

# RECREATION AND LEISURE ACT 1998

(Chapter 1)

## Arrangement of Sections

1. Power to provide recreational and entertainment facilities.
2. Recreational facilities.
3. Entertainment facilities.
4. Ancillary powers.
5. Extension of powers.
6. Application to local authorities.
7. Establishment of joint board.
8. Short title etc.

Received Royal Assent: 20 January 1998

Passed: 20 January 1998

GENERAL NOTE: Sections 1 to 5 applied with modifications by SD573/99, SD607/00, SD608/00, SD557/02 and SD404/09.

## AN ACT

**to confer on the Department of Tourism and Leisure powers to provide recreational and cultural facilities; to enable such powers to be conferred on local authorities; and for connected purposes.**

### **1 Power to provide recreational and entertainment facilities**

The Department of Community, Culture and Leisure ('the Department') may provide such recreational facilities and entertainment facilities as it thinks fit.

[S 1 amended by SD155/10 Sch 1.]

### **2 Recreational facilities**

(1) Subject to section 5, for the purposes of this Act '**recreational facilities**' means any of the following-

- (a) parks, gardens (including botanical or zoological gardens), recreation grounds, playgrounds, public walks and pleasure grounds;
- (b) indoor facilities consisting of sports centres, gymnasia, swimming pools and other water facilities, skating rinks, tennis, squash and badminton courts, bowling centres, dance studios and riding schools;
- (c) outdoor facilities consisting of pitches for team games, running tracks, athletics grounds, swimming pools, tennis courts, cycle tracks, golf courses, bowling and putting greens, croquet lawns, riding schools, camp sites and facilities for gliding;
- (d) facilities for sporting and recreational activities on inland and coastal waters and for fishing in such waters;

- (e) facilities for shooting and archery;
- (f) instruction in any sporting or recreational activity;
- (g) premises for the use of clubs and societies having sporting, athletic, social or recreational objects;
- (h) staff, including instructors, in connection with any such facilities or premises as are mentioned in paragraphs (a) to (e);
- (i) such additional facilities in connection with any of those facilities or premises as the Department considers it appropriate to provide, including (without prejudice to the generality of the foregoing) places at which refreshments may be obtained;
- (j) opportunities for residents of and visitors to the Island to take part in any sporting or recreational activity in the Island;
- (k) opportunities for residents or representatives of the Island to take part in any sporting or recreational activity outside the Island.

(2) In this section 'sporting or recreational activity' includes-

- (a) any athletic pursuit;
- (b) any race within the meaning of the Road Races Act 1982.

(3) Any place where recreational facilities are provided by the Department shall be deemed to be a place of public resort for the purpose of any enactment relating to offences against public decency.

### **3 Entertainment facilities**

Subject to section 5, for the purposes of this Act '**entertainment facilities**' means any of the following-

- (a) any theatre, concert hall, cinema, dance hall or other premises (including temporary premises and facilities in the open air) suitable for-
  - (i) the giving of entertainments;
  - (ii) the provision of amusements; or
  - (iii) the holding of functions or events of a social, charitable, artistic or cultural nature;
- (b) premises and other facilities for the holding of conferences; and
- (c) restaurants, refreshment rooms and other places at which refreshments may be obtained.

### **4 Ancillary powers**

(1) Subject to section 5, any power conferred on the Department by this Act to provide any facilities includes power-

- (a) to provide buildings and structures (including shops and kiosks), equipment and

supplies of any kind;

- (b) to assist any other person (whether financially or otherwise) in providing any such facilities, buildings, structures, equipment or supplies;
- (c) to operate or manage any such facilities itself or to arrange for their operation or management by any other person;
- (d) to make any such facilities available for use by such persons as the Department thinks fit, either without charge or on payment of such charges as it thinks fit;
- (e) to make charges for admission to any such facilities as it thinks fit;
- (f) subject to any statutory restrictions on the disposal of interests in land, to let any premises on which such facilities are provided for any term not exceeding 7 years, at such rent and on such terms and conditions as it thinks fit;
- (g) where any such facilities provided by the Department are operated or managed by another person, to allow that person to make any such facilities available for use by such persons as he thinks fit, on such terms as to payment and otherwise as may be agreed between the Department and that person; and
- (h) to promote, by advertisement or otherwise-
  - (i) any such facilities (whether provided or operated by the Department or by any other person),
  - (ii) the use of any such facilities, or
  - (iii) any event of any kind taking place at or in connection with any such facilities.

(2) In the case of a letting to a public authority, subsection (1)(f) has effect with the substitution for '7 years' of '21 years'; and in this subsection 'public authority' means-

- (a) a Department or Statutory Board;
- (b) a local authority;
- (c) a joint board established under section 7 or under section 7 of the Local Government Act 1985.

(3) The Department may make byelaws for the regulation of-

- (a) any premises on which facilities are provided by it under this Act, or
- (b) any premises provided by it under this Act.

(4) Section 30 (except subsection (2)) of the Local Government Act 1985 (procedure etc. for byelaws) applies to byelaws under subsection (3), with the substitution for references to a local authority of references to the Department.

(5) The Department may provide parking places (otherwise than on a highway) at or near any premises mentioned in subsection (3).

(6) Sections 11 and 12 of the Road Traffic Regulation Act 1985 (regulation of off-street parking places) and, so far as applicable, sections 14D and 29 to 32 of and Schedules 2, 4

and 5 to that Act apply in relation to any parking place provided under subsection (5) as they apply in relation to a parking place provided under section 10(1) of that Act, with the substitution for references to the Department of Infrastructure of references to the Department.

[Subs (6) amended by SD155/10 Sch 5.]

## **5 Extension of powers**

If the Council of Ministers considers that the Department should be enabled-

- (a) to provide any facility which is not specified in section 2(1) or 3, or
- (b) to exercise, in relation to any facility, any power which is not specified in section 4(1),

but which appears to it to be of a similar nature or description to any facility or power so specified, the Council of Ministers may by order amend section 2(1), 3 or 4(1), as the case may be, by adding a reference to the facility or power in question.

## **6 Application to local authorities**

(1) The Department of Infrastructure, with the consent of a local authority, may by order provide that sections 1 to 5 shall apply to the authority as they apply to the Department-

- (a) with the substitution for references to the Department of references to the local authority; and
- (b) subject to such other modifications (if any) as appear to the Department of Infrastructure to be necessary or expedient for the purposes of the order.

[Subs (1) amended by SD155/10 Sch 5. Para (b) amended by SD155/10 Sch 5.]

(2) Subject to subsection (3), an order under subsection (1)-

- (a) may amend or repeal (so far as it applies to the district of the local authority) any enactment which appears to the Department of Infrastructure to require amendment, or to be unnecessary, in consequence of the order;

[Para (a) amended by SD155/10 Sch 5.]

- (b) may make such supplemental, transitional and consequential provision as appears to the Department of Infrastructure to be necessary or expedient.

[Para (b) amended by SD155/10 Sch 11.]

(3) No repeal or amendment effected by an order under subsection (1) shall affect-

- (a) any statutory prohibition of or restriction on the erection of buildings on any park, garden, public walk or pleasure ground; or
- (b) a covenant or condition contained in any will, deed, agreement or other instrument (other than an enactment or an instrument scheduled to an enactment).

## **7 Establishment of joint board**

(1) The Council of Ministers may by order establish a body (a 'joint board') consisting of persons appointed by-

- (a) the Department, and
- (b) a local authority, or 2 or more local authorities, being a local authority or local authorities to whom sections 1 to 5 apply by virtue of an order or orders under section 6(1),

for the purpose of exercising such of the functions conferred on the Department and authority or the authorities by this Act as may be specified in the order.

(2) An order under subsection (1)-

- (a) may constitute the joint board a body corporate with perpetual succession and a common seal, by such name as is specified in the order;
- (b) shall provide for the appointment, tenure of office and voting rights of members of the joint board;
- (c) may provide for the appointment of a person to act in the place of a member of the joint board if that member is temporarily absent or unable to act;
- (d) subject to subsection (4), may provide for the vesting in the joint board of any property, rights, liabilities and obligations of the Department or of the local authority or any of the local authorities in question;
- (e) shall provide for the payment by the Department and the local authority or local authorities in question of the expenses incurred by the joint board in the exercise of its functions, in such proportions, or in proportions determined in such manner, as is specified in the order;
- (f) may make such other financial provision as appears to the Council of Ministers to be necessary or expedient;
- (g) may modify any of the provisions of sections 1 to 5 in their application to the joint board;
- (h) may apply to the joint board, with or without modifications, the provisions of any other enactment relating to local government or the functions of local authorities;
- (i) may make such supplemental, transitional and consequential provisions as appear to the Council of Ministers to be necessary or expedient.

(3) An order under subsection (1), and an order amending or revoking such an order (but not an order mentioned in subsection (4)), shall not be made without the consent of the local authority or local authorities in question.

(4) Subject to subsection (5), an order revoking an order under subsection (1) and dissolving the joint board established by it may make such provision as appears to the Council of Ministers to be appropriate as to the transfer or vesting of any property, funds, rights, liabilities and obligations of the board.

(5) Unless a previous order under subsection (1) provides that this subsection shall not apply to the property in question, an order mentioned in subsection (4) may not vest any

property of the board, being property which was transferred from a local authority to the board by an order under subsection (1), in any person other than that authority without the consent of that authority.

(6) Subject to subsection (2)(g), where an order under subsection (1) is in force, any reference in sections 1 to 5 to the Department includes a reference to the joint board established by the order, in so far as that provision relates to any function exercisable by the joint board under the order.

## **8 Short title etc**

(1) This Act may be cited as the Recreation and Leisure Act 1998.

(2) An order under section 5, 6(1) or 7(1) shall not have effect unless it is approved by Tynwald.

(3) Any recreational facility or entertainment facility (including any matter falling within section 4) which was provided by the Department before the commencement of this Act shall be deemed to have been provided by the Department under this Act.

(4) Nothing in this Act affects-

(a) any powers of the Department of Economic Development under Schedule 1 to the Tourist Act 1975; or

[Para (a) amended by SD155/10 Sch 11.]

(b) any powers of the Department of Infrastructure under section 7 (joint boards) of the Local Government Act 1985.

[Para (b) amended by SD155/10 Sch 5.]

---

# **LIQUOR**

---

## **LICENSING ACT 1966**

### **Arrangement of Sections**

1 to 6.	.....
7.	Amendments.
8.	.....
9.	Short title and commencement.
Schedule	.....

Received Royal Assent: 20 September 1966

Passed: 18 October 1966

**AN ACT**