

# LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1984

(Chapter 5)

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Received Royal Assent: 20 February 1984

Passed: 21 February 1984

**GENERAL NOTES**

1. The maximum fines in this Act are as increased by the Criminal Justice (Penalties, Etc.) Act 1993 s 1.
2. References to the Isle of Man Medical Officer of Health are to be construed in accordance with the Local Government Act 1985 Sch 4.

**AN ACT**

**to make fresh provision for the removal and disposal of vehicles; to confer additional powers on local authorities; to make provision for absent voters in local elections; to control the practices of acupuncture, tattooing, ear-piercing and electrolysis; to increase certain penalties and for connected purposes.**

**PART I**

**REMOVAL AND DISPOSAL OF VEHICLES**

**1 Unauthorised dumping of vehicles**

(1) Any person who, without lawful authority, abandons on any road, or on any land in the open air, a vehicle, or anything which formed part of a vehicle and was removed from it in the course of dismantling it, shall be guilty of an offence and liable on summary conviction to a fine not exceeding £5,000.

(2) For the purpose of subsection (1), a person who leaves any such vehicle or thing on a road or on land in such circumstances or for such a period or in such condition that he may reasonably be assumed to have abandoned it, shall be deemed to have abandoned it there unless the contrary is shown.

(3) Summary proceedings for an offence under subsection (1) may be brought within a period of 6 months from the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to his knowledge, but no such proceedings shall be brought by virtue of this subsection more than 3 years after the commission of the offence.

(4) For the purposes of subsection (3) a certificate signed by or on behalf of the prosecutor and stating the date on which such evidence as aforesaid came to his knowledge shall be conclusive evidence of that fact, and a certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.

**2 Power to remove vehicles**

(1) An appropriate authority may remove from a road-

- (a) any vehicle which has been parked or broken down on the road in contravention of any statutory prohibition or restriction;

- (b) any vehicle which has been parked or broken down on the road in such a position, in such a condition or in such circumstances as to cause an obstruction to persons using the road or to be likely to cause danger to such persons; or
- (c) any vehicle which appears to the authority to have been abandoned.

(2) An appropriate authority may, subject to subsection (3), remove from any land in the open air any vehicle which appears to the authority to have been abandoned.

(3) The appropriate authority shall, if the land in question appears to it to be occupied and the name and address of the occupier is known to, or can reasonably be ascertained by, the authority, give notice of its intention to remove the vehicle to the occupier, and shall not remove the vehicle under subsection (2) if, within the prescribed time, he objects to the removal.

(3A) Where in pursuance of subsection (1)(c) or (2) an appropriate authority proposes to remove a vehicle which in its opinion is in such a condition that it ought to be destroyed, it shall, not less than the prescribed period before removing it, cause to be affixed to the vehicle a notice stating that the authority proposes to remove it for destruction on the expiration of that period.

[Subs (3A) inserted by Local Government (Miscellaneous Provisions) Act 2001 s 7 and amended by Local Government (Miscellaneous Provisions) Act 2003 s 3.]

(4) In this section, 'appropriate authority' means-

- (a) the Department;

[Para (a) amended by GC192/86.]

- (b) the local authority for the district in which the road or land in question is situated; and

- (c) in relation to a vehicle falling within subsection (1), a constable.

[Para (c) amended by GC190/86 and by SD155/10 Sch 5.]

### **3 Power of constable to require removal of vehicles**

(1) A constable may require the owner, driver or other person in control or charge of any vehicle falling within section 2(l)(a) or (b) to move the vehicle or to cause it to be moved, and for that purpose may require that the vehicle be moved from the road to a place off the road and any other road, or that it shall not be moved to any such road or to any such position on the road as he may specify.

(2) A person required under subsection (1) to move a vehicle or to cause it to be moved shall comply with the requirement as soon as practicable, and if he fails to do so he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

### **4 Custody of vehicles**

(1) Any vehicle removed by an authority other than the Department pursuant to section 2 or an order under section 11(1) or 14A(4) of the Road Traffic Regulation Act 1985 (regulation of parking places) shall be delivered to the Department.

[Subs (1) amended by Road Traffic Regulation Act 1985 Sch 7, by GC192/86 and by Road Traffic Act 1989 Sch 1.]

(2) The Department shall take such steps as are reasonably necessary for the safe custody of a vehicle removed by it pursuant to section 2 or an order under the said section 11(1) or 14A(4) or delivered to it under subsection (1), other than a vehicle to which a notice was affixed in accordance with section 2(3A).

[Subs (2) amended by Road Traffic Regulation Act 1985 Sch 7, by GC192/86, by Road Traffic Act 1989 Sch 1 and by Local Government (Miscellaneous Provisions) Act 2001 s 7.]

## **5 Disposal of vehicles**

(1) Subject to subsection (2), the Department may, in such manner as it thinks fit, dispose of any vehicle removed by it pursuant to section 2 or an order under section 11(1) or 14A(4) of the Road Traffic Regulation Act 1985 or delivered to it under section 4(1)-

- (a) in the case of a vehicle to which a notice was affixed in accordance with section 2(3A) and on which no current licence was displayed at the time of its removal, at any time after its removal;
- (b) in the case of a vehicle to which a notice was so affixed and on which a current licence was displayed at the time of its removal, at any time after the licence expires;
- (c) in any other case, at any time after it has taken the prescribed steps to find the owner of the vehicle, and either-
  - (i) it has failed to find the owner; or
  - (ii) the owner, or a person appearing to the Department to be the owner, has failed to comply with a notice requiring him to remove the vehicle within the prescribed period.

[Subs (1) substituted by Local Government (Miscellaneous Provisions) Act 2001 s 7.]

(2) If, before a vehicle is disposed of pursuant to this section, it is claimed by a person who satisfies the Department that he is the owner and pays to the Department the prescribed charges in respect of its removal and storage, the Department shall permit him to remove it from the Department's custody during the prescribed period.

[Subs (2) amended by GC192/86.]

(3) If, during a period of one year from the date on which a vehicle is sold by the Department pursuant to this section, any person satisfies the Department that at the time of the sale he was the owner of the vehicle, the Department shall pay to him the proceeds of the sale, less the prescribed charges in respect of the removal, storage and disposal of the vehicle.

[Subs (3) amended by GC192/86.]

(4) In this section 'current licence', in relation to a vehicle, means a vehicle licence issued in respect of the vehicle under the Licensing and Registration of Vehicles Act 1985.

[Subs (4) added by Local Government (Miscellaneous Provisions) Act 2001 s 7.]

## **6 Charges for removing vehicles etc**

(1) Where a vehicle is removed pursuant to section 2 or an order under section 11(1) of the Road Traffic Regulation Act 1985, the Department may recover from any appropriate person-

- (a) the prescribed charges in respect of the removal of the vehicle;
- (b) charges determined in accordance with a prescribed scale in respect of any period during which the vehicle is in the custody of the Department; and

[Para (b) amended by GC192/86.]

- (c) where the vehicle is disposed of pursuant to section 5, the prescribed charges in respect of its disposal.

[Subs (1) amended by Road Traffic Regulation Act 1985 Sch 7 and by GC192/86.]

(2) A court of summary jurisdiction by whom a person is convicted of an offence under section 1 or 3 in respect of a vehicle may order him to pay to the Department any sum which appears to the court to be due from him to the Department under this section in respect of the vehicle.

[Subs (2) amended by GC192/86.]

(3) Where, by virtue of subsection (1)(a) or (b), any sum is recoverable by the Department in respect of a vehicle, the Department shall be entitled to retain custody of it until the sum has been paid.

[Subs (3) amended by GC192/86.]

(4) The Department shall pay to a local authority by which a vehicle is removed any sum recovered under section 5 or this section in respect of charges for the removal of the vehicle, and where the vehicle is sold by the Department pursuant to section 5 the amount of such charges shall be paid to the authority out of the proceeds of sale, to be credited in either case to the district fund of the authority.

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

(5) In this section-

'appropriate person', in relation to a vehicle, means-

- (a) any person by whom the vehicle was put in the place from which it was removed;
- (b) the owner of the vehicle; or
- (c) any person convicted of an offence under section 1 or 3 in respect of the vehicle;

'owner' includes the person by whom a vehicle is, or was last, kept and used, and in relation to a mechanically propelled vehicle includes the person for the time being registered as owner thereof pursuant to regulations under section 13(1) of the Licensing and Registration of Vehicles Act 1985 or any corresponding provision relating to the registration of vehicles in force in the United Kingdom, the Republic of Ireland or the Channel Islands.

[Definition of 'owner' amended by Statute Law Revision Act 1997 Sch 1.]

(6) A document issued by or on behalf of the Department, or by or on behalf of the corresponding authority in any part of the United Kingdom, the Republic of Ireland or any of the Channel Islands, and stating that a person is registered as the owner of a vehicle as mentioned in subsection (5), shall be evidence of the facts stated therein; and a document purporting to be so issued shall be deemed to be so issued unless the contrary is proved.

[Subs (6) amended by SD41/93 and by SD155/10 Sch 5.]

## 7 Regulations

The Department may make regulations for prescribing anything which may be prescribed for the purposes of this Part, but no such regulations shall have effect unless they are approved by Tynwald.

[S 7 amended by GC192/86.]

## 8 Interpretation of Part I

(1) In this Part-

'prescribed' means prescribed by regulations made by the Department;

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

'parked' means permitted to remain at rest;

'road' means any highway and any other road to which the public has access, and includes a bridge over which a road passes;

'statutory prohibition or restriction' means a prohibition or restriction contained in or having effect by virtue of any of the enactments specified in Schedule 1;

'vehicle' means any vehicle, whether or not in a state for use on roads, and includes any chassis or body, with or without wheels, appearing to have formed part of such a vehicle, and anything carried by or attached to a vehicle.

(2) References in this Part to a vehicle which has been parked or broken down or been abandoned include references to a vehicle which was parked or broke down or was abandoned before the commencement of this Part.

## PART II MISCELLANEOUS

### 9 and 10 ..

[Ss 9 and 10 repealed by Local Government Act 1985 Sch 6.]

## 11 Open spaces

(1) A local authority may, subject to the provisions of this section,-

(a) acquire by agreement or compulsorily any open space within or without its district;  
and

(b) undertake the maintenance, management and control of any open space in its district, whether or not such open space is for the time being vested in the

authority.

(2) Where a local authority acquires an open space by agreement under subsection (1)(a), it may acquire it for valuable or nominal consideration or for no consideration.

(3) Where a local authority acquires, or undertakes the maintenance, management and control of, an open space under subsection (1), the authority-

- (a) shall hold or manage the open space for the purpose of allowing the enjoyment thereof by the public at large, or by the inhabitants of its district, or by the inhabitants of a specified part of its district, as the authority may from time to time resolve;
- (b) shall maintain and keep the open space in a decent and tidy state;
- (c) may enclose it or keep it enclosed with fences and gates, and may drain, level, lay out, turf, plant, ornament, light, provide with seats and otherwise improve it, and may lay it out as recreation grounds for sports or pastimes; and
- (d) subject to section 317 of the 1916 Act, may make byelaws for the regulation of the open space and its use.

(4) The powers conferred by subsection (3) shall be exercised subject to any terms and conditions upon and subject to which the open space was acquired, or its maintenance, management and control is for the time being undertaken, as the case may be.

(5) If a local authority resolve under subsection (3)(a) to manage an open space for the purpose of allowing the enjoyment thereof by the inhabitants of a specified part of its district, and the Department constitute that part of the district a special district for the purpose of charging exclusively thereon the expenses of maintaining and improving the open space, then-

- (a) such resolution shall not be rescinded or varied without the consent of the Department; and

[Para (a) amended by GC192/86.]

- (b) the authority may with the consent of the Department delegate to a committee of ratepayers of that part of its district such of its functions relating to the maintenance, management and control of the open space as the authority thinks fit.

[Subs (5) amended by GC192/86. Para (b) amended by GC192/86.]

## **12 Vesting of open space in local authority**

(1) This section applies where-

- (a) any land is being or has been developed (whether before or after the passing of this Act) in accordance with planning approval granted pursuant to a development order under Part 2 of the Town and Country Planning Act 1999, and

[Para (a) amended by Statute Law Revision Act 1986 Sch 1 and by Town and Country Planning Act 1999 Sch 9.]

(b) either-

- (i) it was a condition of such approval that a part of that land should be preserved or laid out as amenity land (whether in relation to the remainder of that land or in relation to any neighbouring land), or
- (ii) it was a condition of such approval that a part of that land (not being land comprised in the curtilage of a building) should remain unbuilt upon because a sewer or gas, water or electric main was or was to be laid under, or an overhead electric line was or was to be carried over or in the vicinity of, that part, or
- (iii) the plans the subject of such approval provided for the preservation of a part of that land as such amenity land, or for such a part of that land to remain unbuilt upon for any such reason.

(2) Where this section applies, the Department, with the consent of every person entitled to an interest in the relevant part of the land in question ('the relevant area'), may by order-

- (a) vest the relevant area in the local authority for the district in which it is situated; and
- (b) provide that section 11(3) and (5) shall, subject to such terms and conditions as may be specified in the order, apply to the relevant area as if it had been acquired by the authority under section 11(l).

[Subs (2) amended by GC192/86.]

(3) Except where an order under subsection (2) is made with the consent of the local authority concerned, the order shall not have effect unless it is approved by Tynwald.

(4) In this section 'amenity land' does not include land forming a highway or part of a highway.

**13** .....

[S 13 repealed by Local Government Act 2006 Sch 4.]

## **14 Maintenance of open land**

(1) If it appears to a local authority that any garden or vacant or other open land in its district is in such a condition as seriously to injure the amenities of the neighbourhood, the authority may by notice require the owner or the occupier of the land to take such steps for abating the injury as are necessary.

(2) If a person to whom a notice under subsection (1) is given as owner of the land is no longer the owner, he shall, within 21 days after service of the notice on him, notify the local authority in writing of the fact, giving particulars of-

- (a) the name and address of the person who became the owner on his ceasing to be the owner, and
- (b) the instrument or event by virtue of which he ceased to be the owner;

and if he fails without reasonable excuse to do so, he shall, in any proceedings arising out of the notice, be conclusively presumed to have been the owner of the land during the time



within which the notice should have been complied with.

[Subs (2) amended by Local Government (Miscellaneous Provisions) Act 2001 s 5.]

(3) A notice under this section may be combined with a notice under section 24 (ruinous buildings etc) of the Building Control Act 1991 relating to premises in the same ownership or occupation; and where an appeal is made against both notices, the appeals may be heard and determined together.

[S 14 substituted by Public Health (Amendment) Act 2000 s 10.]

## **15 .....**

[S 15 repealed by Highways Act 1986 Sch 9.]

## **16 Litter**

(1) .....

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

(2) [Amends section 1 of the Litter Act 1972.]

## **17 .....**

[S 17 repealed by Local Elections Act 1986 Sch 4.]

## **18 Housing**

(1) .....

[Subs (1) repealed by Housing (Amendment) Act 1990 Sch 3.]

(2) The functions vested in a local authority under Parts I, II and III of the Housing Act 1955 shall, subject to the exceptions and modifications specified in Schedule 3, also be exercisable by the Department.

[Subs (2) amended by GC192/86.]

## **19 [Amends section 4 of the Local Government (Special Drainage Districts) Act 1952.]**

### **PART III ACUPUNCTURE, TATTOOING ETC.**

## **20 Acupuncture**

(1) A person shall not carry on the practice of acupuncture unless he is registered by the Department of Environment, Food and Agriculture under this section.

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

(2) A person shall only carry on the practice of acupuncture in premises registered by the Department of Environment, Food and Agriculture under this section; but a person who is registered under this section does not contravene this subsection merely because he sometimes visits people to give them treatment at their request.

[Subs (2) amended by SD155/10 Sch 3.]

## **21 Tattooing, body-piercing and electrolysis**

(1) A person shall not carry on the business of tattooing, of body-piercing or of electrolysis unless he is registered by the Department of Environment, Food and Agriculture under this section.

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

(2) A person shall only carry on a business mentioned in subsection (1) in premises registered under this section for the carrying on of that business; but a person who carries on the business of tattooing, body-piercing or electrolysis and is registered under this section as carrying on that business does not contravene this subsection merely because he sometimes visits people at their request to tattoo them or, as the case may be, to pierce their bodies or give them electrolysis.

## **22 Registration**

(1) Subject to subsection (2), on application for registration under section 18 or 19 the Department of Environment, Food and Agriculture shall register the applicant and the premises where he desires to carry on his practice or business, as the case may be, and shall issue to the applicant a certificate of registration.

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

(2) The Department of Environment, Food and Agriculture may refuse an application for registration under section 20 or 21-

(a) if the applicant has within the last 10 years been convicted of an offence under-

- (i) section 24(l) or (2);
- (ii) Part VIII of the Local Government (Miscellaneous Provisions) Act 1982 (an Act of Parliament); or
- (iii) any other statutory provision (including a local Act of Parliament and any instrument of a legislative character in the nature of a local Act) relating to the control of a practice or business referred to in section 20 or 21 and in force or previously in force in any part of the United Kingdom; or

[Subpara (iii) amended by Statute Law Revision Act 1986 Sch 1.]

(b) in the case of an application for registration of premises under section 20(2) or 21(2), if the Department of Environment, Food and Agriculture is not satisfied that the premises comply with the requirements of regulations under subsection (6)(a) applicable thereto.

[Subs (2) amended by SD155/10 Sch 3. Para (b) amended by SD155/10 Sch 3.]

(3) An application for registration under section 20 or 21 shall be accompanied by such particulars as the Department of Environment, Food and Agriculture may reasonably require.

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

(4) The particulars that the Department of Environment, Food and Agriculture may require include, without prejudice to the generality of subsection (3),-

- (a) particulars as to the premises where the applicant desires to carry on his practice or business, as the case may be; and
- (b) particulars of any conviction of the applicant of an offence referred to in subsection (2),

but do not include information about individual people to whom the applicant has given treatment or whom the applicant has tattooed or given electrolysis or whose body he has pierced, as the case may be.

[Subs (4) amended by SD155/10 Sch 3.]

(5) The Department of Environment, Food and Agriculture may charge such reasonable fees as they may determine for registration under section 20 or 21.

[Subs (5) amended by SD155/10 Sch 3.]

(6) The Department of Environment, Food and Agriculture may make regulations for the purposes of securing-

- (a) the cleanliness of premises registered under section 20 or 21 and fittings in such premises;
- (b) the cleanliness of persons so registered and persons assisting persons so registered in the practice or business in respect of which they are registered;
- (c) the cleansing and, so far as is appropriate, the sterilisation of instruments, materials and equipment used in connection with a business in respect of which a person is registered under this section, and such regulations may make different provision in relation to the practice of acupuncture and a business referred to in section 21(1).

[Subs (6) amended by SD155/10 Sch 3.]

(7) Before making any regulations under subsection (6) the Department of Environment, Food and Agriculture shall consult the Isle of Man Medical Officer of Health, and no such regulations shall have effect unless they are approved by Tynwald.

[Subs (7) amended by SD155/10 Sch 3.]

(8) Nothing in section 20 or 21 shall extend to the carrying on of a practice or business such as is mentioned in section 20 or 21 by or under the supervision of a person who is a registered medical practitioner or to premises on which any such practice or business is carried on by or under the supervision of such a person.

## **23 Tattooing of minors**

A person shall not tattoo a person under the age of 18 except when the tattoo is performed for medical reasons by a registered medical practitioner or by a person working under his direction.

## **23A Body-piercing of minors**

(1) Subject to subsections (2) and (3), a person shall not pierce any part of the body of a person under the age of 18.

(2) Subsection (1) does not apply where-

- (a) a parent of the person under the age of 18 consents in writing in the prescribed form to the body-piercing, or
- (b) that person is married.

(3) Nothing in subsection (1) applies to-

- (a) an injection for medical reasons of a medicinal product; or
- (b) any other body-piercing performed for medical reasons by a registered medical practitioner or by a person working under his direction.

(4) In this section-

'medicinal product' has the same meaning as in the Medicines Act 2003;

[Definition of 'medicinal product' amended by Medicines Act 2003 Sch 3.]

'parent', in relation to a person under the age of 18, means a person of the age of 18 or over having parental responsibility for him;

'prescribed form' means a form prescribed by regulations made by the Department of Environment, Food and Agriculture.

[Definition of 'prescribed form' amended by SD155/10 Sch 3.]

(5) Regulations made for the purpose of subsection (4) shall not have effect unless they are approved by Tynwald.

[S 23A inserted by Body-piercing of Minors Act 2000 s 1.]

## **24 Provisions supplementary to ss 20 to 23**

(1) Any person who contravenes section 20(l) or (2) or section 21(1) or (2) shall be guilty of an offence and liable on summary conviction to a fine not exceeding £2,500.

(2) Any person who contravenes any provision of regulations made under section 22(6) shall be guilty of an offence and liable on summary conviction to a fine not exceeding £2,500.

(3) A person who contravenes section 23 or section 23A shall be guilty of an offence and liable on summary conviction to a fine not exceeding £2,500.

[Subs (3) amended by Body-piercing of Minors Act 2000 s 1.]

(4) If a person registered under section 20 or 21 is found guilty of an offence under subsection (2) or (3), the court, instead of or in addition to imposing a fine under subsection (2) or (3), may order the suspension or cancellation of his registration under that section.

(5) A court which orders the suspension or cancellation of a registration by virtue of subsection (4) may also order the suspension or cancellation of any registration under section 20 or, as the case may be, section 21 of the premises in which the offence was

committed, if they are occupied by the person found guilty of the offence.

(6) Subject to any order made on appeal against an order under subsection (4), where the registration of any person under section 20 or 21 is cancelled by such an order-

- (a) he shall within 7 days deliver up to the Department of Environment, Food and Agriculture the cancelled certificate of registration, and, if he fails to do so, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200 and thereafter to a daily fine not exceeding £5; and

[Para (a) amended by SD155/10 Sch 3.]

- (b) he shall not again be registered by the Department of Environment, Food and Agriculture under section 20 or, as the case may be, section 21 within the period of 10 years from the date of the order.

[Para (b) amended by SD155/10 Sch 3.]

(7) A person registered under section 20 or 21 shall keep a copy-

- (a) of any certificate of registration issued to him under section 22(l); and
- (b) of any regulations under section 22(6) relating to the practice or business in respect of which he is so registered,

prominently displayed at the place where he carries on that practice or business.

(8) A person who contravenes subsection (7) shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(9) It shall be a defence for a person charged with an offence under subsection (1), (2), (6) or (8) to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

(10) It shall be a defence for a person charged with an offence under subsection (3) to prove that, at the time the tattoo or body-piercing was performed, he reasonably believed that the person on whom it was performed was not under the age of 18.

[Subs (10) substituted by Body-piercing of Minors Act 2000 s 1.]

(11) Nothing in this Part applies to anything done to an animal.

## **25 Power to enter premises**

(1) Subject to subsection (2), an authorised officer of the Department of Environment, Food and Agriculture may-

- (a) enter and inspect any premises registered under section 20 or 21; or
- (b) enter (by force if need be) and inspect any premises if he has reason to suspect that an offence under section 24 is being committed there.

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

(2) The power conferred by subsection (1)(b) may be exercised by an authorised officer of the Department of Environment, Food and Agriculture only if he has been granted a

warrant by a justice of the peace.

[Subs (2) amended by SD155/10 Sch 3.]

(3) A justice may grant a warrant under this section only if he is satisfied-

- (a) that admission to any premises has been refused, or that refusal is apprehended, or that the case is one of urgency, or that an application for admission would defeat the object of the entry; and
- (b) that there is reasonable ground for entry under this section.

(4) A warrant shall not be granted unless the justice is satisfied either that notice of the intention to apply for a warrant has been given to the occupier, or that the case is one of urgency, or that the giving of such notice would defeat the object of the entry.

(5) A warrant shall continue in force-

- (a) for 7 days; or
- (b) until the power conferred by this section has been exercised in accordance with the warrant,

whichever period is the shorter.

(6) Where an authorised officer of the Department of Environment, Food and Agriculture exercises the power conferred by this section, he shall produce his authority if required to do so by the occupier of the premises.

[Subs (6) amended by SD155/10 Sch 3.]

(7) Any person who without reasonable excuse refuses to permit an authorised officer of the Department of Environment, Food and Agriculture to exercise the power conferred by this section shall be guilty of an offence and shall for every such refusal be liable on summary conviction to a fine not exceeding £2,500.

[Subs (7) amended by SD155/10 Sch 3.]

## PART IV SUPPLEMENTAL

### 26 Interpretation: general

In this Act-

'the 1916 Act' means the Local Government Consolidation Act 1916;

'the Board' .....

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

'body-piercing' means the piercing of any part of the body;

'the Department' means the Department of Infrastructure;

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

**'the Highway Board' .....**

[Definition of 'the Highway Board' repealed by GC190/86.]

**'the Highways Department' .....**

[Definition of 'the Highways Department' repealed by SD155/10 Sch 5.]

'tattoo' means the insertion into the skin of any colouring matter designed to leave a permanent mark and includes the removal by any process of any mark so made;

'town district' and 'village district' have the same meanings as in the 1916 Act.

**27 .....**

[S 27 repealed by Statute Law Revision Act 1992 Sch 2.]

## **28 Citation and commencement**

(1) This Act may be cited as the Local Government (Miscellaneous Provisions) Act 1984.

(2) The following provisions of this Act shall come into operation on such day or days as the Department may by order appoint-

Part I;

section 17;

Part III;

section 27 and Schedule 4, so far as they relate to the Local Government (Registration of Electors and Election by Ballot) Act 1904, the Road Traffic Act 1963 and the Road Traffic Act 1974.

[Subs (2) amended by GC192/86.]

[ADO (Part I) 1/4/1989 (GC76/89); (Part III) 1/3/1985 (GC3/85).]

### **Schedule 1**

#### **Enactments by or under which Parking may be Prohibited or Restricted**

[Sch 1 amended by Road Traffic Regulation Act 1985 Sch 1, by Road Traffic Act 1985 Sch 8, by Road Traffic Act 1989 Sch 7, by Road Traffic (Amendment) Act 1991 s 5, by Local Government (Miscellaneous Provisions) Act 2001 s 7 and by Road Transport Act 2001 Sch 4.]

| <i>Act</i>                           | <i>Provision of Act</i> |  |
|--------------------------------------|-------------------------|--|
| The Road Traffic Regulation Act 1985 | Section 1               | (traffic regulation orders)              |
|                                      | Section 2               | (overnight and weekend parking)          |
|                                      | Section 3               | (temporary traffic orders)               |
|                                      | Section 7               | (pedestrian crossing regulations)        |
|                                      | Section 11              | (orders as to off-street parking places) |

|                           |                    |   |
|---------------------------|--------------------|---|
|                           | Sections 14 to 14B | (regulation of on-street parking places). |
|                           | Section 17         | (emergency traffic signs)                 |
| The Road Traffic Act 1985 | Section 16         | (compliance with traffic signs)           |
|                           | Section 18         | (parking of motor vehicles)               |
|                           | Section 19         | (obstructive and dangerous parking)       |
|                           | Section 30         | (parking on footways)                     |

## Schedule 2

[Sch 2 repealed by Housing (Amendment) Act 1990 Sch 3.]

## Schedule 3

### Modifications Etc. of Parts I, II and III of the Housing Act 1955

[Sch 3 amended by Transfer of Governor's Functions Act 1992 Sch 1.]

| <i>Provision</i>              | <i>Subject matter</i>  | <i>Exceptions and Modifications</i>  |
|-------------------------------|------------------------|--------------------------------------|
| PART I<br>CONDITION OF HOUSES |                        |                                      |
| Section 1.                    | Duties of authorities. | Omit.                                |
| Section 7.                    | Closing orders.        | In subsection (2), omit the proviso. |

## PART II CLEARANCE AND REDEVELOPMENT

| Provisions  | Subject matter                      | Exceptions and Modifications   |
|-------------|-------------------------------------|--|
| Section 17. | Clearance areas.                    | Omit subsection (2).   |
| Section 21. | Purchase of land in clearance area. | Omit subsection (4).   |
| Section 22. | Treatment of clearance area.        | In subsection (1)(a), omit 'subject to the approval of the Department'.  |
| Section 26. | Rights of way.                      | In subsection (1), omit 'with the approval of the Department', and for 'approve' substitute 'make'.<br><br>In subsection (2), omit 'and the Department to approve' and 'or as the Department in approving the order may direct'. |



Section 27. Apparatus of statutory undertakers. In subsection (6)(b), for 'Department' substitute 'Council of Ministers'.

**PART III  
OVERCROWDING**

Section 34. Enforcement For subsection (1) substitute-  
'(1) The Department may institute a prosecution for an offence against the provisions of this Part.'

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**Schedule 4**

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

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