

Statutory Document No. 20XX/XXXX

*Dogs Act 1990*

BRADDAN DOG CONTROL BYELAWS 2020

*Approved by the Department of Infrastructure:**Laid before Tynwald:**Coming into operation:*

Braddan Parish Commissioners make the following Byelaws under section 24(1) and (4) of the Dogs Act 1990. In accordance with section 24(10) of that Act the Commissioners have obtained the approval of the Department of Infrastructure (following consultation with the Department of Environment, Food and Agriculture under section 24(10A) of the Act) and in accordance with section 24(5) of that Act the Commissioners have obtained the consent of the owner of any open space or car park to which the byelaws apply which is not vested in, or under their management or control of, Braddan Parish Commissioners.

1 Title

These Byelaws are the Braddan Dog Control Byelaws 2020.

2 Commencement

These Byelaws come into operation on xxxx 2020¹.

3 Interpretation

(1) In these Byelaws –

“**the Act**” means the Dogs Act 1990;

“**assistance dog**” means –

- (a) a dog which has been trained to guide a blind person;
- (b) a dog which has been trained to assist a deaf person;
- (c) a dog which has been trained to assist a disabled person who has a disability that consists of epilepsy or otherwise affects the person’s mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects; or

¹ The Byelaws expire 10 years after the date on which are they made, in accordance with section 24(10) of the Dogs Act 1990, if not revoked earlier.

- (d) a dog which has been trained to assist a disabled person who has a disability (other than one falling within paragraph (c)).

“the Commissioners” means the Braddan Parish Commissioners.

- (2) A reference in these Byelaws to the keeper of a dog does not include —
 - (a) a person who keeps the dog as an assistance dog;
 - (b) a member of the Isle of Man Constabulary or an officer of Isle of Man Customs and Excise when engaged in law enforcement functions or a member of Her Majesty's Armed Forces when engaged on operational duties within the Island;
 - (c) a member of the Isle of Man Search and Rescue Dog Association when engaged either on an operation on behalf of any of the emergency services or on a training exercise,
 - (d) any member of the National Search and Rescue Dog Association when working or training with that Association;
 - (e) any dog that —
 - (i) is permitted by the head teacher (or a person acting in that capacity) to be on the grounds or playing fields, or within, a school specified in paragraph (1)(a) of Schedule; and
 - (ii) remains on a lead or is otherwise kept under control at all times while it is on the grounds or playing fields, or within, the school.

4 Dogs prohibited from being present in specified open spaces

A keeper of a dog is guilty of an offence if the dog is permitted to have access to an open space as specified in Schedule 1 at any time.

5 Dogs prohibited from being at large in specified open spaces and beaches

A keeper of a dog is guilty of an offence if the dog is found at large in an open space or a beach specified in Schedule 2.

6 Dogs prohibited from specified open space unless on a lead and restricted to footpaths

A keeper of a dog is guilty of an offence if the dog is permitted to have access to an open space as specified in Schedule 3 at any time unless the dog —

- (a) is kept on a lead which is no longer than 1.5 metres in length; and
- (b) is restricted to the footpaths in those open spaces.

7 Removal of canine faeces

- (1) The keeper of a dog is guilty of an offence if he or she fails without reasonable excuse to remove any faeces deposited by the dog on –
- (a) any highway in the parish district of Braddan which consist of or comprises a carriageway; or
 - (b) an open space, beach or a car park as specified in Schedule 4;
- (2) For the purpose of paragraph (1) –
- (a) faeces shall be taken as removed if they are deposited in any public bin provided for the purpose in the area or open space by a local or other public authority; and
 - (b) it shall not be a reasonable excuse that the keeper did not have with him or her any means of removal of the faeces.

8 Schedule 5

Schedule 5 has effect to show on a series of plans the open spaces specified in Schedule 4.

THE COMMON SEAL² of Braddan Parish Commissioners was affixed on [insert date] in the presence of

(L.S.)

MADE

A C R JESSOPP
Chairman, Braddan Parish Commissioners

² As required by section 30(2) of the Local Government Act 1985.

J C WHITEWAY
Clerk to Braddan Parish Commissioners



SCHEDULE 1

SPECIFIED OPEN SPACES

[Byelaw 4]

OPEN SPACES WHERE DOGS ARE PROHIBITED

- (1) The grounds and playing fields of, and within, the following schools –
 - (a) Braddan Primary School; and
 - (b) Ballacottier Primary School.
- (2) The sports grounds and fields at –
 - (a) Ballafletcher Sports Centre; and
 - (b) Strang Corner Field.
- (3) Port Soderick Community Hall Gardens.

SCHEDULE 2

[Byelaw 5]

OPEN SPACES AND BEACHES WHERE DOGS MUST NOT BE AT LARGE

- (1) Little Ness and the surrounding headland;
- (2) Keristal Picnic Area;
- (3) The footpaths between —
 - (a) Marine Drive and Keristal Beach;
 - (b) Marine Drive and Port Soderick Beach;
- (4) Keristal Beach;
- (5) Port Soderick Beach;
- (6) Port Soderick Glen;
- (7) Millennium Oakwood;
- (8) The playing fields and grounds at Union Mills Football Club;
- (9) The section of the Heritage Trail which runs within the Parish of Braddan;
- (10) Children's play area in Snugborough;
- (11) Children's play area in Clybane;
- (12) Children's play area in Strang Close;
- (13) Children's play area on the Cronk Grianagh Estate; and
- (14) Children's play area within Cronk Grianagh Park.

SCHEDULE 3

[Byelaw 6]

**OPEN SPACES WHERE DOGS ARE PROHIBITED UNLESS ON A LEAD AND
RESTRICTED TO FOOTPATHS**

The children's play areas at —

- (a) Snugborough;
- (b) Clybane;
- (c) Strang Close;
- (d) Cronk Grianagh Estate; and
- (e) Cronk Grianagh Park.

SCHEDULE 4

[Byelaw 7]

**OPEN SPACES, CAR PARKS AND BEACHES FROM WHICH CANINE FAECES
MUST BE REMOVED**

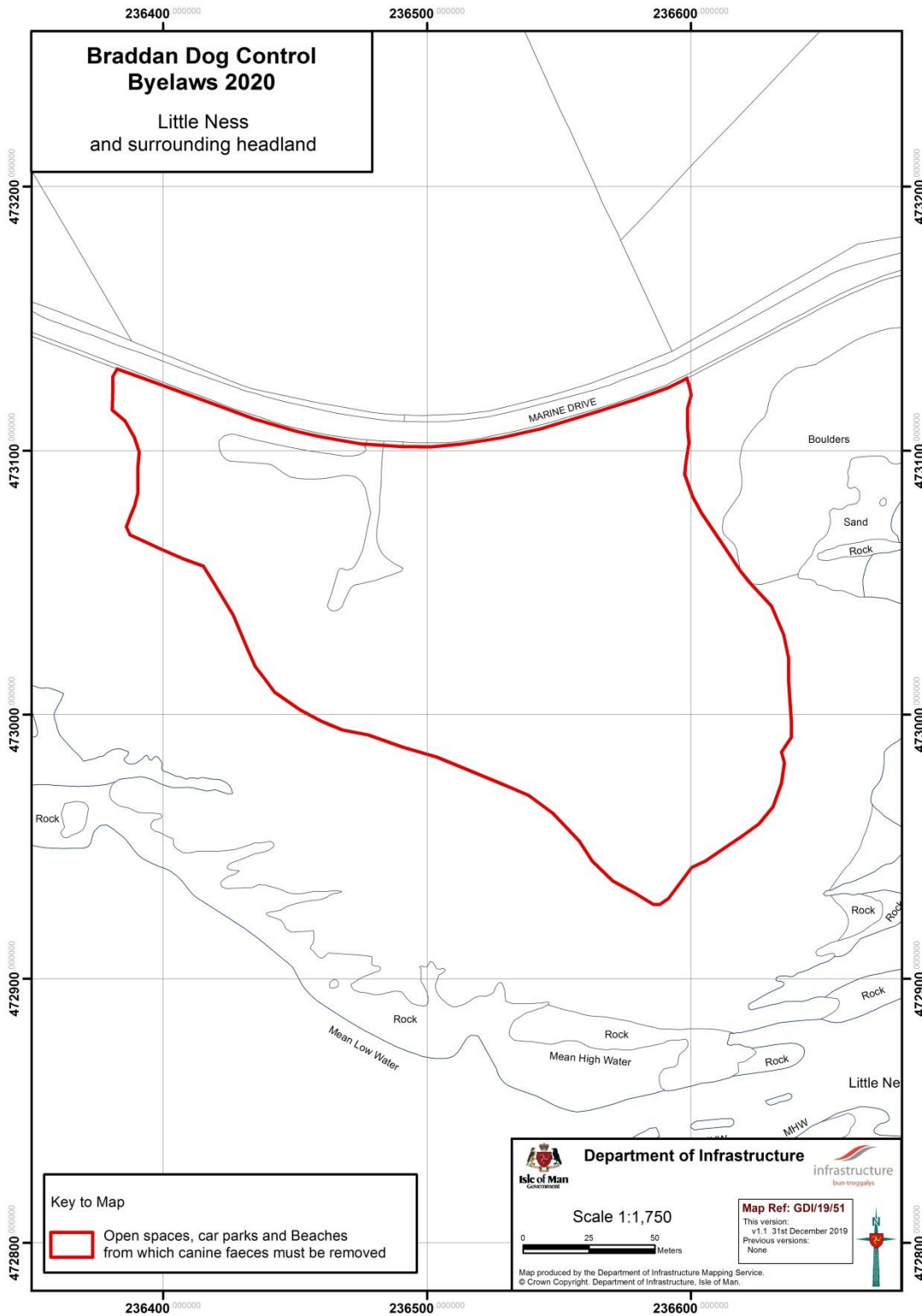
- (1) Little Ness and the surrounding headland as shown on the plan in Schedule 5 marked “Little Ness and surrounding headland”;
- (2) Keristal Picnic Area;
- (3) The footpaths between –
 - (a) Marine Drive and Keristal Beach as shown on the plan in Schedule 5 marked “Footpath between Marine Drive and Keristal Beach”;
 - (b) Marine Drive and Port Soderick Beach as shown on the plan in Schedule 5 marked “Footpath between Marine Drive and Port Soderick Beach”;
- (4) Keristal Beach;
- (5) Port Soderick Beach;
- (6) Port Soderick Glen and car park;
- (7) Millennium Oakwood and the car park (including lawns);
- (8) The playing fields and grounds at Union Mills Football Club;
- (9) The section of the Heritage Trail which runs within the Parish of Braddan;
- (10) Children’s play area in Snugborough;
- (11) Children’s play area in Clybane;
- (12) Children’s play area in Strang Close;
- (13) Children’s play area on the Cronk Grianagh Estate;
- (14) Children’s play area within Cronk Grianagh Park;
- (15) Cronk Grianagh Park;
- (16) Union Mills Car Park;
- (17) Memorial Hall Gardens Car Park;
- (18) Port Soderick Community Hall Car Park; and
- (19) Heritage Trail Car Park.

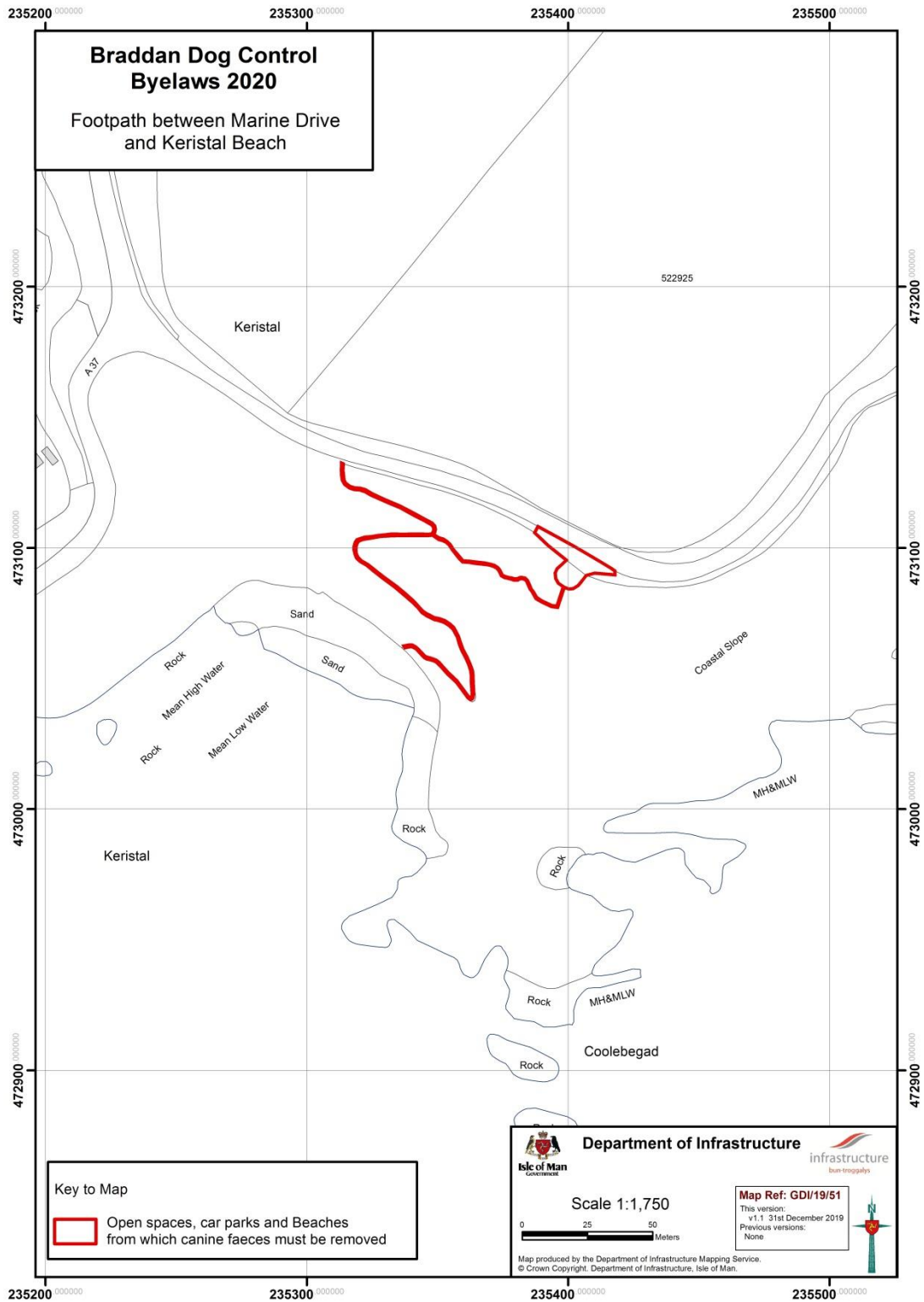


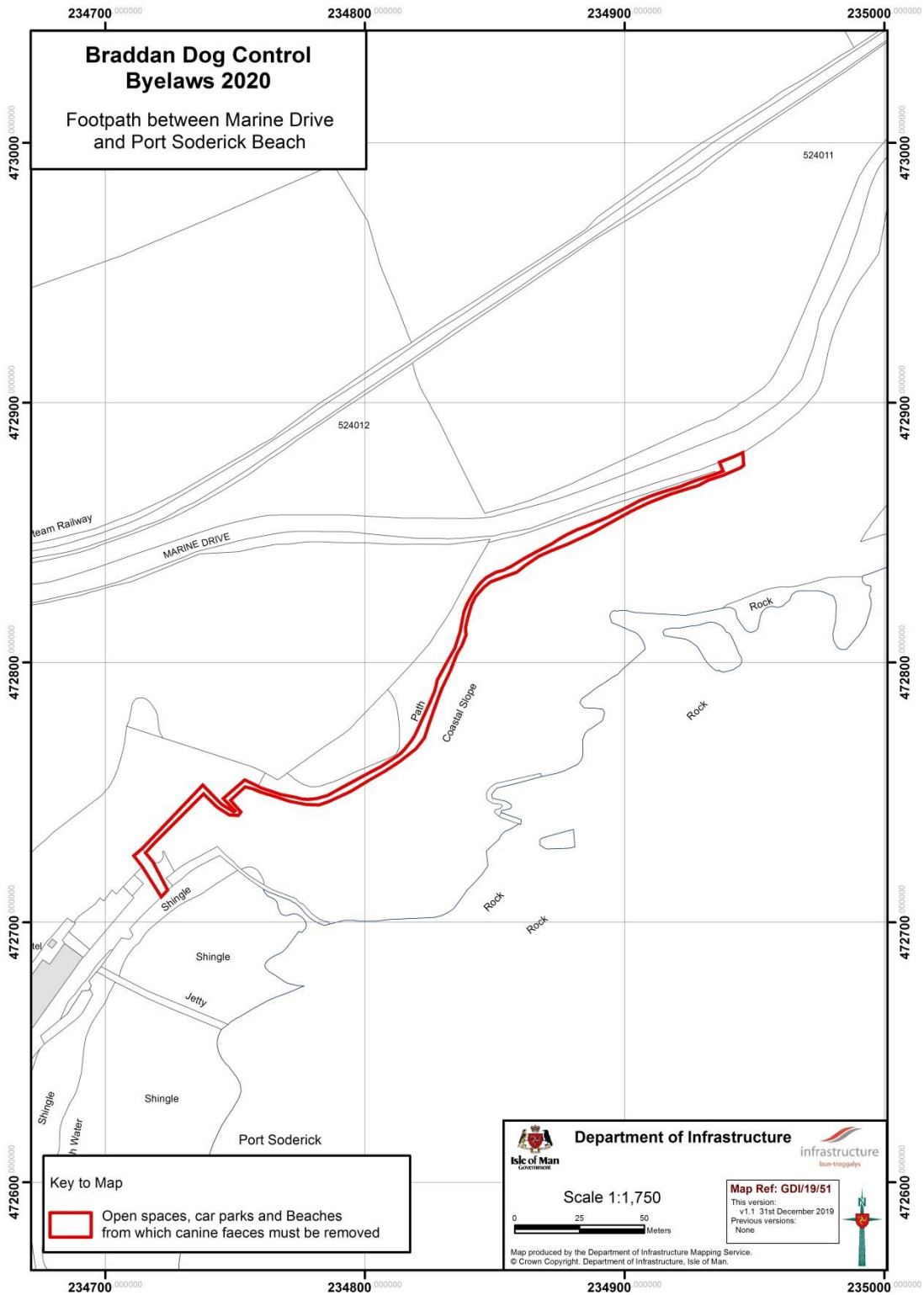
SCHEDULE 5

[Byelaw 8]

PLANS







EXPLANATORY NOTE

(This note is not part of the Byelaws)

These Byelaws impose controls on Dogs in certain parts of the Parish District of Braddan. Dogs are prohibited from open space specified in Schedule 1 and a dog must not be at large in the open spaces and beaches specified in Schedule 2. A dog “at large” is a dog not on a lead or under the effective control of a person aged 10 years or over. Dogs are prohibited unless on a lead in the open spaces specified in Schedule 3. Dog faeces must be removed from any highway within the district of Braddan Parish Commissioners which consists of or comprises a carriageway and from open spaces, car parks and beaches specified in Schedule 4.

A keeper of a dog that permits a dog to be in an open space or beach or allows it to be at large in contravention of these Byelaws commits an offence, punishable by a fixed penalty fine of £50 or, upon summary conviction, a fine of up to level 3 of the standard scale, which is currently up to £2,000. However section 24(2) of the Dogs Act 1990 provides a defence for a person who satisfies the court that the person took all reasonable steps to avoid the commission of the offence.

For the purposes of these Byelaws, the persons described in Byelaw 3 (2) are not keepers of a dog. These include keepers of an assistance dog, emergency services dog and dogs that are permitted by the headteacher of Braddan Primary School or Ballacottier Primary School to be on the school grounds, provided that the dog is kept on a lead or is otherwise kept under control.