

**Isle of Man**

*Ellan Vannin*

SD 2015/0234

# **CASTLETOWN GENERAL BYELAWS 2015**





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Statutory Document No. 2015/0234



*Local Government Act 1985*

## **CASTLETOWN GENERAL BYELAWS 2015**

*Approved by Tynwald: 22 July 2015*

*Coming into Operation: in accordance with byelaw 2*

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

### **1 Title**

These Byelaws are the Castletown General Byelaws 2015.

### **2 Commencement**

These Byelaws come into operation immediately after their approval by Tynwald and cease to have effect on the 20<sup>th</sup> anniversary of that date<sup>1</sup>.

### **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 town district of Castletown;

“**foreshore**” means the whole of the area comprising Castletown beach and foreshore between Scarlett and Hango Hill;

“**the local authority**” means Castletown Town Commissioners;

“**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; and

“**street**” has the same meaning as in section 73 of the Local Government Act 1985.

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<sup>1</sup> 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 a person must not, 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, public place, foreshore 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 Street collections**

- (1) A person must not organise, or make, a collection of money from the public for charitable or benevolent purposes in any street —
  - (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 any of the following 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 or authorised person 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 request that the local authority publish the information in sub paragraph (i) at the authority's principal office, or by such other means as the authority consider appropriate.
- A person must not take part in such a collection in contravention of a condition imposed under paragraph (2)(a) to (e).
- (3) Any sale, offer for sale or invitation to offer to buy anything in a street, 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 **Ball games, self-propelled vehicles, etc. to the annoyance of local residents**

- (1) A person must not –
- (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, land adjacent to the 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 to persons or traffic, 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.

## 8 Feeding of animals and birds

- (1) A person must not 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 the areas shown in the Schedule.

## 9 Offensive substances

- (1) A person must not in any public place —
  - (a) throw or let off any stink bomb or similar article, or
  - (b) squirt, spray or otherwise throw or scatter any substancein such a manner as to cause danger, obstruction or give reasonable grounds for annoyance to any resident or other person in a public place.
- (2) Paragraph (1) does not apply to fireworks.

## 10 Cycling and skating

A person must not 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.

## 11 Street traders

- (1) A street trader (“S”) commits an offence if, without the consent of the local authority, S sells, exposes for sale or offers for sale any food in any open space within the district.
- (2) If the local authority grants consent under paragraph (1) subject to conditions, S commits an offence if S fails to comply with any of the conditions.
- (3) This byelaw does not apply to —
  - (a) a street trader licensed under the Pedlars and Street Traders Act 1906 (“the 1906 Act”); or
  - (b) a person exempt from registration under the 1906 Act; or
  - (c) a food business registered under the Food Act 1996 (“the 1996 Act”); or
  - (d) a person exempt from registration under the 1996 Act.
- (4) In this byelaw “**street trader**” and “**open space**” have the meanings given by section 2 of the 1906 Act.



**12 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.

**THE COMMON SEAL of the Castletown Town Commissioners was affixed in the presence of Suzanne Jones, Finance Officer.**

**MADE 17 JUNE 2015**

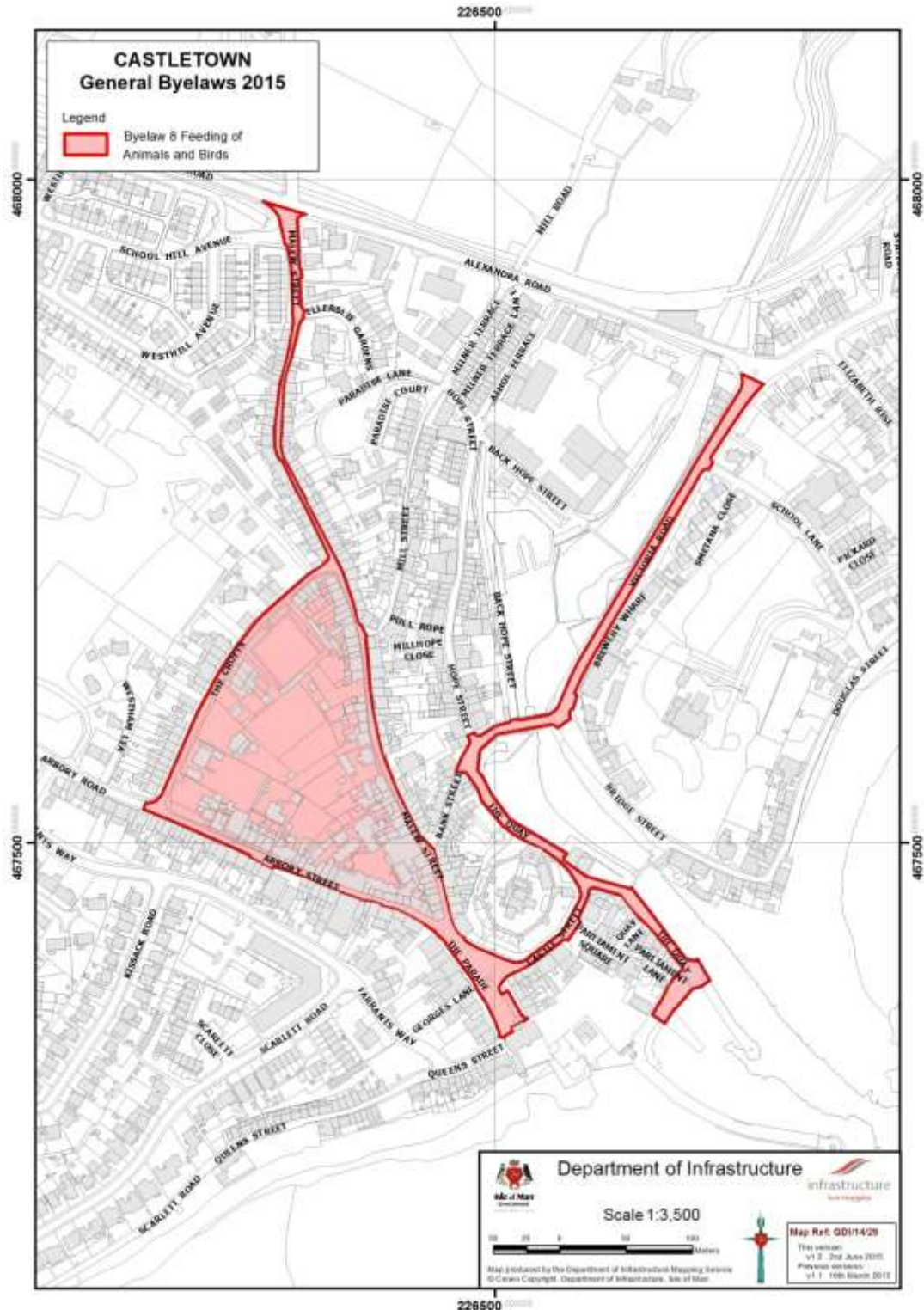
**E C CONVERY**  
*Town Clerk*



SCHEDULE

[Byelaw 8]

FEEDING OF ANIMALS AND BIRDS





*EXPLANATORY NOTE*

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

These Byelaws regulate various activities and are aimed at preventing and suppressing nuisances within the town district of Castletown and maintaining the quality of life for residents and visitors.