

## **THE HOUSING ACT 1955**

### **THE ONCHAN DISTRICT HOUSING BYELAWS 2000**

Approved by Tynwald on: 21<sup>st</sup> March 2000

Coming into operation on: 1<sup>st</sup> April 2000

In exercise of the powers conferred on the Commissioners of the Local Government District of Onchan by Section 48 of the Housing Act 1955(a), and of all other enabling powers, the following Byelaws are hereby made:-

#### **Citation, commencement and interpretation**

1. (1) These Byelaws may be cited as the Onchan District Housing Byelaws 2000 and, subject to section 48(3) of the Housing Act 1955, shall come into operation on the 1<sup>st</sup> April 2000.
- (2) In these Byelaws:-  
  
"the Commissioners" means the Commissioners of the Local Government District of Onchan;  
"house" means a dwelling provided by the Commissioners under Part IV of the Housing Act 1955.

#### **Animals and birds**

2. (1) The tenant of a house shall not keep or permit to be kept in or about the house any dog or cat, or any noisy or dangerous animal or bird, without the consent in writing of the Commissioners.
- (2) In giving its consent under this byelaw the Commissioners may impose such reasonable conditions as they think fit, and the tenant shall comply with any conditions so imposed.

### **Maintenance of garden**

3. (1) The tenant of a house shall -
- (a) keep the garden of the house in a clean and tidy condition;
  - (b) maintain in good repair any fence erected by him in the garden of the house;
  - (c) keep any hedge or shrub on or near the boundary of the garden of the house trimmed and neat and so as not to cause an obstruction to any street adjoining the house.
- (2) The tenant of a house shall not allow any fence, hedge or shrub in, or on the boundary of, the garden to exceed -
- (a) one metre in height, in the front of the house;
  - (b) 2 metres in height, elsewhere.
- (3) In this byelaw "garden", in relation to a house, includes any yard and any other part of the curtilage of the house.

### **Deliveries of coal, etc**

4. The tenant of a house shall not allow any coal, coke, earth, manure or building or other materials delivered to the house to remain in any street adjoining the house.

### **Maintenance of gullies, etc**

5. The tenant of a house shall -
- (a) keep all rainwater gullies serving the house properly cleaned and flushed; and
  - (b) keep any inspection chamber or rodding eye within the curtilage of the house, and the cover of the water stop-tap, exposed and in good order.

### **Defence of incapacity**

6. In proceedings for a failure to perform any duty under Byelaws 3 and 5 above, it shall be a defence for the tenant to show that:-
- (a) on the grounds of illness or physical disability, he could not reasonably be expected to perform that duty himself, and
  - (b) he could not reasonably be expected to make arrangements for someone to do so on his behalf.

### **Penalty**

7. Any person contravening any of these Byelaws is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

MADE this 31<sup>st</sup> day of January 2000

Mr J.K. Watterson, J.P.  
Chairman

J. E. S. Smith  
Chief Executive/Clerk

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**EXPLANATORY NOTE**

(This note is not part of the Byelaws)

These Byelaws make provision for the management, use and regulation of houses provided by the Onchan District Commissioners under Part IV of the Housing Act 1955. They impose certain restrictions and obligations on the tenants of such houses, a breach of which is an offence punishable by a fine not exceeding £1,000