



**Isle of Man**

*Ellan Vannin*

**AT 6 of 1976**

**LOCAL GOVERNMENT (MISCELLANEOUS  
PROVISIONS) ACT 1976**





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### Index

Section	Page
1 [Repealed] .....	5
2 [Repealed] .....	5
3 [Repealed] .....	5
4 [Repealed] .....	5
5 Acceptance of gifts of property.....	5
6 Pleasure fairs and roller skating rinks .....	6
7 Revision of pecuniary penalties and fines.....	6
8 Increase of fees .....	6
9 Interpretation.....	6
10 Amendments .....	6
11 [Repealed] .....	7
12 Short title, construction, and commencement .....	7
 <b>SCHEDULE 1</b>	 <b>9</b>
 <b>SCHEDULE 2</b>	 <b>9</b>
<b>REGULATION OF CERTAIN PLEASURE FAIRS AND ROLLER SKATING RINKS</b>	
	9
 <b>SCHEDULE 3</b>	 <b>11</b>
<b>REVISION OF PECUNIARY PENALTIES AND FINES</b>	
	11
 <b>SCHEDULE 4</b>	 <b>12</b>
<b>AMENDMENT OF CERTAIN ENACTMENTS</b>	
	12
 <b>SCHEDULE 5</b>	 <b>12</b>
 <b>ENDNOTES</b>	 <b>13</b>
<b>TABLE OF ENDNOTE REFERENCES</b>	
	13





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<i>Received Royal Assent:</i>	<i>12 April 1976</i>
<i>Passed:</i>	<i>18 May 1976</i>
<i>Commenced:</i>	<i>18 May 1976</i>

**AN ACT** to make further provision in the law relating to local government; to amend certain enactments relating to, or connected with, local government; to revise certain pecuniary penalties and fines; and for connected purposes.

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

1 **[Repealed]**<sup>1</sup>

2 **[Repealed]**<sup>2</sup>

3 **[Repealed]**<sup>3</sup>

4 **[Repealed]**<sup>4</sup>

5 **Acceptance of gifts of property**

[P1972/70/139(1) and (3)]

- (1) Subject to subsection (2) below, a local authority may, with the approval of the Department of Infrastructure, accept, hold and administer —
- (a) for the purpose of discharging any of its functions, gifts of property, whether real or personal, made for that purpose;
  - (b) for the benefit of the inhabitants of its district or of some part of it, accept gifts made for that purpose;

and may, with such approval, execute any work (including works of maintenance or improvement) incidental to, or consequential on, the exercise of the powers conferred by this subsection.<sup>5</sup>

- (2) Subsection (1) above shall not authorise the acceptance by a local authority of property which, when accepted, would be held in trust for an ecclesiastical charity or for a charity for the relief of poverty.

## 6 Pleasure fairs and roller skating rinks

The provisions of Schedule 2 to this Act (which provides for the regulation of certain pleasure fairs and roller skating rinks) shall have effect in relation to the matters stated therein.

## 7 Revision of pecuniary penalties and fines

- (1) The enactments specified in column 1 of Schedule 3 to this Act (being enactments broadly described in column 2 of that Schedule) shall each have effect as if the maximum pecuniary penalty or fine which may be imposed for an offence specified in that enactment were a penalty or, as the case may be, a fine not exceeding the amount specified in relation thereto in column 4 of that Schedule instead of a penalty or, as the case may be, a fine of or not exceeding the amount specified in relation thereto in column 3 of that Schedule.

- (2) to (4) [Repealed]<sup>6</sup>

## 8 Increase of fees

- (1) Where any fee, or the maximum fee which may be prescribed, is fixed by any enactment to which this section applies, the Department of Infrastructure may, by order, increase that fee or, as the case may be, that maximum fee, but no order under this section shall have effect until it has been approved by Tynwald.<sup>7</sup>

- (2) The enactments to which this section applies are —
- (a) section 23 of the Douglas Borough Cemetery Act 1895; and
  - (b) the Local Government Acts 1916 to 1974.

## 9 Interpretation

In this Act, “**the Act of 1916**” means the *Local Government Consolidation Act 1916*.

## 10 Amendments

- (1) and (2) [Repealed]<sup>8</sup>
- (3) The enactments specified in Schedule 4 to this Act are hereby amended in accordance with that Schedule.

**11 [Repealed]<sup>9</sup>****12 Short title, construction, and commencement**

- (1) This Act may be cited as the Local Government (Miscellaneous Provisions) Act 1976 and shall be construed as one with the Local Government Acts 1916 to 1974, and those Acts and this Act may be cited together as the Local Government Acts 1916 to 1976.
- (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.





**SCHEDULE 1<sup>10</sup>****SCHEDULE 2****REGULATION OF CERTAIN PLEASURE FAIRS AND ROLLER SKATING RINKS**

Section 6 [P1961/64/75]

1. (1) The Department of Infrastructure may make regulations —
- (a) for licensing pleasure fairs and roller skating rinks and, after consultation with the Treasury, for prescribing fees in respect of licences for such fairs and rinks;<sup>11</sup>
  - (b) for regulating the hours during which pleasure fairs and roller skating rinks may be open to the public;
  - (c) for securing safe and adequate means of ingress to, and egress from, any pleasure fair or roller skating rink;
  - (d) for the prevention and suppression of nuisances, and the preservation of sanitary conditions, cleanliness, order and public safety, at any pleasure fair or public skating rink;
  - (e) prescribing maximum penalties on summary conviction, not exceeding £2,500, for the contravention of, or failure to comply with, the regulations,

and it shall be the duty of the Department to enforce regulations made by it under this Schedule.<sup>12</sup>

(2) Regulations under this Schedule shall not have effect until they have been approved by Tynwald.

2. In this Schedule —

**“pleasure fair”** means any place —

- (a) which is for the time being used wholly or mainly for providing, whether or not in combination with any other entertainment, any entertainment to which this Schedule applies; and
- (b) for admission to which, or for the use of the contrivance in which, a charge is made.

**“roller skating rink”** means any place which is for the time being used wholly or mainly for roller skating and for admission to which a charge is made.

3. Subject to paragraph 4 below, the entertainments to which this Schedule applies are the following —

- (a) circuses;

- (b) exhibitions of human beings or of performing animals;
- (c) merry-go-rounds, roundabouts, swings, switchbacks, switchback railways;
- (d) coco-nut shies, hoop-las, shooting galleries, bowling alleys;
- (e) dodgems or other mechanical or driving contrivances;
- (f) pleasure boats;
- (g) any entertainment or sport in relation to which grand-stands are provided;
- (h) automatic or other machines intended for entertainment or amusement;
- (i) anything similar to any of the foregoing.

4. Nothing in this Schedule, or the regulations made thereunder, shall apply to —
- (a) a place owned by, or under the management of, an authority having power to make byelaws, regulations or rules with respect to any entertainments provided at that place; or
  - (b) any premises in respect of which a certificate under section 3 of the *Gaming (Amendment) Act 1984* is for the time being in force.<sup>13</sup>

5. Different regulations may be made under this Schedule for pleasure fairs and rolling skating rinks and for different kinds of pleasure fairs.

6. (1) Any authorised person may, on producing, if so required, some duly authenticated document showing his authority, enter any pleasure fair or roller skating rink at all reasonable hours for the purpose of ascertaining whether there is or has been, on or in connection with the fair or rink, any contravention or failure to comply with any regulations made under this Schedule.

(2) Any person who wilfully obstructs any such authorised officer as is mentioned in sub-paragraph (1) above shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000.

(3) In this paragraph, “authorised person” means a person authorised by the Department of Infrastructure for the purposes of this Schedule.<sup>14</sup>

7. When regulations relating to pleasure fairs have been made by the Department of Infrastructure under this Schedule, the provisions of the *Mechanical Contrivances Regulation Act 1923* shall cease to have effect.<sup>15</sup>

## SCHEDULE 3

## REVISION OF PECUNIARY PENALTIES AND FINES

## Section 7(1)

[Sch 3 amended by Criminal Damage Act 1981 Sch, by Nurses and Midwives (Amendment) Act 1984 Sch 3, by Local Government (Miscellaneous Provisions) Act 1984 Sch 4, by Local Government Act 1985 Sch 6, by Local Elections Act 1986 Sch 4, by Highways Act 1986 Sch 9, by Nursing and Residential Homes Act 1988 Sch 3, by Public Health Act 1990 Sch 6, by Building Control Act 1991 Sch 5, by Statute Law Revision Act 1992 Sch 2 and by Sewerage Act 1999 Sch 5, and amends the following Acts —

(1) <i>Enactment</i>	(2) <i>Description of Offence</i>	(3) <i>Old pecuniary penalty or maximum pecuniary penalty or fine</i>	(4) <i>New maximum pecuniary penalty or fine</i>
Local Government Consolidation Act 1916			
Section 242(4)	Keeping theatre open in contravention of Act or regulations under section 241 or of conditions of certificate.	£50 for every day during which the theatre is so kept open.	£400
Section 262	Wilfully breaking gas lamps, etc.	£10	£50
Section 269	Failure to comply with commissioners' order regarding lighting of common stairs, etc.	£2 for every day during which the default continues.	£50
Section 290(16)	Contravention of provisions of section which relates to drivers' and conductors' licences.	£5	£20
Section 292	Operating unfit stage coaches, etc.	£5	£50
Local Government Amendment Act 1929			
Section 4	Obstruction of persons appointed by local authority or Department.	£5	£50
Local Government Act 1946			
Section 26	Employment of woman in factory or workshop within four weeks after birth of a child.	£5 or, if previously convicted of like offence	£50

Douglas  
Market  
Act 1956  
Section 5

Obstruction of collector, etc.

£5

£50]

## SCHEDULE 4

### AMENDMENT OF CERTAIN ENACTMENTS

#### Section 10(3)

[Sch 4 amended by Statute Law Revision Act 1982 Sch 1, by Local Government (Miscellaneous Provisions) Act 1984 Sch 4, by Superannuation Act 1984 Sch 4, by Local Government Act 1985 Sch 6, by Local Elections Act 1986 Sch 4, by Health and Social Security Act 1986 Sch 3, by Highways Act 1986 Sch 9, by Public Health Act 1990 Sch 6, by Building Control Act 1991 Sch 5 and by Local Government Act 2006 Sch 4, and amends the following Acts —

Local Government Consolidation Act 1916 q.v.

Local Government Act 1946 q.v.]

## SCHEDULE 5<sup>16</sup>

## ENDNOTES

### Table of Endnote References

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- <sup>1</sup> S 1 repealed by Local Government Act 1985 Sch 6.
- <sup>2</sup> S 2 repealed by Liquor Licensing and Public Entertainments Act 2021 Sch 1.
- <sup>3</sup> S 3 repealed by Public Health Act 1990 Sch 6.
- <sup>4</sup> S 4 repealed by Dogs Act 1990 Sch 4.
- <sup>5</sup> Subs (1) amended by SD155/10 Sch 5.
- <sup>6</sup> Subss (2) to (4) repealed by Statute Law Revision Act 1997 Sch 2.
- <sup>7</sup> Subs (1) amended by SD155/10 Sch 5.
- <sup>8</sup> Subss 1 and 2 repealed by Superannuation Act 1984 Sch 4.
- <sup>9</sup> S 11 repealed by Statute Law Revision Act 1983 Sch 2.
- <sup>10</sup> Sch 1 repealed by Public Health Act 1990 Sch 6.
- <sup>11</sup> Item (a) amended by Treasury Act 1985 Sch 2.
- <sup>12</sup> Subpara (1) amended by SD155/10 Sch 5.
- <sup>13</sup> Para (b) substituted by Statute Law Revision Act 1997 Sch 1.
- <sup>14</sup> Subpara (3) amended by SD155/10 Sch 5.
- <sup>15</sup> Para 7 amended by SD155/10 Sch 5.
- <sup>16</sup> Sch 5 repealed by Statute Law Revision Act 1983 Sch 2.