



Statutory Document No. 532/08

THE LOCAL GOVERNMENT ACT 1985

THE MALEW PARISH GENERAL BYELAWS 2008

Approved by Tynwald *16th July 2008*

Coming into operation *1st August 2008*

In exercise of the powers conferred on the Commissioners of the Malew 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 Malew Parish General Byelaws 2008 and, subject to section 30(4) of the Local Government Act 1985, shall come into operation on 1st August 2008.

(2) In these Byelaws —

"the district" means the parish district of Malew;

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

"street" includes any bridge, road, lane, footway, subway, square, court, alley or passage, whether a thoroughfare or not, which is open to the public; and the doorways and entrances of premises abutting on, and any land adjoining and open to, a street shall be treated as forming part of the street.

(3) Subject to paragraph (2), 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 £2,500.

3. Noise

No person shall —

¹ 1985 c.24

Price: £1.20 Price Code: A

- (a) sound or play upon any musical or noisy instrument, or
- (b) sing or shout, or
- (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. Processions

(1) No person shall hold a procession in any street or public place unless he or she 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 or she 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.

5. 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.

6. Touting

No person shall –

- (a) 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;
- (b) tout or otherwise importune any person in any street for the purpose of taking or selling a photograph.

7. Dangerous games near streets

No person shall –

- (a) play any offensive or dangerous game on land adjoining a street, or
- (b) skate on roller-skates, a skateboard, rollers or wheels or any similar device

so as to cause danger, nuisance or obstruction to persons or traffic in the street.

8. 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.

9. Indecent language or behaviour

No person shall —

- (a) use obscene or indecent language in any street or public place to the annoyance of any person, or
- (b) urinate or defecate in any street or public place.

10. Offensive substances

No person shall —

- (a) throw or let off any stink bomb or similar article, or
- (b) squirt, spray or otherwise throw or scatter any offensive substance

in any public place whether in an open area or a building to which the public are admitted (whether on payment or otherwise).

11. 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 without the prior written consent of the local authority.

12. 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.

13. 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 had broken down and the act complained of was necessary in order to remove it; or
- (b) that the vehicle was kept or used by him or her for the purpose of any business, and that the act complained of was not carried out by him or her in the course of any business.

14. 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.

15. 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, wall, fence, 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.

Made this day of 2008

THE COMMON SEAL of the Malew
Parish Commissioners is hereunto
affixed this day of 2008
in the presence of:

Chairman _____
Mr R. Pilling

Clerk _____
Mr B Powell

EXPLANATORY NOTE
(This note is not part of the Byelaws)

These Byelaws regulate certain types of activities and also matters relating to anti-social behaviour within the parish district of Malew.

Byelaw 3 provides that no person shall make a loud noise in a public place so as to cause annoyance to residents. Byelaw 4 provides that written notice must be submitted to the local authority before certain types of procession are held. Byelaw 5 provides that no street collections are allowed unless the written consent of the local authority has been obtained. Byelaw 6 provides that no person shall tout or solicit for business so as to cause annoyance or obstruction to persons in the street or public place. Byelaw 7 provides that no person shall play any dangerous games so as to cause annoyance or obstruction to persons in the street. Byelaw 8 provides that no person shall loiter near entrance to places of worship so as to cause annoyance or obstruction to persons attending a service. Byelaws 9 provide that no person shall use obscene language so as to cause annoyance to any person. Byelaw 10 provides that no person shall throw or let off offensive substances stink bombs etc in any public place. Byelaw 11 provides that the written authority of the local authority must be obtained before a condom vending machine is sited on a street. Byelaw 12 provides that no person shall place any awning so as to cause danger to persons using the street. Byelaw 13 prohibits the washing or repairing of vehicles on a street including a pavement. Byelaw 14 regulates the use of life-saving appliances and byelaw 15 regulates the use of placards, notices etc.