



## PORT ERIN GENERAL BYELAWS 2021

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Statutory Document No. 2021/0262



*Local Government Act 1985*

## PORT ERIN GENERAL BYELAWS 2021

*Approved by Tynwald: 15 March 2022*

*Coming into operation: in accordance with Byelaw 2*

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Port Erin Village District Commissioners make the following Byelaws under section 28 and 30(7) of the Local Government Act 1985.

### 1 Title

These Byelaws are the Port Erin General Byelaws 2021.

### 2 Commencement

If approved by Tynwald, these Byelaws come into operation at the expiration of one month from the date of their approval<sup>1</sup> and cease to have effect on the 20th anniversary of the date on which they come into operation<sup>2</sup>.

### 3 Interpretation

In these Byelaws —

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

“**carriageway**” has the same meaning as in section 72 of the Road Traffic Act 1985;

“**footway**” has the same meaning as in section 72 of the Road Traffic Act 1985;

“**harbour**” has the same meaning as in section 83 of the Harbours Act 2010, to the extent that a harbour (within the meaning in that section) is within the village district of Port Erin;

“**invalid carriage**” means a vehicle, whether or not mechanically propelled, constructed or adapted for use for the carriage of one person, being a person suffering from some physical defect or disability, and which is being used solely for the carriage of such a person;

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<sup>1</sup> Tynwald approval is required under section 30(4) of the Local Government Act 1985.

<sup>2</sup> In accordance with section 28(3) of the Local Government Act 1985

“**living van**” has the meaning given in regulation 3 of the Road Vehicles (Maintenance and Use) Regulations 2012<sup>3</sup>;

“**local authority**” means Port Erin Village District Commissioners;

“**motor caravan**” has the meaning given in regulation 3 of the Road Vehicles (Maintenance and Use) Regulations 2012<sup>4</sup>;

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

“**planning approval**” has the same meaning as section 45 of the Town and Country Planning Act 1999;

“**pram**” means a pram being used solely for its intended purpose of transporting an infant;

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

“**street**” means a highway or any other road, square or court, alley, passage or thoroughfare to which the public has access, and includes a footway, margin or verge forming part of a road and a bridge over which a road passes.

#### 4 Application

These Byelaws apply to the whole of the village district of Port Erin unless expressly provided otherwise in these Byelaws.

#### 5 Games and other recreational activity

- (1) A person must not 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.
- (2) A person must not do any of the following in a public place so as to cause danger, obstruction or give reasonable grounds for annoyance to any person –
  - (a) play football or any other ball game;
  - (b) ride a pedal cycle; or
  - (c) roller skate, roller blade, skateboard or use any other self-propelled vehicle.

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<sup>3</sup> SD 0323/12

<sup>4</sup> SD 0323/12



- (3) 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 an invalid carriage or a pram.

## 6 Touting

- (1) A person must not do any of the activities specified in paragraph (2) —
- (a) in a street without the prior written permission of the local authority; or
  - (b) in any public place other than a street in a manner likely to cause obstruction or give reasonable grounds for annoyance to any other person.
- (2) The activities mentioned in paragraph (1) are —
- (a) advertising, or otherwise soliciting custom for, goods or services; or
  - (b) seeking to gather information from members of the public for use in the supply of goods or services.
- (3) If a person undertakes an activity described in paragraph (2) in a street with the prior written permission of the local authority given under paragraph (1), the person must not undertake the activity in a manner likely to cause obstruction or give reasonable grounds for annoyance to any other person.
- (4) The local authority may give permission under paragraph (1)(a) unconditionally, or subject to conditions that may include but are not limited to—
- (a) requiring a person who as part of the activity distributes leaflets to ensure that discarded leaflets are retrieved so as to prevent littering; and
  - (b) requiring a person to remain in a specified area whilst undertaking the activity.

## 7 Excessive noise

- (1) After being asked to desist by a constable in uniform or an authorised officer, a person must not —
- (a) sound or play a musical instrument;
  - (b) operate or permit to be operated a radio, amplifier or other sound producing device; or
  - (c) otherwise make any noise,
- in a public place in a manner so loud or so continuous or repeated as to cause disturbance, nuisance or give reasonable grounds for annoyance to any other person.

- (2) Paragraph (1) does not apply to –
- (a) a loudspeaker used in circumstances where section 14 (noise in streets) of the Public Health Act 1990 applies; or
  - (b) any noise created in conformity with a written permission or authorisation from a Department, Statutory Board or the local authority.

## 8 **Begging**

A person must not beg in a public place in such a manner so as to cause obstruction or give reasonable grounds for annoyance to any other person.

## 9 **Urinating, etc.**

A person must not urinate or defecate in a public place in such circumstances as to cause, or to be likely to cause, annoyance to any other person.

## 10 **Repairing and maintaining vehicles**

- (1) A person must not service, repair or work for general maintenance purposes upon a motor vehicle in a street to the annoyance of residents in the street, unless the vehicle has broken down and the repair or work is necessary for the vehicle to be moved.
- (2) If a person contravenes paragraph (1), and the local authority decides that it is necessary to cleanse the street or any surface water drain as soon as possible as a consequence of the contravention, the local authority may undertake the cleansing and recover the cost of so doing from the person.
- (3) A person must not leave, in a street, a motor vehicle which is in a serious state of disrepair, so as to cause danger, obstruction or annoyance to any person, unless the vehicle has been left outside premises in as safe and considerate a manner as possible to await removal from the street at the earliest possible time.

## 11 **Vehicles on road margins or verges**

- (1) A person must not without lawful authority drive, park or leave a motor vehicle or trailer on a road margin or verge.
- (2) This byelaw does not apply to a heavy commercial vehicle within the meaning of section 38 of the Road Traffic Regulation Act 1985.
- (3) In this byelaw –
  - (a) “**trailer**” means any vehicle made, used, adapted or constructed to be drawn or towed by a motor vehicle; and
  - (b) “**road margin or verge**” means land that is –
    - (i) adjacent to a carriageway (or between two such carriageways); and

- (ii) laid or sown with grass or planted with trees, shrubs or plants, and mown or otherwise maintained in ornamental condition by the local authority.
- (4) This byelaw applies only to the extent that any provision of or under the Road Traffic Act 1985 does not apply to conduct specified in this byelaw.

## **12 Moveable dwelling**

- (1) A person must not maintain, or reside in, a moveable dwelling in a public place without prior written permission from the local authority.
- (2) For the purpose of this byelaw, the following maintain a moveable dwelling –
  - (a) a person by whom the moveable dwelling was placed in a public place; and
  - (b) a person who resides in or makes domestic use of the moveable dwelling.
- (3) In this byelaw, “moveable dwelling” means a tent, living van, motor caravan, shed, van or other conveyance or similar structure, whether or not capable of being used on roads, which is made, adapted or used for human habitation.

## **13 Washing or cleaning yards, gardens etc.**

A person must not wash, sluice or brush, or cause to be washed, sluiced or brushed, into a public place any dirt, debris or other waste from any yard, garden or other part of the curtilage of premises.

## **14 Feeding of animals and birds**

A person must not attract a gathering of wild birds, vermin or other wildlife by providing food for such birds, vermin or wildlife in a manner likely to cause –

- (a) a danger to public health; or
- (b) annoyance or nuisance to any person.

## **15 Interference with life-saving equipment**

A person must not, except in an emergency for which the equipment is designed, remove, displace or otherwise interfere with any life-saving appliance or equipment placed by the local authority in a public place.

## **16 Shopping trolleys**

- (1) A person must not leave or abandon a shopping trolley in a public place, away from the shop premises from which it was obtained.

- (2) The owner of a shop from which a shopping trolley left or abandoned as described in paragraph (1) was obtained must remove it on being notified of its whereabouts by the local authority.
- (3) If the owner fails to remove a shopping trolley as required under paragraph (2) within 48 hours of being notified of its whereabouts by the local authority, the local authority may collect the trolley and deliver it to the shop from which it was obtained and recover from the owner its reasonable costs for such 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.

## **17 Drying or airing clothes, etc.**

A person must not hang, drape or otherwise leave any clothing, bedding, towels or other items to be dried or aired on a string, line, rail or other apparatus at the front of any premises, or a side of any premises where that side abuts a street, so as to cause a nuisance or give reasonable grounds for annoyance to any person.

## **18 Artificial Light**

- (1) A person must not install security lights or exterior lights to a building or structure so that artificial light emitted from such security or exterior lights constitutes a nuisance to another person in that person’s home, in the manner described in paragraph (2).
- (2) The artificial light causing the alleged nuisance must affect a habitable room in the home of the person affected, such as a bedroom or living room.
- (3) Paragraph (1) does not apply to —
  - (a) security lights or exterior lights that have planning approval;
  - (b) street lighting;
  - (c) buildings owned or vested in —
    - (i) a Department;
    - (ii) a statutory board;
    - (iii) the local authority; or
    - (iv) a joint board.

## **19 Permissions**

- (1) Where prior written permission is required under these Byelaws for a specified activity, permission is not to be unreasonably withheld.
- (2) The local authority must determine whether to grant permission for a specified activity under these byelaws by considering all the





circumstances of the case, including such of the following matters as are relevant –

- (a) the extent to which the activity would impact on the quality of the use made of a public place by residents of, and visitors to, the village district of Port Erin;
- (b) the extent to which facilities exist or can be provided, either by the local authority or the person seeking the permission, to enable the activity to be undertaken properly and safely; and
- (c) the adequacy of the organisation, safety measures and supervision with regard to the activity provided by the person seeking the permission.

## **20 Production of permission**

A person holding a written permission given under these Byelaws must produce the permission when requested to do so by a constable in uniform or an authorised officer.

## **21 Enforcement and penalties**

- (1) A person who contravenes any of these Byelaws commits an offence and is liable on summary conviction to a fine not exceeding £5,000.
- (2) These Byelaws are enforceable by a constable in uniform or an authorised officer without the need for a complaint to be made.
- (3) If a constable in uniform or an authorised officer has reasonable grounds for believing a person is committing, or has committed, an offence under these Byelaws, the constable or authorised officer may require the person to give to the constable or authorised officer the person's full name and address.

**THE COMMON SEAL<sup>5</sup> of Port Erin Village District Commissioners was affixed on 30 July 2021 in the presence of –**

**(L.S.)**

**MADE            30 JULY 2021**

**G B T EGEE**  
*Chairman, Port Erin Village District Commissioners*

**J ROBERTS**  
*Clerk to Port Erin Village District Commissioners*

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<sup>5</sup> As required by section 30(2) of the Local Government Act 1985.



*EXPLANATORY NOTE*

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

These Byelaws regulate various activities in the Village District of Port Erin and are aimed at preventing and suppressing nuisances and maintaining the quality of life for residents and visitors.