
STATUTORY INSTRUMENTS

2009 No. 3284

DEFENCE

The Woodbury Common Range Byelaws 2009

Made - - - - *10th December 2009*

Coming into force - - *31st March 2010*

The Secretary of State makes the following byelaws in exercise of the powers conferred on him by section 14(1) of the Military Lands Act 1892(1). The consultation requirements of section 17(1) of that Act have been complied with. The consent of Devon County Council to the restriction on the use of a highway provided for in these byelaws has been obtained as required by section 16(1) of that Act. The consent of Clinton Devon Estates, the lessor of the land to which these byelaws apply, has been obtained as required by section 18(2) of that Act.

Citation and commencement

1. These byelaws may be cited as the Woodbury Common Range Byelaws 2009 and shall come into force on 31st March 2010.

Interpretation

2. 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 to be responsible for the Protected Area and the Controlled Area;

“Controlled Area” means the area of land that is coloured blue on the map annexed to these byelaws;

“firearm” has the same meaning as in the Firearms Act 1968(2);

“lawful user” means any constable, Crown servant, member of a visiting force or headquarters, or any person in possession of a written permission from the Appointed Person;

“offensive weapon” means any article 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 him intends for such use, or for threatening such use;

(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) 1968 c. 27

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

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

“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 and any member of the civilian component of that force as defined in the Visiting Forces Act 1952(3).

Application of Byelaws

3. These Byelaws apply to the Protected Area and the Controlled Area.

Prohibited Activities – Protected Area

4. 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 10;
 - (c) obstruct a lawful user acting in the proper exercise of his duty within the Protected Area;
 - (d) cause or permit any vehicle, craft, aircraft, animal or thing to enter into the Protected Area;
 - (e) take any photograph of any person or thing whilst 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 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 Area by the Public

5.—(1) Subject to the provisions of these byelaws, members of the public are permitted to use all parts of the Controlled Area not specifically enclosed or entry to which is not shown by signs or fences as being prohibited or restricted, for any lawful purpose at all times when the Controlled Area is not being used for the military purpose for which it has been appropriated.

(2) When the Controlled Area is being used for military purposes, it will be closed to the public and any entry to it is prohibited.

(3) When the Controlled Area is being used for military purposes, use of the section of public highway marked in green on the map annexed to these byelaws is prohibited.

(4) When the Controlled Area is being used for military purposes, notice of the fact shall be given by the raising of a red flag at the locations described by their Ordnance Survey National Grid reference in Schedule 1 to these byelaws.

Prohibited Activities – Controlled Area

6. No person shall within the Controlled Area:
- (a) obstruct a lawful user or any other person acting in the proper exercise of their 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 refuse, rubble, waste or litter or abandon any vehicle or vehicle part or other article;
 - (i) act in any way likely to cause annoyance, nuisance or injury to other persons;
 - (j) light any fire 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 Area.

Contravention of Byelaws

7. Any person who contravenes byelaws 4, 5 or 6 shall commit an offence under section 17(2) of the Military Lands Act 1892.

Exemptions

8. These byelaws shall not apply to anything done by:
- (a) a lawful user in connection with the discharge of his functions; or
 - (b) a person acting under and in accordance with any permission given in writing by the Appointed Person.

Enforcement

9. In order to:

- (a) prevent the breach of any provision of byelaws 4, 5 or 6; or
- (b) prevent any nuisance, disorder, obstruction or damage to the land or any property within the Protected Area and the Controlled Area;

a constable or person described in byelaw 10 may direct any person to leave, or to remove any vehicle, aircraft, animal, or thing from the Protected Area and the Controlled Area and any person to whom such a direction is made shall comply with it as soon as practicable.

10. The following persons are authorised to remove from the Protected Area and the Controlled Area 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.

10th December 2009

Kevan Jones
Parliamentary Under Secretary of State
Ministry of Defence

SCHEDULE 1

Byelaw 5(4)

Controlled Area – Location of warning flags

<i>Map Reference</i>	<i>Ordnance Survey National Grid Reference (Easting)</i>	<i>Ordnance Survey National Grid Reference (Northing)</i>
1	30490	8789
2	30529	8754
3	30511	8734
4	30466	8734
5	30465	8756
6	30473	8779

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 so regulate the land at Woodbury Common.

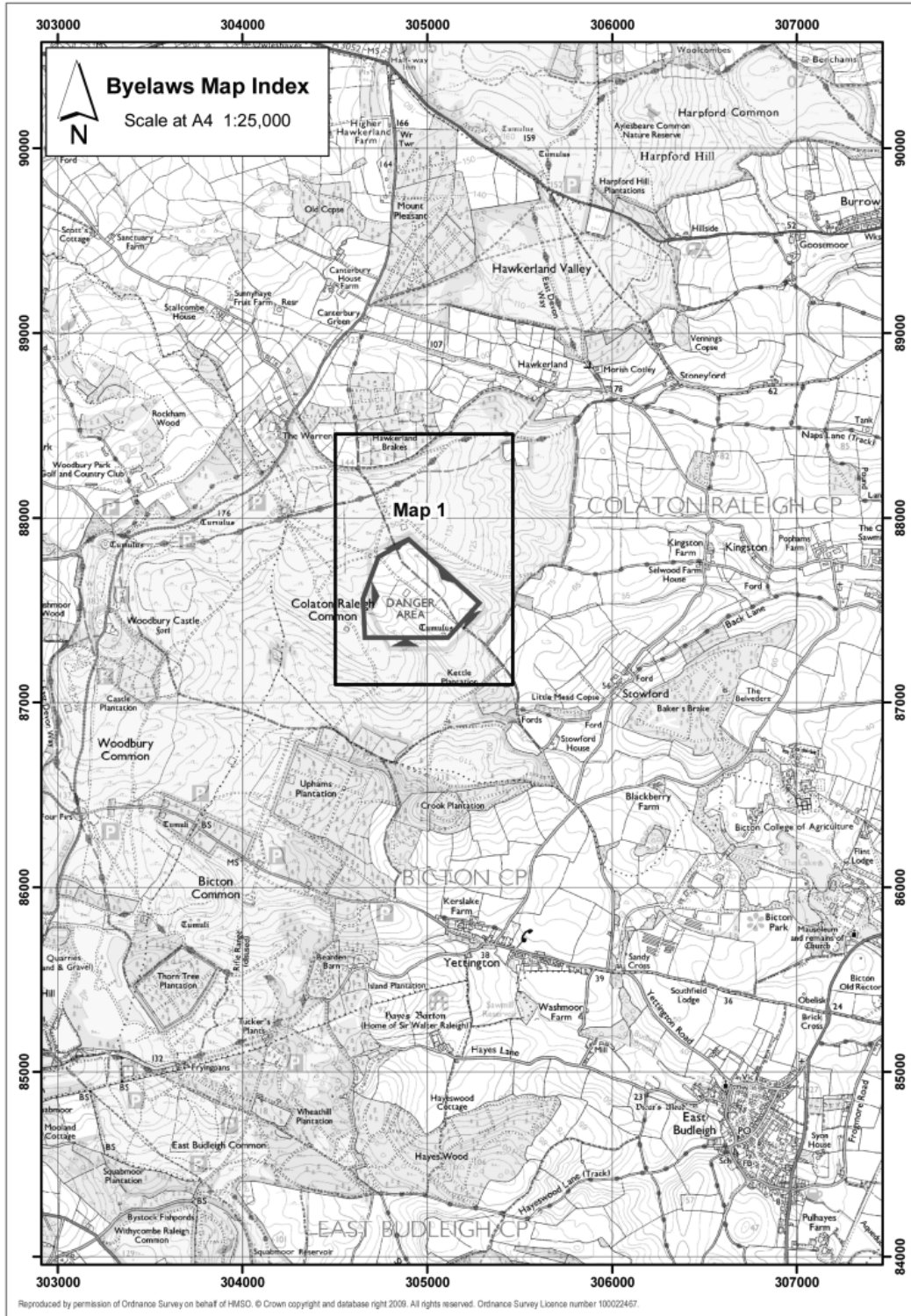
The land subject to these byelaws, together the Protected Area and the Controlled Area, comprise land which the Secretary of State for Defence leases from the Clinton Devon Estate.

A copy of these byelaws and a plan showing the Protected Area and Controlled Area to which these byelaws apply may be inspected on the Ministry of Defence website <http://www.mod.uk/DefenceInternet/MicroSite/De/WhatWeDo/Byelaws> Copies have also been deposited with the Exmouth library, 40 Exeter Road, Exmouth, Devon EX8 1PS, the County Records Office for the area and can be inspected on signboards erected locally. Copies may be obtained from the Librarian, Defence Estates, Kingston Road, Sutton Coldfield B75 7RL.

Section 17(2) of the Military Lands Act 1892 provides that any person who commits an offence against any byelaw made under that 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 payable on level 2 is FIVE HUNDRED POUNDS (£500).

Any person seeking a permission in accordance with byelaw 8(b) should apply in writing to the Byelaws Appointed Person, SO1 Training, Commando Training Centre Royal Marines, Lympstone, Exmouth, Devon EX8 5AR.

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