

Statutory Document No. 20XX/XXXX



Dogs Act 1990

GARFF DOG CONTROL BYELAWS 2023

Approved by the Department of Infrastructure:

Laid before Tynwald:

Coming into Operation: in accordance with byelaw 2

The Commissioners of Garff Parish District (“the Commissioners”) make the following Byelaws under section 24(1) and (4) and section 28(4) 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 or car park to which the Byelaws apply which is not vested in or under the management or control of the Commissioners, in accordance with section 24(5) of that Act.

1 Title

These Byelaws are the Garff Dog Control Byelaws 2023.

2 Commencement

If approved by the Department of Infrastructure, these Byelaws come into operation on xxxx.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

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.

- 209617; Scotland registered charity number SC038979) or the 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” includes –

- (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 A.I.D (England and Wales registered charity number 1178719);
 - (f) Support Dogs (England and Wales registered charity number 1088281).
- (2) A reference in these Byelaws to –
- (a) the keeper of a dog does not include –
 - (i) a person who is in possession of a dog whilst being assisted by the dog;
 - (ii) a member of the Isle of Man Constabulary or an officer of Isle of Man Customs and Excise when engaged in law enforcement functions or a member of His Majesty's Armed Forces when engaged on operational duties within the Island;
 - (iii) 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
 - (iv) any member of the National Search and Rescue Dog Association when working or training with that Association; and
 - (b) a dog does not include any dog that –

- (i) is permitted by the head teacher (or a person acting in that capacity) to be on the grounds or playing fields, or within, a school specified in paragraph (3) of Schedule 1; and
- (ii) remains on a lead or is otherwise kept under control at all times while it is on the grounds or playing fields, or within, the school.

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 as specified in Part 1 of Schedule 1 at any time throughout the year; and
- (b) a beach as specified in part 2 of Schedule 1 between the hours of 10:00 and 18:00 on any day within the period 1 May to 30 September (inclusive) in any year.

5 Dogs prohibited from being at large in specified open spaces

The keeper of a dog commits an offence if the dog is found at large in an open space or a beach specified in Schedule 2 at any time throughout the year unless section 24(2) of the Act applies.

6 Dogs prohibited from being in specified open spaces unless on a lead and restricted to footpaths

The keeper of a dog commits an offence if, at any time when the keeper is with the dog in Laxey Rose Gardens, the keeper fails to —

- (a) keep the dog on a lead which is no more than 1.5 metres in length;
- (b) secure that the dog remains on the footpath.

7 Removal of canine faeces

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

- (a) any highway in the wards of Laxey, Lonan and Maughold which consists of or comprises a carriageway; or
- (b) an open space or beach described in Schedule 3.

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

- (a) faeces shall be taken as removed if they are deposited in a receptacle 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.

8 Schedule 4

Schedule 4 has effect to show on a series of plans the open spaces and beaches specified in byelaws 4 to 7 (inclusive).

THE COMMON SEAL² of Garff Parish District Commissioners was affixed on [insert date] in the presence of

(L.S.)

MADE

S RYZAK

Chair, Garff Parish District Commissioners

P M BURGESS

Clerk to Garff Parish District Commissioners

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

SCHEDULE 1**PART 1**

[Byelaw 4(a)]

OPEN SPACES AND BEACHES WHERE DOGS ARE PROHIBITED

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

- (a) the recreation grounds and open spaces at —
 - (i) Laxey Promenade Greens including the children’s play area;
 - (ii) Henry Bloom Noble Green at the southern end of Laxey Promenade
 - (iii) Laxey Football Club; and
 - (iv) Glen Road Recreation Area;
- (b) the play areas at —
 - (i) The Coronary Play Area, Maughold;
 - (ii) All Saints Park Play Area, Lonan;
 - (iii) Church Close Play Area, Lonan; and
 - (iv) Laxey Football Club;
- (c) the grounds and playing fields of, and within, the following schools —
 - (a) Dhoon Primary School; and
 - (b) Laxey Primary School.

PART 2

[Byelaw 4(b)]

The beach referred to in byelaw 4(b) is the area of Laxey Beach (including the foreshore) between the harbour and a line drawn at right angles from the access steps at the bottom of the zig-zag path from Old Laxey Hill (as delineated by the thick black line on the beach on Plan A in Schedule 5).

SCHEDULE 2

[Byelaw 5]

OPEN SPACES WHERE DOGS MUST NOT BE AT LARGE

The open spaces and grounds referred to in byelaw 5 are —

- (a) Laxey Valley Gardens;
- (b) Quarry Road Campsite;
- (c) Glen Mooar Open Space;
- (d) Cooil Roi Sheltered Housing Complex; and
- (e) Maughold Village Green.

SCHEDULE 3

[Byelaw 7]

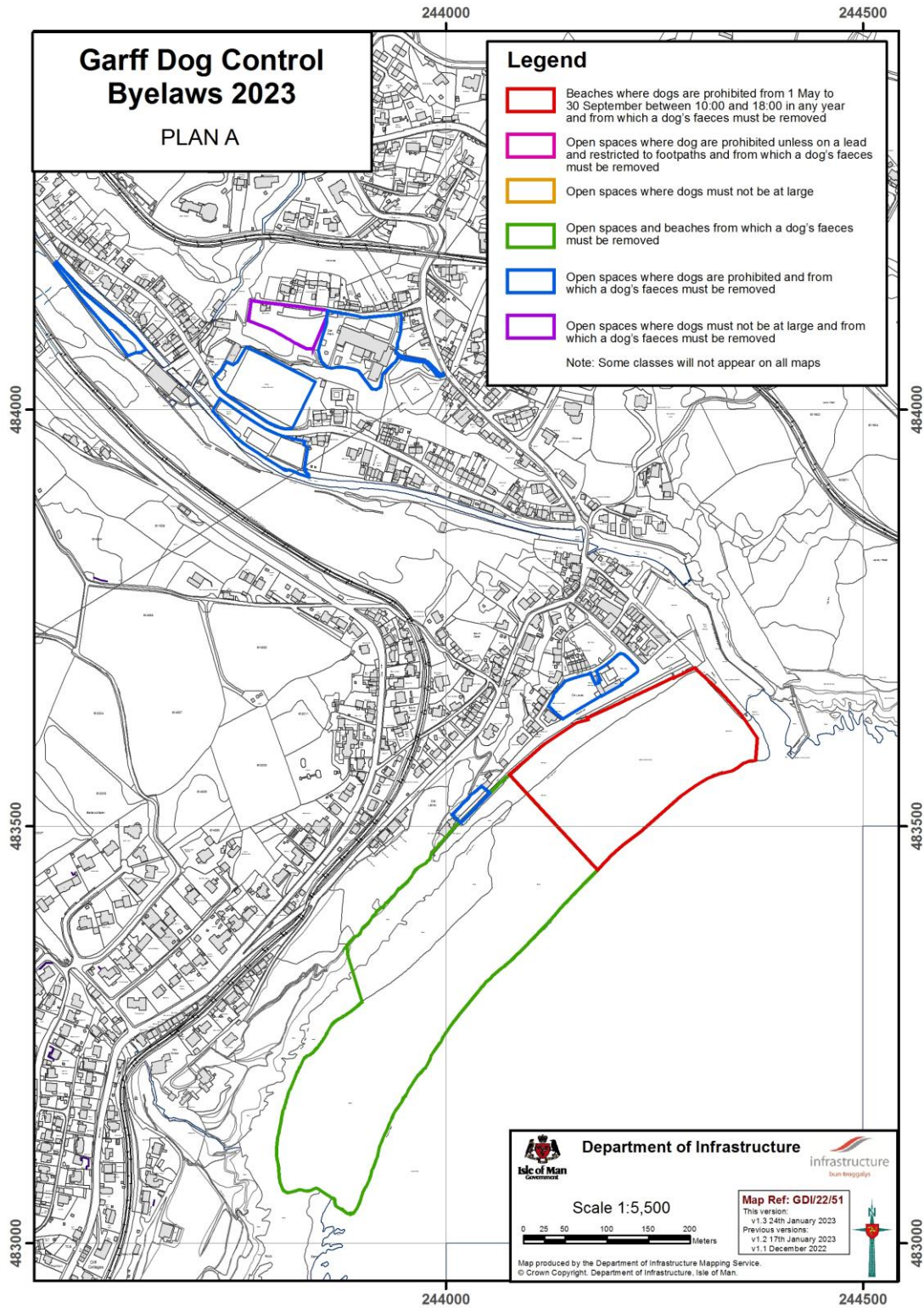
OPEN SPACES AND BEACHES FROM WHICH DOGS' FAECES MUST BE REMOVED

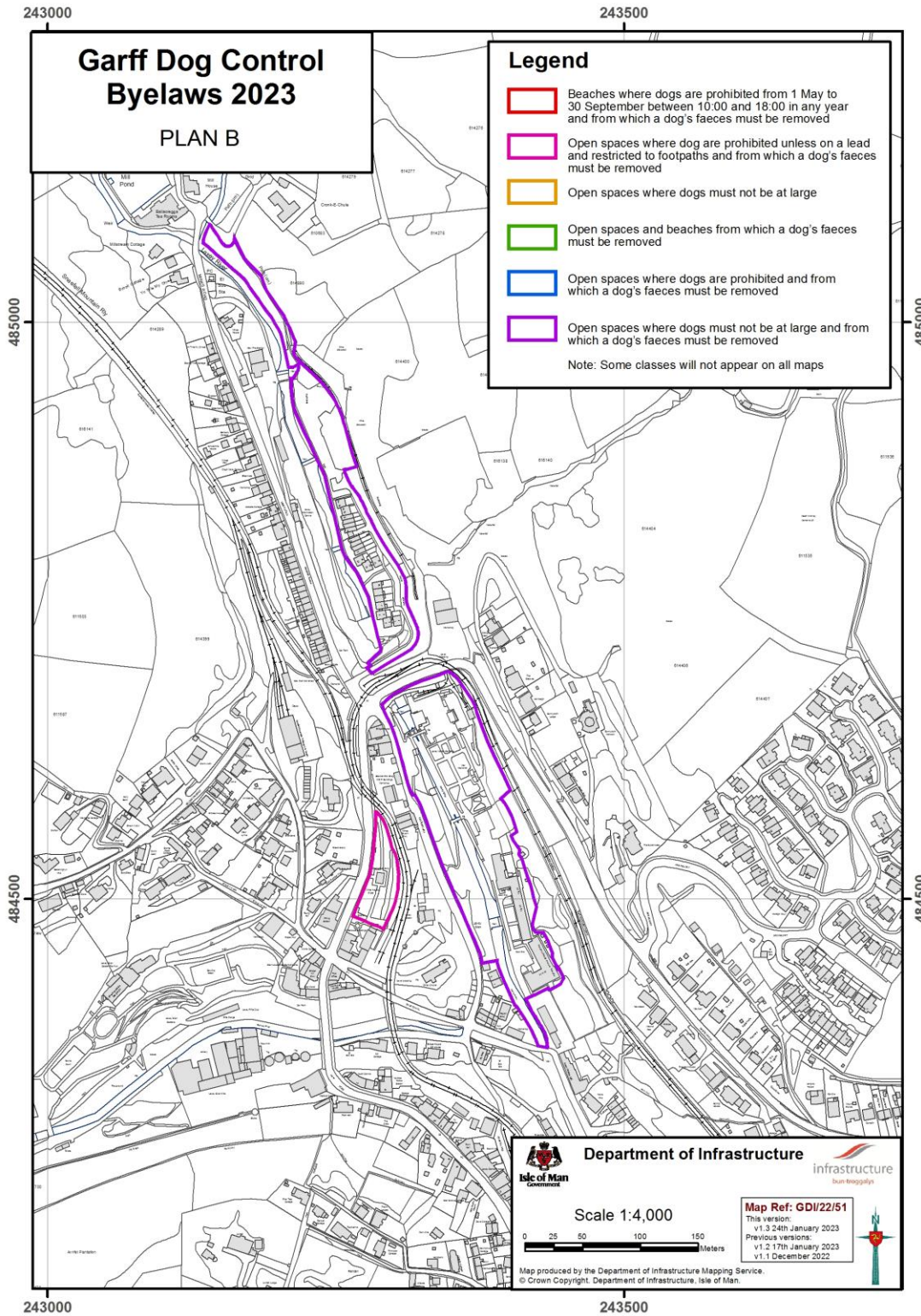
1. The open spaces referred to in byelaw 7 are —
 - (a) Laxey Valley Gardens;
 - (b) Laxey Rose Gardens;
 - (c) Quarry Road Campsite;
 - (d) Glen Mooar Open Spaces;
 - (e) Cooil Roi Sheltered Housing Complex;
 - (f) The Coronry Play Area, Maughold;
 - (g) All Saints Play Park Area, Lonan;
 - (h) Church Close Play Area, Lonan;
 - (i) Laxey Promenade Greens including the children's play area;
 - (j) Laxey Football Club grounds;
 - (k) Glen Road Recreation Area;
 - (l) Dhoon Arboretum;
 - (m) Maughold Parish Field; and
 - (n) Coronry Public Open Spaces.
2. The beach referred to in byelaw 7 is Laxey Beach (including the foreshore) between the harbour and the point known as Gob Y Rheyenn approximately 1 kilometre south west of Laxey Breakwater.

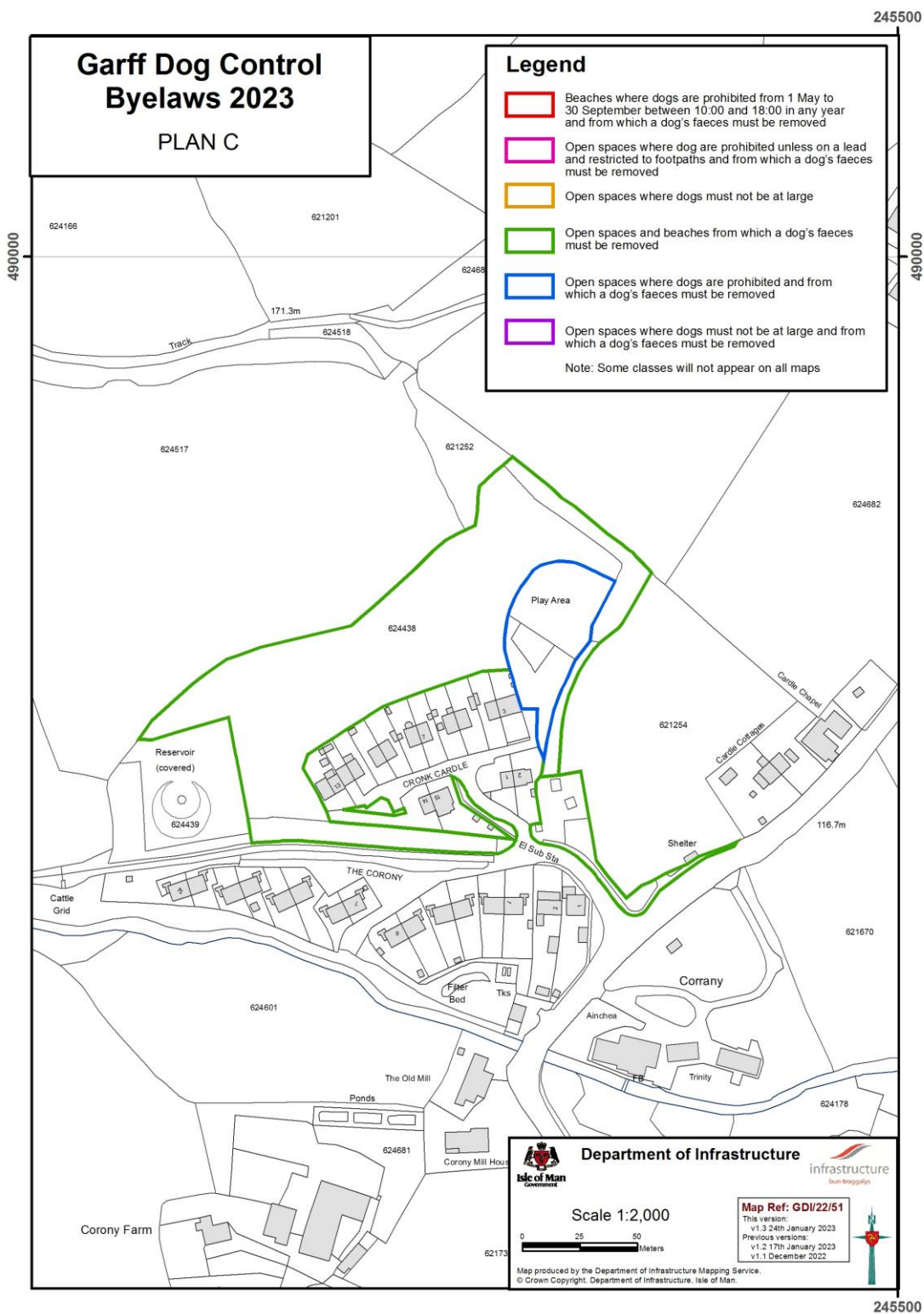
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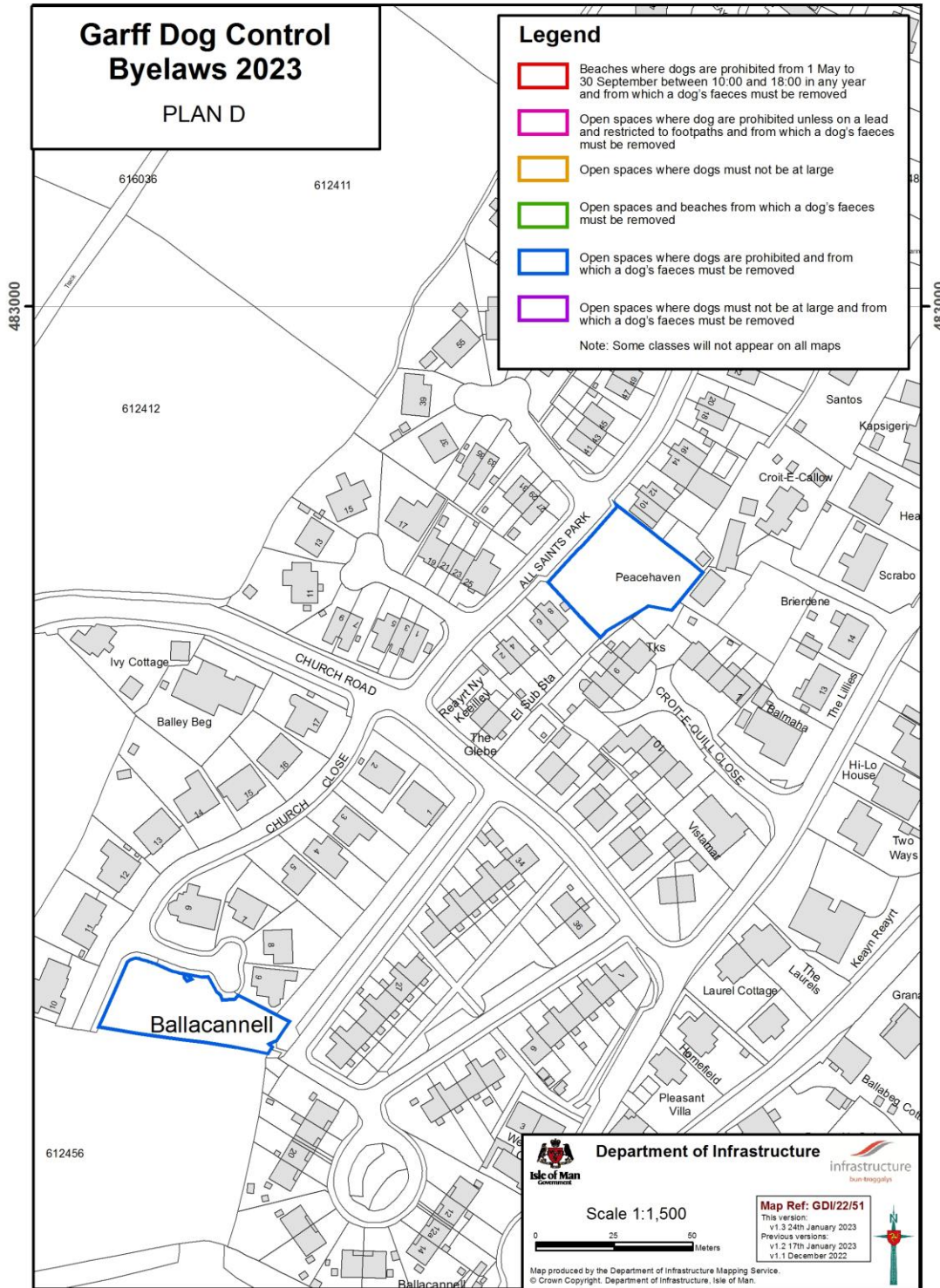
[Byelaw 8]

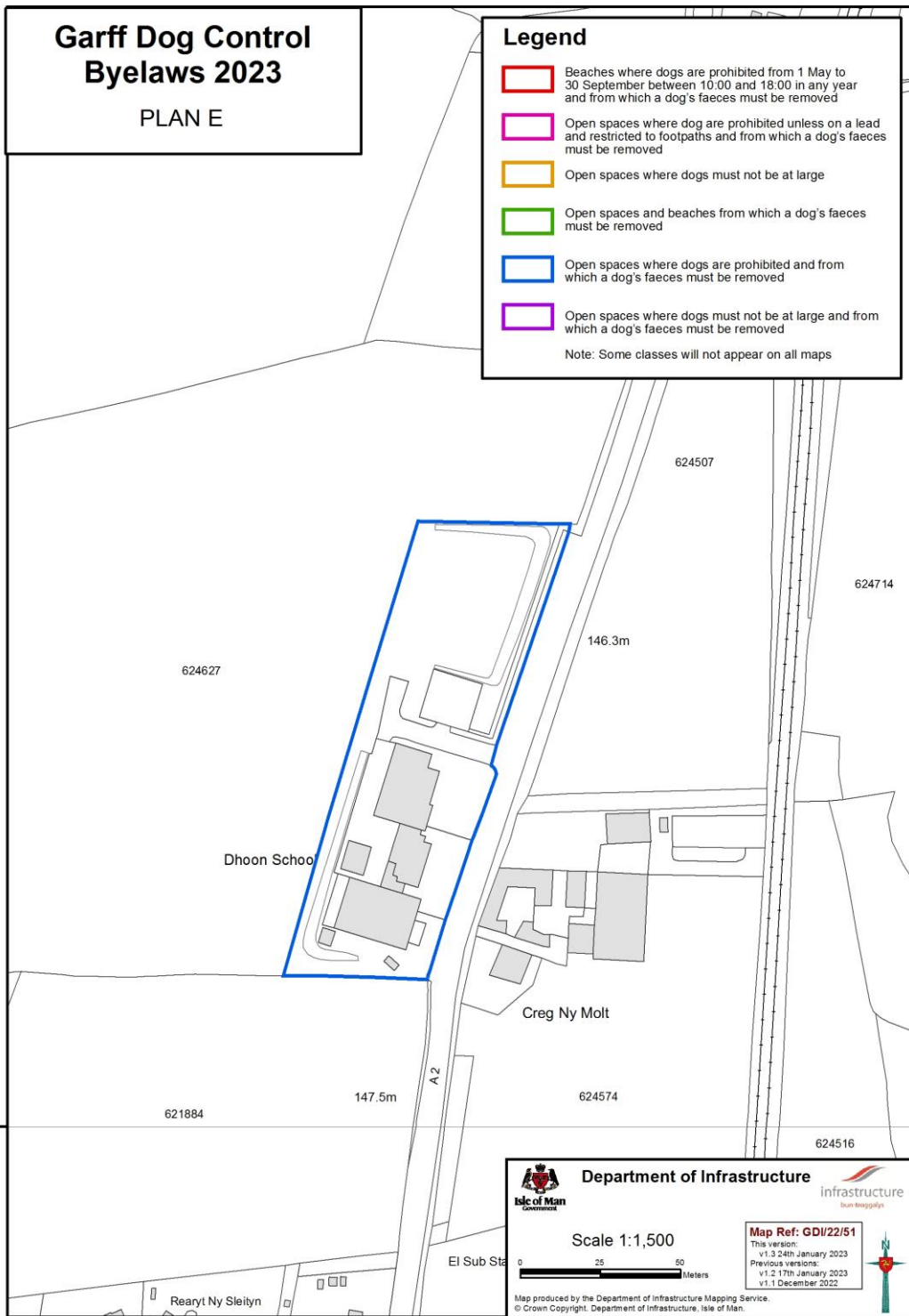
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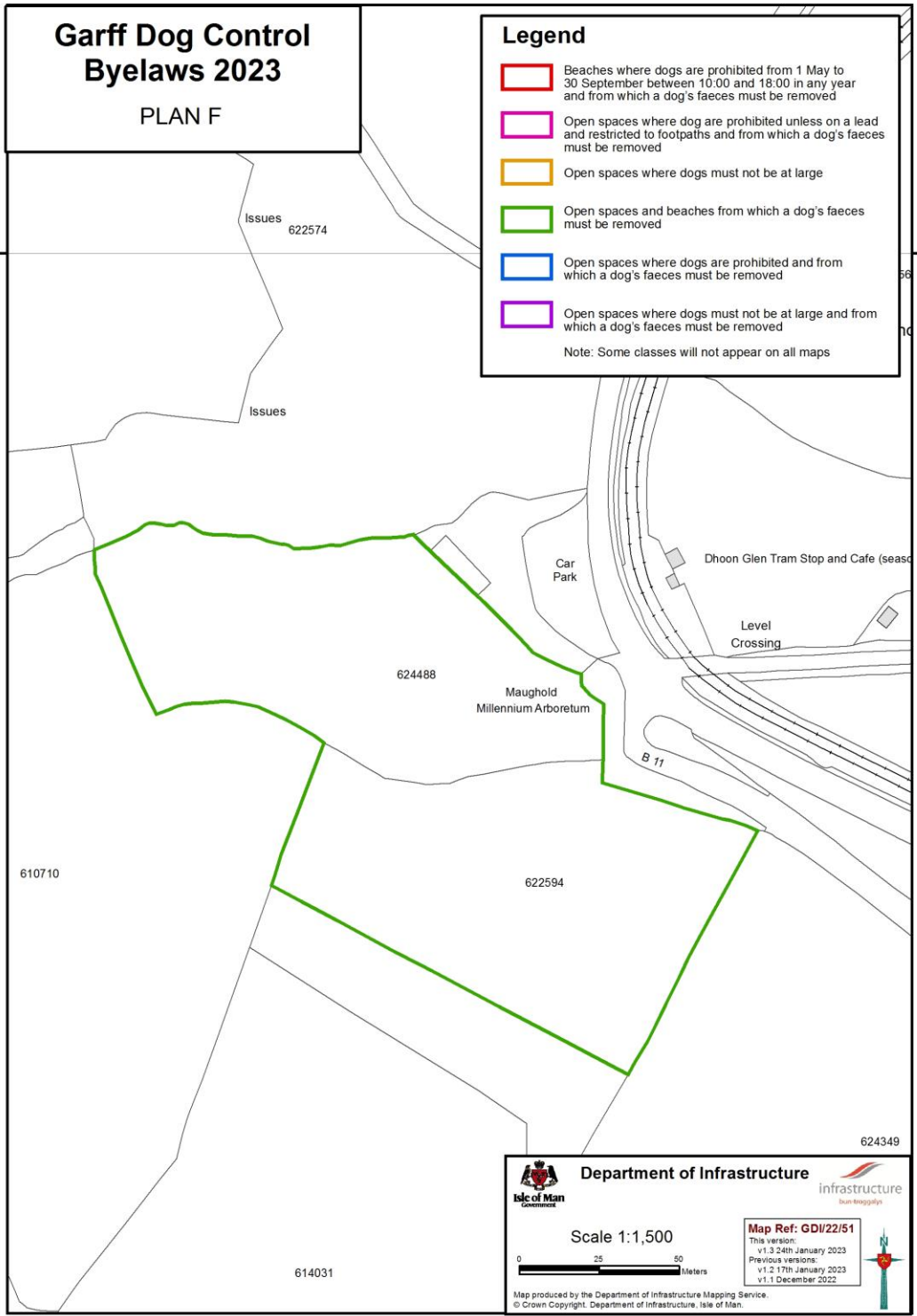


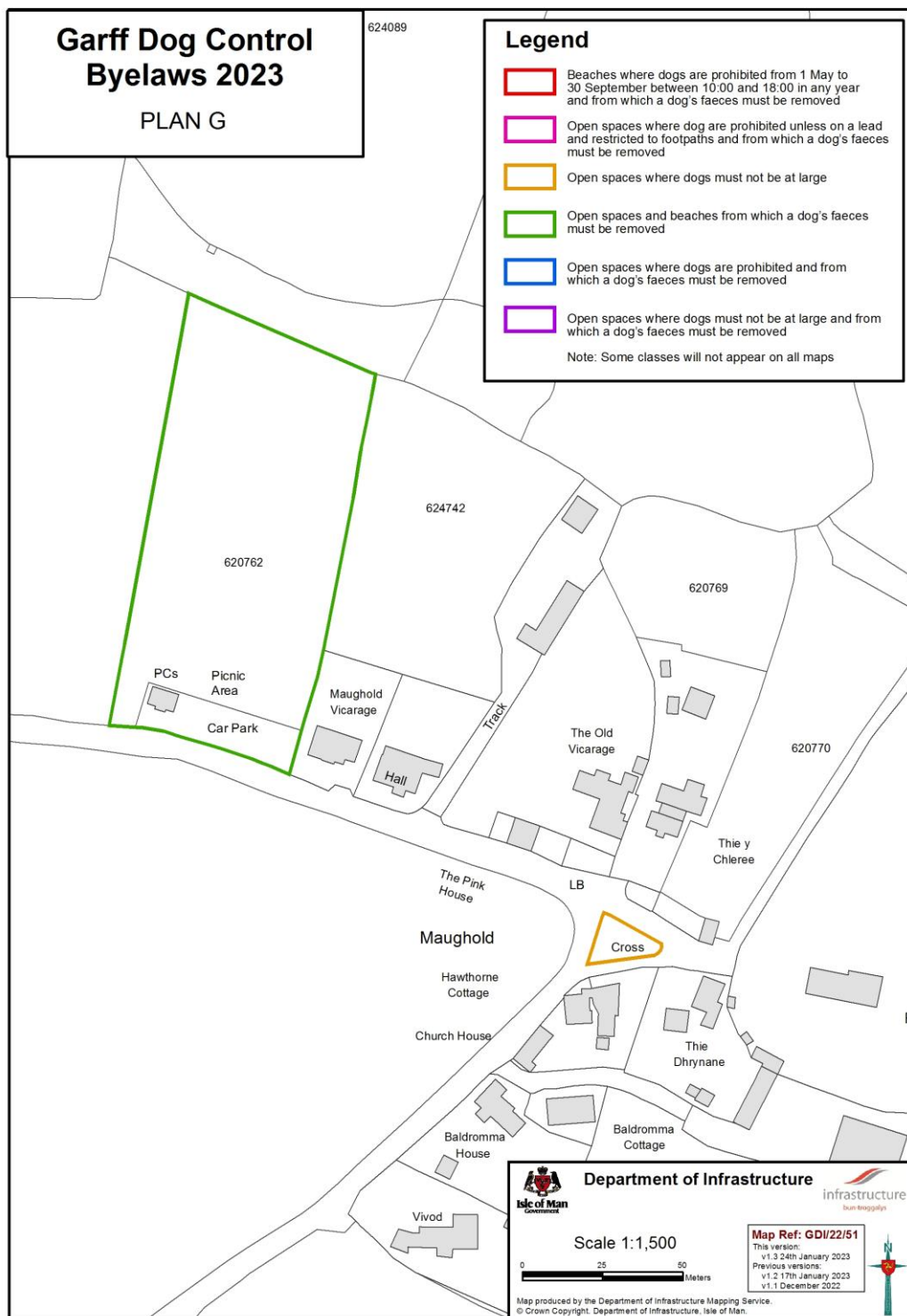












EXPLANATORY NOTE

(This note is not part of the Byelaws)

These Byelaws impose controls on dogs in certain parts of the Parish District of Garff. Dogs are prohibited from the open spaces described in part 1 of Schedule 1 at any time throughout the year and are prohibited from the beach described in part 2 of Schedule 1 from 1 May to 30 September between the hours of 10:00 and 18:00. Dogs may not be at large in the open spaces described in Schedule 2. A dog “at large” is a dog not on a lead or under the effective control of a person aged 10 years or over. Dogs are prohibited from the open spaces described in Schedule 3 at any times unless they are on a lead and restricted to footpaths

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 Schedule 4.

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 £1,000.