Statutory Document No. 2024/0104

Dogs Act 1990

PORT ERIN DOG CONTROL BYELAWS 2024

Approved by the Department: 17 May 2024
Laid before Tynwald:
Coming into operation: in accordance with byelaw 2

Port Erin Commissioners ("the Commissioners") makes the following Byelaws under section 24(1) and (4) and section 28(1) of the Dogs Act 1990. In accordance with section 24(10) of that Act the Commissioners have obtained the approval of the Department of Infrastructure (following consultation by that Department with the Department of Environment, Food and Agriculture under section 24(10A) of that Act). The Commissioners have also obtained the consent of the owner of any open space to which the Byelaws apply which is not vested in, or under the management or control of Port Erin Commissioners, in accordance with section 24(5) of that Act.

1 Title

These Byelaws are the Port Erin Dog Control Byelaws 2024.

2 Commencement

These Byelaws come into operation on the day after they are approved[1].

3 Interpretation

(1) In these Byelaws —

"the Act" means the Dogs Act 1990;

"assistance dog" means —

(a) a dog which has been trained to guide a blind person by Guide Dogs for the Blind Association (Isle of Man registered charity number 1334; England and Wales registered charity number 209617; Scotland registered charity number SC038979) or the

[1] The Byelaws expire 10 years after the date on which they are made, in accordance with section 24(10) of the Dogs Act 1990, if not revoked earlier. Section 28(4) of the Dogs Act 1990 requires Byelaws approved by the Department of Infrastructure and made under that Act to be laid before Tynwald.

Seeing Dogs Alliance (England and Wales registered charity number 1156790);

(b) a dog which has been trained to assist a deaf person by Hearing Dogs for Deaf People (England and Wales registered charity number 293358; Scotland registered charity number SC040486); or;

(c) a dog which has been trained to assist a disabled person who has a disability that consists of epilepsy or otherwise affects the person's mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects by a prescribed charity;

"prescribed charity" means —

(a) Dogs for Good (England and Wales registered charity number 1092960; Scotland registered charity number SC039828);

(b) Support Dogs Limited (England and Wales registered charity number 1088281);

(c) Canine Partners for Independence (England and Wales registered charity number 803680; Scotland registered charity number SC039050);

(d) Autism Dogs (England and Wales registered charity number 1199343);

(e) Dog Assistance in Disability (England and Wales registered charity number 1178719);

(f) Support Dogs Limited (England and Wales registered charity number 1088281).

(2) A reference in these Byelaws to the keeper of a dog does not include —

(a) a person who is in possession of an assistance dog whilst being assisted by the dog;

(b) a member of the Isle of Man Constabulary or an officer of Isle of Man Customs and Excise, when engaged in law enforcement functions;

(c) a member of His Majesty's Armed Forces, when engaged on operational duties within the Island;

(c) a member of the Isle of Man Search and Rescue Dog Association, when engaged either on an operation on behalf of any of the emergency services or on a training exercise; and

(d) any member of the National Search and Rescue Dog Association when working or training with that Association.

4 Dogs prohibited from being present in specified open spaces and beaches

The keeper of a dog commits an offence if, when the keeper is with the dog, the dog accesses –

(a) an open space specified in Part 1 of Schedule 1, being the areas shown in hatched green on the plan in Schedule 2, at any time; or

(b) a beach specified in Part 2 of Schedule 1, being the areas edged red on the plan in Schedule 2, between the hours of 10:00 and 19:00 on any day within the period 1 May and 30 September (inclusive) in any year.

Penalty: (summary) fine of £2000 [level 3 on the standard scale].

5 Dogs prohibited from being present in specified open spaces unless on a lead which is no more than 1.2 metres in length

(1) The keeper of a dog commits an offence if, when the keeper is with the dog, the dog accesses an open space specified in Part 3 of Schedule 1, being the areas edged blue on the plan in Schedule 2, at any time throughout the year.

(2) An offence is not committed under paragraph (1) if the dog, when in that open space, is kept on a lead which is no more than 1.2 metres in length.

Penalty: (summary) fine of £2000 [level 3 on the standard scale].

6 Removal of canine faeces

(1) The keeper of a dog commits an offence if, without reasonable excuse, the keeper fails to remove any faeces deposited by the dog on —

(a) any highway in the village district of Port Erin which consists of or comprises a carriageway; or

(b) an open space described in Part 4 of Schedule 1 (being all the areas specified in Parts 1, 2 and 3 of that Schedule).

Penalty: (summary) fine of £2000 [level 3 on the standard scale].

(2) For the purposes of paragraph (1) —

(a) faeces shall be taken as removed if they are deposited in any public bin provided for the purpose in the area or open space by a local or other public authority; and

(b) it is not a reasonable excuse that the keeper did not have with them any means of removal of the faeces.

7 Plan

Schedule 2 has effect to show on a plan the open spaces specified in Schedule 1.

THE COMMON SEAL[2] of Port Erin Commissioners was affixed on 15 March 2024 in the presence of

(L.S.)

MADE 15 MARCH 2024

G B T EGEE
Chair, Port Erin Commissioners

J M ROBERTS
Clerk to Port Erin Commissioners

[2] As required by section 30(2) of the Local Government Act 1985.

SCHEDULE 1

PART 1

[Byelaw 4(a)]

OPEN SPACES WHERE DOGS ARE PROHIBITED

The open spaces referred to in Byelaw 4(a) are —

(a) Children's playground and football pitches at Athol Park Glen, from Droghadfayle Road to Ballafurt Road;

(b) Grassed area at Marashen Crescent;

(c) Grassed area at Erin Crescent;

(d) Tennis courts, multi-use games area and bowling green at Breagle Glen, St George's Crescent.

PART 2

[Byelaw 4(b)]

BEACHES WHERE DOGS ARE PROHIBITED BETWEEN THE HOURS OF 10:00 AND 19:00 ON ANY DAY WITHIN THE PERIOD 1ST MAY AND 30TH SEPTEMBER IN ANY YEAR

Port Erin Beach.

PART 3

[Byelaw 5(1)]

OPEN SPACES WHERE DOGS ARE PROHIBITED UNLESS ON A LEAD

The open spaces referred to in Byelaw 5(1) are —

(a) Breagle Glen, St George's Crescent;

(b) Landscaped area in the Milner Park Estate abutting Castletown Road and fronting numbers 1, 9 and 24 Milner Park and number 2 Milner Close;

(c) Rowany Golf Course;

(d) Athol Park Glen, from Droghadfayle Road to Ballafurt Road;

(e) the brooghs, on the promenade and, by Port Erin beach.

PART 4

[Byelaw 6(1)]

OPEN SPACES AND BEACHES FROM WHICH DOGS' FAECES MUST BE REMOVED

The open spaces and beaches referred to in Byelaw 6(1) are –

(a) Children's playground and football pitches at Athol Park Glen, from Droghadfayle Road to Ballafurt Road;

(b) Grassed area at Marashen Crescent;

(c) Grassed area at Erin Crescent;

(d) Tennis courts, multi-use games area and bowling green at Breagle Glen, St George's Crescent;

(e) Port Erin Beach;

(f) Breagle Glen, St George's Crescent;

(g) Landscaped area in the Milner Park Estate abutting Castletown Road and fronting numbers 1, 9 and 24 Milner Park and number 2 Milner Close;

(h) Rowany Golf Course;

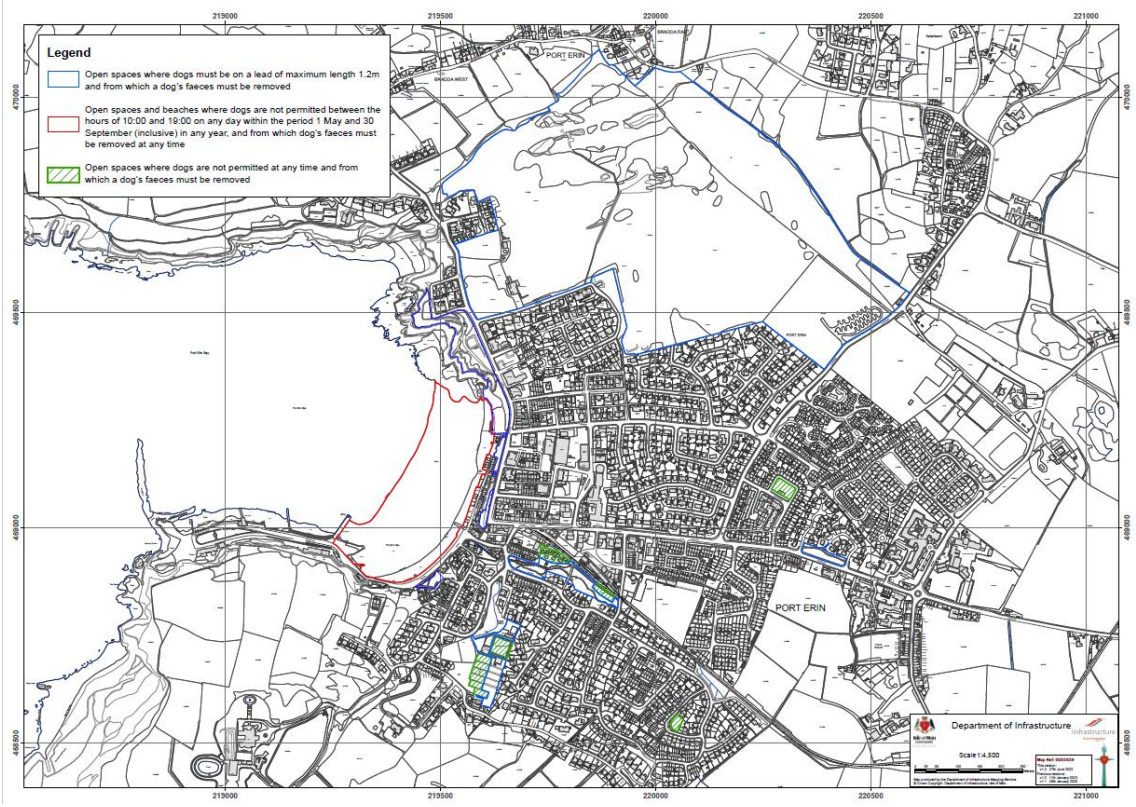
(i) Athol Park Glen, from Droghadfayle Road to Ballafurt Road;

(j) the brooghs, on the promenade and, by Port Erin beach.

SCHEDULE 2

[Byelaw 7]

PLAN



EXPLANATORY NOTE

(This note is not part of the Byelaws)

These Byelaws impose controls on dogs in certain parts of the Village District of Port Erin. Dogs are prohibited from the open spaces described in Part 1 of Schedule 1 and are prohibited from the beach described in Part 2 of Schedule 1 between the hours of 10:00 and 19:00 on any day within the period 1 May and 30 September (inclusive) in any year. Dogs are prohibited from the open spaces described in Part 3 of Schedule 1 at any time throughout the year unless on a lead which is no more than 1.2 metres in length.

Dog faeces must also be removed from any highway within its district which consists of or comprises a carriageway and from the open spaces or beaches described in Part 4 of Schedule 1.

Contravention of these byelaws is an offence by the keeper of the dog, punishable by a fixed penalty fine of £50 or, upon summary conviction, a fine of up to £2,000.