by Tynwald¹ and cease to have effect on the expiration of 20 years after the date on which they come into operation².

3 Interpretation

In these Byelaws —

“**the Act**” means the Local Government Act 1985;

“**authorised person**” means a duly authorised officer of the local authority;

“**the district**” means the district of Braddan;

“**the local authority**” means Braddan Parish Commissioners;

“**motor cycle**” means a motor cycle as defined in the Road Traffic Act 1985 whether or not made, adapted or permitted to be used on a road;

“**motor vehicle**” means any mechanically propelled vehicle, whether or not made, adapted or permitted to be used on a road, other than a motor cycle or invalid carriage; and

“**public place**” means any highway and any other premises or other place to which at the material time the public are permitted to have access, whether on payment or otherwise.

¹ Tynwald approval is required by section 30(4) of the Act

² In accordance with section 28(3) of the Act

4 Penalties and enforcement

- (1) A person contravening any of these Byelaws is liable on summary conviction to a fine not exceeding £2,500.
- (2) These Byelaws are enforceable by a constable in uniform or an authorised officer of the local authority without the need for a complaint having been made.

5 Excessive noise

- (1) After being asked to desist by a constable in uniform or an authorised person no person may, in any public place —
 - (a) play upon or sound any musical or noisy instrument;
 - (b) sing or shout;
 - (c) operate or permit to be operated, any radio, amplifier, compact disc player or other similar device; or
 - (d) otherwise make any noise,in a manner 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 or public place or residents living in the area.
- (2) But this byelaw does not apply to a loudspeaker used in circumstances where section 14 of the Public Health Act 1990 (noise in streets) applies.
- (3) For the sake of clarity paragraph (1) does not apply to anything done in conformity with a written authorisation or consent from a Department, Statutory Board or the local authority.

6 Touting

- (1) No person shall in any street or public place, without the prior consent of the local authority —
 - (a) advertise or solicit custom or service; or
 - (c) seek to gather information for use in the supply of goods or services,in such a manner as to cause obstruction or give reasonable grounds for annoyance to any other person in the street or public place.
- (2) The local authority may give consent under paragraph (1) unconditionally, or subject to conditions that may include (but are not limited to) —
 - (a) requiring those advertising or gathering information, and persons taking part in the distribution of leaflets, to ensure that discarded leaflets are retrieved so as to prevent littering; and
 - (b) requiring those persons to remain in specified areas.

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
 - (c) skate, slide or ride on rollers, skateboards or other self-propelled vehicles,

in any street, on the foreshore, in any public place or in any parking place provided by the local authority under section 13 of the Road Traffic Regulation Act 1985, so as to cause danger, obstruction or give reasonable grounds for annoyance to any person.

- (2) In this byelaw “**self-propelled vehicle**” means a vehicle, including a pedal cycle, 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 but does not include a wheelchair or a perambulator (in each case) used in the manner for which it was constructed.

9 Vehicles on road margins or verges

- (1) No person shall without lawful authority drive, park or leave any vehicle, on any road margin or verge to which this byelaw applies.
- (2) This byelaw applies to any road margin or verge anywhere in the district.
- (3) In this byelaw —


“**carriageway**” has the same meaning as in the Road Traffic Act 1985;

“**road margin or verge**” means land that is —

- (a) adjacent to the carriageway (or between two such carriageways); and
- (b) laid or sown with grass or planted with trees, shrubs or plants, and mown or otherwise maintained by the local authority.

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

“**vehicle**” means any motor vehicle, motor cycle, trailer, or caravan.

- (4) for the sake of clarity, this byelaw is in addition to any provision of the Road Traffic Act 1985 and any orders or regulations made under that Act. 

10 Repairing vehicles

- (1) No person shall repair any vehicle on the footway or carriageway of any street.
- (2) If a person commits an offence under paragraph (1) above, and the local authority decides that it is necessary to cleanse the street or any surface water drain as a consequence of such repair as soon as possible, the local authority may undertake the cleansing and recover the cost of so doing from that person.
- (3) No person shall, to the annoyance of residents, service, repair or work upon a motor vehicle or other mechanically propelled vehicle in any street for general maintenance purposes.
- (4) In proceedings for a contravention of paragraph (3) it is a defence to show that –
- (a) the vehicle had broken down and the act complained of was necessary in order to remove it, or
 - (b) the vehicle had been left outside suitable premises to await removal from the street at the earliest possible time, for such service, repair or maintenance work.

11 Interference with life-saving equipment

No person shall, except in an emergency for which the equipment is designed, remove, displace or otherwise interfere with any life-saving appliance placed by the local authority or a Government Department in any street or public place.

12 Cycling and skating

No person shall cycle, skate on roller skates, a skateboard, rollers or wheels or any similar device on any footway or pavement in such a manner as to cause danger or annoyance to any person.

13 Moveable dwelling

- (1) No person shall maintain or reside in a moveable dwelling in any public place without prior written consent from the local authority.
- (2) For the purpose of this byelaw, the following maintain a moveable dwelling –

- (a) a person by whom the dwelling was placed there; and
 - (b) a person who resides in or makes domestic use of the dwelling.
- (3) In this byelaw, “**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 made, adapted or used for human habitation.

14 Washing or cleaning yards, gardens, premises, etc.

No person or business shall wash, sluice or brush, or cause to be washed, sluiced or brushed, into any street, public place any dirt, debris or other waste from any yard, garden or other part of the curtilage of the premises.

15 Feeding of animals and birds

- (1) No person shall feed, or attract the gathering of wild birds, other wildlife or vermin, by providing any food in a manner likely to cause nuisance, inconvenience or to give reasonable grounds for annoyance to any person.
- (2) This byelaw applies to anywhere in the district other than a public open space.

16 Removal of notices and signs

No person, other than an authorised person, shall remove or otherwise tamper with any notice, sign, street name plate or other article that has been erected, placed on or attached to any property, by or on behalf of the local authority in pursuance of any statutory functions or for public information.

17 Shopping trolleys

- (1) No person shall leave or abandon a shopping trolley in any street or public place, away from the shop from which it was obtained.
- (2) On being notified of the whereabouts of an abandoned shopping trolley, the owner of the shop must remove it.
- (3) If the owner of a shopping trolley fails to remove it within 48 hours of being notified by the local authority of its whereabouts, the local authority may deliver the trolley to the shop and recover its reasonable costs for collection and delivery.
- (4) In this byelaw “**shopping trolley**” means a trolley provided by the owner of a shop to customers for use by them for carrying goods purchased at the shop.

18 Drying or airing clothes, etc.

No person shall hang, drape or otherwise leave 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 so as to cause a nuisance or give reasonable grounds for annoyance to any person in the street.

19 Failure to remove refuse bins from highway after collection

- (1) The occupier of any premises from which controlled waste is collected commits an offence if he or she fails to remove any bin from the highway as soon as practicable after the bin has been emptied by the local authority or any contractor.
- (2) Paragraph (1) does not apply to a bin that is placed on the highway with the consent of the Department of Infrastructure and in compliance with any conditions associated with that consent.

20 Artificial light

- (1) No person shall install security lights or exterior lights to a building or structure so as to cause a nuisance or give reasonable grounds for annoyance to a person in his or her home.
- (2) The light causing the alleged nuisance or grounds for annoyance must affect a habitable room such as a bedroom or living room.

21 Failure to provide particulars

If a constable in uniform or an authorised person has reasonable grounds for believing a person is committing, or has committed, an offence under these Byelaws the constable or authorised person may require the person to give his or her full name and address.

22 Revocation

The Braddan General Byelaws 2014³ and the Braddan General Byelaws 2016⁴ are hereby revoked.

³ SD 2014/0219

⁴ SD 2016/0318



**THE COMMON SEAL of Braddan Parish Commissioners was affixed on
16 February 2017 in the presence of —**

(L.S.)

MADE

16 FEBRUARY 2017

ANDREW JESSOPP
Chairman, Braddan Parish Commissioners

COLIN WHITEWAY
Clerk to Braddan Parish Commissioners

EXPLANATORY NOTE

(This note is not part of the Byelaws)

These Byelaws revoke and re-enact with modifications the Braddan General Byelaws 2014. These Byelaws regulate various activities and are aimed at preventing and suppressing nuisances within the local authority district of Braddan and maintaining the quality of life for residents and visitors.