

Statutory Document No. 2020/0389

*Housing Act 1955***BRADDAN HOUSING BYELAWS 2020¹**

Approved by Tynwald: 22 October 2020
Coming into operation in accordance with Byelaw 2

Braddan Parish Commissioners makes the following Byelaws under section 48 of the Housing Act 1955 and in compliance with section 30 of the Local Government Act 1985.

1 Title

These Byelaws are the Braddan Housing Byelaws 2020.

2 Commencement

These Byelaws come into operation one month after their approval by Tynwald¹.

3 Interpretation

In these Byelaws —

“**boundary**” means the line by which the outer extent of a curtilage is delineated, whether or not physically by means of a wall, fence or hedge;

“**curtilage**” means the area of land attached to and around a house, used with the house and within which the house is set (for example the garden and driveway of a house), but does not include land used with a house but severed from it (for example a highway or service lane);

“**highway**” means a highway maintainable at the public expense within the meaning of section 3 of the Highways Act 1986, and includes any part of the highway;

“**house**” means a house provided by the local authority under Part IV of the Housing Act 1955;

“**the local authority**” means Braddan Parish Commissioners;

“**tenant**” when referred to in connection with a house, means the person entitled to possession of the house and its curtilage under a tenancy or contract with the local authority.

¹ Tynwald approval is required by section 48(3) of the Housing Act 1955

4 Animals and birds

- (1) A tenant of a house must not keep or permit to be kept in or about the house a dog or cat, or any noisy or dangerous animal or bird, without prior written consent from the local authority.
- (2) In giving its consent under this byelaw the local authority may impose such reasonable conditions as it thinks fit, and the tenant must comply with any conditions so imposed.

5 Maintenance of gardens

- (1) A tenant of a house must —
 - (a) keep the curtilage of the house in a clean and tidy condition;
 - (b) maintain in good repair any fences, walls or gates erected within, or on the boundary of, the curtilage of the house; and
 - (c) keep any hedge or shrub within, or on the boundary of, the curtilage of the house trimmed and neat and so as not to cause an obstruction to any footpath or street adjoining the curtilage of the house.
- (2) A tenant of a house must not make any alterations or excavations to the curtilage of the house, including the installation of any pond, decking, hard standing or paving or the erection of any outbuilding, shed or greenhouse, without prior written consent from the local authority.
- (3) A tenant of a house must not allow any hedge or shrub within, or on the boundary of, the curtilage of the house to exceed —
 - (a) 1 metre in height if positioned nearer than the house to any highway which bounds the curtilage; or
 - (b) 2 metres in height in any other case.
- (4) A tenant of a house must not erect any fence, wall or gate within, or on the boundary of, the curtilage of the house that exceeds —
 - (a) 1 metre in height if positioned nearer than the house to any highway which bounds the curtilage; or
 - (b) 2 metres in height in any other case.

6 Defence of incapacity

In proceedings for failure to perform any duty under byelaw 5 above, it is a defence for the tenant to show that the tenant —

- (a) could not reasonably be expected to perform that duty on the grounds of the tenant's illness or physical disability; and
- (b) could not reasonably be expected to make arrangements for another person to perform that duty on the tenant's behalf.

7 Penalties

A person contravening any of these Byelaws is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Note: An authorised officer may serve on a person contravening any of these byelaws a notice offering the person the opportunity of discharging any liability to conviction for an offence under the byelaw by payment of a fixed penalty notice of £100, in accordance with section 30A of the Local Government Act 1985.

8 Revocations

The following are revoked –

- (a) the Housing (Braddan) Byelaws 1993²;
- (b) the Braddan Housing Byelaws 2019³.

² Which were sealed on 21 May 1993, approved by Tynwald on 8 July 1993 and came into operation on 1 August 1993.

³ SD 2019/0462.

**THE COMMON SEAL⁴ of Braddan Parish Commissioners was affixed on
30 July 2020**

⁴ As required by section 30(2) of the Local Government Act 1985.



ENDNOTES

Table of Endnote References

¹ The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.