



Statutory Document No. 2/03

## THE FORESTRY ACT 1984

### THE FORESTRY (GENERAL) BYELAWS 2003

*Approved by Tynwald on: 19th February 2003*

*Coming into operation on: 21st February 2003*

In exercise of the powers conferred on the Department of Agriculture, Fisheries and Forestry by section 7 of the Forestry Act 1984<sup>1</sup>, and of all other enabling powers, the following Byelaws are hereby made:—

#### 1. Citation, commencement, application and interpretation

(1) These Byelaws may be cited as the Forestry (General) Byelaws 2003 and, subject to section 7(2) of the Forestry Act 1984, shall come into operation on the 21st February 2003.

(2) Nothing in these Byelaws applies to land to which the Sulby Claddagh Byelaws 1994<sup>2</sup> apply.

(3) In these Byelaws —

"bridle-path" and "footpath" have the same meanings as in the Highways Act 1986<sup>3</sup>;

"the Department" means the Department of Agriculture, Fisheries and Forestry;

"keeper", in relation to a dog, has the same meaning as in the Dogs Act 1990<sup>4</sup>.

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<sup>1</sup> 1984 c.20

<sup>2</sup> SD 37/94

<sup>3</sup> 1986 c.17

<sup>4</sup> 1999 c.16

## **2. Use of vehicles**

If any person, otherwise than with the consent of the Department or in the exercise of a legal right, takes or drives any mechanically propelled vehicle on any land vested in the Department or under its management or control, elsewhere than on —

- (a) a highway (not being a footpath or a bridle-path),
- (b) an area laid out for the parking of vehicles, or
- (c) a way laid out for the purpose of access to or egress from such an area,

he is guilty of an offence.

## **3. Use of horses**

If any person, otherwise than with the consent of the Department or in the exercise of a legal right, rides or leads a horse on any land vested in the Department or under its management or control, elsewhere than on —

- (a) a highway (not being a footpath), or
- (b) a way laid out and marked by the Department for use by the public for the purpose of riding or leading horses,

he is guilty of an offence.

## **4. Control of dogs**

(1) If a dog, on any land vested in the Department or under its management or control, —

- (a) disturbs, worries or chases any bird of animal, or
- (b) causes a nuisance or annoyance to any person,

the keeper of the dog is guilty of an offence.

(2) If the keeper of a dog, on any land vested in the Department or under its management or control, fails to keep the dog on a lead in any place where he is required to do so —

- (a) by a notice to that effect, or
- (b) by a person authorised by the Department,

the keeper is guilty of an offence.

(3) If a dog enters or remains on any land vested in the Department and specified in column 2 of Schedule 1, the keeper of the dog is guilty of an offence unless he took all reasonable steps to prevent the dog doing so.

## **5. Fouling of paths**

(1) This byelaw applies to the following places on any land vested in the Department and specified in column 2 of Schedule 2 —

- (a) a footpath,
- (b) a path mainly used by the public on foot, or
- (c) any land within one metre of a path referred to in sub-paragraph (a) or (b).

(2) If a dog defecates at any time on a place to which this byelaw applies, and a person who is in charge of the dog at that time fails to remove the faeces from the place forthwith —

- (a) that person, and
- (b) if he is not that person, the keeper of the dog,

is guilty of an offence unless he has a reasonable excuse for failing to do so.

(3) Nothing in this byelaw applies to a person registered as a blind person in a register compiled under section 27 of the National Assistance (Isle of Man) Act 1951<sup>5</sup>.

- (4) For the purposes of this byelaw —
  - (a) placing the faeces in a receptacle provided for the purpose, or for the disposal of waste, on or near the place shall be a sufficient removal from the place; and
  - (b) being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces, shall not be a reasonable excuse for failing to remove the faeces.

## **6. Penalty**

Any person guilty of an offence under these Byelaws is liable on summary conviction to a fine not exceeding £1,000.

## **7. Revocation**

The Forestry (General) Byelaws 1999<sup>6</sup> are revoked.

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<sup>5</sup> XVII p.1008

<sup>6</sup> SD 584/99

byelaw 4(3).

SCHEDULE 1

LAND TO WHICH BYELAW 4(3) APPLIES

<i>District</i>	<i>Description</i>
German	Tynwald National Park Cooil-y-Ree Gardens Children's play area at Glen Helen
German (part) and Patrick (part)	The Department's depot and premises at Garey-ny-Cloie, Hope Road, St Johns
Laxey	Children's play area at Laxey Glen
Michael	Children's play area at Glen Wyllin
Malew	Children's play area at Silverdale

byelaw 5(1).

SCHEDULE 2

LAND TO WHICH BYELAW 5 APPLIES

<i>District</i>	<i>Description</i>
Arbory (part) and Rushen (part)	Colby Glen
Ballaugh (part) and Michael (part)	Bishopscourt Glen
Braddan (part) and Santon (part)	Port Soderick Glen
Braddan	Millennium Oakwood
German	Glen Helen
Laxey	Laxey Glen
Lezayre	Tholt-y-Will Glen
Malew	Silverdale Glen
Maughold	Dhoon Glen Ballaglass Glen Elfin Glen Ballure Walk
Maughold (part) and Ramsey (part)	Lhergy Frissel Glen
Michael	Glen Mooar Glen Wyllin
Onchan	Molly Quirk's Glen and Bibaloe Glen
Patrick	Glen Maye Raggatt Personal Tree-planting Site

MADE 17th January 2003

*J. Rimington*

Minister for Agriculture, Fisheries and Forestry

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### **EXPLANATORY NOTE**

*(This note is not part of the Byelaws.)*

These Byelaws regulate the use by the public of certain lands of the Department of Agriculture, Fisheries and Forestry, and replace the Forestry (General) Byelaws 1999.

Byelaws 2 and 3, which apply to all land of the Department, restrict the use of vehicles and horses.

Byelaw 4 makes the keeper of a dog guilty of an offence if the dog worries a bird or animal, or if the dog is off a lead where required to be on a lead, on any land of the Department; it also excludes dogs from the areas specified in Schedule 1.

Byelaw 5 requires any dog faeces on or within 1m. of a path on land specified in Schedule 2 to be removed.

Byelaw 6 imposes a maximum fine of £1,000 for contravention of the byelaws.