

STATUTORY NUISANCE

Issues that may be a statutory nuisance include:



Any premises in such a state as to be prejudicial to health or a nuisance



Any animal or bird kept in such a place or manner as to be prejudicial to health or a nuisance



Any pool, ditch, gutter, watercourse, privy, urinal, cesspool, septic tank, drain or ashpit or other receptacle for waste matter in such a state as to be prejudicial to health or a nuisance



Any accumulation or deposit, or any dead animal or bird which is prejudicial to health or a nuisance



Any house or part of a house which is overcrowded as to be prejudicial to health



Any dust or effluvia caused by any trade or trade process and being prejudicial to health or a nuisance



Any smoke emitted in such a quantity or of such density or content as to be a nuisance



Any other matter declared by the Public Health Act 1990 or any other enactment to be a statutory nuisance



Noise amounting to a nuisance

The Public Health Act 1990 contains powers to deal with statutory nuisances. The Environmental Health Unit can investigate allegations of statutory nuisances on behalf of local authorities and statutory noise nuisance on behalf of the Department of Environment, Food and Agriculture (The Department).

For an issue to be considered as a statutory nuisance it must do one of the following:

- unreasonably and substantially interfere with the use or enjoyment of a home or other premises
- injure health or be likely to injure health

Abatement Notices

Where the Department or a local authority is satisfied that a statutory nuisance exists, they can serve an "Abatement Notice" to reduce, stop or restrict its occurrence or reoccurrence on any persons responsible, or a premises owner or occupier, if the person responsible cannot be found.



If the nuisance results in a building being unfit for human habitation, the abatement notice may prohibit the use of that building for that purpose until the authority is satisfied that the nuisance no longer exists. Any person who knowing the building has been served a notice and continues to use that building for that purpose shall be guilty of an offence.

Where a person fails to comply with an abatement notice the court may issue a nuisance order. If an individual does not comply with the abatement notice or the nuisance order, they can be fined up to a maximum of £2,500.

NOISE NUISANCE

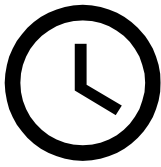
Noise at night



Any **ONGOING** noise occurring between the hours of 11pm -7am can be dealt with under the Noise Act 2006 and should be reported to:
Isle of Man Constabulary via Police Headquarters
(01624 631212)

Construction site noise

Construction site noise is primarily controlled through applying standard hours of work:



Standard hours of work include:
8am - 6pm | Monday - Friday
8am - 2pm | Saturday

No work on Sundays or bank holidays

Tips for resolving noise problems with your neighbours



Talk to your neighbour about the issue, this can help to resolve the situation informally. Remember to remain calm and polite.



If your neighbour is a tenant, you could contact their landlord.



You can use a mediation service if attempts to resolve the issue informally are not successful.



Contact the police if the noise is occurring between the hours of 11pm and 7am, you should also contact the police if the discussion becomes violent or aggressive.



You can take legal action through the courts. More information on this is available overleaf.

TAKING YOUR OWN ACTION



Consider talking this issue over with your neighbour, this can help to resolve the issue informally. You can speak face-to-face, or you can write, call, or text if you prefer.



You are encouraged to write down incidents as they occur. Include as much detail as you can, what happened, for how long and how it affected you. A diary form is included within this guide for you to use.



In case the nuisance does not improve, write to your neighbour and request that they stop it, stating that if it does not stop by a certain date (i.e. two weeks), you will file a complaint with the Courts of Summary Jurisdiction under the provisions of 'Section 5 of the Public Health Act 1990.' In this way, you'll give the person you're complaining about the opportunity to resolve the issue directly.

The Dogs Act 1990 also provides powers where 'any person may make a complaint to a Court of Summary Jurisdiction that a dog ... causes nuisance or annoyance to the inhabitants of the neighbourhood in which it is kept'.



Date any letters you send and keep a copy for future reference, together with any correspondence you receive.



As a last resort, you can take legal action through the courts. You must prove to the Court beyond reasonable doubt that the noise you are complaining about amounts to a statutory nuisance.



If you wish to file a complaint with the court, you or your legal advisor should complete form HC1 - Claim form (general). Completed forms should be sent to:

Isle of Man Courts of Justice
Deemsters Walk, Bucks Road,
Douglas, Isle of Man,
IM1 3AR
Tel (01624) 685265
enquiries@courts.im
<https://www.courts.im>



A date will be set for the hearing and the person you are complaining about will be summoned to court. You will be required to explain your view of the problem and to bring evidence such as diary sheets, correspondence, and witnesses. It may be necessary to examine your witnesses in order to draw out their testimony. An advocate can assist you in the court proceedings, but, you can take action on your own if you wish.



You may be cross-examined by the person you are complaining about and they may produce evidence that contradicts yours.



If the complaint is successful, the court will order the person responsible to stop the nuisance and prevent it from recurring.



In the event that you lose your case, you could be required to pay some or all of the defendant's court costs.



USEFUL CONTACTS

Environmental Health Unit



01624 685894



Thie Slieau Whallian, Foxdale Road, St. John's, IM4 3AS



ehenquiries@gov.im

Isle of Man Constabulary



01624 631212



Police Headquarters, Dukes Avenue, Douglas, IM2 4RG



police@gov.im

Isle of Man Courts of Justice



01624 685265



Deemsters Walk, Bucks Road, Douglas, IM1 3AR



enquiries@courts.im

Sheet Number:

Date	Time Started / Ended	Description of Noise	Level of Disturbance	Believed Source of Noise/ Additional Remarks
<i>E.g. 01/05/2023</i>	<i>E.g. 19:00/7o'dodc-23:00/ 11 o'clock</i>	<i>E.g. hiss, bang, whine, thump, music, singing, etc.; loud, faitfy loud etc.)</i>	<i>E.g. oke me up, interfered with conversa5on, had to tum TV up crc.)</i>	
PLEASE RETAIN A COPY	THEABOVE IS A TRUE AND ACCURATE ACCOUNT OF EVENTS	SIGNED:	PRINT NAME :	DATE: