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STATUTORY INSTRUMENTS

2010 No. 249

DEFENCE

The Atomic Weapons Establishment (AWE) Burghfield Byelaws 2010

Made - - - - 4th February 2010

Coming into force - - 1st May 2010

The Secretary of State for Defence, in exercise of the powers conferred by section 14(1) of the Military Lands Act 1892⁽¹⁾ and having complied with the consultation requirements of section 17(1) of that Act makes the following byelaws:

Citation and commencement

1. These byelaws may be cited as the Atomic Weapons Establishment (AWE) Burghfield Byelaws 2010 and shall come into force on 1st May 2010.

Revocation

2. The Royal Ordnance Factory Burghfield Byelaws 1986⁽²⁾ are revoked.

Interpretation

3. In these byelaws:

“aircraft” includes any craft or device which is for the time being airborne;

“Appointed Person” means the Crown servant who has been appointed by the Secretary of State for Defence to be responsible for the Protected Area and Controlled Areas;

“Controlled Areas” means the areas of land that are coloured blue on the three maps annexed to these byelaws;

“firearm” has the same meaning as in the Firearms Act 1968⁽³⁾;

⁽¹⁾ 1892 c.43 (55 and 56 Vict); Part II was extended by section 2(3) of the Defence (Transfer of Functions) Act 1964 (c.15).

⁽²⁾ S.I. 1986/1276.

⁽³⁾ 1968 c.27.

“lawful user” means any constable, Crown servant, member of a visiting force or headquarters, employee of AWE plc or its contractors and agents, or person in possession of a written permission from the Appointed Person;

“offensive weapon” means any item made or adapted for use for:

- (a) causing injury to, or incapacitating a person, or
- (b) causing injury to, or incapacitating or trapping an animal or bird, and

the person having it with them intends it for such use, or for threatening such use;

“photograph” includes any cinematograph film and any form of video or digital recording;

“Protected Area” means the area of land that is coloured pink on the three maps annexed to these byelaws;

“service authorities” means naval, military or air force authorities;

“site exempt vehicle” means any vehicle used solely within the confines of the Protected Area and the Controlled Areas by a lawful user; and

“visiting force” means any body, contingent or detachment of the forces of a country for the time being present in the United Kingdom on the invitation of Her Majesty’s Government in the United Kingdom and any member of the civilian component of that force as defined in the Visiting Forces Act 1952(4).

Application

- 4. These byelaws apply to the Protected Area and the Controlled Areas.

Prohibited Activities – Protected Area

- 5. No person shall:
 - (a) enter or leave the Protected Area except by way of an official entrance or exit;
 - (b) remain in the Protected Area after having been directed to leave by a constable or person described in byelaw 12;
 - (c) obstruct a lawful user acting in the proper exercise of their duty within the Protected Area;
 - (d) cause or permit any vehicle, aircraft, animal or thing to enter into the Protected Area;
 - (e) take any photograph of any person or thing within the Protected Area;
 - (f) make any false statement, either orally or in writing, or employ any other form of misrepresentation in order to obtain entry to any part of the Protected Area;
 - (g) board, or interfere with the movement of any vehicle or aircraft within the Protected Area;
 - (h) interfere with, or obstruct the use of, any property within the Protected Area which is under the control of the Crown or the service authorities of a visiting force or in either case its agents or contractors;
 - (i) remove any property which is under the control of the Crown or the service authorities of a visiting force or in either case its agents or contractors; or
 - (j) deface any sign, wall, fence, structure or other surface within the Protected Area.

Use of the Controlled Areas by the Public

- 6. Subject to the provisions of these byelaws, members of the public are permitted to use all parts of the Controlled Areas not specially enclosed or entry to which is not shown by signs or fences as

(4) 1952 c.67

being prohibited or restricted, for any lawful purpose at all times when the Controlled Areas are not being used for the military purpose for which they are appropriated.

Prohibited Activities – Controlled Areas

7. No person shall within the Controlled Areas:
- (a) obstruct a lawful user or any other person acting in the proper exercise of his duty;
 - (b) enter any part which is enclosed or entry to which is shown by a sign as being prohibited or restricted;
 - (c) carry any firearm or offensive weapon;
 - (d) interfere with, or obstruct the use of, any property which is under the control of the Crown, or the service authorities of a visiting force or in either case its agents or contractors;
 - (e) remove any property which is under the control of the Crown, or the service authorities of a visiting force or in either case its agents or contractors;
 - (f) camp in tents, caravans, trees or otherwise;
 - (g) cause any nuisance, or behave in an indecent or obscene manner;
 - (h) deposit any industrial refuse, rubble, waste or litter or abandon any vehicle or vehicle part or any other article;
 - (i) act in any way likely to cause annoyance, nuisance or injury to other persons;
 - (j) light fires or do anything likely to cause an outbreak of fire;
 - (k) fail to keep under control any dog or other animal;
 - (l) fail to keep any dog on a short lead during the period beginning with 1st March and ending with 31st July in each year;
 - (m) fail to remove all waste created by any dog or other animal under their control;
 - (n) deface any sign, wall, fence, structure or other surface;
 - (o) engage in any trade or business of any description or ride, drive, conduct or cause to be ridden, driven or conducted, use or employ any animal or vehicle of any kind or use any audible means either wholly or mainly for the purpose of trade or advertisement;
 - (p) damage, cut or remove any crops, turfs, plants, roots or trees;
 - (q) graze any animal;
 - (r) kill or trap any birds or animals, or take or destroy their eggs; or
 - (s) dig or search for any item, or interfere with or take any item found within the Controlled Areas.

Control of Road Traffic

- 8.—(1) This byelaw shall not apply to any site exempt vehicle.
- (2) Every person who rides a bicycle or drives a vehicle in the Controlled Areas and the Protected Area shall remain on the road.
- (3) Every person who rides a bicycle or drives a vehicle shall:
- (a) comply with the directions given by a constable or person described in byelaw 12;
 - (b) comply with all military and traffic signs; and
 - (c) ride or drive with due care and attention.

(4) No person shall ride a bicycle or drive a vehicle on the road during the hours of darkness without using the appropriate lights which must be used when on a public highway during the hours of darkness.

(5) No person shall drive without a valid Driving Licence or be in charge of any vehicle unless the vehicle is registered, taxed and insured and the subject of a current vehicle test certificate, as required for such vehicle when on a public highway.

(6) No person shall stop or park any vehicle where “No Parking” or “No Waiting” notices are displayed, except for the purposes of loading or unloading passengers or goods.

(7) For the purposes of this byelaw “hours of darkness” means the time between half an hour after sunset and half an hour before sunrise.

Contravention of Byelaws

9. Any person who contravenes byelaws 5, 7 or 8 shall commit an offence under section 17(2) of the Military Lands Act 1892.

Exemptions

10. These byelaws shall not apply to anything done:

- (a) by a lawful user in connection with the discharge of his functions; or
- (b) by a person acting under and in accordance with any permission given in writing by the Appointed Person.

Enforcement

11. In order to:

- (a) prevent the breach of any provision of byelaws 5, 7 or 8; or
- (b) prevent any nuisance, disorder, obstruction or damage to the land or any property within the Protected Area and the Controlled Areas;

a constable or person described in byelaw 12 may direct any person to leave, or to remove any vehicle, aircraft, animal, or thing from the Protected Area and the Controlled Areas and any person to whom such a direction is made shall comply with it as soon as practicable.

12. The following persons are authorised to remove from the Protected Area and the Controlled Areas and to take into custody without warrant any person committing an offence against these byelaws and to remove any vehicle, aircraft, animal or thing in contravention of these byelaws from the said areas:

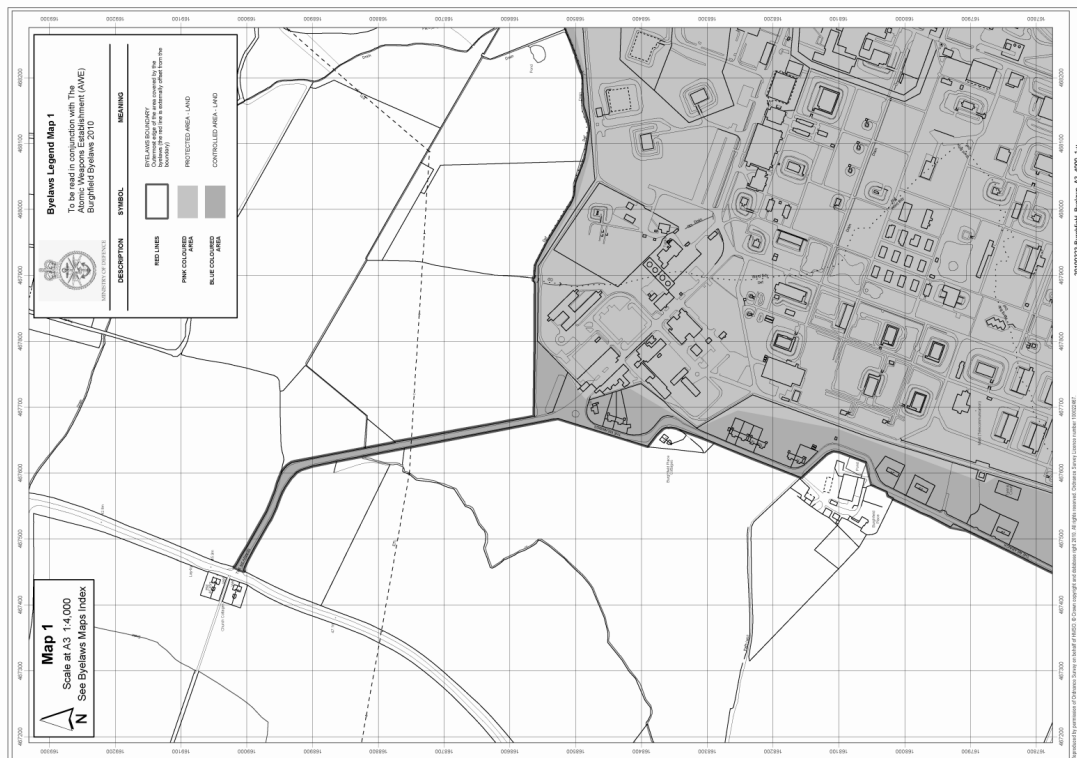
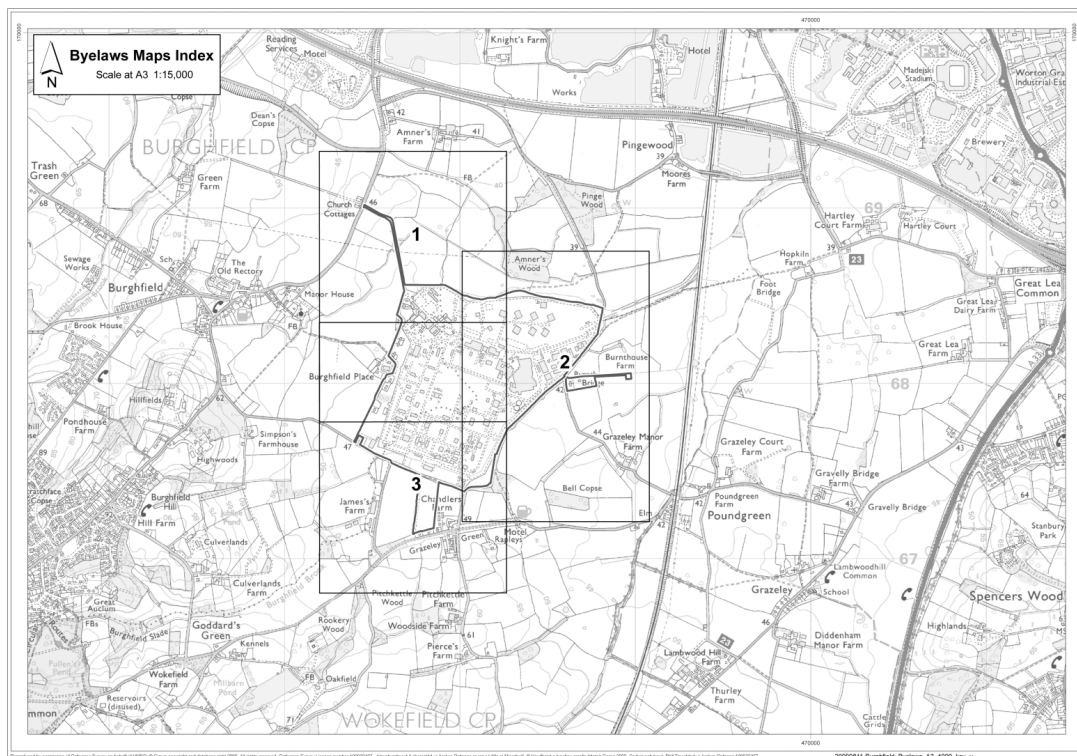
- (a) The Appointed Person;
- (b) Any officer, warrant officer, or non-commissioned officer in uniform and acting under the instructions of the Appointed Person; and
- (c) Any other Crown servant authorised in writing by the Appointed Person.

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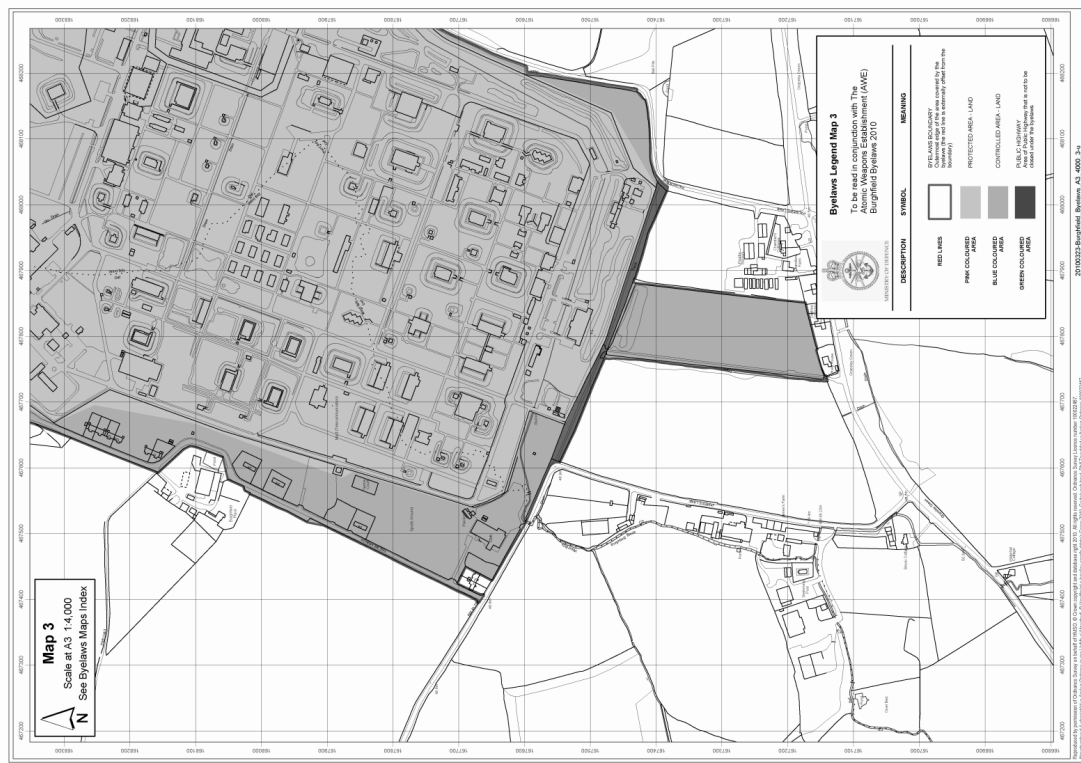
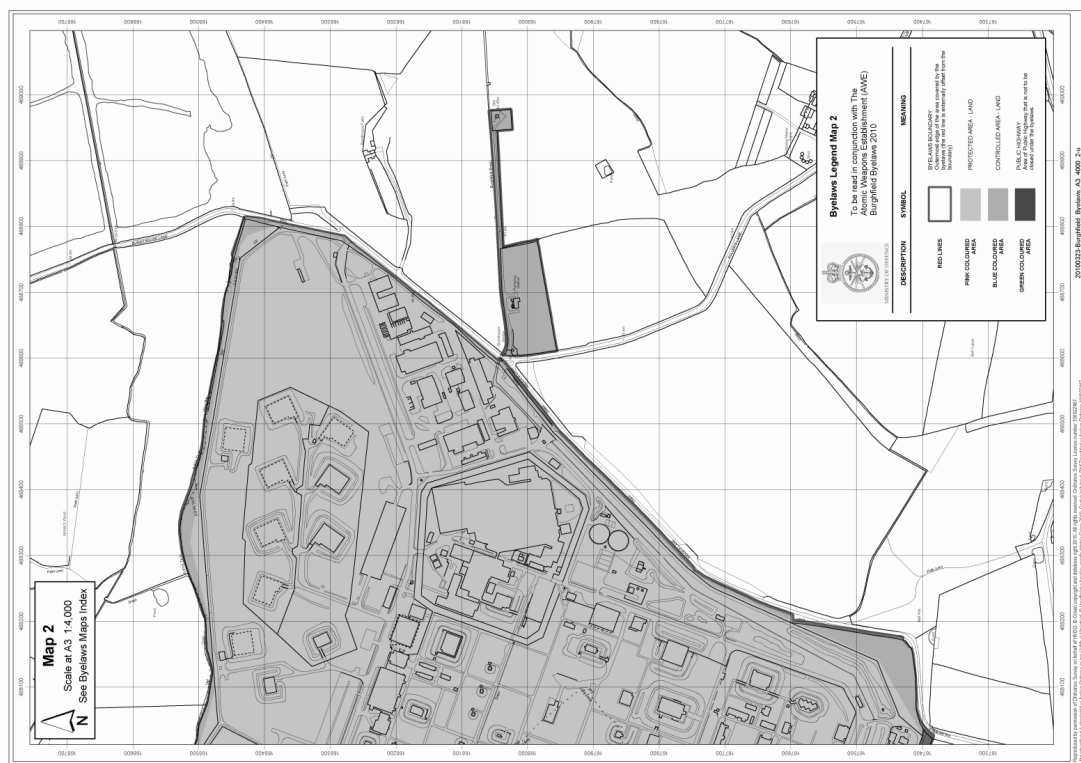
Kevan Jones
Parliamentary Under Secretary of State
Ministry of Defence

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EXPLANATORY NOTE

(This note is not part of the Byelaws)

Part II of the Military Lands Act 1892 (c.43) provides for the making of byelaws for regulating the use of land held for military purposes and securing the safety of the public. These byelaws regulate the land at AWE Burghfield.

The land subject to these byelaws, namely the Protected Area and the Controlled Areas, comprise the land held under title numbers BK317833 and BK384888 that are registered at Gloucester District Land Registry, Twyver House, Bruton Way, Gloucester, GL1 1DQ.

A copy of these byelaws and the plans showing the Protected Area and Controlled Areas to which these byelaws apply may be inspected on the Ministry of Defence web site <http://www.defence-estates.mod.uk/byelaws/Internet/Intro.html>. Copies have also been deposited with the Burghfield Common Library, School Lane, Burghfield Common, Reading RG7 3JZ. Copies may also be obtained from the Librarian, Defence Estates, Kingston Road, Sutton Coldfield B75 7RL.

By section 17(2) of the Military Lands Act 1892, it is provided that any person who commits an offence against any byelaw made under this Act, is liable, on conviction before a court of summary jurisdiction, to a fine not exceeding level 2 on the standard scale. At the time of printing the maximum fine on level 2 is FIVE HUNDRED POUNDS (£500).

Any person seeking an exemption under byelaw 10(b) should apply for permission in writing to the Byelaws Appointed Person, MOD, Room 2060, Building F6.1, AWE Aldermaston, Reading, Berkshire, RG7 4PR.