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**LOCAL GOVERNMENT (MISCELLANEOUS
PROVISIONS) ACT 2001**

Chapter 12

Arrangement of sections

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Signed in Tynwald: 15th May 2001
Received Royal Assent: 15th May 2001
Announced to Tynwald: 15th May 2001
Passed: 15th May 2001

AN ACT

to make further provision for the alteration of boundaries of districts of local authorities; to amend the Local Government (Entertainments) Act 1950; to confer additional powers on local authorities and their officers; and for connected purposes.

WE, your Majesty's most dutiful and loyal subjects, the Council and Keys of the said Isle, do humbly beseech your Majesty that it may be enacted, and be it enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows (that is to say):—

1. Alteration of boundaries

In section 6 of the Local Government Act 1985¹, after subsection (3) insert —

"(3A) Without prejudice to subsection (3), an order under this section may —

- (a) make temporary provision, for such period (not exceeding 10 years) as is specified in the order, with respect to rates to be levied by any authority mentioned in subsection (3)(f);
- (b) alter the boundary of any constituency which comprises any district or any part of a district affected by the order;
- (c) make transitional provision with respect to the preparation of registers of electors for any constituency, district or ward affected by the order;

¹ 1985 c.24

- (d) cancel or alter any arrangements made for the performance by any authority mentioned in subsection (3)(f) of any functions on behalf of any other public authority;
- (e) cancel any contract entered into by any such authority in the performance of any of the functions of the authority, or in pursuance of any arrangements mentioned in paragraph (d), or amend the terms and conditions of such a contract;
- (f) provide for any byelaw applying to a district or area affected by the order to apply to any other district or area so affected, or to any part of such a district or area;
- (g) amend or repeal any enactment which appears to the Department to be inconsistent with, or to have become unnecessary or to require modification in consequence of, the order."

2. Provision of entertainments etc. by local authorities

Section 3 of the Local Government (Entertainments) Act 1950² is amended as follows —

- (a) at the beginning insert "(1)";
- (b) at the end insert —

"(2) The Department of Local Government and the Environment may by order vary the amount specified in subsection (1) (or the amount for the time being substituted therefor by a previous order under this subsection).

- (3) An order under subsection (2) —
 - (a) may apply to local authorities generally or to such local authority or authorities as are specified in the order; and
 - (b) shall not have effect unless it is approved by Tynwald."

3. Provision of offices and other accommodation

In section 26(1) of the Local Government Act 1963³, at the end insert

- "(c) erect, provide or adapt any building, or construct or carry out works on land, in its district for the purpose of providing offices or other premises or accommodation for —

² XVII p.829

³ XIX p.1207

- (i) any Department, Statutory Board, local authority or joint board,
- (ii) any unincorporated association of which one or more Departments and one or more local authorities are members,
- (iii) any company incorporated under the Companies Act 1931 of which one or more Departments (or a nominee of one or more Departments) and one or more local authorities (or a nominee of one or more local authorities) are members;
- (iv) any charity, or
- (v) any person providing medical, dental or ophthalmic services or other services of a like kind."

4. Power to inspect records, take samples etc.

In section 97 of the Public Health Act 1990⁴, after subsection (3) insert

—
"(3A) A person empowered to enter on land by virtue of the said section 35 as applied by subsections (2) and (3) may require any person to furnish him with such records relating to any activity carried on on the land (in whatever form they are held) or allow him to inspect such records, as he may at any time direct, and for that purpose

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- (a) may at any reasonable time have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been used in connection with the records in question; and
 - (b) may require the person by whom or on whose behalf the computer is or has been used, or any person having charge of or otherwise concerned with the operation of the computer, apparatus or material, to afford him such assistance as he may reasonably require.

(3B) A person empowered to enter on land by virtue of the said section 35 as applied by subsections (2) and (3) may take samples, or cause samples to be taken, of any articles or substances found in or on the land, and of the air, water or land, in, on or in the vicinity of that land.

(3C) If a person —

- (a) intentionally obstructs another person in the exercise of a power conferred on the other person by subsection (3A)(a) or (3B); or

⁴ 1990 c.10

- (b) refuses or fails without reasonable excuse to comply with a requirement under subsection (3A)(b),

he is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

(3D) Section 36(2) of the said Act of 1985 applies to information obtained in the exercise of any power conferred by subsection (3A) or (3B) as it applies to information obtained as there mentioned."

5. Notices relating to buildings and land

In each of the following provisions —

- (a) section 24(4) (ruinous buildings) of the Building Control Act 1991⁵; and
- (b) section 14(2) (maintenance of open land) of the Local Government (Miscellaneous Provisions) Act 1984⁶,

for "not less than 21 days" substitute "within 21 days".

6. Fixed penalties for litter

In section 5A of the Litter Act 1972⁷, after subsection (4) insert —

"(4A) The Department may by order substitute a different amount for the amount for the time being specified in subsection (4).

(4B) An order under subsection (4A) shall not have effect unless it is approved by Tynwald."

7. Removal and disposal of abandoned vehicles

In Part I (removal and disposal of vehicles) of the Local Government (Miscellaneous Provisions) Act 1984 —

- (a) in section 2, after subsection (3) insert —

"(3A) Where in pursuance of subsection (2)(b) or (3) an appropriate authority proposes to remove a vehicle which in its opinion is in such a condition that it ought to be destroyed, it shall, not less than the prescribed period before removing it, cause to be affixed to the vehicle a notice stating that the authority proposes to remove it for destruction on the expiration of that period.";

- (b) in section 4(2), at the end insert ", other than a vehicle to which a notice was affixed in accordance with section 2(3A)";
- (c) in section 5, for subsection (1) substitute —

⁵ 1991 c.21

⁶ 1984 c.5

⁷ 1972 c.14

Local Government (Miscellaneous Provisions) Act 2001

"(1) Subject to subsection (2), the Department may, in such manner as it thinks fit, dispose of any vehicle removed by it pursuant to section 2 or an order under section 11(1) or 14A(4) of the Road Traffic Regulation Act 1985 or delivered to it under section 4(1) —

- (a) in the case of a vehicle to which a notice was affixed in accordance with section 2(3A) and on which no current licence was displayed at the time of its removal, at any time after its removal;
- (b) in the case of a vehicle to which a notice was so affixed and on which a current licence was displayed at the time of its removal, at any time after the licence expires;
- (c) in any other case, at any time after it has taken the prescribed steps to find the owner of the vehicle, and either —
 - (i) it has failed to find the owner; or
 - (ii) the owner, or a person appearing to the Department to be the owner, has failed to comply with a notice requiring him to remove the vehicle within the prescribed period.";
- (d) in section 5, at the end insert —

"(4) In this section "current licence", in relation to a vehicle, means a vehicle licence issued in respect of the vehicle under the Licensing and Registration of Vehicles Act 1985⁸.";

- (e) in column 2 of Schedule 1, for the entry relating to section 14 of the Road Traffic Regulation Act 1985⁹ substitute —

"Sections 14 to 14B (regulation of on-street parking places)".

8. Short title

This Act may be cited as the Local Government (Miscellaneous Provisions) Act 2001.

⁸ 1985 c.21

⁹ 1985 c.20