



Statutory Document No:

## **THE BOROUGH OF DOUGLAS**

### **RECREATION AND LEISURE FACILITIES BYELAWS 2008**

In exercise of the powers conferred on the Mayor, Aldermen and Burgesses of the Borough of Douglas by [an Order under Section 6 of the Recreation and Leisure Act 1998, such Order approved by Tynwald on ... ..](#) and of all other enabling powers, the following Byelaws are hereby made:-

#### **1. Citation and Interpretation**

(1) These Byelaws may be cited as the Borough of Douglas Recreation and Leisure Facilities Byelaws 2008, and *shall come into operation on.....*

(2) These Byelaws are made for [regulating the use of](#)

[the parks and open spaces, for ensuring good order in the use and removal therefrom of any person infringing any such byelaw.](#) the good rule and government of those parts cited above, within the Borough of Douglas, for the prevention and suppression of nuisances therein and to maintain the quality of life for all persons in and around those areas.

(3) In these Byelaws –

“the Act” means the Local Government Consolidation Act 1916<sup>1</sup>.

“the district” means the Borough of Douglas;

“the local authority” means the Mayor, Aldermen and Burgesses of the Borough of Douglas or Douglas Corporation;

“park” means and includes, within the district, and owned or maintained by the local authority, recreation grounds and pleasure grounds, partially or wholly maintained and laid out principally for formal organised outdoor games such as football, golf, cricket, rugby, hockey, tennis, bowls, etc.; naturally or formally bounded local parks, gardens and glens with or without formal planting, trees and landscaping and those with natural and semi-natural habitat; equipped play areas which contain fixed play equipment and apparatus such as swings, roundabouts, slides, climbing frames, etc., and all buildings, seating, lighting, notices, notice-boards, water and focal features, car parking and any perimeter, boundary or other walls, fences and hedges associated with the park; but excluding areas shown in Schedule 1 hereto;

“open space” means, within the district, all areas grassed or planted or not, partially or totally unbounded, including road margins or verges, which are adjacent to walkways, highways or between two carriageways of a highway, and laid or sown with grass or planted with trees, shrubs, bulbs or plants, and mown or otherwise maintained or tended by the local authority; and all buildings, pathways, seating, lighting, notices, notice boards, water and focal features and other furniture within those areas, and any other common recreation or pleasure grounds including those areas of Douglas Head described in Douglas Head Act 2000;

“designated route” and “designated area” means a route or area through or in a park which is set aside for a specific purpose; that route or area and its purpose will be indicated by notices in conspicuous positions;

“motor vehicle” means any mechanically propelled vehicle, whether or not made or adapted for use on a road, other than a motor cycle or invalid carriage;

“motor cycle” means a mechanically propelled motor cycle as defined in the Road Traffic Act 1985, and any other mechanically propelled vehicle not made, adapted or permitted to be used on a road;

“trailer” means any vehicle made, used, adapted or constructed to be drawn or towed by a motor vehicle or motor cycle;

“self-propelled vehicle” means a vehicle, including pedal cycle, other than a wheel-chair and perambulator used in the manner for which they were constructed, which is propelled by the weight or force of one or more persons standing, skating, sliding or riding on the vehicle, or by one or more persons pulling or pushing the vehicle;

“moveable dwelling” means any tent, caravan, van, or other conveyance (whether or not capable of being used on roads), and any portable shed or similar structure, which is used either regularly or intermittently for human habitation;

“ball games” means any game involving throwing, catching, kicking, batting striking or running with, any ball or other object designed for throwing and catching;

“authorised person” means and includes a duly authorised officer, officer, employee, servant, contractor or agent of the local authority.

## **2. Penalties and Enforcement**

(1) Any person contravening any of these byelaws shall be liable on summary conviction to a fine not exceeding £1,000.

(2) These Byelaws shall be enforceable by any police officer or authorised person and any action taken hereunder may be instigated by such officers whether or not a complaint has been made by any other party.

(3) None of the following byelaws shall apply to any police officer in the execution of his or her duty, nor to any authorised person carrying out his or her duties for and behalf of, and as directed by, the local authority.

## **3. Hours of opening**

(1) The local authority may prescribe the hours during which parks will be open to the public: such hours will be displayed in a notice at or near the main entrances to the parks. It shall be an offence for any person to be in, or remain in, the park during the hours of closure.

## **4. Removal of boards, structures, plants, etc.**

No person shall, without reasonable excuse, remove from, interfere with or displace within any park or open space any notice, sign, barrier, board, post, seat, implement or any structure or ornament or part of any structure or ornament provided for use in the laying out or maintenance of the ground, or provided in pursuance of any statutory functions of the local authority, or for public information.

## **5. Disturbance of soil, plants, etc.**

No person shall, within any park or open space,

- (a) pick, pluck, remove or disturb the whole or any part of any plant, shrub, tree or any stone, soil or turf, by any means, or
- (b) walk or run over, or be on any part of any park or open space set aside for, or which is in the course of preparation for, a flower bed or the growth of any tree or shrub or other plant, or the renovation of turf or for landscaping purposes.

## **6. Bill-posting, etc.**

(1) No person shall place, affix or post, or cause to be placed, affixed or posted, any bill, placard, sign or notice,

- (a) within or anywhere connected to any park or open space, or
- (b) on any vehicle, trailer or motor cycle in any park or open space

for the purpose of selling any vehicle, or advertising any article, service or business or event without prior, written consent of the local authority.

(2) For the purposes of this byelaw an officer or manager of any organisation, business or body corporate will be named as causing such items to be placed, affixed or posted.

## **7. Animals**

(1) No person shall ride, walk, exercise or otherwise allow in the square, any horse, donkey or similar animal, without consent from the local authority.

(2) No person shall allow any other animal which is in their custody or control to be at large in the square.

## **8. Throwing, etc. of stones or other missiles**

In any park or open space, no person shall throw, or use any device to propel, discharge or catapult any stone or other object which could or may cause injury.

## **9. Disfigurement and Climbing**

No person shall soil, defile or disfigure, nor climb upon or over any tree, wall, fence, gate or any other object, feature or building in or connected with any park or open space.

## **10. Interference with Water Features**

No person shall, without reasonable excuse,

- (a) enter or wash in, or discharge any substance or liquid into any water or water feature, or
- (b) interfere with any fish or fowl in or on any water or water feature

in any park or open space.

## **11. Camping and Moveable Dwellings**

(1) In any park or open space, no person shall

- (a) erect any pole, railing, barrier of any description, booth, stall or other structure, or
- (b) park, leave, erect or otherwise maintain a moveable dwelling.

(2) This byelaw shall not apply to such erections and moveable dwellings, which are within designated areas in any park or open space and the local authority

has received specified payment for the use of such designated areas, or conditional consent in writing has been granted by the local authority.

(3) Any items mentioned in (1)(a) and (b) not within designated areas, or if consent is rescinded, or the specified payment is not received, will be removed or caused to be removed.

(4) It shall be an offence for any person not to remove items mentioned in (1)(a) or (b) when requested so to do by a police officer or authorised person.

(5) Any moveable dwelling being a caravan, van or other conveyance will be treated as one left in contravention of a restriction and shall be removed under the provisions of section 2 of the Local Government (Miscellaneous Provisions) Act 1984.

(6) Any costs incurred by the local authority in the removal, mentioned in (3) may be recoverable as a civil debt.

#### **11. Begging, Touting, Importuning, etc.**

In any park or open space, no person shall, without written consent from the local authority,

- (a) beg, tout, advertise, solicit custom or otherwise importune any person for any service or event, or
- (b) sell, hire, offer for sale or hire any article or item, or
- (c) tout or otherwise importune any person for the purpose of taking any photograph, image or likeness.

#### **12. Excessive Noise**

(1) No person shall, in any park or open space, after being asked to desist by any person,

- (a) play upon or sound any musical or noisy instrument, or
- (b) sing or shout, or
- (c) operate or permit to be operated, any radio, amplifier, compact disc player or other similar device, or
- (d) otherwise make any noise,

which is so loud or so continuous or repeated so as to cause disturbance or give reasonable grounds for annoyance to any other person or residents in the area.

(2) This byelaw shall not apply to persons having received written, conditional authorisation or consent from the local authority or Government Department, provided they abide by such conditions as may be stipulated within the consent of the local authority or Government Department, for the purpose of public entertainment.

#### **13. Vehicles in Parks, etc.**

(1) No person shall drive, ride, park or leave any motor vehicle or motor cycle in or on any park or open space except within designated routes or designated areas and must abide by all signs, notices and surface markings indicating the route, speed, type of vehicle and permitted parking areas.

(2) Except as shown in (3), no person shall cause any private motor vehicle, goods vehicle or motor cycle to be left in or on any part of a park or open space overnight.

(3) Any motor vehicle or motor cycle left in or on any park or open space, other than within a designated area, will be deemed to be in contravention of a parking restriction. Under the provisions of Section 2 of the Local Government (Miscellaneous Provisions) Act 1984, such a motor vehicle or cycle will be liable for removal and any charges incurred in such removal and storage will be recoverable as a civil debt.

(4) This byelaw does not apply to drivers of emergency services' vehicles, in the execution of their duties, nor shall it affect approved vehicles driven or left in designated areas in connection with a sport, event or other approved activity.

#### **14. Unlicensed, derelict and/or unsightly motor vehicles**

(1) No person shall leave or cause to be left, in any park or open space within the district, any motor vehicle not displaying a valid vehicle excise licence issued in accordance with the Licensing and Registration of Vehicles Act 1985<sup>4</sup> as amended, or a vehicle which appears to be derelict, in obvious need of repair or is being used for purposes other than which it was generally intended.

(2) Any vehicle, described in (1) above, not removed after 14 days of the last registered owner, known to the relevant Licensing Authority, being served with a notice, from the local authority, to remove such vehicle, will be treated as one left in contravention of a restriction and shall be removed under the provisions of section 2 of the Local Government (Miscellaneous Provisions) Act 1984.

(3) If ownership of such a vehicle has changed and the relevant Licensing Authority cannot verify the change, the last registered owner shall be responsible until proof of change of ownership, can be provided to the local authority.

(4) No proceedings for this byelaw will be taken if the owner of such a motor vehicle can show that it is broken down and is in the ongoing and timely process of being repaired.

#### **15. Golf and other games**

(1) It shall be an offence to play or take part in any ball game or sport except golf on any part of Pulrose Golf Course.

(2) No person shall play, practice or make use of any part of Pulrose Golf Course without first paying for and obtaining a valid ticket from Douglas Golf Clubhouse or its Professional's shop.

(3) No person shall drive, chip or pitch a hard golf ball, with any golf club, in any park or open space, except Pulrose Golf Course as described in (1) above.

(4) No person shall use any tennis, crazy golf, bowls or other similar facilities in Nobles Park without first paying for and obtaining a valid ticket or other authority.

(5) It shall be an offence for any person playing or otherwise making use of the golf course, tennis courts, crazy golf, bowls or other similar facilities not to produce a valid ticket, when asked to do so by a Police Officer or Authorised Person.

(6) It shall be an offence for any person upon failing to produce a valid ticket, to remain on the course, court, green, etc., having been requested to leave.

(7) No offence will be committed, under this byelaw, if the person can prove he has purchased or otherwise obtained a valid ticket but is unable to produce it when asked to do so.

## **16. Ball Games**

(1) No ball games shall be played in any park or open space, shown in Schedule 2, except under circumstances where young children are playing with, or under the supervision of, parents or guardians, using toys or balls whereby no exclusion, annoyance, or damage as described in (2), is likely to be caused.

(2) No ball games shall be played in areas, other than those designated for playing ball games described in Schedule 3, and other parks or open spaces in such a manner which may, or is likely to

- (a) exclude other persons from use of that area, or
- (b) cause danger or give reasonable grounds for annoyance to any other person in the park or residents in the area, or
- (c) cause damage to any tree, shrub, plant or grass in the park or open space, or any vehicle or other property nearby.

## **17. Field Sports**

In any park or open space, no person shall throw or put any javelin, hammer, discus or shot, except in connection with an event organised by or held with the consent of the local authority.

## **18. Rules of Games or Sports**

No person shall, without abiding by the following rules, be permitted to take part in any game, activity or sport that requires exclusive use of any park or designated area of a park, as described in Schedule 1, except when the local authority has granted prior, written permission for such use to an organisation, club or person;

- (a) no person shall play any game other than those games or sports for which the area has been set aside;

- (b) no person shall obstruct any other person who is playing in accordance with these rules;
- (c) where exclusive use has been granted by the local authority for a specified period, no other person shall play during that period;
- (d) where the area is already in use by any person their permission to play must be sought by any other person wishing to play;
- (e) no person shall play when a notice has been placed in a conspicuous position by the local authority prohibiting play in that area.

### **19. Play Equipment**

In any park or open space where there are equipped play areas, which contain fixed play equipment and apparatus such as swings, roundabouts, slides, climbing frames, etc., no person aged 15 years and older shall use such equipment or apparatus.

### **20. Obstruction or disturbance**

In any park or open space, it shall be an offence for any person to

- (i) obstruct, disturb, interrupt or annoy any other person making proper use of such area, or
- (ii) wilfully obstruct, disturb or interrupt any authorised person, or
- (iii) act in such a way likely to cause a nuisance or give reasonable grounds for annoyance to such other person or authorised person.

### **21. Authorised use of parks and open space**

(1) The local authority may grant permission to any person, group or organisation to use any park or open space, or any parts thereof, for any purpose including any sport, game, exhibition or other activity, upon payment of a fee or otherwise. Such permission will be granted to a named person, who will be responsible on behalf of a group or organisation, for the designated use between specified times.

(2) It shall be an offence for any person, without permission, to interrupt, interfere or intrude upon such designated area between the specified times.

(3) It shall be an offence for the person, group or organisation to use the area for the designated use other than during the specified times.

### **22. Nuisance Vehicles**

It shall be an offence for any person to drive, ride, assist or cause to be driven or ridden, any motor vehicle or motor cycle, in a park or open space in a manner likely to cause disturbance or nuisance or give reasonable grounds for annoyance to other persons or residents in the area.

### **23. Traders, etc.**



(1) No traders or sellers of food or drink shall operate in any park or open space without written consent from the local authority.

(2) It is an offence for any such trader, etc. to fail to abide by written arrangements, agreed by the local authority, and made for waste disposal and litter control.

**24. Birds Nesting**

No person shall seek, take or destroy any birds' nests or eggs or attempt to or snare, take, destroy, injure or molest any bird in any park or open space.

**25. Interference with life-saving equipment**

No person shall, except in an emergency for which the equipment is designed, remove, displace or otherwise interfere with, or to render such equipment in any way incapable of or unsafe for immediate use, any life-saving apparatus placed in a park or open space by the local or any other competent authority.

**26. Conveniences and Changing Rooms**

It shall be offence for any male person to enter any convenience or changing facilities set aside for females and for any female person to enter such facilities set aside for males.

**27. Pedal cycles, skateboards, roller skates, etc.**

No person shall ride a pedal cycle or skate, slide or ride on rollers, skateboards or other self-propelled vehicles in any park or open space in such a manner as to cause danger, obstruction or give reasonable grounds for annoyance to any person in the park, open space or living nearby.

**28. Removal from parks, open spaces, etc.**

It shall be an offence for any person to refuse to leave a park or open space after being requested to do so by a police officer or authorised person having reasonable grounds for believing that person is committing, has committed or is about to commit an infraction against any byelaw.

**29. Providing particulars**

It shall be an offence for any person to refuse to provide his or her correct full name and address to an authorised person or police officer who has reasonable grounds for believing he or she is committing or has committed an offence against these byelaws.

**30. Expiry of Byelaws**

These Byelaws shall cease to have effect *twenty years after they have been approved by Tynwald*, unless revoked prior to that time.

**31. Revocation**

The Douglas Corporation General Bye-Laws 1980 and 1981 are hereby revoked.

### **Schedule 1**

Parks and gardens for which other byelaws have been approved and are, therefore, excluded from these byelaws:

Derby Square  
Hutchinson and Woodburn Squares  
Queen's Gardens also known as Centenary Garden

### **Schedule 2**

Byelaw 16(1) - Parks and open spaces where all ball games are generally not allowed.

Falcon Rose Gardens  
Hilary Park  
Glen Falcon  
Summerhill Glen  
Olympia  
The Sunken Gardens, Loch Promenade  
The grassed and planted areas abutting Queens Promenade  
Any other open spaces in residential areas within the district, which are indicated by the placing of signs prohibiting ball games

### **Schedule 3**

Byelaw 16(2) - Parks, open areas and other areas lined, marked out or regularly designated for games or sports:

- (1) Pulrose Golf Course, any miniature, pitch and putt or Crazy Golf course;
- (2) Football, rugby and cricket pitches, crown and flat bowling greens, tennis, basket ball and netball courts and all other areas lined or marked out and used for such in Nobles Park, off Springfield Road, Pulrose, between Groves Road and Springfield Road, Pulrose, Finch Hill Club grounds off Kensington Road and Villa Marina;
- (3) Any other areas within the district from time to time set out or marked for use for such games and sports.