



Statutory Document No. 558/02

THE LOCAL GOVERNMENT ACT 1985

THE BRADDAN PARISH GENERAL BYELAWS 2002

Approved by Tynwald 20th February 2003

Coming into operation 1st March 2003

In exercise of the powers conferred on the Commissioners of the Braddan Parish District by sections 28 and 30(7) of the Local Government Act 1985¹, and of all other enabling powers, the following Byelaws are hereby made: —

1. Citation and interpretation

(1) These Byelaws may be cited as the Braddan Parish General Byelaws 2002, and subject to section 30(4) of the Act, shall come into operation on 1st March 2003.

(2) In these Byelaws —

"the Act" means the Local Government Act 1985;

"the district" means the parish district of Braddan;

"the local authority" means the Commissioners of the district.

(3) section 73 (interpretation of certain expressions) of the Act applies to these Byelaws.

2. Penalties

Any person contravening any of these Byelaws shall be liable on summary conviction to a fine not exceeding £1, 000.

3. Noise

No person shall —

(a) sound or play upon any musical or noisy instrument, or

(b) sing or shout, or

¹ 1985 c.24

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(c) otherwise make any loud noise,
in any street or public place so as to cause disturbance or annoyance to residents of the area.

4. Ball Games

No person shall play any ball game –

- (a) in any street;
- (b) in any parking place provided by the local authority under section 13 of the Road Traffic Regulation Act 1985² and specified in the Schedule.

5. Processions

(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 open space 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, or a procession forming part of a religious service.

² 1985 c.20

6. Street collections

- (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 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 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.

7. Touting

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.

8. Photography

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

9. Skating

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.

10. Dangerous games near streets

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

11. Loitering at church doors

No person shall persistently loiter at or near the entrance of any church, chapel or other place 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.

12. Indecent behaviour

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

13. Indecent language

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

14. Fireworks in places of entertainment

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.

5. Sale of contraceptives

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.

16. Awnings

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.

17. Washing or repairing commercial vehicles

(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.

18. Interference with life-saving appliances

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

19. Bill-posting etc.

(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 to show that the act complained of was authorised by the owner of the wall, fence, tree, post, structure or vehicle in question.

20. Scrambling

(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 1985³, 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.

³ 1985c.23

(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 1916⁴ (pleasure grounds);
- (b) section 7 of the Forestry Act 1984⁵ (land of Department of Agriculture, Fisheries and Forestry).
- (c) section 4(3) of the Recreation and Leisure Act 1998⁶ .

21. Revocation

The Braddan Parish General Byelaws 1991 are hereby revoked.

Byelaw 4

SCHEDULE

PARKING PLACES WHERE BALL GAMES ARE PROHIBITED

The off-street car parking places located within Snugborough Avenue, Jubilee Terrace and the Clybane Estate.

⁴ X p.57

⁵ 1984 c.20

⁶ 1998 c.1

MADE this 25th day of November 2002

THE COMMON SEAL of the Commissioners &c.

Mr D B Mason
Chairman

C S Lewin
Clerk

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 parish district of Braddan.