



FORESTRY ACT 1984
SULBY CLADDAGH BYELAWS 2010

Approved by Tynwald: 20th April 2010
Coming into operation: 26th April 2010

The Department of Agriculture, Fisheries and Forestry makes these Byelaws under section 7 of the Forestry Act 1984¹.

1 Title

These Byelaws are the Sulby Claddagh Byelaws 2010.

2 Commencement

If approved by Tynwald² these Byelaws come into operation on 26 April 2010.

3 Application

These Byelaws apply to the land known as Sulby Claddagh in the parish of Lezayre shown on the map in the Schedule to these Byelaws.

4 Interpretation

In these Byelaws -

“the Act” means the Forestry Act 1984;

“authorised person” means a person whether or not an officer of the Department who is authorised by the Department, either generally or specifically, to act in matters arising under these Byelaws;

“camping area” means that area designated as such and marked on the map in the Schedule;

¹ 1984 c.20

² As required by section 7(2) of the Act

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

“invalid carriage” means a mechanically propelled vehicle constructed or adapted for use for the carriage of a person suffering from some physical defect or disability;

“moveable dwelling” includes a tent and a caravan;

[³“overnight camping” means allowing a moveable dwelling to stand on the Sulby Claddagh between the hours of 12 midnight and 6.00 am;]

“recreational area” means the area marked as such on the map in the Schedule;

“riverside recreational area” means the area to the west of the roadway and marked as such on the map in the Schedule.

5 Prohibition of mechanically propelled vehicles

- (1) A person must not use any mechanically propelled vehicle on Sulby Claddagh (other than on the highway) for any purpose other than for access for parking in accordance with these Byelaws.
- (2) However, paragraph (1) does not apply in the case of a person using -
 - (a) a vehicle of any emergency or rescue service;
 - (b) an invalid carriage;
 - (c) an 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 6, [⁴8, 9 or 14,] the person who is registered as the keeper of a mechanically propelled vehicle pursuant to regulations under the Licensing and Registration of Vehicles Act 1985⁵ shall be taken to be the person by whom it is used or kept.

³ Definition substituted by byelaw 3(2) of SD 092/11 from 1 April 2011

⁴ References substituted by byelaw 3(3) of SD 092/11 from 1 April 2011

⁵ 1985 c.21

6 Prohibition on overnight parking [6]

A person must not allow a mechanically propelled vehicle or trailer 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 1 October and the 30 April without the consent in writing of the Department.

[77 Prohibition on overnight camping

- (1) A person must not camp overnight on the Sulby Claddagh -
 - (a) any time between 1 October and 30 April without the consent in writing of the Department; or
 - (b) any time between 1 May and 30 September without being in possession of a valid permit issued by the Department.
- (2) Despite paragraph (1), camping may take place on the Sulby Claddagh from noon on the day before Good Friday until noon on the day following Easter Monday in each year provided the person camping is in possession of a valid permit issued by the Department.
- (3) Where a person is in possession of a permit referred to in paragraph (1)(b) above they must not allow a moveable dwelling to stand on the camping area for a period of more than 14 consecutive days.
- (4) However, if a moveable dwelling is allowed to stand on the camping area -
 - (a) 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 the camping area, intervenes between any of those periods,then, for the purpose of this byelaw, the period mentioned in subparagraph (b) shall be disregarded, and the periods mentioned in subparagraph (a) shall be treated as continuing without interruption.
- (5) If a moveable dwelling is permitted to stand on the camping area it must stand at least 6 metres from another moveable dwelling.

8 Prohibition of overnight parking on the riverside recreational area

A person must not allow a mechanically propelled vehicle, a trailer or a moveable dwelling to stand on the riverside recreational area at any time between the hours of 12 midnight and 6 a.m. without the consent in writing of the Department.

⁶ Words omitted by byelaw 3(4) of SD 092/11 from 1 April 2011

⁷ Byelaws 7 & 8 substituted by byelaw 3(5) of SD 092/11 from 1 April 2011

9 Prohibition of camping on the recreation area

A person must not allow a mechanically propelled vehicle, a trailer or a moveable dwelling to stand on the recreation area at any time without the consent in writing of the Department.

[⁸10 Exemption from byelaws 8 and 9

Byelaws 8 and 9 do not apply from, and including the Thursday prior to, and the Tuesday following, the two-week periods of the Tourist Trophy Festival and the Manx Grand Prix Festival.

11 Prohibition on lighting fires

(1) A person must not -

- (a) light a fire, or
- (b) put fuel on a fire, or
- (c) otherwise keep a fire burning,

on Sulby Claddagh without the consent in writing of the Department.

(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.

12 Disturbance

(1) A person must not cause a disturbance so as to inconvenience or offend any other person.

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

- (a) playing any music after 10.30 pm;
- (b) running a generator after the hours of 10.30 pm or before 7.30 am;
- (c) violent, quarrelsome, or disorderly behaviour;
- (d) using profane, obscene or threatening language.

13 Dogs

(1) A person must not bring onto, or permit to remain on, Sulby Claddagh 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.

⁸ Byelaw 10 substituted by byelaw 3(7) of SD 092/11 from 1 April 2011

- (2) When required by an authorised person or by a notice affixed on the land by the Department, dogs must 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 must remove the faeces from the land forthwith.

14 Vehicles for Sale

A person must not advertise a vehicle, caravan or trailer for sale on Sulby Claddagh, by way of any form of advertising signage placed on the vehicle, caravan or trailer or directly adjacent to the vehicle.

15 Littering

A person must not drop litter on Sulby Claddagh.

16 Offences

A person who contravenes any provision of these Byelaws commits an offence and is liable on summary conviction to a fine not exceeding £2,500.

17 Revocation

The following Byelaws are revoked –

The Sulby Claddagh Byelaws 2003⁹;

The Sulby Claddagh Byelaws 2003 (Amendment) Byelaws 2004¹⁰

The Sulby Claddagh Byelaws 2003 (Amendment) Byelaws 2007¹¹

Made 22nd March 2010

Phil Gawne

Minister for Agriculture, Fisheries and Forestry

⁹ SD 255/03

¹⁰ SD 546/04

¹¹ SD 465/07

EXPLANATORY NOTE

(This note is not part of the Byelaws)

These Byelaws replace the Sulby Claddagh Byelaws 2003 which were amended in 2004 and 2007 respectively. They also introduce additional provisions for the regulation of the Sulby Claddagh area.

These Byelaws, amongst other things, regulate parking, camping and the lighting of fires on Sulby Claddagh.

They regulate parking and camping on various designated areas of the Sulby Claddagh at specific times throughout the year and impose a 6 metre 'safe distance' rule (byelaws 5 to 8).

They regulate parking and camping on the riverside recreational area (byelaw 9) and the recreational area (byelaw 10). They also provide an exemption for restricted camping during the two weeks that constitute the TT race period and two weeks during the Manx Grand Prix (byelaw 11).

The Byelaws also 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 12).

The Byelaws make it an offence to cause a disturbance on the Sulby Claddagh and sets down what constitutes a disturbance, including playing music and operating a generator late at night (byelaw 13).

Provision is made in the Byelaws for dog control on the Sulby Claddagh which is the same as that provided for under other Department legislation on other sites (byelaw 14).

They prohibit the advertising for sale of vehicles, caravans and trailers on the Sulby Claddagh (byelaw 15).

The Byelaws make it an offence to litter (byelaw 16).

Byelaw 17 sets the level of penalty that may be imposed for a breach of the Byelaws.