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Received Royal Assent: 28 June 1917

Promulgated: 5 July 1917

GENERAL NOTES

1. The maximum fines in this Act are as increased by the Local Government (Miscellaneous Provisions) Act 1976 Sch 3, by the Fines Act 1986 and by the Criminal Justice (Penalties, Etc.) Act 1993 s 1.
2. References to penal servitude and hard labour are to be construed in accordance with the Custody Act 1995 Sch 3 para 1.
3. References to the Office for the Registry of Deeds are to be construed in accordance with the General Registry Act 1965.
4. For exclusion of public service vehicles see Road Traffic (Public Service Vehicles) Act 1964 s 38.

AN ACT

for Consolidating the Local Government Acts.

PART I

PRELIMINARY

1 Short title

This Act may be cited as 'The Local Government Consolidation Act 1916'.

2 Division of Act into parts

This Act is divided into parts as follows:-

- Part I - Preliminary (sections 1 to 4);
- Part II - Constitution and Government (sections 5 to 41);
- Part III - Sanitary Provisions (sections 42 to 201);
- Part IV - Government of Towns (sections 202 to 319);
- Part V - General Provisions (sections 320 to 349);
- Part VI - Rating and Borrowing Powers (sections 350 to 395);
- Part VII - (sections 396 to 398);
- Part VIII - (sections 399 to 414);
- Part IX - Supervision of Commissioners, Miscellaneous Provisions, etc. (sections 415 to 434).

3 Interpretation

(1) The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction (that is to say):-

'Animal' includes horses, cattle, sheep, goats, swine, mules, and asses:

'Board'

[Definition of 'Board' repealed by GC192/86.]

'Building' includes any structure or erection of what kind and nature soever, and every part thereof:

'Carriage' means and includes any vehicle supported by or hung on springs, and drawn by an animal, or propelled otherwise than by men or women only, except an engine, carriage, or truck used solely on a tramway not being a highway, or on a railway:

'Cart' includes, dray, waggon, or other vehicle not supported by or hung on springs, and drawn by an animal, or propelled otherwise than by men or women only, except a truck used solely on a tramway not being a highway, or on a railway:

'Clerk' means the clerk appointed by the commissioners:

'Commissioners' and **'Commission'** respectively mean the commissioners of any district, and include, as to the borough of Douglas, the Mayor, Aldermen, and Burgesses of

such borough; and words in this Act referring to commissioners, or to any officer or office in relation to a district, shall be construed distributively as referring to such body of commissioners, officer, or office to which or to whom the provision is applicable:

'Court of summary jurisdiction' means a high-bailiff or two justices:

'Cycle' includes bicycle, tricycle, and other similar vehicle:

'Department' means the Department of Infrastructure:

[Definition of 'Department' inserted by GC192/86 and amended by SD155/10 Sch 5.]

'District' means any district for the purposes of this Act:

'District fund' includes the town fund of any town district and the borough fund of any corporate town:

'Drain' means any drain used for the drainage of one building only, or premises within the same curtilage, and made merely for the purpose of communicating therefrom with a cesspool, or other like receptacle for drainage, or with a sewer into which the drainage of two or more buildings or premises occupied by different persons is conveyed and includes any drain used for draining more than one building occupied by different persons and connected to a cesspool where such drain and cesspool are provided by private persons and not by the local authority of the district:

[Definition of 'Drain' amended by Local Government Amendment Act 1922 s 2.]

'Executors' and **'administrators'** includes successors:

'Existing' means existing at the time of the commencement of this Act:

'Gas company' means any person or body of persons, corporate or unincorporate, supplying, or who may hereafter supply, gas under legislative authority:

'Gas undertaking' means the gasworks, lands, easements, undertaking, real and personal property, reserve fund, rights, powers, privileges, and authorities of an existing gas company:

'Hackney carriage'

[Definition of 'Hackney carriage' repealed by Road Transport Act 2001 Sch 4.]

'Highway' and **'Street'** respectively include any public road, footway, bridge, lane, square, court, alley, thoroughfare, and passage:

'hire and drive carriage'

[Definition of 'hire and drive carriage' repealed by Road Transport Act 2001 Sch 4.]

'House' includes dwelling-house, warehouse, school, factory, shed, outhouse, and other buildings, and also premises within the curtilage of a house:

'infectious disease'

[Definition of 'infectious disease' repealed by Public Health Act 1990 Sch 6.]

'Inspector' means an inspector appointed by the Department under the authority of this Act:

[Definition of 'Inspector' amended by GC192/86.]

'job carriage'

[Definition of 'job carriage' repealed by Road Transport Act 2001 Sch 4.]

'Justice' means justice of the peace, and includes a high-bailiff:

'Lands', 'premises', and 'hereditaments' include respectively messuages, buildings, lands, easements, and hereditaments of any tenure:

'Local Authority' means-

- (a) Within the borough of Douglas, the municipal corporation of such borough:
- (b) Elsewhere within this Isle, the commissioners of any local government district:

'Local Government district' means any district for the purposes of this Act:

'Occupier' includes tenant and sub-tenant, and any person in the actual occupancy of premises, except a lodger or a person in the occupation as tenant of a furnished house let for a less period than one year, but includes the person by whom such furnished house is so let:

'Owner' includes joint or part owner, or any person in the actual receipt or possession of the rents of premises, whether on his own account or on account of or as agent or trustee for any other persons, or who would receive the same if such premises were let at a rack rent:

'Parish district' means each of the parishes, or each part of a parish, constituted a district for the purposes of this Act:

'Premises' shall include any house, tent, van, ship, or vessel, or any other premises used for human habitation:

'Prescribed' means prescribed by any bye-law made in pursuance of this Act:

'Private court' means a court, or recess or area forming a common access to lands separately occupied (including any common passage or entrance thereto), and which is maintained or liable to be maintained by persons other than the Commissioners:

'Private street' means any road or way maintained or liable to be maintained by persons other than the Commissioners:

'Qualified medical practitioner'

[Definition of 'Qualified medical practitioner' repealed by Medical Act 1985 Sch 2.]

'Ratepayer' means any person who as owner or occupier is liable to payment of rates under this Act:

'Security' means any mortgage deed under this Act, and any debenture, debenture stock, annuity, certificate, coupon, or stock certificate to bearer issued under this Act, and

extends to and includes Douglas Town Stock, and a certificate for such stock issued under the Douglas Water Loans Act, 1870, and any Act amending the same:

'Sewer' includes sewers and drains of every description, except drains to which the word 'drain' interpreted as heretofore stated applies:

'Slaughter-house' includes the buildings and places commonly called 'slaughter-houses' and 'knackers' yards,' and any building or place used for slaughtering animals for sale:

'Stage coach'

[Definition of 'Stage coach' repealed by Road Transport Act 2001 Sch 4.]

'Summary conviction' means conviction by a high-bailiff or two justices of the peace:

'Theatre' shall mean any building, house, or other place of public resort to be used and kept open for the performance of stage plays, and any music room or other place of public resort to be kept open for public dancing, music, or other public entertainment of the like kind; but shall not include any private house, or any portion thereof, wherein any entertainment may be given from which neither the person occupying the premises for the purpose of such entertainment, nor any other person interested in such premises, shall reap any benefit; the expression **'stage play'** shall be taken to include every tragedy, comedy, farce, opera, burletta, interlude, melodrama, pantomime, or other entertainment of the stage, or any part thereof; and also every prologue and epilogue recited or read in connection with a stage play:

[Definition of 'Theatre' amended by Local Government Act 1963 s 1.]

'The Court' means the Staff of Government Division of the High Court:

'The High Court' means the Civil Division of His Majesty's High Court of Justice of the Isle of Man:

[Definition of 'The High Court' amended by SD352/09.]

'Town district' means each of the towns which are districts for the purposes of this Act:

'Undertaking' means any water undertaking or gas undertaking:

'Village district' means any village constituted or to be constituted a district for the purposes of this Act:

'Water company'

[Definition of 'Water company' repealed by Water Act 1972 Sch 3.]

'Water undertaking' means the waterworks, lands, easements, undertakings, real and personal property, reserve fund, rights, powers, privileges, and authorities of an existing water company.

(2)

[Subs (2) repealed by Public Health Act 1990 Sch 6.]

4

[S 4 repealed by Local Government (Miscellaneous Provisions) Act 1976 Sch 5.]

PART II CONSTITUTION AND GOVERNMENT

5

[S 5 repealed by Isle of Man Local Government Board Act 1946 s 8.]

6

[S 6 repealed by Local Government Act 1985 Sch 6.]

Commissioners

7 Existing Commissioners to continue incorporated

(1) Each of the several towns of Castletown, Douglas (subject to the provisions of the Douglas Municipal Corporation Act, 1895, section 5), Peel, and Ramsey, and the villages of Port Erin, Port St. Mary, Onchan, Laxey, and Michael, and each parish, but exclusive of such towns or village districts, or parts thereof, as may be in such parish, shall be a district for the purposes of this Act; and the commissioners of each of such districts shall be commissioners under this Act, and shall each be a body corporate.

(2) In case a village district be hereafter constituted, such village district shall cease to be part of any parish district within which the same or any part thereof may have been locally situate.

Future Commissioners of village district incorporated

(3) In case any village be hereafter constituted a district for the purposes of this Act, the commissioners of such district shall be a body corporate by the name of the commissioners of such village.

Commissioners to have perpetual succession, etc

(4) Each of the said corporate bodies shall have perpetual succession and a common seal, and shall have power (in the case of commissioners of a parish district only with the consent of the Department), to acquire and hold lands for the purposes of this Act.

[Subs (4) amended by GC192/86.]

All powers and functions conferred on Commissioners to descend to Commissioners under this Act

(5) All powers, authorities, and functions conferred on the commissioners by any Act of Tynwald, and not repealed by this Act, shall be vested in and discharged by the commissioners under this Act.

(6) Each existing Commission shall consist of the existing number of members, who shall continue to act as commissioners under this Act, subject to the provisions of this Act as to the election of commissioners; and the officers and servants of the existing commissioners shall continue to hold their several offices and employment on the same terms, and subject to the same conditions as to duties, remunerations, and otherwise, as they would have held

them had not this Act been passed; and all the provisions of this Act, except as hereinafter otherwise provided, shall apply to all existing commissioners, and to their several officers and servants, in substitution for the provisions relating to them respectively in any enactment repealed by this Act, but so as not to affect any right acquired or liability incurred under such existing enactments, or any of them.

(7) This section and section 8 have effect subject to any order under Part II of the Local Government Act 1985.

[Subs (7) added by Local Government Act 2006 Sch 3.]

8 Commissioners of parish districts

The commissioners of a parish district shall consist of such number of members as the Department may prescribe.

[S 8 amended by Local Elections Act 1986 Sch 4 and by GC192/86.]

Districts

9 to 13 ..

[Ss 9 to 13 repealed by Local Government Act 1985 Sch 6.]

14 Provisions applicable to towns only made applicable to other districts by resolution of Tynwald

The Tynwald Court may, by resolution, make any provisions in this Act which apply to town districts only applicable to any parish or village district; and such Court may also, in like manner, alter or revoke any such resolution.

15

[S 15 repealed by Local Elections Act 1986 Sch 4.]

16

[S 16 repealed by Local Government Act 2006 Sch 4.]

17 to 19

[Ss 17 to 19 repealed by Local Government Act 1985 Sch 6.]

20 Drainage etc not to be undertaken without sanction of the Department

All plans for the general drainage or sewerage of any district, or a portion thereof, other than a town district, shall, together with an estimate of the cost of the proposed works, be laid before the Department for its approval, and no such works shall be carried out without the sanction of the Department.

[S 20 amended by GC192/86.]

21 to 24

[S 21 to 24 repealed by Local Elections Act 1986 Sch 4.]

25

[S 25 repealed by Local Government Act 1949 Sch 2.]

26 to 29

[Ss 26 to 29 repealed by Local Government Act 1985 Sch 6.]

30

[S 30 repealed by Local Government (Amendment) Act 1945 s 2.]

31 to 41

[Ss 31 to 41 repealed by Local Government Act 1985 Sch 6.]

PART III SANITARY PROVISIONS - SEWERAGE AND DRAINAGE

42 to 58

[Ss 42 to 58 repealed by Sewerage Act 1999 Sch 5.]

As to Sewage Works without District

59 and 60

[Ss 59 and 60 repealed by Sewerage Act 1999 Sch 5.]

61 to 66

[Ss 61 to 66 repealed by Local Government Act 1985 Sch 6.]

67 and 68

[Ss 67 and 68 repealed by Local Government Act 2006 Sch 4.]

69 and 70 ..

[Ss 69 and 70 repealed by Local Government Act 1985 Sch 6.]

71

[S 71 repealed by Sewerage Act 1999 Sch 5.]

Urinals

72 to 76

[Ss 72 to 76 repealed by Sewerage Act 1999 Sch 5.]

77 Public urinals etc

The commissioners may, if they think fit, provide and maintain, in proper and convenient places, shelters, waiting-rooms, and other conveniences of a similar character in the district, or in or under any street in the district, repairable by the commissioners, for the use of the public, and they may make regulations for the management of such conveniences and for the conduct of persons using the same, and may employ and pay attendants. They may

also lease, and make reasonable charges for the use of any such conveniences so provided.

[S 77 amended by Sewerage Act 1999 Sch 5.]

78 and 79

[Ss 78 and 79 repealed by Sewerage Act 1999 Sch 5.]

SCAVENGING AND CLEANSING

80 to 88 ..

[Ss 80 to 88 repealed by Public Health Act 1990 Sch 6.]

89

[S 89 repealed by Water Pollution Act 1993 Sch 3.]

90

[S 90 repealed by Public Health Act 1990 Sch 6.]

REGULATION OF CELLAR DWELLINGS

Occupation of Cellar Dwellings

91 Occupation of cellar dwelling prohibited

It shall not be lawful within this Isle to let or occupy, or suffer to be occupied, separately as a dwelling, any cellar (including, for the purposes of this Act, in that expression any vault or underground room) built or rebuilt after the promulgation of this Act, or which is not lawfully so let or occupied at the promulgation of this Act.

92 Existing cellar dwellings only to be let or occupied on certain conditions

It shall not be lawful within this Isle to let or occupy, or suffer to be occupied as a sleeping apartment, or separately as a dwelling, any existing cellar whatsoever unless the following requisitions are complied with (that is to say:-

Unless the cellar is, in every part thereof, at least seven feet in height, measured from the floor to the ceiling thereof, and is at least three feet of its height above the surface of the street or ground adjoining or nearest to the same; and

Unless there is, outside of and adjoining the cellar, and extending along the entire frontage thereof, and upwards from six inches below the level of the floor thereof up to the surface of the said street or ground, an open area of at least two feet and six inches wide in every part; and

Unless the cellar is effectually drained by means of a drain, the uppermost part of which is one foot at least below the level of the floor thereof; and

Unless there is, appurtenant to the cellar, the use of a watercloset, earthcloset, or privy, and an ashpit, furnished with proper doors and coverings, according to the provisions of this Act applicable to a district; and

Unless the cellar has a fireplace, with a proper chimney or flue, and an external window of at least nine superficial feet in area clear of the sash frame, and made to open in a manner approved by the commissioners, if the cellar be within the district of any such commissioners, or approved by two justices if the cellar be without a district (except in the case of an inner or back cellar let or occupied along with a front cellar as part of the same letting or occupation, in which case the external window may be of any dimensions not being less than four superficial feet in area clear of the sash frame):

Provided that in any area adjoining a cellar there may be steps necessary for access to such cellar, if the same be so placed as not to be over, across, or opposite to the said external window, and so as to allow between every part of such steps and the external wall of such cellar a clear space of six inches at the least, and that over and across any such area there may be steps necessary for access to any building above the cellar to which such area adjoins, if the same be so placed as not to be over, across, or opposite to any such external window.

93 Penalty on persons offending against enactment

Any person who lets, occupies, or knowingly suffers to be occupied for hire or rent any cellar contrary to the provisions of this Act shall be liable for every such offence to a penalty not exceeding £2,500 after notice in writing from the commissioners thereof.

[S 93 amended by Local Government (Miscellaneous Provisions) Act 1976 Sch 3.]

94 Definition of occupying as a dwelling

Any cellar in which any person passes the night shall be deemed to be occupied as a dwelling within the meaning of this Act.

95 Power to close cellars in case of two convictions

Where two convictions against the provisions of this Act in relation to the occupation of a cellar as a sleeping apartment or as a separate dwelling-place have taken place within three months (whether the persons so convicted were or were not the same) a court of summary jurisdiction may direct the closing of the premises so occupied for such time as it may deem necessary, or may empower the commissioners permanently to close the same, and to defray the expenses incurred by them in the execution of this section.

96

[S 96 repealed by Water Act 1991 Sch 9.]

Nuisances

97 to 106 ..

[Ss 97 to 106 repealed by Public Health Act 1990 Sch 6.]

107

[S 107 repealed by Local Government Act 1985 Sch 6.]

108

[S 108 repealed by Public Health Act 1990 Sch 6.]

109

[S 109 repealed by Local Government Act 1985 Sch 6.]

110 to 116

[Ss 110 to 116 repealed by Public Health Act 1990 Sch 6.]

117 Penalty for offensive acts

Any person who shall throw, deposit, place, or leave, or permit or suffer to run or flow, any night-soil, offal, putrid meat or fish, entrails of fish, carrion, dead animals, blood, during, manure, oyster-shells, bones, broken glass, china, or earthenware, dust, ashes, refuse of vegetables or fruit, soapers' waste, gas tar, tar, or tar-water, lime, or any other offensive matter or thing upon the shore, or upon the approaches thereto, or into or upon an open or uncovered place, whether surrounded by a wall, or other fence, or not, so as to be a nuisance, or to the annoyance of His Majesty's subjects, shall be liable to a penalty not exceeding £500: Provided always, that it shall not be deemed an offence to lay sand or other materials in any street in time of frost to prevent accidents, or litter or other suitable materials to prevent the freezing of water in pipes, or, in case of sickness, to prevent noise, if the person laying any such things causes them to be removed as soon as the occasion for them ceases.

118 Penalty for permitting offal, etc to run into a road or street

Any person who shall permit any offal, blood, during, entrails of fish, or any other offensive matter or thing to run from any slaughter-house, tripe-dressing, or butcher's or fishmonger's shop or premises into any highway shall be liable to a penalty not exceeding £500.

119 Animals, if a nuisance or annoyance, to be removed etc

Every person who shall have or keep, or suffer to be kept within any premises, any fowl, or any other animal which is a nuisance or an annoyance to the inhabitants in the neighbourhood, and shall not remove the cause of such nuisance or annoyance within such time as a justice shall determine, which he is hereby authorised to do in a summary manner; shall be liable to a penalty not exceeding £200, and any constable may seize and take possession of any animal being a nuisance or an annoyance as aforesaid, and not removed, if so ordered.

In this section 'animal' does not include a dog.

[S 119 amended by Rabies Act 1975 Sch and by Dogs Act 1990 Schs 3 and 4.]

120 to 122 ..

[Ss 120 to 122 repealed by Public Health Act 1990 Sch 6.]

123

[S 123 repealed by Statute Law Revision Act 1992 Sch 2.]

124 to 128
[Ss 124 to 128 repealed by Slaughterhouses Act 1956 Sch.]

129
[S 129 repealed by Food and Drugs Act 1963 Sch 2.]

130 and 131
[Ss 130 and 131 repealed by Slaughterhouses Act 1956 Sch.]

132 to 144
[Ss 132 to 144 repealed by Food and Drugs Act 1963 Sch 2.]

145 to 160
[Ss 145 to 160 repealed by Public Health Act 1990 Sch 6.]

161
[S 161 repealed by Local Government Amendment Act 1922 Sch.]

162 to 193
[Ss 162 to 193 repealed by Local Government Act 1946 Sch.]

194 to 201
[Ss 194 to 201 repealed by Public Health Act 1990 Sch 6.]

PART IV GOVERNMENT OF TOWNS

Regulation of Streets and Buildings

202
[S 202 repealed by Local Government Amendment Act 1931 Sch.]

203
[S 203 repealed by Highways Act 1986 Sch 9.]

204
[S 204 repealed by Douglas Head Act 2000 Sch 3.]

205
[S 205 repealed by Local Government Act 1985 Sch 6.]

206 and 207
[Ss 206 and 207 repealed by Highways Act 1986 Sch 9.]

208 to 212

[Ss 208 to 212 repealed by Highway (Unadopted Roads) Act 1953 Sch 2.]

213

[S 213 repealed by Highways Act 1986, Sch 9.]

214 Power to purchase premises for improvement of streets

The commissioners may, when authorised by the Tynwald Court, purchase or acquire any premises for the purpose of widening, opening, enlarging, or otherwise improving any street, or making any new street.

215 to 219 ..

[Ss 215 to 219 repealed by Highways Act 1986 Sch 9.]

220 Houses let for habitation to be fit therefor

When any premises, or any part thereof, are let for habitation, there shall be implied a condition in such letting that the premises are, at the commencement of the holding, in all respects, reasonably fit for human habitation.

For the purposes of this section the occupation of a house, or part of a house, by an agent or a servant shall, as against the principal or master, be deemed to be a letting of the house for habitation.

The commissioners in any town, or, with the approval of the Department of Environment, Food and Agriculture, the inspector in any parish may, except in regard to any premises occupied by only one person, the yearly value of which is at least ten pounds, take the necessary steps to compel the owner to make such premises reasonably fit for habitation as aforesaid.

[S 220 amended by SD155/10 Sch 3.]

221

[S 221 repealed by Statute Law Revision Act 1992 Sch 2.]

222 Houses to be numbered and streets named

The commissioners shall, from time to time, cause the houses and buildings in all or any of the streets to be marked with numbers as they think fit, and shall cause to be put up, or painted on a conspicuous part of some house, building, or place at or near each end corner or entrance of every such street, the name by which such street is to be known, and every person who destroys, pulls down, or defaces any such number or name, or puts up any number or name different from the number or name put up by the commissioners, shall be liable to a penalty not exceeding £200 for every such offence.

223 Numbers on houses to be renewed by occupiers

The occupiers of houses and other buildings in the streets shall mark their houses with such numbers as the commissioners approve of, and shall renew such numbers as often as they become obliterated or defaced, and every such occupier who fails, within one week after notice for that purpose from the commissioners, to mark his house with a number approved of by the commissioners, or to renew such number when obliterated, shall be

liable to a penalty not exceeding £200, and the commissioners shall cause such numbers to be marked, or to be renewed, as the case may require, and the expenses thereof shall be repaid to them by such occupier, and shall be recoverable as a debt.

224 to 229 ..

[Ss 224 to 229 repealed by Highways Act 1986 Sch 9.]

230

[S 230 repealed by Building Control Act 1991 Sch 5.]

231

[S 231 repealed by Local Government Act 1934 s 6.]

232

[S 232 repealed by Statute Law Revision Act 1992 Sch 2.]

233

[S 233 repealed by Statute Law Revision Act 1989 Sch 2.]

234

[S 234 repealed by Local Government Act 1985 Sch 6.]

235 to 239

[Ss 235 to 239 repealed by Highways Act 1986 Sch 9.]

240

[S 240 repealed by Local Government (Miscellaneous Provisions) Act 1976 Sch 5.]

Theatres

241 and 242 ..

[Ss 241 and 242 repealed by Fire Precautions Act 1975 Sch 10.]

243 Theatres for stage plays must be licensed

Sections 243 to 251 inclusive shall be applicable throughout this Isle.

It shall not be lawful for any person to have or keep any theatre for the public performance of stage play without a licence from the high-bailiff of the district in which the theatre may be, or, in his illness or absence, from two justices; and every person who shall offend against this enactment shall, on conviction, be liable to a penalty not exceeding £5,000.

Every theatre in respect of which a licence shall have been granted under this enactment shall, so long as such licence shall continue in force, be deemed to be a licensed theatre, and every theatre not being a licensed theatre is hereinafter referred to as an 'unlicensed theatre'.

Each licence under this enactment shall specify the length of time for which the licence shall be in force.

For every such licence there shall be payable a fee not exceeding five pounds, at the discretion of the high-bailiff, for each month or fractional part of a month for which the licence may be granted.

[S 243 amended by Local Government (Miscellaneous Provisions) Act 1976 Sch 3.]

244 To whom licences shall be granted

No such licence shall be granted to any person unless he is resident on the Island, and unless he is the actual and responsible manager for the time being of the theatre in respect of which the licence shall be granted; and the name and place of abode of such manager shall be printed on every play-bill announcing any representation at such theatre.

245 Theatres for stage plays not to be open on Sundays, etc

No such licence shall authorise the opening of any theatre to which the same shall relate on Sundays, Christmas Day, Good Friday, or any day set apart by proclamation as a day of fasting or humiliation. On all such days such theatre shall be deemed to be an unlicensed theatre.

246 A theatre may be closed on public occasions by order of the Department of Home Affairs

It shall be lawful for the Department of Home Affairs to order that licensed theatres shall be closed on such public occasions as to the said Department shall seem fit. During the time any such order shall be in force, all such theatres shall be deemed to be unlicensed theatres.

[S 246 amended by Transfer of Governor's Functions Act 1992 Sch 1.]

247 Penalty on persons performing in unlicensed places

Every person who, for hire, shall act or present, or shall cause, permit, or suffer to be acted or presented, any part in any stage play in any place not being a licensed theatre, shall, on conviction, be liable to a penalty not exceeding £2,500: But this section shall not include any private house, or any portion thereof, wherein any entertainment may be given from which neither the person occupying the premises for the purpose of such entertainment, nor any other person interested in such premises, shall reap any benefit.

[S 247 amended by Local Government (Miscellaneous Provisions) Act 1976 Sch 3.]

248 Power of High Bailiff to forbid stage play

The High Bailiff shall have power, whenever he shall be of opinion that it is fitting, for the preservation of good manners, decorum, or of the public peace so to do, to forbid the acting or presenting any stage play, or any act, scene, or part thereof, or any prologue or epilogue, or any part thereof, in any licensed theatre, either absolutely or for such time as he shall think fit.

[S 248 amended by Statute Law Revision Act 1982 Schs 1 and 2.]

249 Penalty for acting plays not allowed

Every person who, for hire, shall act or present, or cause to be acted or presented, any stage play the acting or presentation of which has been forbidden by the High Bailiff, shall for every such offence forfeit a sum not exceeding £2,500.

[S 249 amended by Statute Law Revision Act 1982 Sch 1.]

250 What shall be deemed evidence of acting for hire

In every case in which any money or other reward shall be taken or charged, directly or indirectly, or in which the purchase of any article is made a condition for the admission of any person into any theatre to see any stage play, and also in every case in which any stage play shall be acted or presented in any theatre in which intoxicating liquor shall be sold, every actor therein shall be deemed to be acting for hire: But this section shall not include any private house, or any portion thereof, wherein any entertainment may be given from which neither the person occupying the premises for the purpose of such entertainment, nor any other person interested in such premises, shall reap any benefit.

251 Proof of certificate or licence in certain cases

In any proceedings to be instituted against any person for opening or keeping open any uncertified theatre, or for having or keeping an unlicensed theatre, or for acting for hire in an unlicensed theatre, if it shall be proved that such theatre is used for any of the purposes as to which a certificate or licence is required by this Act, the burden of proof that such theatre is duly certified or licensed, or authorised, shall be on the party accused, and until the contrary shall be proved such theatre shall be taken to be uncertified or unlicensed, as the case may be.

252 High-Bailiff may prohibit exhibition of wild beasts and dangerous or immoral performances

It shall be lawful for the high-bailiff to prohibit within his district any exhibition of wild beasts dangerous to life, or any performance dangerous to life or limb, or to permit such performances on such conditions and with such precautions as he may prescribe.

It shall be lawful for the high-bailiff to prohibit within his district any exhibition or performance which in his opinion may be injurious to public morals.

Any person feeling aggrieved by any such prohibition may apply to the Department of Home Affairs, who shall have power to alter, vary, or set aside the same.

Any person offending against this section shall for each offence be liable to a penalty not exceeding £5,000.

[S 252 amended by Transfer of Governor's Functions Act 1992 Sch 1.]

253 Limitation of prosecutions

No person shall be liable to be prosecuted for any offence under sections 241 to 252 inclusive unless such prosecution shall be commenced within six months after the commission of the offence.

Gas and Water Works

254 Commissioners may contract for lighting streets

The commissioners may, from time to time, enter into any contract with any company or persons for lighting any of the streets or places within the district with gas or other light, or for the supply of gas or other means of providing light; or for the supply of pipes, burners, meters, lamps, lampposts, or other apparatus or appliances for lighting the said streets and places, and for the repair thereof, in such manner and upon such terms as shall be agreed upon between the commissioners and such company or person.

255 to 261 ..

[Ss 255 to 261 repealed by Statute Law Revision Act 1989 Sch 2.]

262 Penalty for wilfully breaking lamps

It shall be lawful for any one who shall see any person take away any lamp or lamppost, or wilfully extinguish the light or damage the iron or appurtenance of any lamp, to seize and apprehend him, and for any person to assist in seizing the offender, and by the authority of this Act, without any other warrant, to convey such offender to the police office or to deliver him into the custody of a police officer, in order to be secured and taken before a court of summary jurisdiction; and if the person accused of such offence, whether apprehended as aforesaid or afterwards summoned for the same, shall be convicted thereof he shall forfeit a sum not exceeding £200 for every such offence, and moreover shall pay such further sum as the court may assess as the amount of damage done by him, and the payment of such damage shall be enforced in the same way as if it were an additional penalty.

[S 262 amended by Criminal Damage Act 1981 Sch.]

263 Persons accidentally breaking lamps to repair the damage

If any person shall, through negligence or accident, break any lamp set up in any street, or in any common stair or passage or private court, and shall not upon demand make satisfaction for such damage, it shall be lawful for any court of summary jurisdiction, on complaint thereof by the owners of such lamp, to order such sum of money to be paid as the damage proved shall amount to, and to enforce payment thereof in the same manner as penalties.

264

[S 264 repealed by Water Act 1972 Sch 3.]

265 to 267

[Ss 265 to 267 repealed by Statute Law Revision Act 1989 Sch 2.]

268 Price of gas to be settled by arbitration in case terms cannot be agreed on

If the commissioners and the owners of any works authorised by Act of Tynwald to supply gas or other light, or water, within the district, and with whom the commissioners may be desirous of contracting for the lighting of public lamps, or for a supply of water for flushing the sewers and watering the streets, shall not agree as to the terms and conditions of the

supply, and as to the price to be paid for such supply, then such terms and conditions and price shall be settled by arbitration.

For the purpose of this section the word 'commissioners' shall include the Department of Infrastructure.

[S 268 amended by SD155/10 Sch 5. S 268 repealed so far as it relates to water or waterworks by Water Act 1972 Sch 3.]

269 Lighting of common stairs, etc

The owner or owners of common stairs or passages, or private courts, or of lands or premises having a right of access by any common stair or passage, or private court, shall, on being required by the commissioners, within seven days after service of an order for that purpose, make provision for lighting such common stairs or passage, or court, in a suitable manner, and for this purpose provide all necessary lamps, brackets, and other means of lighting, and the necessary supply of gas or other light as may be required by the commissioners, and shall alter, repair, and renew such lamps and brackets to the satisfaction of the commissioners; and in default of compliance with any order of the commissioners under this section, such owner or owners shall be liable to a penalty not exceeding £200.

The occupier of such common stairs or passages, private courts, or lands and premises, shall clean, light, and extinguish such lamps or lights, at such hours as shall be fixed by the commissioners, by any bye-law or regulation, and if he fails to do so, shall be liable to a penalty not exceeding £1,000 for each offence.

If in the opinion of the commissioners such common stairs, passages, or private courts be not sufficiently lighted and kept lighted, it shall be in the option of the commissioners to contract for, or supply gas or other light, for such common stairs, passages, or private courts, and to light and extinguish the same by their servants, and to recover the expense thereof, to an amount not exceeding the sum of 100p for each burner per annum, from the occupier or owner (at the discretion of the commissioners), or if there are more occupiers or owners than one, then proportionately according to the number of the occupiers or owners of any building, or part of a building, to which access is obtained by such common stair, passage, or private court.

[S 269 amended by Decimal Currency (Isle of Man) Act 1970 s 9 and by Local Government (Miscellaneous Provisions) Act 1976 Sch 3.]

270 Commissioners may remove, etc lamppost etc, where not lighted according to regulation

If the commissioners shall have given permission, in writing, to any person to erect any lighted clock, lampposts, lamp-globes, gasfittings, or other lighted articles, and if the same shall not be kept lighted, or otherwise managed according to the regulations or orders of the commissioners contained in such permission, the commissioners may take possession of or remove the same without compensation being made therefor: Provided always, that any such lampposts, lamp-globes, gasfittings, or other articles so removed, shall be delivered up to the owner thereof in the event of his claiming the same within six months after such removal and paying all costs and expenses attending the removal and preservation of the same.

Fires

271 and 272 ..

[Ss 271 and 272 repealed by Local Government (Fires) Act 1940 Sch 7.]

273 to 278

[Ss 273 to 278 repealed by Local Government (Fire Services) Act 1950 Sch.]

279 Power to provide drags, life-buoys, etc

The commissioners may, from time to time, provide and maintain drags, life-buoys, and other implements for the prevention of drowning, and employ such persons as superintendents and servants for that purpose, on such terms and allow them such wages and rewards for exertion as they may consider reasonable.

280 to 284 ..

[Ss 280 to 284 repealed by Statute Law Revision Act 1989 Sch 2.]

285

[S 285 repealed by Local Government Act 1985 Sch 6.]

286

[S 286 repealed by Statute Law Revision Act 1989 Sch 2.]

287

[S 287 repealed by Local Government Act 1985 Sch 6.]

288 to 296

[Ss 288 to 296 repealed by Road Transport Act 2001 Sch 4.]

Obstructions in Thoroughfares

297 Offences relating to shore

If any person shall, without first having obtained the permission of the commissioners for that purpose, deposit, place, or leave, or cause to be deposited, placed, or left, any stones, mortar, soil, clay, sand, rubbish, or other materials of a like nature, upon any part of the shore within the district or approaches thereto of which the commissioners are owners or lessees, other than upon such parts thereof as may from time to time be appointed and set apart by the commissioners by resolution for that purpose, duly entered in their minute book, and signed by their chairman (and no such permission shall be valid unless given by resolution of the commissioners, duly entered and signed as aforesaid) the person so offending shall be liable, on conviction, to be fined in any sum not exceeding the sum of £1,000, and it shall be the duty of the commissioners, on their own mere motion, or on the complaint or information of any person or persons, of any such offences being committed, to cause the offender or offenders to be forthwith prosecuted for the same.

298 Penalties for certain offences

Every person who, in any street, commits any of the following offences, shall be liable to a penalty not exceeding £200 for each offence, viz.:-

- (1) Places or leaves, and does not remove immediately therefrom, any furniture, goods, or other articles, or places or uses any standing place, stool, bench, stall or show-board, on any footway of any street, or public thoroughfare, or who places any shade, awning, or other projection, over or along any such footway, unless the same is eight feet in height, at least, in every part thereof from the ground, and has been sanctioned by the commissioners:
- (2) To the annoyance, or obstruction, or danger of any person carries about on any carriage, or on the back of any animal, or in any other manner, any picture, placard, notice or other advertisement:
- (3) Places, hangs up, or exposes for sale, any goods, wares, merchandise, matter or thing whatsoever, so that the same project into or over any footway, or beyond the line of any house, shop, or building, at which the same are so exposed:
- (4) To the annoyance of the residents in the vicinity, or to the danger of any person, hangs or places any linen or clothes, or other such article, on any rail or fence of any premises:
- (5) Persistently, for any purpose, solicits any person or persons:

[Para (5) amended by Highways Act 1986 Sch 9.]

- (6) On the Lord's Day, commonly called Sunday, shouts, or calls out, or uses any bell or other instrument of any kind, for the purpose of advertising any sale, whether in a street or elsewhere, or any meeting of any description, other than a religious meeting, or shouts or sings in a disorderly manner, or, on any day, to the annoyance of any inhabitant, shouts or sings in a disorderly manner, or uses any bell or any instrument of any kind after being requested by any such inhabitant or by a constable to cease:
- (7) Places or throws upon any footpath or foot pavement any orange rind or peel or other thing likely to cause danger to passengers:
- (8) Wilfully or wantonly disturbs or annoys any inhabitant by pulling or ringing the bell of any house, or knocking at the door of any house, or wilfully and unlawfully extinguishes the light of any lamp: and for the purposes hereof a house adjoining a street shall be deemed to be in such street:
- (9) Without proper precautions places or leaves any petroleum, paraffin, naphtha, detonators, dynamite, or other combustible or explosive material to the danger of any person:
- (10) Affixes or causes to be affixed to any building any sign, signboard, or insignia of trade without the consent of the owner or occupier, or affixes or causes to be affixed, or suffers to remain any projecting sign, signboard, advertising board, or insignia of trade without the consent of the commissioners:
- (11)

[Para (11) repealed by Highways Act 1986 Sch 9.]

(12) Stands, loiters, or sits or lies on the footway or plays at any game to the obstruction or annoyance of any person:

(13) Throws any stone or other missile, or uses any catapult.

299

[S 299 repealed by Highways Act 1986 Sch 9.]

300

[S 300 repealed by Road Traffic Regulation Act 1985 Sch 8.]

301

[S 301 repealed by Road Traffic Act 1933 Sch 3.]

302

[S 302 repealed by Statute Law Revision Act 1992 Sch 2.]

303 Street musicians

It shall be lawful for any householder, personally or by his servant, or by a constable, to require any street musician or singer to depart from the neighbourhood of the house of such householder; and every such person who shall continue to sound or play any instrument, or sing in any street, at any time after being so required to depart shall be liable to a penalty not exceeding £200.

304

[S 304 repealed by Statute Law Revision Act 1992 Sch 2.]

305

[S 305 repealed by Local Government (Miscellaneous Provisions) Act 1976 Sch 5.]

306

[S 306 repealed by Road Traffic Act 1985 Sch 9.]

307 Application of ss 301 to 306 to whole Island

[Superseded by Local Government (No. 3) Act 1938 s 4.]

Regulation of Advertisements

308 and 309

[Ss 308 and 309 repealed by Town and Country Planning Act 1999 Sch 10.]

310 No person to affix advertisement on private property without consent of owner

No person shall affix or otherwise exhibit any poster or advertisement upon any wall, tree, fence, gate, or elsewhere on private property without the consent of either the owner or the

occupier previously given in writing.

311

[S 311 repealed by Town and Country Planning Act 1999 Sch 10.]

312 As to hoardings and other structures used for advertising purposes

(1) Every hoarding or similar structure in, or abutting on, or adjoining any street, or so near to any street, that it might, if not supported, fall thereon, shall be securely erected and maintained.

(2)

[Subs (2) repealed by Town and Country Planning Act 1999 Sch 10.]

(3) The owner or other person using any hoarding, wall, or other structure for advertising purposes, whether erected before or after the passing of this Act, shall at all times hereafter keep and maintain the same in proper and safe repair and condition, and in the event of any paper affixed for advertising purposes to such hoarding, wall, or structure falling off or becoming detached, or partly detached, shall forthwith remove and clear away such paper.

(4) Any person who acts in contravention of any of the provisions of this section, shall be liable, upon summary conviction, to a penalty not exceeding £2,500.

[Subs (4) amended by Local Government (Miscellaneous Provisions) Act 1976 Sch 3 and by Town and Country Planning Act 1999 Sch 10.]

(5) and (6)

[Subss (5) and (6) repealed by Town and Country Planning Act 1999 Sch 10.]

313 Penalty for contravening Act

Where no penalty is otherwise provided by sections 308 to 312 inclusive, any person contravening any of the provisions thereof shall, upon summary conviction, be liable to a fine not exceeding £200.

314 Recovery of penalties

All penalties under sections 308 to 313 inclusive may be recovered at the suit of the local authority or any inspector of police.

Bye-Laws

315 Commissioners may make bye-laws

The commissioners may, from time to time, make bye-laws as they think fit for any or all of the purposes hereinafter mentioned:-

(1) to (11)

[Paras (1) to (11) repealed by Local Government Act 1985 Sch 6.]

(12) For the regulation and preservation of any common recreation ground and pleasure ground, open area or space or other places of public resort or recreation existing

within the district or provided by the commissioners without a district for the use of the inhabitants thereof, and for regulating the use of the same respectively, and for ensuring good order in the use thereof, and for the removal therefrom of any person infringing any such bye-law by a constable or any officer of the commissioners:

[Para (12) repealed by SD573/99 in so far as it applied to Peel, Michael, Patrick, German and Marown, by SD607/00 in so far as it applied to Castletown, Port Erin, Port St Mary, Arbory, Malew, Rushen and Santon, by SD608/00 in so far as it applied to Ramsey, Andreas, Ballaugh, Bride, Jurby, Lezayre and Maughold, by SD557/02 in so far as it applied to Braddan and by SD404/09 in so far as it applied to Douglas Corporation.]

(13) to (18)

[Paras (13) to (18) repealed by Local Government Act 1985 s 6.]

(19) to (23)

[Paras (19) to (23) repealed by Local Government (Building Byelaws) Act 1950 Sch.]

(24) to (26)

[Paras (24) to (26) repealed by Local Government Act 1985 Sch 6.]

(27) For regulating the use of markets, market-places, and places for holding markets, and the buildings, stalls, pens, and standings therein, and for preventing nuisances or obstructions therein, or in the immediate approaches thereto; for fixing the days and the hours during each day on which the markets shall be held:

(28)

[Para (28) repealed by Slaughterhouses Act 1956 Sch.]

(29)

[Para (29) repealed by Statute Law Revision Act 1992 Sch 2.]

(30) to (35)

[Paras (30) to (35) repealed by Road Transport Act 2001 Sch 4.]

(36)

[Para (36) repealed by Statute Law Revision Act 1992 Sch 2.]

(37) For regulating the conduct of the drivers or persons in charge of horses, ponies, mules, or asses, standing for hire within the district:

(38) For regulating or preventing owners or managers of pleasure-boats, or persons employed by them, soliciting for fares in any public street or place, and for restraining or punishing misconduct of such owners, managers, or persons:

(39) and (40)

[Paras (39) and (40) repealed by Statute Law Revision Act 1992 Sch 2.]

(41) For preventing any indecent exposure of the persons of bathers:

(42) and (43)

[Paras (42) and (43) repealed by Statute Law Revision Act 1992 Sch 2.]

(44) For regulating the distance at which boats and vessels, let for hire for the purposes of sailing or rowing for pleasure, shall be kept from persons bathing within such prescribed limits:

(45) to (47)

[Paras (45) to (47) repealed by Statute Law Revision Act 1992 Sch 2.]

(48) For prescribing precautions to be taken for protecting milk against infection or contamination:

(49) For the management, use, and regulation of public baths, wash-houses, and drying grounds; for the conduct of the persons resorting thereto respectively; and for determining from time to time the charges for the use of such baths, wash-houses, and drying-grounds respectively:

[Para (49) repealed by SD573/99 in so far as it applied to Peel, Michael, Patrick, German and Marown, by SD607/00 in so far as it applied to Castletown, Port Erin, Port St Mary, Arbory, Malew, Rushen and Santon, by SD608/00 in so far as it applied to Ramsey, Andreas, Ballaugh, Bride, Jurby, Lezayre and Maughold, by SD557/02 in so far as it applied to Braddan and by SD404/09 in so far as it applied to Douglas Corporation.]

(50)

[Para (50) repealed by Public Health Act 1990 Sch 6.]

(51)

[Para (51) repealed by the Statute Law Revision Act 1992 Sch 2.]

(52) For ensuring order and decency at theatres in the case of theatres not otherwise licensed under the Licensing Acts, 1876 to 1909, and for regulating the times during which they shall generally be allowed to be open:

(53) For carrying out and enforcing any other provisions of this Act, not herein specially mentioned.

(54) to (59)

[Paras (54) to (59) repealed by Local Government Act 1985 Sch 6.]

[S 315 amended by Local Government Act 1963 s 13, by Local Government Act 1985 Sch 6. The words following on from (59) repealed by Douglas Head Act 2000 Sch 3.]

316 to 319

[Ss 316 to 319 repealed by Local Government Act 1985 Sch 6.]

PART V GENERAL PROVISIONS

320

[S 320 repealed by Local Government Act 1985 Sch 6.]

321

[S 321 repealed by Local Government (Miscellaneous Provisions) Act 1984 Sch 4.]

322 and 323

[Ss 322 and 323 repealed by Local Government Act 1985 Sch 6.]

324

[S 324 repealed by Road Traffic Regulation Act 1985, Sch 8.]

325 Power to alter steps, areas, etc

The commissioners may, for any purpose which may be necessary in connection with any such works, raise, sink, or otherwise alter the position of any steps, areas, cellars, windows, pipes, or spouts belonging to any house or building, and may remove any other obstruction, making, in case of alteration, proper substituted works in the meantime, and causing as little detriment and inconvenience as circumstances admit to any person affected thereby, and making reasonable compensation to any person who suffers damage by such alteration or obstruction, such compensation in case of difference to be settled by arbitration.

Recreation Grounds

326 Lands and grounds for public recreation

The commissioners of a district may support or contribute to the support of public walks or pleasure grounds provided by any person whomsoever.

[S 326 amended by Local Government Amendment Act 1931 Sch and by Local Government (Miscellaneous Provisions) Act 1984 Sch 4 and repealed by SD573/99 in so far as it applied to Peel, Michael, Patrick, German and Marown, by SD607/00 in so far as it applied to Castletown, Port Erin, Port St Mary, Arbory, Malew, Rushen and Santon, by SD608/00 in so far as it applied to Ramsey, Andreas, Ballaugh, Bride, Jurby, Lezayre and Maughold, by SD557/02 in so far as it applied to Braddan and by SD404/09 in so far as it applied to Douglas Corporation.]

327 Special use of pleasure grounds

Unless in contravention of the trust deed, any lands vested in the commissioners as pleasure-grounds, or as places of public resort or recreation, may be used on special occasions on such terms as the commissioners may require, for public exhibitions or other lawful purposes, under the management of a society or association, and may authorise any such society or association to make reasonable charges for the admission of persons on any such occasion, the charges so to be made to be for the benefit of such society or association.

[S 327 repealed by SD573/99 in so far as it applied to Peel, Michael, Patrick, German and Marown, by SD607/00 in so far as it applied to Castletown, Port Erin, Port St Mary, Arbory, Malew, Rushen and Santon, by SD608/00 in so far as it applied to Ramsey, Andreas, Ballaugh, Bride, Jurby, Lezayre and Maughold, by SD557/02 in so far as it applied to Braddan and by SD404/09 in so far as it applied to Douglas Corporation.]

328 Commissioners may provide bands

The commissioners of a district may maintain, contribute towards the maintenance, of a

band or bands of music, to play in the street or any public place within such district, or within any pleasure-ground or place of public resort or recreation, and it shall be lawful for the commissioners of a district from time to time to appoint, in writing, such public stands for bands, musicians, and singers as they may deem necessary or proper within their district, and they may from time to time revoke such appointment of stands in whole or in part, and may also from time to time appoint other stands.

They may also make regulations as to the mode in which, and the time during which, any of such stands, may be used, and it shall not be lawful for any bands, musicians, or singers, to play or sing in any such stands, or in any public street or place of public resort under the control of the commissioners, without the written consent of the said commissioners. Provided always, that any expense incurred under the provisions of this section shall not in any year exceed a sum of money which would be equal to a rate of one penny in the pound on the rateable value of property within the district.

This section shall not apply to Douglas Head without the written consent of the heirs and assigns of John Senhouse Goldie Taubman, or to any band accompanying any military or naval force, or any friendly or religious society, except that such bands shall not use any public stands appointed by the commissioners without the written consent of the commissioners.

[S 328 amended by Local Government Amendment Act 1931 Sch.]

329 Licence to sing

The commissioners may, from time to time, license to play or sing in public places within their district such bands, other than those excepted from the provisions of the last preceding section, street musicians and street singers as they think proper, and for each licence there shall be payable a sum of 25p. Any licence to be granted under this section may for misconduct of the licensee be suspended or revoked, and unless suspended or revoked shall continue in force until the twelfth day of May next following the granting thereof.

Any band, other than those so excepted, street musician, or street singer performing as such without a licence shall be liable to a penalty not exceeding £200.

[S 329 amended by Decimal Currency (Isle of Man) Act 1970 s 9.]

330 Power to prohibit vehicles used for advertising purposes

It shall be competent for the commissioners by public notice or otherwise, to prohibit the using in any street a carriage or vehicle (whether drawn or propelled by an animal or in any other manner), or any other article or contrivance, solely or chiefly used for advertising purposes, if, in the opinion of the commissioners, any such carriage or vehicle, article or contrivance, cause public inconvenience or annoyance; and any person acting in contravention of such prohibition shall be liable to a penalty not exceeding £1,000.

331

[S 331 repealed by Local Government Act 1963 s 24.]

332 Commissioners may permit seats to be put in public places

The commissioners may place, or authorise any person or persons to place, seats or chairs in any street, recreation ground, or other public place for the use of the public, and

may, if they think fit, charge or allow such person or persons to charge reasonable sums for the use of the chairs, and may make bye-laws for regulating the use of seats and chairs, and for preventing injury or damage thereto.

Public Libraries and Museums

333 Lands may be acquired for free library and museum

The commissioners of a district may, from time to time, with the approval of the Tynwald Court, appropriate any lands vested in such commissioners; and such commissioners may also, with such approval, purchase or take on rent any lands or any suitable buildings; and the said commissioners may, upon any lands so appropriated, purchased, or taken on rent respectively, erect any buildings suitable for a public library or museum, or both, and may apply, take down, alter, and extend any buildings for such purposes, and rebuild, repair, and improve the same respectively, and fit up, furnish, and supply the same respectively with all requisite furniture, fittings, and conveniences.

[S 333 amended by Local Government Amendment Act 1931 Sch.]

334

[S 334 repealed by Local Government Act 1946 Sch.]

335

[S 335 repealed by Local Government Act 1985 Sch 6.]

336 Commissioners may be trustees of property given for libraries, etc

The commissioners may accept real or personal property given, granted, devised, or bequeathed to them for the purpose of a public library or museum, or both, absolutely or conditionally, and they shall be competent to be trustees for any endowment for such purposes, whether such endowment was established before or after the passing of this Act; and they shall apply all real and personal property of which they may be trustees according to the terms of the deeds, wills, testaments, or instruments creating the trusts (if any), or according to the directions which may otherwise be given by the benefactors.

Any library or museum in relation to which real or personal property may be given, granted, devised, or bequeathed, or of which the commissioners may be trustees as aforesaid, shall, for the purposes of this Act, be deemed to be a library or museum established under this Act.

337 General management of libraries vested in commissioners

The general management, regulation, and control of any library or museum established under this Act in any district, shall be vested in the commissioners, or of such committee (the members whereof need not be commissioners) as the commissioners may from time to time appoint, and such commissioners or committee (as the case may be) may, from time to time, provide the necessary fuel, lighting, and other similar matters, books, newspapers, maps, and other articles for the use of the library or museum, and cause the same to be bound or repaired when necessary, and appoint salaried officers and servants, and dismiss the same, and make rules and regulations for the safety and use of the library and museum, and for the admission of the public.

[S 337 amended by Local Government Amendment Act 1931 s 5.]

338 Libraries and museums to be free

All libraries and museums established under this Act shall be open to the public free of all charge.

339 Libraries established before passing of this Act

Any library established by the commissioners before the commencement of this Act shall be deemed to be a library established under this Act.

Provision of baths, etc.

340 Power of local authority to provide baths, bathing places and public wash-houses

A local authority may provide-

- (a) public baths and wash-houses, either open or covered, and with or without drying grounds;
- (b) public swimming baths and bathing places, either open or covered,

or any of those conveniences.

[S 340 substituted by Local Government Act 1963 s 18 and repealed by SD573/99 in so far as it applied to Peel, Michael, Patrick, German and Marown, by SD607/00 in so far as it applied to Castletown, Port Erin, Port St Mary, Arbory, Malew, Rushen and Santon, by SD608/00 in so far as it applied to Ramsey, Andreas, Ballaugh, Bride, Jurby, Lezayre and Maughold, by SD557/02 in so far as it applied to Braddan and by SD404/09 in so far as it applied to Douglas Corporation.]

341 Charging for use of baths, swimming baths, etc

(1) Subject to the provisions of this section, a local authority may make such charges for the use of, or for admission to, any baths, wash-house, drying ground, swimming bath or bathing place under its management as it thinks fit.

(2) One month at least before fixing any charges to be made under this section, the local authority shall publish by advertisement in a local newspaper circulating in its district a notice stating its intention to consider a proposed table of charges and naming a place where a copy of the proposed table may be inspected at all reasonable hours by any person free of charge.

[S 341 substituted by Local Government Act 1963 s 18 and repealed by SD573/99 in so far as it applied to Peel, Michael, Patrick, German and Marown, by SD607/00 in so far as it applied to Castletown, Port Erin, Port St Mary, Arbory, Malew, Rushen and Santon, by SD608/00 in so far as it applied to Ramsey, Andreas, Ballaugh, Bride, Jurby, Lezayre and Maughold, by SD557/02 in so far as it applied to Braddan and by SD404/09 in so far as it applied to Douglas Corporation.]

342 Recovery of charges for use of baths

(1) Where a person refuses to pay a charge to which he may be liable for the use of a wash-house or drying ground provided under this Act, the officer, servants or others having the management thereof may, at the time of such person using the same, or at any subsequent time, detain and hold the clothes or other goods and effects of such person in

and upon such wash-house or drying ground until such charges be fully paid.

(2) In case such payment be not made within seven days of the detention of any such clothes, goods and effects, the local authority may sell the same, or any of them, and, after deducting the unpaid charges and expenses of the detention and sale, return the surplus proceeds and any unsold articles to such person.

[S 342 substituted by Local Government Act 1963 s 18 and repealed by SD573/99 in so far as it applied to Peel, Michael, Patrick, German and Marown, by SD607/00 in so far as it applied to Castletown, Port Erin, Port St Mary, Arbory, Malew, Rushen and Santon, by SD608/00 in so far as it applied to Ramsey, Andreas, Ballaugh, Bride, Jurby, Lezayre and Maughold, by SD557/02 in so far as it applied to Braddan and by SD404/09 in so far as it applied to Douglas Corporation.]

343 Byelaws for regulation of baths, etc

(1) A local authority may make bye-laws for the regulation of any baths, wash-houses, drying grounds, swimming baths and bathing places under its management, and for the regulation of persons resorting thereto, including the exclusion therefrom of undesirable persons.

Any such byelaws may, in addition to providing for the imposition of penalties, empower any officer of the local authority to exclude or remove from any baths, wash-house, drying ground, swimming bath or bathing place under the management of the local authority any person contravening any of the byelaws applicable to those premises.

(2) A printed copy, or abstract, of the byelaws relating to any baths, wash-house, drying grounds, swimming bath or bathing place shall be exhibited in a conspicuous place therein.

[S 343 substituted by Local Government Act 1963 s 18 and repealed by SD573/99 in so far as it applied to Peel, Michael, Patrick, German and Marown, by SD607/00 in so far as it applied to Castletown, Port Erin, Port St Mary, Arbory, Malew, Rushen and Santon, by SD608/00 in so far as it applied to Ramsey, Andreas, Ballaugh, Bride, Jurby, Lezayre and Maughold, by SD557/02 in so far as it applied to Braddan and by SD404/09 in so far as it applied to Douglas Corporation.]

343A Baths etc, to be public places for certain purposes

Any baths, wash-house, drying ground, swimming bath or bathing place under the management of a local authority shall be deemed to be a public and open place for the purposes of any enactment relating to offences against decency.

[S 343A inserted by Local Government Act 1963 s 18 and repealed by SD573/99 in so far as it applied to Peel, Michael, Patrick, German and Marown, by SD607/00 in so far as it applied to Castletown, Port Erin, Port St Mary, Arbory, Malew, Rushen and Santon, by SD608/00 in so far as it applied to Ramsey, Andreas, Ballaugh, Bride, Jurby, Lezayre and Maughold, by SD557/02 in so far as it applied to Braddan and by SD404/09 in so far as it applied to Douglas Corporation.]

343B Use of baths and bathing places for swimming contests, etc, or by schools or clubs

(1) A local authority may close temporarily to the public any swimming bath or bathing place under its management and may-

- (a) grant, either gratuitously or for payment, the exclusive use thereof to any school or club, or to persons organising swimming practices or contests, aquatic sports or similar entertainments; or

(b) itself use if for such practices, contests, sports or entertainments.

(2) A local authority may make, or authorise the making of, charges for admission to, or for the use of, any swimming bath or bathing place while it is closed to the public under this section.

[S 343B inserted by Local Government Act 1963 s 18 and repealed by SD573/99 in so far as it applied to Peel, Michael, Patrick, German and Marown, by SD607/00 in so far as it applied to Castletown, Port Erin, Port St Mary, Arbory, Malew, Rushen and Santon, by SD608/00 in so far as it applied to Ramsey, Andreas, Ballaugh, Bride, Jurby, Lezayre and Maughold, by SD557/02 in so far as it applied to Braddan and by SD404/09 in so far as it applied to Douglas Corporation.]

343C Closing baths or bathing places during winter months

(1) A local authority may during any period between the first day of October and the last day of the following April, close any swimming bath or bathing place under its management, and may, at any time when it is closed, use it or allow it to be used, or let it, for such purposes, and upon such conditions, as it thinks fit, and may adapt it for the purposes of being so used or let.

(2) The power of a local authority to make byelaws under section three hundred and forty-three of this Act shall extend to the making of byelaws with respect to a swimming bath or bathing place when used for any purpose authorised by this section.

(3)

[S 343C inserted by Local Government Act 1963 s 18 and repealed by SD573/99 in so far as it applied to Peel, Michael, Patrick, German and Marown, by SD607/00 in so far as it applied to Castletown, Port Erin, Port St Mary, Arbory, Malew, Rushen and Santon, by SD608/00 in so far as it applied to Ramsey, Andreas, Ballaugh, Bride, Jurby, Lezayre and Maughold, by SD557/02 in so far as it applied to Braddan and by SD404/09 in so far as it applied to Douglas Corporation. Subs (3) repealed by Statute Law Revision Act 1989 Sch 2.]

343D Power of Commissioners to lay pipes for purposes connected with baths, etc

The Commissioners may provide, lay down and maintain such pipes and apparatus as may be necessary for conducting water to or from any baths, wash-house, swimming bath or bathing place which is under their management or which they propose to provide.

[S 343D inserted by Local Government Act 1963 s 18 and repealed by SD573/99 in so far as it applied to Peel, Michael, Patrick, German and Marown, by SD607/00 in so far as it applied to Castletown, Port Erin, Port St Mary, Arbory, Malew, Rushen and Santon, by SD608/00 in so far as it applied to Ramsey, Andreas, Ballaugh, Bride, Jurby, Lezayre and Maughold, by SD557/02 in so far as it applied to Braddan and by SD404/09 in so far as it applied to Douglas Corporation.]

343E Power of Department of Environment, Food and Agriculture to make regulations as to cleanliness of water, etc in swimming baths

(1) The Department of Environment, Food and Agriculture may make regulations prescribing standards of cleanliness and freedom from contamination to be maintained in the water of public swimming baths and bathing places and the intervals of time at which such water shall be changed.

[Subs (1) amended by SD155/10 Sch 3.]

(2) Regulations under this section may be made to apply to any public swimming bath or bathing place whether the same be provided by a local authority under this Act or by some other body or person, and different regulations may be made in respect of different swimming baths or bathing places.

(3) For the purposes of this section a public swimming bath or bathing place shall include a swimming bath or bathing place used or available for use in connection with any premises which are tourist premises within the meaning of the Tourist Premises (Provision and Improvement) Act 1977, and whether used or available for use solely by residents at such premises or otherwise.

[Subs (3) amended by Statute Law Revision Act 1989 Sch 1.]

(4) Any person who contravenes or fails to comply with any of the provisions or regulations made under this section shall be liable on summary conviction to a fine not exceeding £1,000.

[S 343E inserted by Local Government Act 1963 s 18 and repealed by SD573/99 in so far as it applied to Peel, Michael, Patrick, German and Marown, by SD607/00 in so far as it applied to Castletown, Port Erin, Port St Mary, Arbory, Malew, Rushen and Santon, by SD608/00 in so far as it applied to Ramsey, Andreas, Ballaugh, Bride, Jurby, Lezayre and Maughold, by SD557/02 in so far as it applied to Braddan and by SD404/09 in so far as it applied to Douglas Corporation.]

344 and 345

[Ss 344 and 345 repealed by Local Government Act 1985 Sch 6.]

346 to 349

[Ss 346 to 349 repealed by Local Government Act 1950 Sch.]

PART VI RATING AND BORROWING POWERS

350

[S 350 repealed by Local Government Act 1985 Sch 6.]

351

[S 351 repealed by Audit Act 1983 Sch 2.]

352

[S 352 repealed by Local Government Act 1985 Sch 6.]

District Rates

353 to 356

[Ss 353 to 356 repealed by Local Government Act 2006 Sch 4.]

357 Particulars of rate to be kept by clerk to the commissioners

When any rate has been fixed by the commissioners, the particulars of such rate shall be entered in a book to be kept by the clerk to the commissioners according to the form in Schedule 5 to this Act annexed, which book shall be open at all reasonable hours to be

inspected by any ratepayer without fee or reward, and such ratepayer may take copies or extracts from such book without paying for the same, and in case the said clerk or other person having the care of such book shall refuse to permit, or shall not permit the said ratepayer to inspect the same or to take such copies or extracts aforesaid, such clerk or other person shall be liable for every such offence, on summary conviction, to a penalty not exceeding £200, and any person wilfully altering, destroying, defacing, or injuring such book, shall be held to have committed a misdemeanour, and shall be proceeded against for any such offence as in the ordinary case of misdemeanour, and on conviction thereof shall be liable to be imprisoned with or without hard labour for any period not exceeding six months.

[S 357 amended by Local Government (Miscellaneous Provisions) Act 1976 Sch 4.]

358 When name of ratepayer is unknown, he may be designated the owner or occupier

Whenever the name of any person liable to be rated under the provisions of this Act shall not be known to the clerk of the commissioners, it shall be sufficient to rate such person by the designation of 'the owner or occupier' (as the case may be), without stating his name.

359 Rate books to be evidence

The rate book required to be kept by this Act shall be evidence of the matters therein required to be stated.

360 to 365

[Ss 360 to 365 repealed by Local Government (Rating) Act 1971 s 3.]

366 Arrest to secure rates

In case any person who may owe any rate to the commissioners shall quit or be about to quit any building or land before he shall have paid all rates due from him in respect thereof, and shall refuse to pay the same upon demand, it shall be lawful for a judge of the High Court, without issuing any previous summons to such person, upon proof by affidavit to his satisfaction of such removal, or that there is reason to suspect the same, to issue his warrant ordering the coroner to arrest so much of the goods and chattels of such person, wherever they may be, to be forthcoming to answer the said rate and the reasonable costs, charges, and expenses attending such arrest.

367 Surplus of rate in any year applied to the following year

If any sum of money of the surplus of the rate shall remain in the hands of the commissioners after the whole expenses attending the proper execution of this Act for any year shall have been paid, the same shall be applied towards the same purpose for the year following.

368 to 370

[Ss 368 to 370 repealed by Local Government Act 1985 Sch 6.]

Loans

371 Power to borrow on credit of district fund

The commissioners may, with the sanction of the Tynwald Court, and subject to such terms and conditions as to payment or otherwise as may be prescribed by such Court, borrow on mortgage, debentures, debenture stock, or annuity certificates, and partly in one way and partly in another, at interest, any sum of money (hereinafter referred to as 'a loan'), necessary for defraying the cost of the purchase of any lands, or the cost of any permanent work, or of any work which the Court may consider of a permanent character (including under this expression any work of which the cost ought, in the opinion of the Court, to be spread over a term of years), or for discharging previous loans, and for the purpose of securing the repayment of a loan with interest thereon, they may mortgage to the persons by or on behalf of whom the loan may be advanced, the district fund, or any of the property of the commissioners, as may be authorised by the court; and in the construction of this section the word 'property' shall include water rates and gas rates.

372 to 376 ..

[Ss 372 to 376 repealed by GC185/86.]

377 to 379

[Ss 377 to 379 repealed by GC184/86.]

380 and 381

[Ss 380 and 381 repealed by GC185/86.]

382

[S 382 repealed by GC184/86.]

383

[S 383 repealed by GC185/86. Subs (3) and (4) in so far as they relate to security by way of a mortgage repealed by GC184/86.]

384 and 385

[Ss 384 and 385 repealed by GC185/86.]

386

[S 386 in so far as it relates to security by way of a mortgage repealed by GC184/86. S 386 repealed by GC185/86.]

387 to 395

[Ss 387 to 395 repealed by GC185/86.]

PART VII

396 to 398

[Ss 396 to 398 repealed by Local Government Act 1985 Sch 6.]

PART VIII

399 to 408

[Ss 399 to 408 repealed by Local Government Act 1985 Sch 6.]

409

[S 409 repealed by Law Reform (Limitation of Actions) Act 1959 Sch.]

410 to 414

[Ss 410 to 414 repealed by Local Government Act 1985 Sch 6.]

PART IX SUPERVISION OF COMMISSIONERS

Miscellaneous Provisions, etc.

415 and 416

[Ss 415 and 416 repealed by Local Government Act 1985 Sch 6.]

417 Default powers

Section 5 (default powers) of the Local Government Act 1985 applies to this Act.

[S 417 substituted by Local Government Act 1985 Sch 5.]

418 to 421

[Ss 418 to 421 repealed by Local Government Act 1985 Sch 6.]

422 Powers of entry

Section 35 (powers of entry) of the Local Government Act 1985 applies to this Act.

[S 422 substituted by Local Government Act 1985 Sch 5.]

423

[S 423 repealed by Local Government Act 1985 Sch 6.]

424

[S 424 repealed by Criminal Damage Act 1981 Sch.]

425 to 430

[Ss 425 to 430 repealed by Local Government Act 1985 Sch 6.]

431 Schedules to be part of Act

The schedules to this Act shall be read and have effect as part of this Act.

432

[S 432 spent on the repeal of Schedule 4.]

433 Saving of Crown rights

Nothing contained in this Act shall divest, take away, prejudice, diminish, or alter any estate, right, privilege, power, or authority vested in, or enjoyed, or exercisable by the King's most excellent Majesty, his heirs, and successors.

434

[S 434 repealed by Statute Law Revision Act 1997 Sch 2.]

Amendment of the Local Government and Common Lands Act 1895

435 [Amends Local Government and Common Lands Act 1895 which was repealed by Minerals Act 1986 Sch 3.]

Schedule 1

[Sch 1 repealed by Public Health Act 1990 Sch 6.]

Schedule 2

[Sch 2 repealed by Local Elections Act 1986 Sch 4.]

Schedule 3

[Sch 3 repealed by Local Government Act 1985 Sch 6.]

Schedule 4

[Sch 4 repealed by Statute Law Revision Act 1992 Sch 2.]

Schedule 5

[Sch 5 amended by GC69/86.]

Form of Rate Book	
	Name of Street or Place where Property is situated.
	Description of Property.
	Proprietor.
	Occupier.
	Gross Value as estimated by Valuing Authority.
	Rateable Value returned by Valuing Authority.
	Gross Value as finally determined by Treasury.
	Rateable Value as finally determined by Treasury.
	Rate at - in the Pound.

Schedule 6

[Sch 6 repealed by GC184/86.]

Schedule 7

[Sch 7 repealed by Public Health Act 1990 Sch 6.]

Schedule 8

[Sch 8 repealed by Statute Law Revision Act 1989 Sch 2.]

Schedule 9

[Sch 9 repealed by Local Government Act 1985 Sch 6.]
