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STATUTORY INSTRUMENTS

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**2012 No. 3088**

**DEFENCE**

**The Caversfield Service Family Accommodation Byelaws 2012**

*Made* - - - - *11th December 2012*

*Coming into force* - - *11th April 2013*

The Secretary of State for Defence makes the following byelaws in exercise of the powers conferred by section 14(1) of the Military Lands Act 1892(1).

In accordance with section 17(1) of that Act the Secretary of State consulted on the proposed byelaws by causing them to be made known in the locality and considering every objection received.

**Citation and commencement**

1. These byelaws may be cited as the Caversfield Service Family Accommodation Byelaws 2012 and come into force on 11th April 2013.

**Interpretation**

2.—(1) In these byelaws—

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

“Controlled Area” means an area of land that is coloured blue on the byelaws map set out in the Schedule;

“headquarters” means a headquarters or organisation designated by an Order in Council under section 1 of the International Headquarters and Defence Organisations Act 1964(2);

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

“offensive weapon” means any article—

(a) made or adapted for use for causing injury to persons, animals or birds or for trapping animals or birds; or

(b) intended by the person having it with him for such use or for threatening such use by him or by some other person;

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

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(1) 1892 c. 43.

(2) 1964 c. 5.

“site exempt vehicle” means any vehicle used solely within the confines of 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 section 10 of the Visiting Forces Act 1952(3).

(2) The Controlled Areas together comprise an area of land known as the Caversfield Service Family Accommodation and shown for illustrative purposes only on the byelaws location map set out in the Schedule.

### **Application of these byelaws**

3. These byelaws apply to the Controlled Areas.

### **Use of the Controlled Areas by the Public**

4.—(1) Subject to the provisions of these byelaws, members of the public are permitted to enter and use all parts of the Controlled Areas not specially 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 Areas are not being used for military purposes.

(2) Paragraph (1) does not apply to land used for residential purposes.

(3) When the Controlled Areas are being used for military purposes, they are closed to the public and any entry to them is prohibited.

### **Prohibited Activities – Controlled Areas**

5. No person shall within a Controlled Area—

- (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 offensive weapon;
- (d) remove, interfere with, or obstruct the use of, any property which is under the control of the Crown or the service authorities of either a visiting force or a headquarters, or the agents or contractors of the Crown or such service authorities;
- (e) camp in tents, caravans, trees or otherwise;
- (f) cause any nuisance, or behave in an indecent or obscene manner;
- (g) deposit any industrial refuse, rubble, waste or litter or abandon any vehicle or vehicle part or any other article;
- (h) act in any way likely to cause annoyance, nuisance or injury to other persons;
- (i) light fires or do anything likely to cause an outbreak of fire;
- (j) fail to keep under control any dog or other animal;
- (k) fail to remove all waste created by any dog or other animal under their control;
- (l) deface any sign, wall, fence, structure or other surface;
- (m) engage in any trade or business of any description;

- (n) 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;
- (o) damage, cut or remove any crops, turfs, plants, roots or trees;
- (p) graze any animal;
- (q) kill or trap any birds or animals, or take or destroy their eggs;
- (r) dig or search for any item or interfere with or take any item found; or
- (s) fail to comply with any signs displayed within a Controlled Area.

### **Control of road traffic other than on the public highway**

6.—(1) Every person who rides a bicycle or drives a vehicle shall—

- (a) ride or drive on the road;
- (b) comply with any directions given by a constable or person described in byelaw 10;
- (c) comply with all traffic signs; and
- (d) ride or drive with due care and attention.

(2) 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.

(3) No person shall—

- (a) drive any vehicle other than a site exempt vehicle without holding a valid driving licence; or
- (b) be in charge of any vehicle other than a site exempt vehicle unless the vehicle is insured for their use and is in a roadworthy condition.

(4) 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.

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

### **Offences**

7. Any person who contravenes byelaw 4, 5 or 6 commits an offence.

### **Exemptions**

8. Byelaws 4 and 5 shall not apply to anything done—

- (a) by a lawful user in connection with the discharge of their functions; or
- (b) by 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 Controlled Areas;

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a constable or person described in byelaw 10 may direct any person to leave or to remove any vehicle, animal or thing over which they have control from the Controlled Areas, 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 Controlled Areas and to take into custody without warrant any person committing an offence against these byelaws and to remove from those Areas any vehicle, animal or thing found there in contravention of these byelaws—

- (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.

Signed on behalf of the Secretary of State for Defence

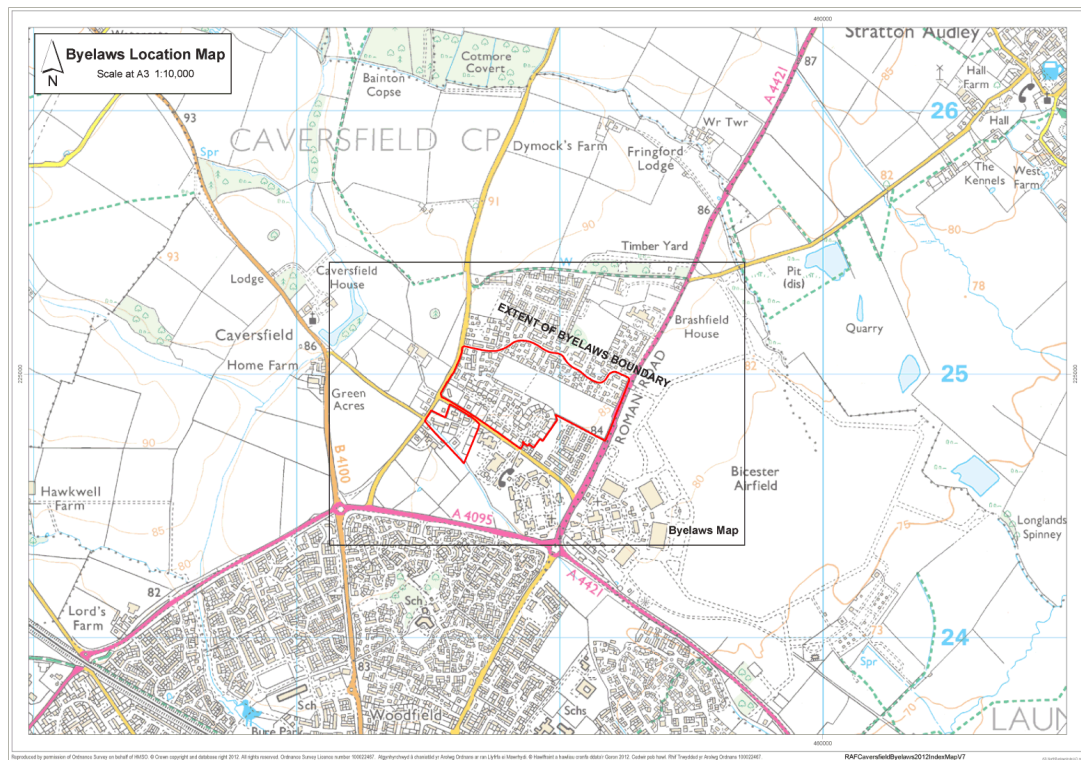
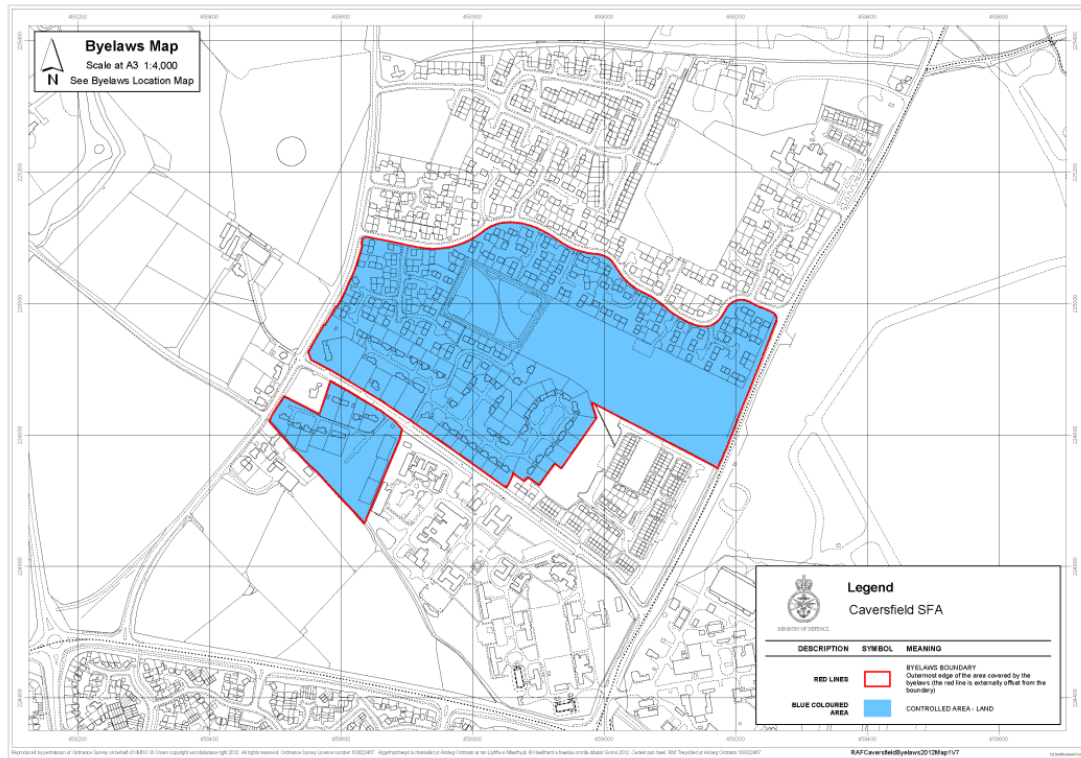
11th December 2012

*Mark Francois*  
Minister of State  
Ministry of Defence

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### SCHEDULE

### Byelaw 2



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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 to regulate the use of land held for military purposes, and to secure the safety of the public where public use of that land is permitted.

These byelaws regulate the area of land known as the Caversfield Service Family Accommodation. The site is split into two Controlled Areas for the purposes of the byelaws. Public access is permitted in the Controlled Areas when they are not closed to the public, except for areas that are enclosed or entry is stated to be prohibited or restricted. Public access is not permitted to land used for residential purposes.

A copy of these byelaws may be inspected on the Ministry of Defence website—<http://www.mod.uk/DefenceInternet/MicroSite/DIO/WhatWeDo/Byelaws>

Copies are displayed on signboards erected locally and may also be obtained from the Librarian, Defence Infrastructure Organisation, Kingston Road, Sutton Coldfield B75 7RL.

By section 17(2) of the Military Lands Act 1892 any person who commits an offence against any byelaw made under the 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 a permission under byelaw 8(b) should apply in writing to the Byelaws Appointed Person, the RAF Commander, Building 200 Command Section, RAF Croughton, Brackley, Northants, NN13 5NQ.