



Statutory Document No. 255/03 as amended by SD 465/07

THE FORESTRY ACT 1984

THE SULBY CLADDAGH BYELAWS 2003

*Approved by Tynwald : 20th May 2003
Coming into operation : 1st June 2003*

In exercise of the powers conferred on the Department of Agriculture, Fisheries and Forestry by section 7 of the Forestry Act 1984¹, and of all other enabling powers, the following Byelaws are hereby made:-

1. Citation, commencement and application

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

(2) These Byelaws apply to the land known as Sulby Claddagh in the parish of Lezayre shown edged with a thick black line on the map annexed hereto and marked "Map referred to in the Sulby Claddagh Byelaws 2003".

2. Interpretation

In these Byelaws -

"caravan" means a vehicle (including a mechanically propelled vehicle) which is designed or adapted for human habitation;

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

"moveable dwelling" includes a tent and a caravan.

"recreational area" means the area contained within Sulby Claddagh shown as the hatched area on the map described in byelaw 1(2).

3. Prohibition of mechanically propelled vehicles

(1) Subject to paragraph (2), any person who uses any mechanically propelled vehicle on Sulby Claddagh (other than on the highway) for any purpose other than for access for parking on Sulby Claddagh in accordance with these Byelaws shall be guilty of an offence.

(2) Paragraph (1) shall not apply in the case of a person using -

(a) any vehicle of any emergency or rescue service;

(b) any invalid carriage;

(b) any appliance or vehicle for cleansing, maintaining or carrying out works on Sulby Claddagh or for any other purpose, where such appliance or vehicle is owned and operated by the Department or otherwise by a person with the permission of the Department.

(3) For the purpose of proceedings for any offence under paragraph (1) or under byelaw 4, 5, 6(1) or 7(1), the person who, where appropriate, is registered as the keeper of a mechanically propelled vehicle pursuant to regulations under the Licensing and Registration of Vehicles Act 1985 shall be deemed to be the person by whom it is used or kept.

4. Prohibition on overnight parking - winter

If a mechanically propelled vehicle or a trailer is, without the consent in writing of the Department, allowed to stand on any land to which these Byelaws apply between the hours of 12 midnight and 6 a.m. on any day between the 1st October and the 15th March -

(a) the person by whom it is placed there, and

(b) the person by whom it is used or kept, is guilty of an offence.

5. Prohibition on overnight camping - winter

If a movable dwelling is, without the consent in writing of the Department, allowed to stand on any land to which these Byelaws apply between the hours of 12 midnight and 6 a.m. on any day between the 1st October and the 15th March -

(a) any person occupying it,

(b) the person by whom it was placed there, and

(c) in the case of a mechanically propelled vehicle, the person by whom it is used or kept, is guilty of an offence.

6. Prohibition on long-term camping - summer

(1) Subject to paragraph (2), if a movable dwelling is, without the consent in writing of the Department, allowed to stand on any land to which these Byelaws apply between the hours of 12 midnight and 6 a.m. on any day between the 16th March and the 30th September -

(a) any person occupying it,

(b) the person by whom it was placed there, and

(c) in the case of a mechanically propelled vehicle, the person by whom it is used or kept, is guilty of an offence.

Continued

(2) In proceedings for an offence under this byelaw, it is a defence for the accused to prove that at the material time the dwelling in question had been allowed to stand on any land to which these Byelaws apply on less than 15 consecutive days.

(3) Where -

- (a) a movable dwelling is allowed to stand on any land to which these Byelaws apply for 2 or more periods of 4 or more consecutive days, and
- (b) a period of not more than 4 consecutive days, during which the dwelling is not allowed to stand on any land to which these Byelaws apply, intervenes between any 2 of those periods,
then, for the purpose of paragraph (2), the period mentioned in sub-paragraph (b) shall be disregarded, and the periods mentioned in sub-paragraph (a) shall be treated as continuing without interruption.

7. Prohibition of camping on the recreation area

(1) If a mechanically propelled vehicle or a trailer or a mobile dwelling is, without the consent in writing of the Department, allowed to stand on the recreation area at any time -

- (a) the person by whom it is placed there, and
- (b) the person by whom it is used or kept or any person occupying it, is guilty of an offence.

(2) In proceedings for an offence under this byelaw, it is a defence for the accused to prove that the material time during which the vehicle, trailer or dwelling in question had been allowed to stand on any land to which this byelaw applies occurred and was wholly contained within the two weeks of the Tourist Trophy Festival or two weeks of the Manx Grand Prix Festival.

8. Prohibition on lighting fires

(1) Any person who, without the consent in writing of the Department -

- (a) lights a fire, or
- (b) puts fuel on a fire, or
- (c) otherwise keeps a fire burning,

on any land to which these Byelaws apply is guilty of an offence.

(2) References in this byelaw to a fire do not include the combustion of fuel consisting of charcoal or any hydrocarbon liquid or gas in a cooking appliance designed or adapted for the burning of that fuel, provided that the cooking appliance is designed in such a way that it does not cause burning, scorching or damage by heat to the ground, surrounding area or any flora.

8A. Disturbance

(1) A person who causes a disturbance such as to inconvenience or offend any other person, shall be guilty of an offence.

(2) Without prejudice to paragraph (1), the following shall constitute a disturbance –

- (a) the playing or reproduction of any music by any method or medium after 10.30 pm;
- (b) violent, quarrelsome, or disorderly behaviour;
- (d) the use of profane, obscene or threatening language.”;

[Byelaw 8A inserted by SD 546/04, the Sulby Claddagh (Amendment) Byelaws 2004]

8B. Dogs

(1) No person shall bring onto, or permit to remain on, the land defined in byelaw 1(2) any dog unless it is kept under proper control and is prevented from worrying, disturbing or chasing any animal or bird, or causing nuisance or annoyance to any person.

(2) When required by an authorised person or by a notice affixed on the land by the Department, dogs shall be kept on a lead.

(3) If a dog defecates at any time on the land, the person who is in charge of the dog at that time shall remove the faeces from the land forthwith.

8C. Vehicles for Sale

That no person is permitted to advertise a vehicle, caravan or trailer for sale from the recreational area, by way of any form of advertising signage either placed on the vehicle, caravan or trailer or from signage directly adjacent to the vehicle.”.

[Byelaw 8B & 8C inserted by SD 465/07, the Sulby Claddagh (Amendment) Byelaws 2007]

9. Penalty

Any person who commits an offence under byelaw 3(1), 4, 5, 6(1), 7(1), 8(1), 8A(1) or 8B is liable on summary conviction to a fine not exceeding £2500.

[Byelaw 9 amended by SD 465/07, the Sulby Claddagh (Amendment) Byelaws 2007]

10. Revocation

The Sulby Claddagh Byelaws 2000¹ are revoked.

Map referred to in the Sulby Claddaghs Byelaws 2003



MADE 23rd April 2003

J. Rimington

Minister for Agriculture, Fisheries and Forestry

AMENDMENT MADE 7th July 2004

R. W. Henderson

Minister for Agriculture, Fisheries and Forestry

EXPLANATORY NOTE

(This note is not part of the Byelaws)

These Byelaws regulate parking, camping and fires on Sulby Claddagh. They prohibit the use of mechanically propelled vehicles other than for access to overnight parking and camping between 1st October and 15th March (byelaws 3 and 4) and long-term camping between 16th March and 30th September (byelaw 5), regulate parking and camping on the designated recreational area (byelaw 6) and prohibit fires at any time, except for the use of appliances which do not burn, scorch or damage by heat the ground, surrounding area or any flora (byelaw 8).

These 2004 Amendment Byelaws amended the Sulby Claddagh Byelaws 2003 so as to make it an offence to create a disturbance on Sulby Claddagh.