



Isle of Man

Ellan Vannin

AT 4 of 1946

LOCAL GOVERNMENT ACT 1946



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**Isle of Man***Ellan Vannin*

LOCAL GOVERNMENT ACT 1946

<i>Received Royal Assent:</i>	<i>29 November 1946</i>
<i>Passed:</i>	<i>17 December 1946</i>
<i>Commenced:</i>	<i>17 December 1946</i>

AN ACT to amend the Isle of Man Local Government Acts, 1916 to 1946, in certain limited respects, and make provision for the preservation of amenities, acquisition of land in advance of requirements, hospital accommodation, registration of nursing homes, the provision of laboratories, and notification of births.

GENERAL NOTE: The maximum fines in this Act are as increased by the *Local Government (Miscellaneous Provisions) Act 1976* Sch 3, by the *Fines Act 1986* and by the *Criminal Justice (Penalties, Etc.) Act 1993* s 1.

1 Citation and construction of previous Acts

The *Local Government (Milk and Dairies) Amendment Act, 1944*, the *Local Government (Milk and Dairies) Amendment Act, 1945*, and the *Local Government (Amendment) Act, 1945*, shall, notwithstanding the provisions of such Acts be construed as one, and together with the Local Government Acts, 1916 to 1941, and all such Acts may be hereafter together cited as the Local Government Acts, 1916 to 1945.

2 [Repealed]¹

3 [Amends section 312 of the *Local Government Act 1916*.]

4 [Repealed]²

5 and 6 [Repealed]³

7 [Repealed]⁴

8 Powers of local authority as to games and recreations

A local authority may –

- (1) acquire, whether by way of purchase or exchange (with the approval of Tynwald), or lease or let (with the approval of the Department of Infrastructure), any land, whether situate within or without the district of the local authority, for the purposes of golf, tennis, cricket, football, croquet, bowls, quoits, athletics, skating and other games or recreations (hereinafter collectively referred to as “games and recreations”).⁵
- (2) lay out, set apart and enclose such portions of the said land as the local authority may deem advisable for the purposes of games and recreations.
- (3) exclude the public from the whole or any part of the said land and charge for admission to the same or any part thereof, or let the right for charging admission thereto to any persons.
- (4) provide any apparatus for games and recreations, and sell or charge for the use thereof, and let the right for providing, selling, or charging for the use of, such apparatus to any person for any term not exceeding seven years.
- (5) provide and maintain any pavilion or other buildings on the said land, and charge for admission thereto, or let any pavilion and other buildings so provided by them to any person, and authorise that person to charge for admission thereto.
- (6) provide and maintain refreshment rooms on the said land in connection with any of the purposes aforesaid, and either manage the premises themselves or if they think fit let them to any person for any term not exceeding seven years.
- (7) make rules and regulations, and fix the fees payable for the playing of such games and recreations and use of any apparatus for games and recreations, and admission to any enclosure and part set apart for the foregoing purposes, and the terms and conditions of any lease or letting granted under this section.⁶

9 Acquisition of land and rights for preservation of amenities

- (1) A local authority may, with the consent of and subject to any conditions imposed by Tynwald, acquire, whether by way of purchase, lease or exchange, any land, whether situate within or without the district of the local authority, to prevent or regulate the erection of buildings which may be detrimental to the view from places of public resort within their district, or in order to preserve the amenities of any such place of public resort, or of any estate belonging to the local authority.
- (2) For the purposes mentioned in subsection one hereof a local authority may also enter into and carry into effect agreements with the owners of, or any persons interested in any such lands as aforesaid, and may with the

approval of Tynwald exchange any lands or rights in or over lands for the time being belonging to them for other lands or rights in or over lands, the possession or control of which the local authority may deem more important for the preservation from injury of the view from, and the amenities of, any such places of public resort, or of any estate belonging to the local authority.

10 [Repealed]⁷

11 [Repealed]⁸

12 [Repealed]⁹

13 to 21 [Repealed]¹⁰

General

22 [Repealed]¹¹

Notification of Births

23 Provision for early notification of births

- (1) In the case of every child born it shall be the duty of the father of the child, if at the time of the birth he is actually residing on the premises where the birth takes place, and of any person in attendance upon the mother at the time of, or within six hours after, the birth, to give notice of the birth in manner provided by this section to the Department of Health and Social Care (in this section and section 24 referred to as “**the Department**”) or, as the case may be, Manx Care (a Statutory Board established under the *Manx Care Act 2021*).¹²
- (2) Notice under this section shall—
 - (a) be given within thirty-six hours of the birth;
 - (b) contain the required information;
 - (c) be given to the Department, or as applicable, Manx Care (“the applicable addressee”) either —
 - (i) by a prepaid letter or postcard addressed to the applicable addressee at its office, or
 - (ii) by delivering a written notice to the applicable addressee at its office.

The applicable addressee shall, upon application being made to it, supply without charge to any medical practitioner or midwife residing or

practising within this Isle addressed and stamped postcards containing the form of notice.¹³

- (3) Any person who fails to give notice of a birth in accordance with this section shall be liable to a fine not exceeding £200, unless he satisfies the court that he believed, and had reasonable grounds for believing, that notice had been duly given by some other person.
- (4) The requirements of this section with respect to the notification of births shall be in addition to, and not in substitution for, the requirements of any Act relating to the registration of births.
- (5) A registrar of births and deaths shall, for the purpose of obtaining information concerning births which have occurred in his sub-district, have access at all reasonable times to notices of births received by the Department, or to any book in which those notices may be recorded.¹⁴
- (6) This section shall apply to any child which has issued forth from its mother after the expiration of the twenty-eighth week of pregnancy, whether alive or dead.

24 Inspection

A medical officer of health, or registered nurse, or other authorised officer of the Department or, as the case may be, Manx Care (a Statutory Board established under the *Manx Care Act 2021*), may at all reasonable times enter and inspect any premises where any child has issued forth from its mother, or where any child is being nursed, and also inspect and examine any such child.¹⁵

Maternity

25 [Repealed]¹⁶

26 Women not to be employed in factories or workshops within four weeks after birth of a child

If the occupier of a factory or workshop knowingly allows a woman or girl to be employed therein within four weeks after she has given birth to a child, he shall be liable to a fine not exceeding £200.

27 Provision as to offences by companies

- (1) [Repealed]¹⁷
- (2) Where a person convicted of an offence against this Act is a company, the chairman and every director of the company and every officer of the company concerned in its management, shall be guilty of the like offence, unless he proves that the act constituting the offence took place without his knowledge or consent.¹⁸

28 Penalty for obstructing execution of Act

A person who wilfully obstructs any person acting in the execution of this Act, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £200.¹⁹

29 [Repealed]²⁰**30 Short title and commencement**

- (1) This Act may be cited as the Local Government Act, 1946, and shall be construed as one with the Isle of Man Local Government Acts, 1916 to 1946, and such Acts and this Act may be together cited as the Local Governments Acts, 1916 to 1946.
- (2) This Act shall come into operation when the Royal Assent thereto has been by the Governor announced to Tynwald and a certificate thereof has been signed by the Governor and the Speaker of the House of Keys.

SCHEDULE²¹

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement

Table of Renumbered Provisions

Original	Current

Table of Endnote References

¹ S 2 repealed by Local Government Act 1985 Sch 6.

² S 4 repealed by Local Government Act 1985 Sch 6.

³ Ss 5 and 6 repealed by Statute Law Revision Act 1997 Sch 2.

⁴ S 7 repealed by Local Government Act 1985 Sch 6.

⁵ Para (1) amended by SD155/10 Sch 5.

⁶ S 8 repealed by SD573/99 in so far as it applied to Peel, Michael, Patrick, German and Marown, by SD607/00 in so far as it applied to Castletown, Port Erin, Port St Mary, Arbory, Malew, Rushen and Santon, by SD608/00 in so far as it applied to Ramsey, Andreas, Ballaugh, Bride, Jurby, Lezayre and Maughold, by SD557/02 in so far as it applied to Braddan and by SD404/09 in so far as it applied to Douglas Corporation.

⁷ S 10 repealed by Local Government Act 1985 Sch 6.

⁸ S 11 repealed by Local Government Act 1950 Sch.

⁹ S 12 repealed by Road Traffic Act 1963 Sch 8.

¹⁰ Ss 13 to 21 repealed by National Health Service (Isle of Man) Act 1948 Sch 5.

¹¹ S 22 repealed by Regulation of Care Act 2013 s 205.

¹² Subs (1) amended by Health and Social Security Act 1986 Sch 2, by SD155/10 Sch 4, by SD2014/08 and by Manx Care Act 2021 Sch 5.

¹³ Subs (2) substituted by Manx Care Act 2021 Sch 5.

¹⁴ Subs (5) amended by Health and Social Security Act 1986 Sch 2.

¹⁵ S 24 amended by Nurses and Midwives (Amendment) Act 1984 Sch 2, by Health and Social Security Act 1986 Schs 2 and 3, by Local Government Act 2006 Sch 4 and by Manx Care Act 2021 Sch 5.

¹⁶ S 25 repealed by National Health Service (Isle of Man) Act 1948 Sch 5.

¹⁷ Subs (1) repealed by Local Government (Miscellaneous Provisions) Act 1976 Sch 4.

¹⁸ Subs (2) amended by Local Government (Miscellaneous Provisions) Act 1976 Sch 4.

¹⁹ S 28 amended by Local Government (Miscellaneous Provisions) Act 1976 Sch 4.

²⁰ S 29 repealed by Statute Law Revision Act 1983 Sch 2.

²¹ Sch repealed by Statute Law Revision Act 1983 Sch 2.