



ONCHAN DOG CONTROL BYELAWS 2021

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Statutory Document No. 2021/0064

*Dogs Act 1990*

ONCHAN DOG CONTROL BYELAWS 2021

*Approved by the Department of Infrastructure: 30 March 2021**Laid before Tynwald: 18 May 2021**Coming into operation: 1 April 2021*

Onchan District Commissioners make the following Byelaws under section 24(1) and (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 the Act); and in accordance with section 24(5) of that Act. Onchan District Commissioners have 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, Onchan District Commissioners.

1 Title

These Byelaws are the Onchan Dog Control Byelaws 2021.

2 Commencement

These Byelaws come into operation on 1 April 2021¹.

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,
- (b) a dog which has been trained to assist a deaf person,
- (c) a dog which has been trained to assist a disabled person who has a disability that consists of epilepsy or otherwise affects 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.

person's mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects, or

- (d) a dog which has been trained to assist a disabled person who has a disability (other than one falling within paragraph (c)); and

“the Commissioners” means the Onchan District Commissioners.

- (2) A reference in these Byelaws to the keeper of a dog does not include —
 - (a) a person who keeps the dog as an assistance 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 or a member of Her 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;
 - (d) any member of the National Search and Rescue Dog Association when working or training with that Association;
 - (e) 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 (1)(a) of Schedule; 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

A keeper of a dog is guilty of an offence if the dog is permitted to have access to an open space specified in Part 1 of Schedule 1 at any time.

5 Dogs prohibited from being at large in specified open spaces and on specified beaches

- (1) A keeper of a dog is guilty of an offence if the dog is found at large in an open space specified in Part 2 of Schedule 1.
- (2) A keeper of a dog is guilty of an offence if the dog is found at large on a beach specified in Part 3 of Schedule 1 between 1 May and 30 September (inclusive) in any year.

6 Removal of canine faeces

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

- (a) any highway in the Local Government District of Onchan which consists of or comprises a carriageway;
 - (b) an open space specified in Part 4 of Schedule 1; or
 - (c) a beach specified in Part 5 of Schedule 1.
- (2) For the purpose 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 him or her any means of removal of the faeces.

7 Schedule 2

Schedule 2 has effect to show on a series of plans the open spaces specified in Schedule 1.

THE COMMON SEAL² of Onchan District Commissioners was affixed on 25 February 2021 in the presence of

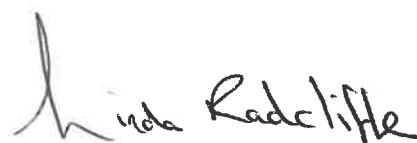
(L.S.)

MADE 25/02/2021



D. CRELLIN

Chairman, Onchan District Commissioners



L. RADCLIFFE

Chief Executive/Clerk to Onchan District Commissioners

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

SCHEDULE 1**PART 1**

[Byelaw 4]

OPEN SPACES WHERE DOGS ARE PROHIBITED

- (1) The recreation area at Onchan Pleasure Park as shown on the plan in Schedule 2 marked "Plan 1";
- (2) The children's play area at School Road known as the Recreational Ground as shown on the plan in Schedule 2 marked "Plan 2";
- (3) The children's play area at Thirlmere Avenue, Lakeside Gardens as shown on the plan in Schedule 2 marked "Plan 2";
- (4) The children's play area abutting Birch Hill Crescent and Maple Avenue, Birch Hill Park, known as the Jubilee Playground as shown on the plan in Schedule 2 marked "Plan 3";
- (5) The children's play area abutting Wybourn Grove at Ballachurry Park as shown on the plan in Schedule 2 marked "Plan 4"; and
- (6) The playgrounds and playing fields at the following schools —
 - (a) Onchan Primary School as shown on the plan in Schedule 2 marked "Plan 2";
 - (b) Ashley Hill Primary School as shown on the plan in Schedule 2 marked "Plan 5"; and
 - (c) St Ninian's Lower School, Bemahague as shown on the plan in Schedule 2 marked "Plan 6".

PART 2

[Byelaw 5(1)]

OPEN SPACES WHERE DOGS MUST NOT BE AT LARGE

- (1) The grassed area to the northwest of the Nivison Stadium as shown on the plan in Schedule 2 marked "Plan 7";
- (2) Port Jack Glen at Royal Avenue and Royal Avenue West as shown on the plan in Schedule 2 marked "Plan 7";
- (3) School Road recreational fields (excluding the children's play area and car park) as shown on the plan in Schedule 2 marked "Plan 8";
- (4) The grassed areas of Springfield Court Elderly Persons Complex, Second Avenue as shown on the plan in Schedule 2 marked "Plan 8";

- (5) The grassed area situated at the end of Thirlmere Avenue, Lakeside Gardens (excluding the children's play area) as shown on the plan in Schedule 2 marked "Plan 8";
- (6) The grassed areas at Heywood Park including the Heywood Court Elderly Persons Complex as shown on the plan in Schedule 2 marked "Plan 9";
- (7) The grassed areas in Birch Hill estate, namely at —
 - (a) Birch Hill Avenue, Laurel Avenue, land to the north of Jubilee playground, and Birch Hill Crescent as shown on the plan in Schedule 2 and marked "Plan 10";
 - (b) Highfield Crescent and Birch Hill Crescent as shown on the plan in Schedule 2 and marked "Plan 11"; and
- (8) The grassed areas of the North Bank Land adjoining Groudle Glen to the east of the Lakeside Gardens Estate as shown as shown on the plan in Schedule 2 marked "Plan 12".

PART 3

[Byelaw 5(2)]

BEACHES WHERE DOGS MUST NOT BE AT LARGE BETWEEN 1ST MAY AND 30TH SEPTEMBER IN ANY YEAR

- (1) Groudle Beach;
- (2) Happy Valley; and
- (3) Port Jack.

PART 4

[Byelaw 6]

OPEN SPACES FROM WHICH A DOG'S FAECES MUST BE REMOVED

All the open spaces specified in Parts 1 and 2 of this Schedule.

PART 5

[Byelaw 6]

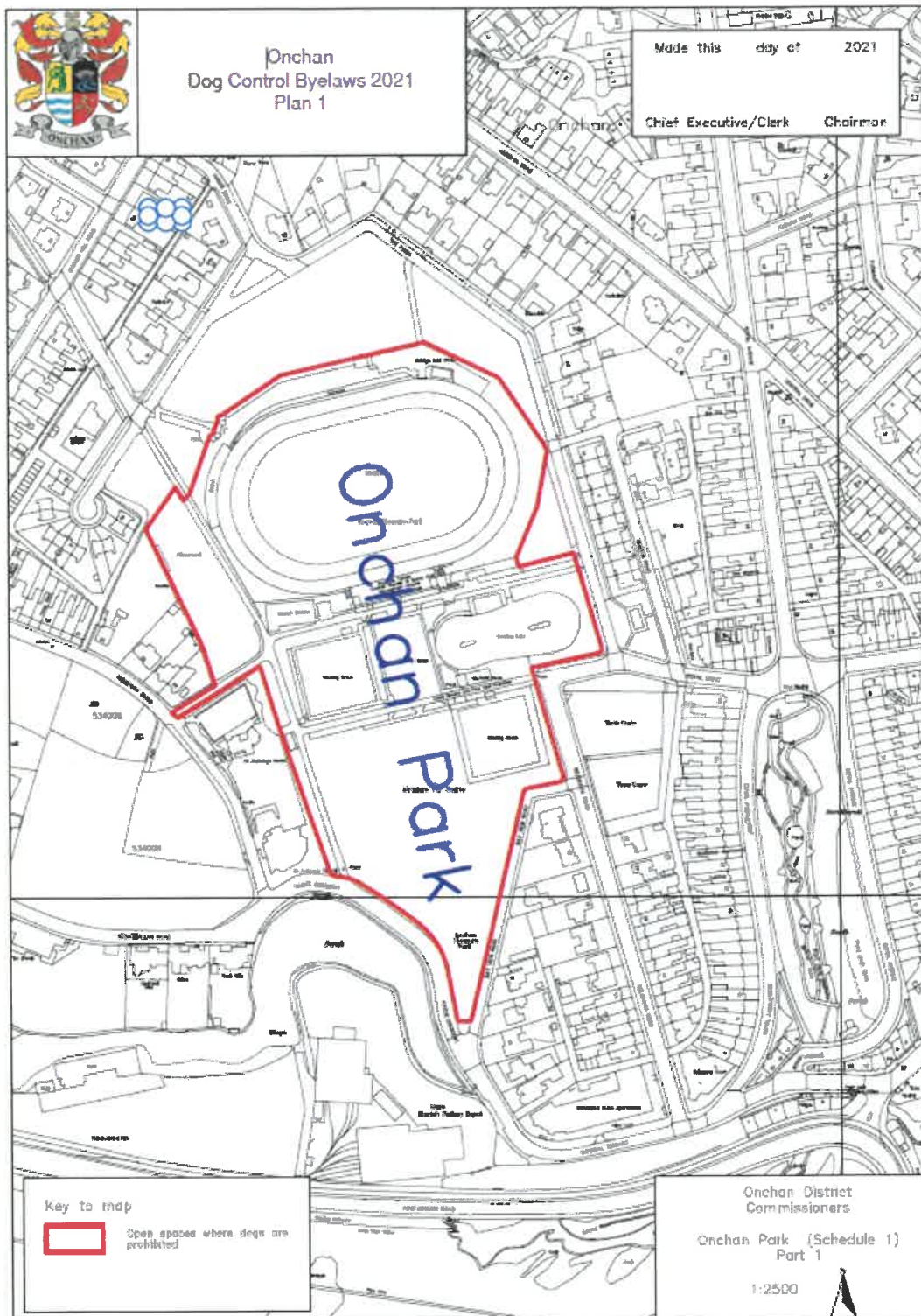
BEACHES FROM WHICH A DOG'S FAECES MUST BE REMOVED

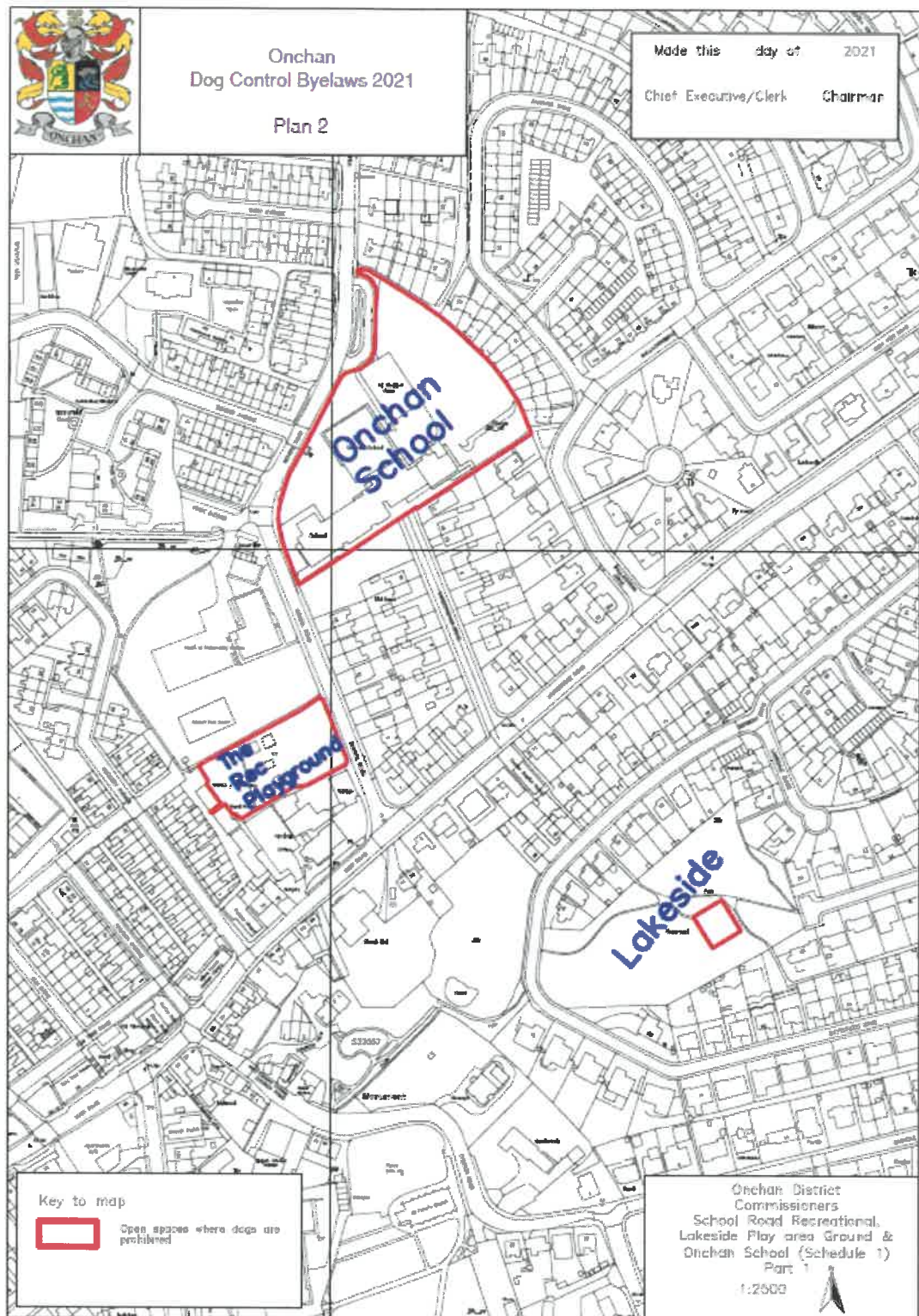
- (1) Groudle Beach;
- (2) Happy Valley; and
- (3) Port Jack.

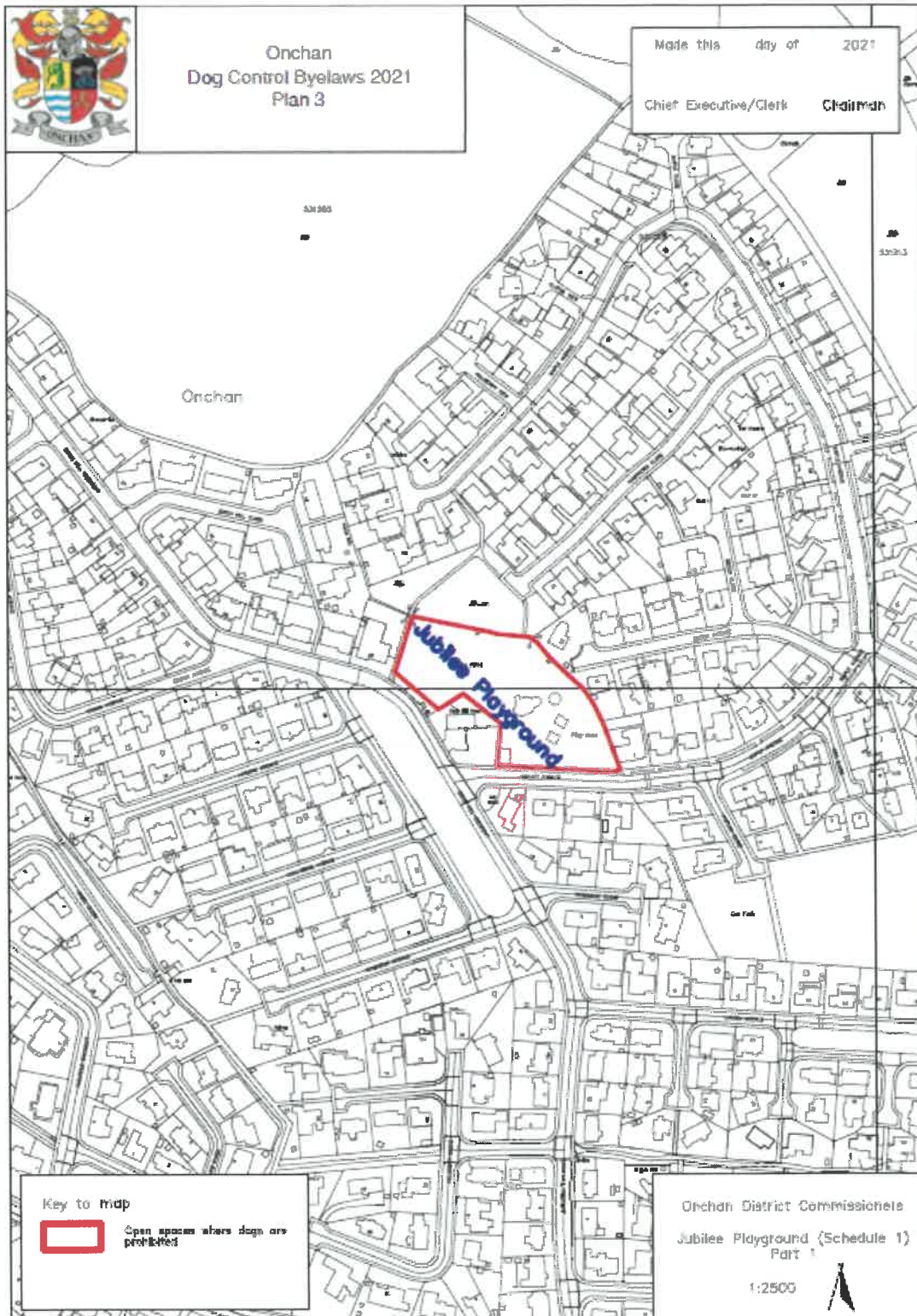
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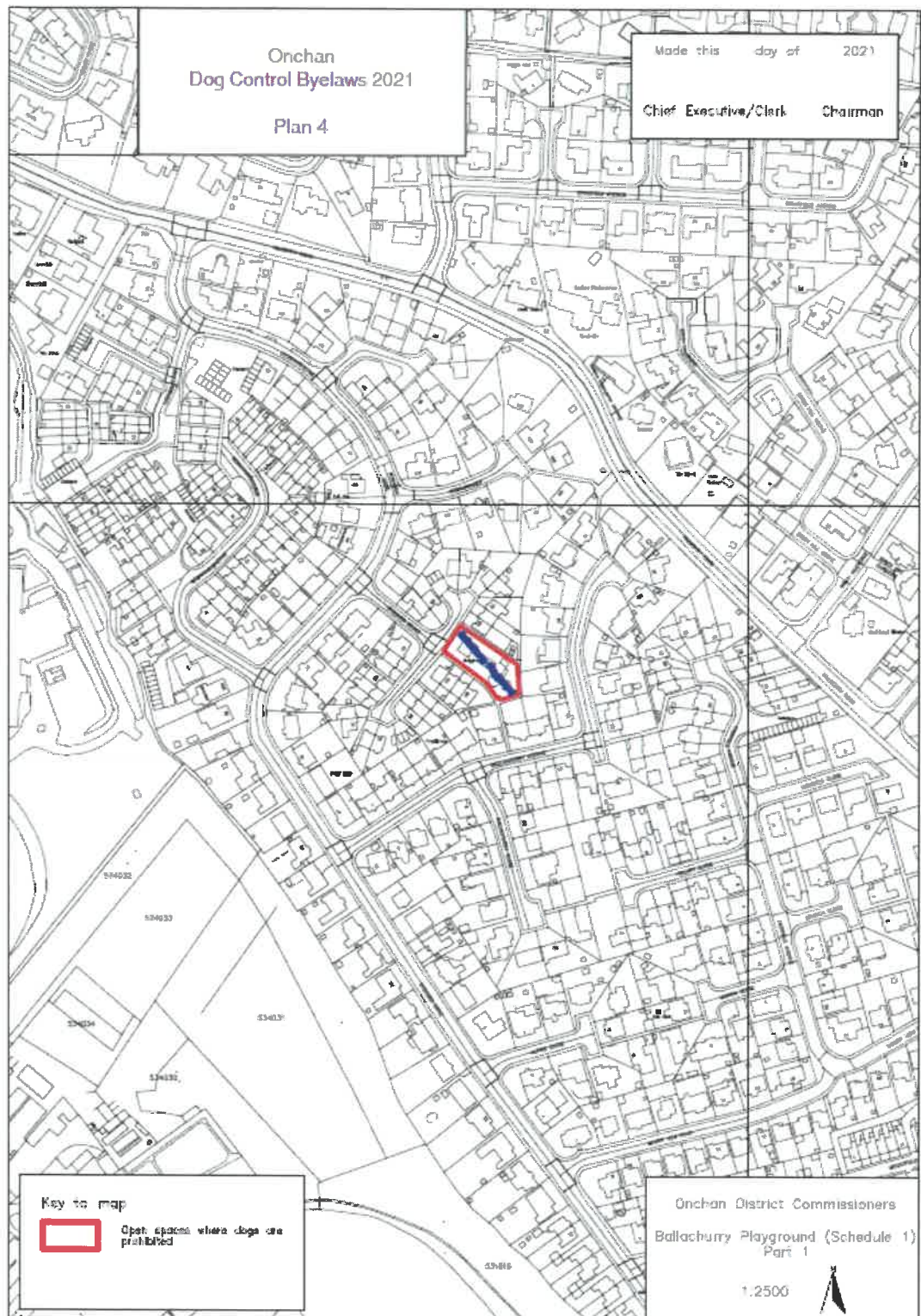
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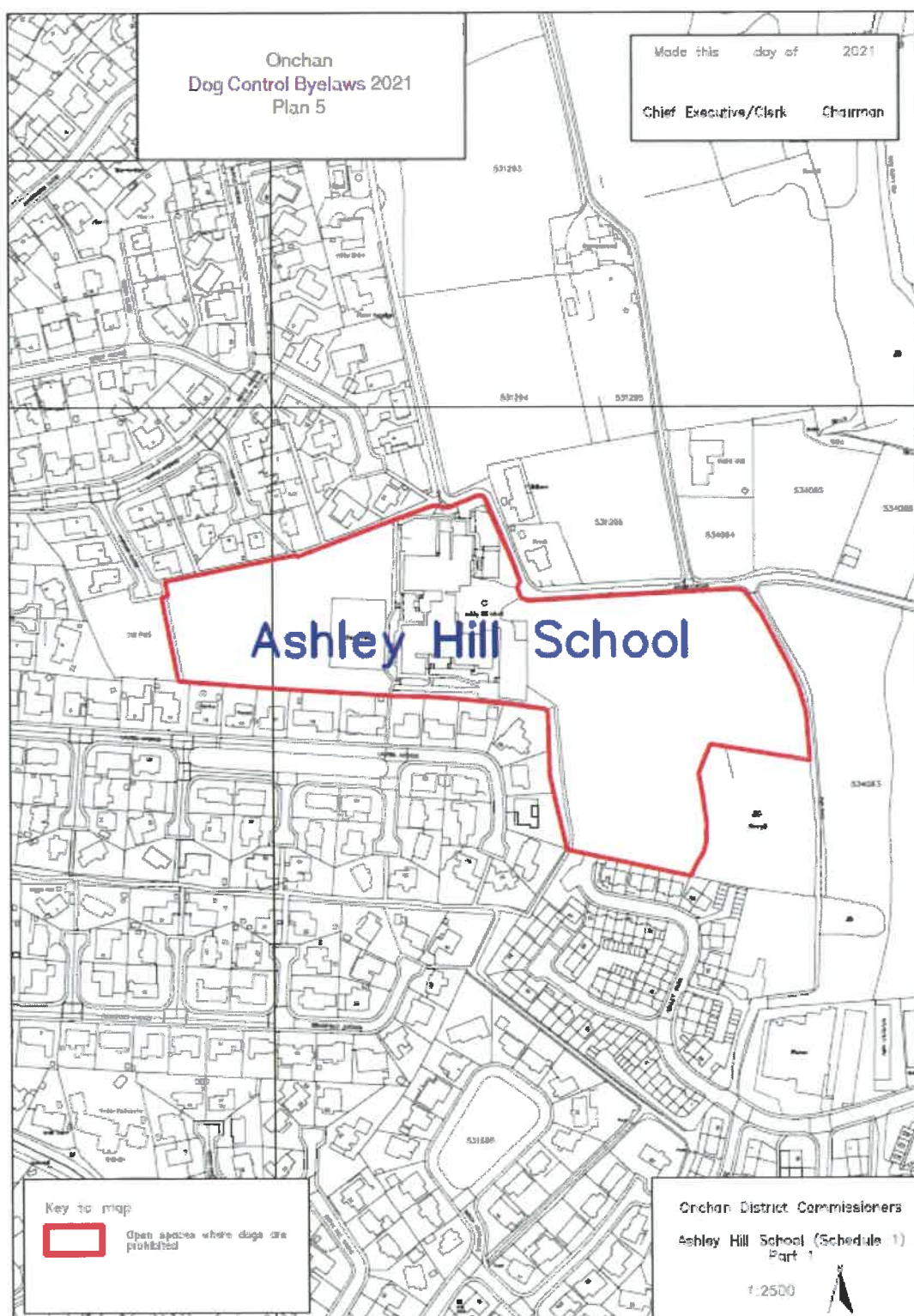
PLANS

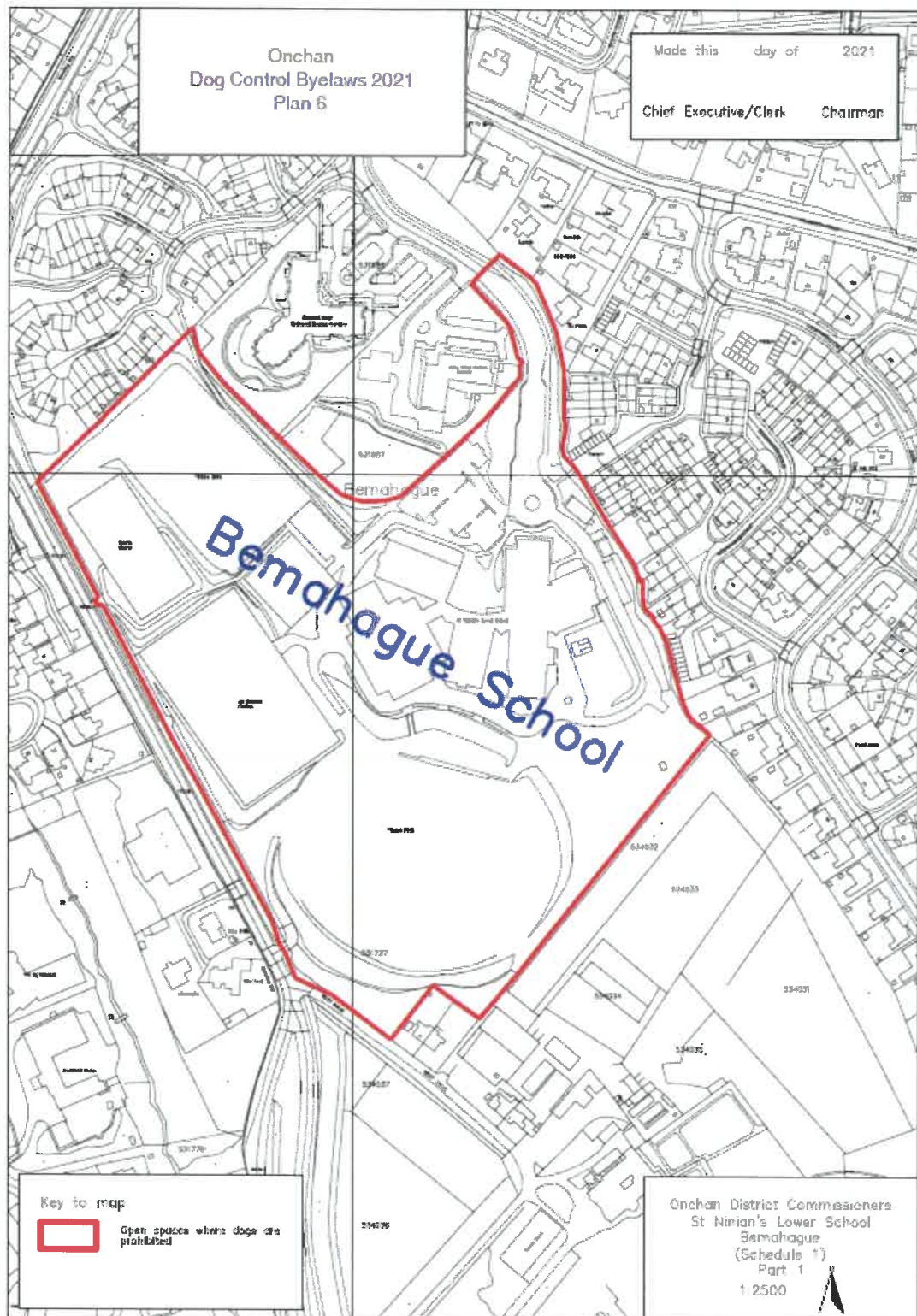


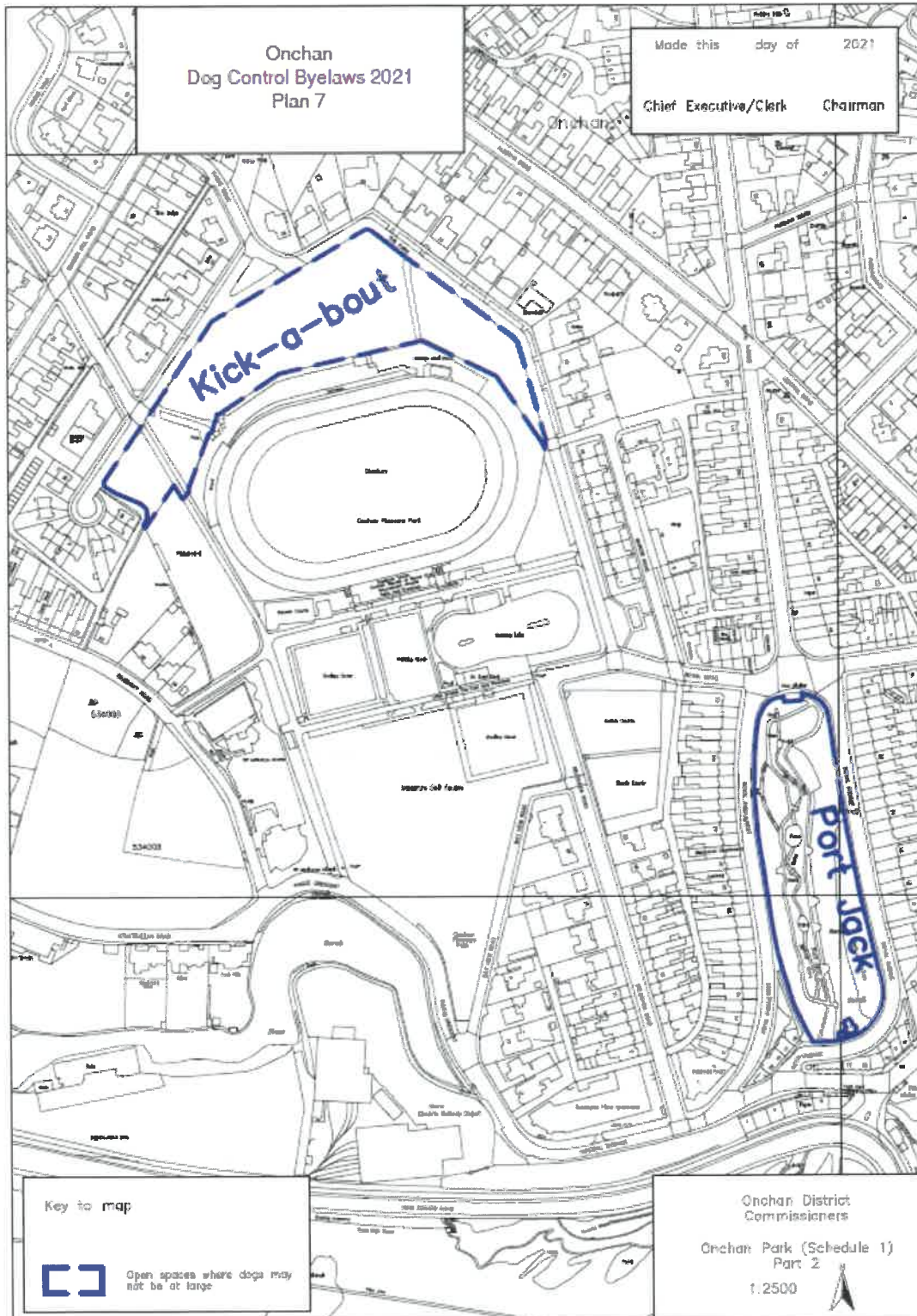


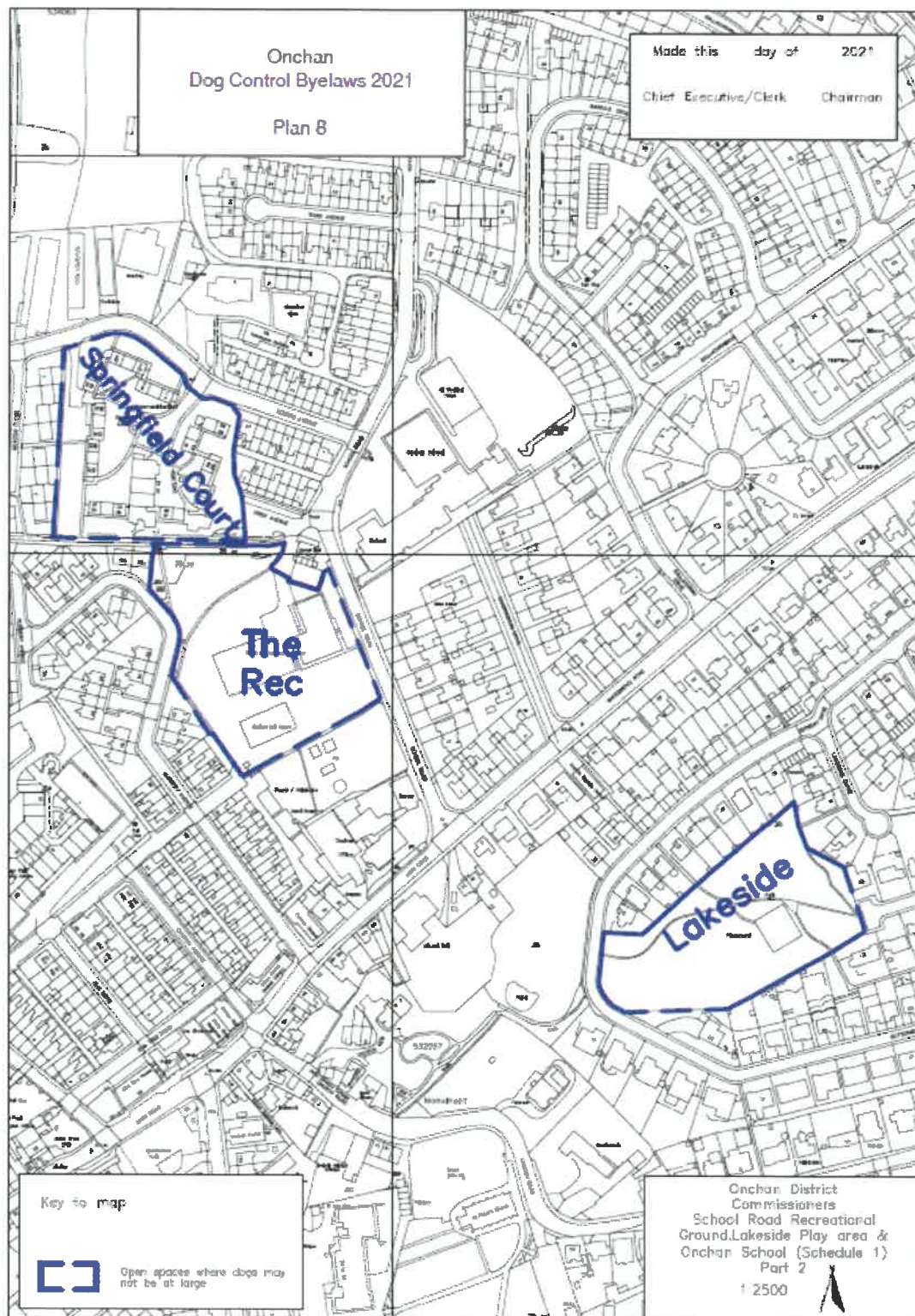


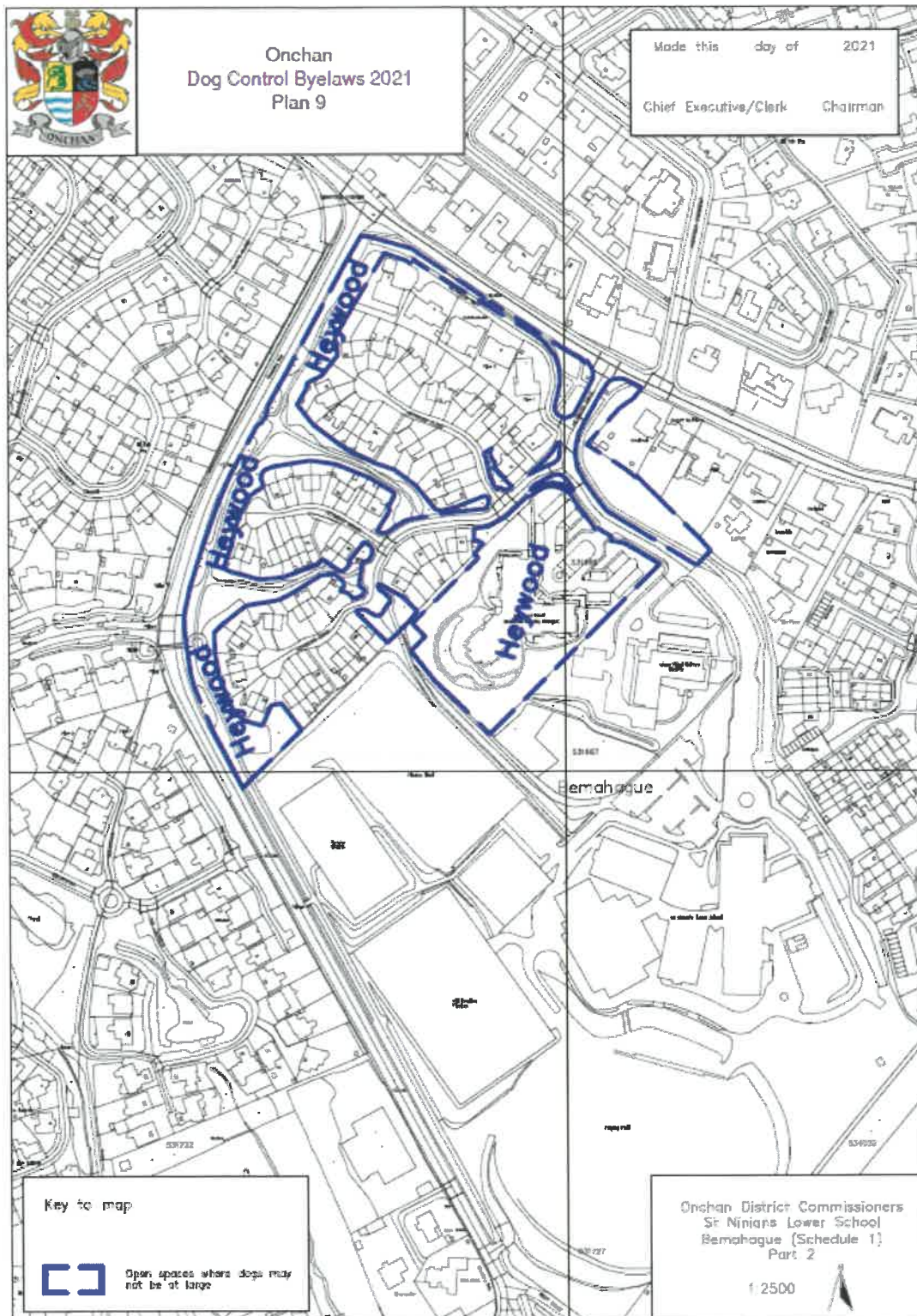


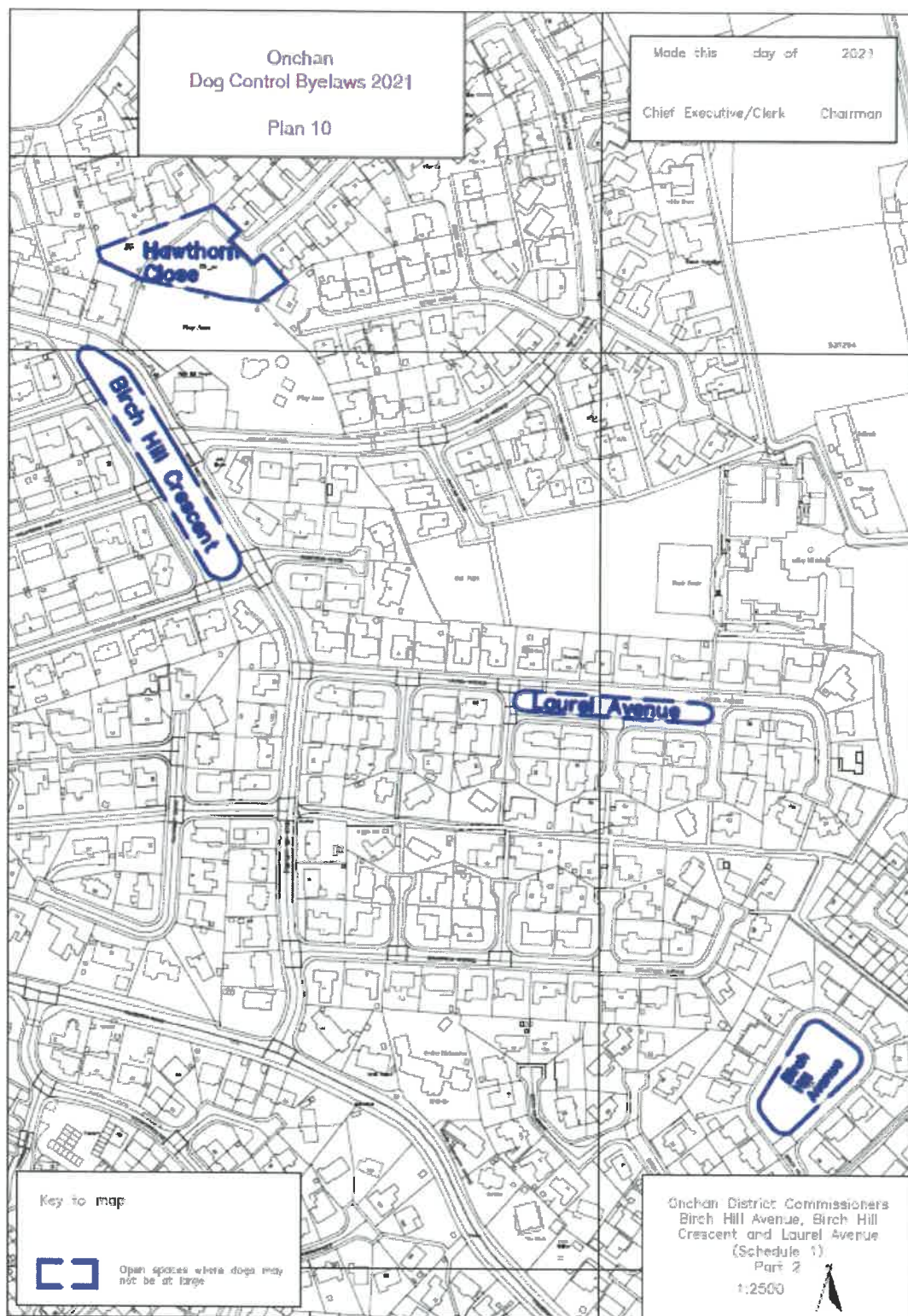


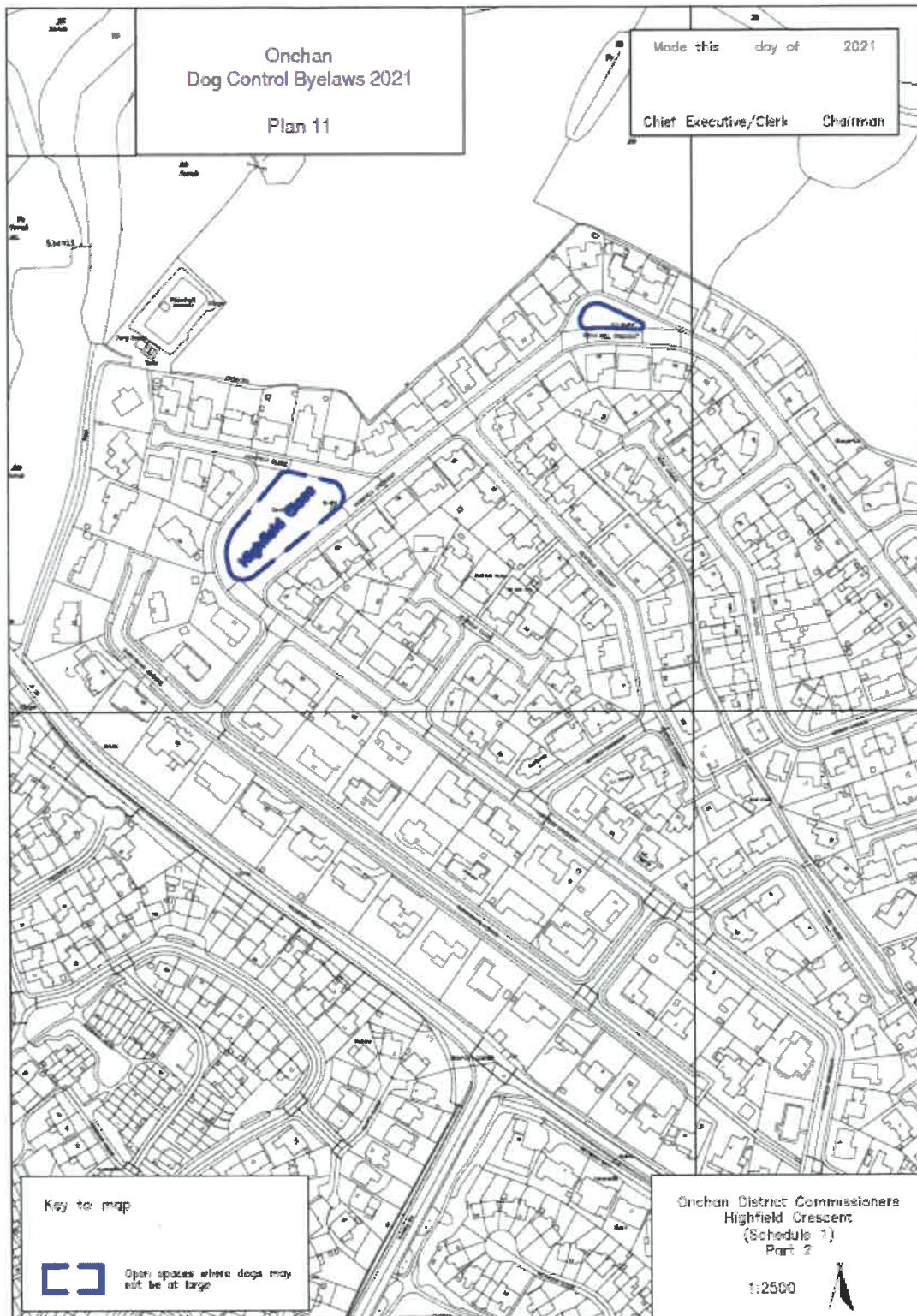


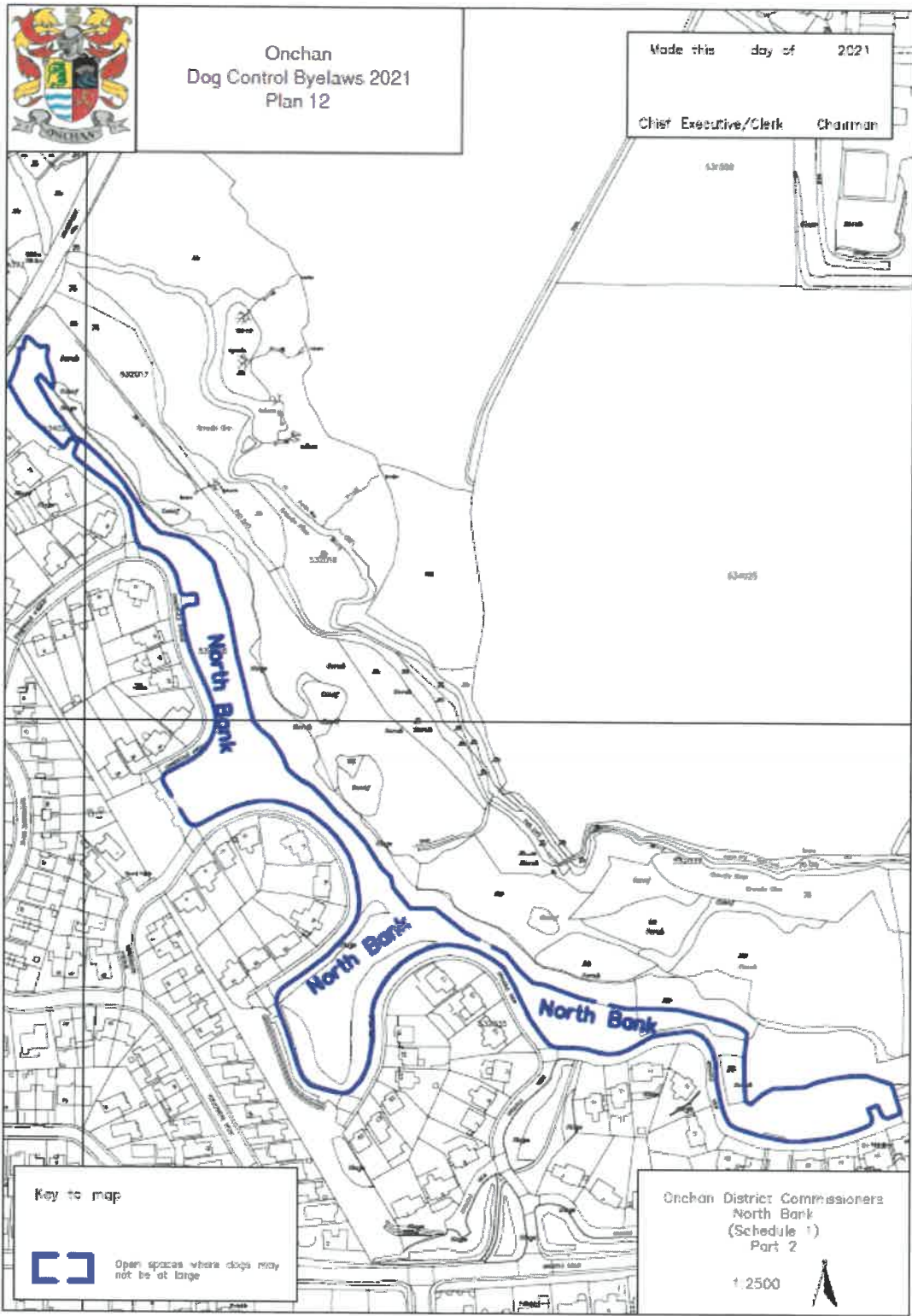












*EXPLANATORY NOTE**(This note is not part of the Byelaws)*

These Byelaws impose controls on dogs in certain parts of the Local Government District of Onchan. Dogs are prohibited from the open spaces specified in Part 1 of the Schedule and dogs may not be at large in the open spaces and beaches specified in Parts 2 and 3 of the Schedule. A dog “at large” is a dog not on a lead or under the effective control of a person aged 10 years or over. Dog faeces must also be removed from any highway within district of Onchan District Commissioners which consists of or comprises a carriageway and from open spaces and beaches specified in Parts 4 and 5 of Schedule 1. .

A keeper of a dog that permits a dog to be in an open space or beach or allows it to be at large in contravention of these Byelaws commits an offence, punishable by a fixed penalty fine of £50 or, upon summary conviction, a fine of up to level 3 of the standard scale, which is currently up to £2,000. However section 24(2) of the Dogs Act 1990 provides a defence for a person who satisfies the court that the person took all reasonable steps to avoid the commission of the offence.

For the purposes of these Byelaws, the persons described in Byelaw 3(2) are not keepers of a dog. These include keepers of an assistance dog, emergency services dog and dogs that are permitted by the headmaster of Ashley Hill Primary School, Onchan Primary School or St Ninian’s High School to be on the school grounds, provided that the dog is kept on a lead or is otherwise kept under control.

The plans in Schedule 2 show the open spaces specified in Parts 1 and 2 of Schedule 1.