



Statutory Document No.

BOROUGH OF DOUGLAS MARKET BYELAWS 2007

Approved by Tynwald 200

Coming into operation 200

In exercise of the powers conferred on the Mayor, Aldermen and Burgesses of the Borough of Douglas by section 4 of the Douglas Market Act 1956¹, 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 Market Byelaws 2007, shall come into operation on.....

(2) these byelaws are made for the good rule and government, for the suppression of nuisances, and for regulation and control in matters connected with the Douglas Market; in these byelaws, —

"the Act" means the Douglas Market Act 1956;

"the district" means the Borough of Douglas;

"the local authority" means the Mayor, Aldermen and Burgesses of the Borough of Douglas and Douglas Corporation;

"authorised person" means a duly authorised officer, an officer, employee, servant, contractor or agent of the local authority;

"market" means the Douglas Market, specified and defined in Section 2 of the Douglas Market Act 1956;

"market inspector" means the designated officer of the local authority with specific responsibilities for overseeing the correct operation of the market and any other

officer carrying out his or her duties in absentia, or any other authorised officer of the local authority;

“nuisance”, within these byelaws, means an irritating thing causing harm or offence to people or a person and, without prejudice to Public Health Act 1990 Statutory Nuisances, is of such a nature that immediate action is required to prevent a continuation.

(3) section 73 (interpretation of other legislation) of the Act also applies to these Byelaws.

2. Penalties and Enforcement

(1) Any person contravening any of these Byelaws shall be liable on summary conviction to a fine not exceeding **£2,500**.

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

3. Excessive Noise

- (1) No person shall, 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 as to cause disturbance or nuisance or give reasonable grounds for annoyance to any other person in the Market or residents living 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 reasonable conditions as may be stipulated within the consent of the local authority or Government Department, for the purpose of public entertainment.

(3) This byelaw does not affect any of the provisions contained in Section 14 of the Public Health Act 1990 (Noise in streets), relating to the use of loud speakers in the street.

4. Offensive substances

No person shall in any street or other place, whether in an open area or a building to which the public have access (whether on payment or otherwise), -

- (a) throw or let off any stink bomb or similar article, or
- (b) squirt, spray or otherwise throw or scatter any substance

in such a manner as to cause danger, obstruction or give reasonable grounds for annoyance to any person in the street, other place or open area.

5. 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 in or upon the market building or any part of the building, for the purpose of selling, or advertising for sale or other reason, any article, service or event, without the consent of the local authority.

(2) If a body corporate, other business, or company be deemed to be guilty of an offence under this byelaw, any director, owner or manager shall be the person named as responsible on behalf of the body corporate, other business, or company.

6. Market regulations and conditions

(1) No person shall trade or operate in or sell or offer for sale any goods, wares or services of any kind unless they hold a valid licence issued upon payment of a fee to, and determined by, the local authority.

(2) No person shall obstruct, or cause to be obstructed, the aisles, passageways and entrances to the market or the immediate approaches thereto.

(3) It shall be an offence for any person to cause a disturbance within the market or in the immediate approaches thereto.

(4) Conditions for Licences for stalls and tables are provided to all licence-holders and it shall be an offence for a licence-holder or their employees, representatives or agents acting on their behalf, to breach any of these conditions as shown in Schedule 1.

7. Removal of Notices and Signs

It shall be an offence for any person, other than an authorised person, to remove or otherwise tamper with any notice, sign, street name plate or other article legitimately erected, placed on or attached to any property by or behalf of the local authority in pursuance of any statutory functions or for public information.

8. Failure to provide 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.

9. Expiry of Byelaws

These Byelaws shall cease to have effect *ten years after they have been laid before /approved by Tynwald.*

10. Revocation

The Borough of Douglas Market Byelaws 1905 are hereby revoked.

MADE this day of 200

THE COMMON SEAL of the Mayor, Aldermen
and Burgesses of the Borough of Douglas was
hereby affixed in the presence of:-

.....

Mayor

.....

Town Clerk

EXPLANATORY NOTE

(This note is not part of the Byelaws)

These Byelaws regulate various activities and also relate to the prevention and suppression of certain nuisances within the Borough of Douglas and for the maintenance of the quality of life for those residing, and for any other person, therein, and for regulation and control in matters of Housing, Douglas Bay Tramways and Douglas Market.

SCHEDULE 1

Regulations and other conditions for licence-holders of Market stalls and tables

1. Licensees are required to specify the products they intend to sell. Any requests to sell additional items must be made in writing on the appropriate form. Douglas Corporation reserves the right to restrict or limit the products sold by each market trader.
2. Licensees will be restricted strictly to the space allocated by the Corporation and must not intrude on to corridors and passageways.
3. Stalls and Tables must be open between the hours of 10.00 a.m. and 3.00 p.m. Tuesday to Saturday inclusive in each week; public and bank holidays excepted.
4. Licensees must not assign or sublet their tables.
5. Licensees are required to pay a supplement to their rent in the winter months (November to March) to cover the cost of heating the Market Hall. The actual cost will be shared equally between stall and table holders.
6. Licensee must not fit any electrical appliances or lighting or make any alterations to the electrical installation without the prior written consent of the Corporation.
7. Licensees must not make any addition or alteration to the table, nor keep any inflammable or dangerous materials or substances on or about the table, nor do anything which might increase the rate of the premium for the insurance of the market building or invalidate such insurance.

Licensees must abide by the no smoking policy.
8. The licensee must not do or permit to be done anything which in the opinion of Douglas Corporation may be a nuisance or annoyance to or in way interfere with the quiet comfort and enjoyment of other traders in the market hall.
9. Licensees must not deposit packing cases or parcels, nor display any goods or notice boards of any kind outside the perimeter of the table, and must pay particular attention to keeping the aisles and passageways clear.
10. Licensees are responsible for insuring their stock and personal possessions.