

2012 No. 1478

DEFENCE

The Ot Moor Range Byelaws 2012

Made - - - - *30th May 2012*

Coming into force - - *30th September 2012*

The Secretary of State for Defence makes the following byelaws in exercise of the powers conferred by sections 14(1) and 15 of the Military Lands Act 1892(a).

In accordance with section 16(1) of that Act the consent of Oxfordshire County Council to the restriction of the use of any highways provided for in these byelaws has been obtained.

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 Ot Moor Range Byelaws 2012 and come into force on 30th September 2012.

Interpretation

2. 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 Area;

“Controlled Area” means the area of land that is coloured blue on maps 1 and 2 set out in Schedule 1;

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

“invalid carriage” means an invalid carriage as defined in section 20 of the Chronically Sick and Disabled Persons Act 1970(c) that complies with the prescribed requirements and is used in accordance with the prescribed conditions set out in regulations(d) made by the Minister of Transport under section 20 of that Act;

“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;

(a) 1892 c. 43.

(b) 1964 c. 5.

(c) 1970 c. 44.

(d) The current regulations are the Use of Invalid Carriages on Highways Regulations 1988 (S.I. 1988/2268) for invalid carriages manufactured on or after 30 January 1989 and the Use of Invalid Carriages on Highways Regulations 1970 (S.I. 1970/1391) for carriages manufactured before that date.

“motor vehicle” does not include an invalid carriage;

“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;

“short lead” means a lead of fixed length and of not more than two metres;

“service authorities” means naval, military or air force authorities; 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(a).

Application of these byelaws

3. These byelaws apply to the Controlled Area, also known as Ot Moor Range and shown for illustrative purposes only on the byelaws location map in Schedule 1.

Use of the Controlled Area by the Public

4.—(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 is appropriated.

(2) When the Controlled Area is being used for military purposes, it is 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 sections of public highway marked with a line of alternate green crosses and dashes on maps 1 and 2 in Schedule 1 is prohibited.

(4) When the Controlled Area is being used for military purposes, notice of the fact shall be given by raising warning flags or using lights at the locations set out in the table in Schedule 2 and may also be given by placing barriers or signs across the sections of highway that are closed.

Prohibited Activities – Controlled Area

5. No person shall within the 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) drive or ride a motor vehicle;
- (d) carry any offensive weapon;
- (e) 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;
- (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;

(a) 1952 c. 67.

- (i) act in any way likely to cause annoyance, nuisance or injury to another person;
- (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;
- (p) 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;
- (q) damage, cut or remove any crops, turfs, plants, roots or trees;
- (r) graze any animal;
- (s) kill or trap any birds or animals, or take or destroy their eggs;
- (t) dig or search for any item or interfere with or take any item found; or
- (u) fail to comply with any signs displayed within the Controlled Area.

Offences

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

Exemptions

7. These byelaws do not apply to anything done by—
- (a) a lawful user in connection with the discharge of their functions;
 - (b) a person acting under and in accordance with any permission given in writing by the Appointed Person.

Enforcement

8. In order to—
- (a) prevent the breach of any provision of byelaw 4 or 5; or
 - (b) prevent any nuisance, disorder, obstruction or damage to the land or any property within the Controlled Area;

a constable or person described in byelaw 9 may direct any person to leave or to remove any vehicle, animal, vessel or thing over which they have control from the Controlled Area, and any person to whom such a direction is made shall comply with it as soon as practicable.

9. The following persons are authorised to remove from the Controlled Area and to take into custody without warrant any person committing an offence against these byelaws and to remove from that Area any vehicle, animal, vessel 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.

Revocation

10. The Otmoor Range Byelaws 1980(a) are revoked

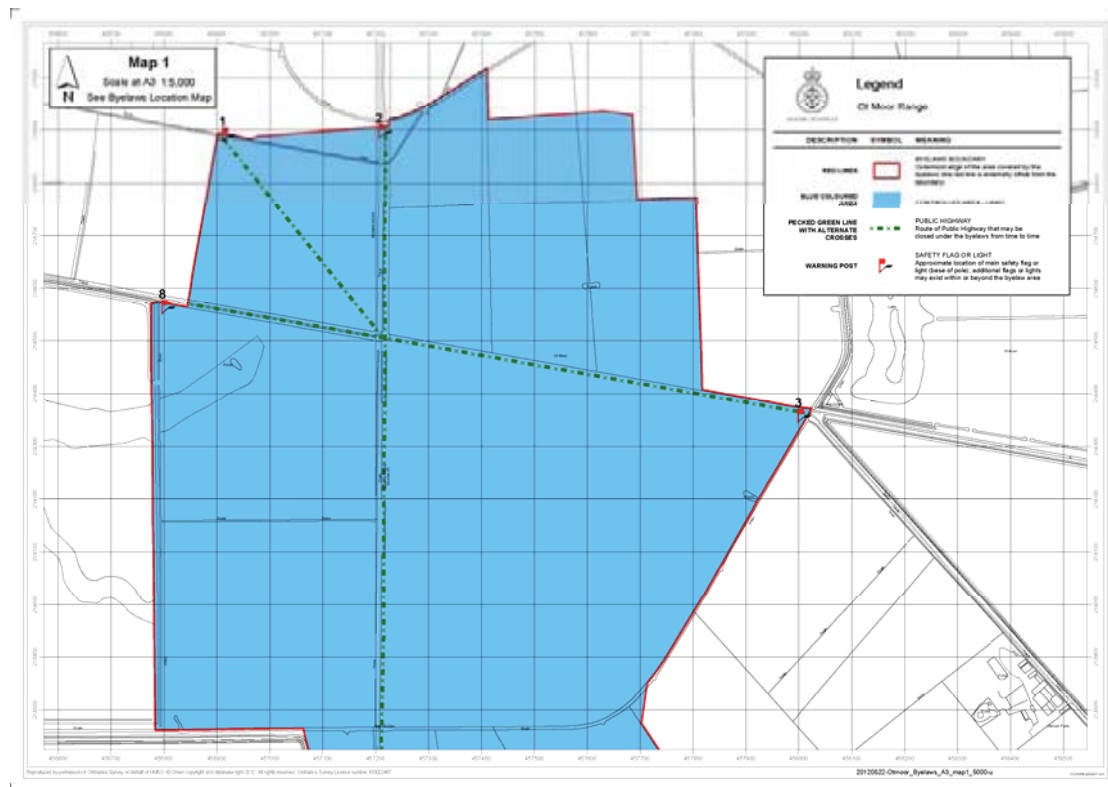
Signed on behalf of the Secretary of State for Defence

30th May 2012

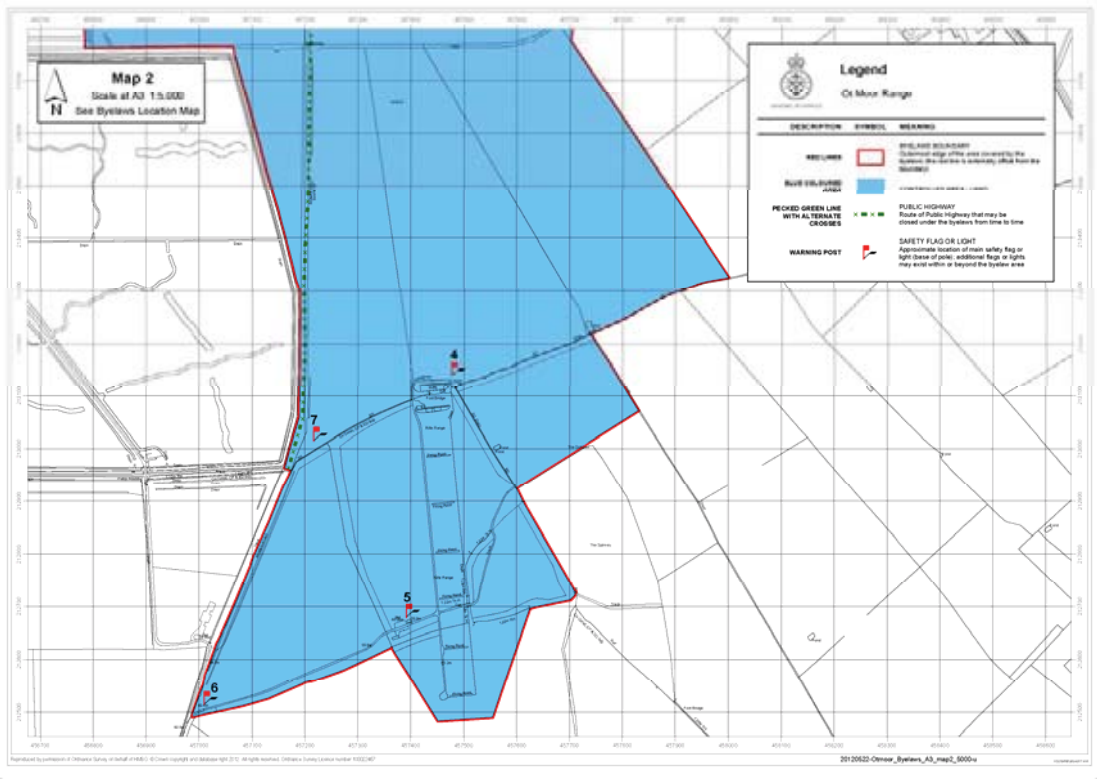
Andrew Robathan
Parliamentary Under Secretary of State

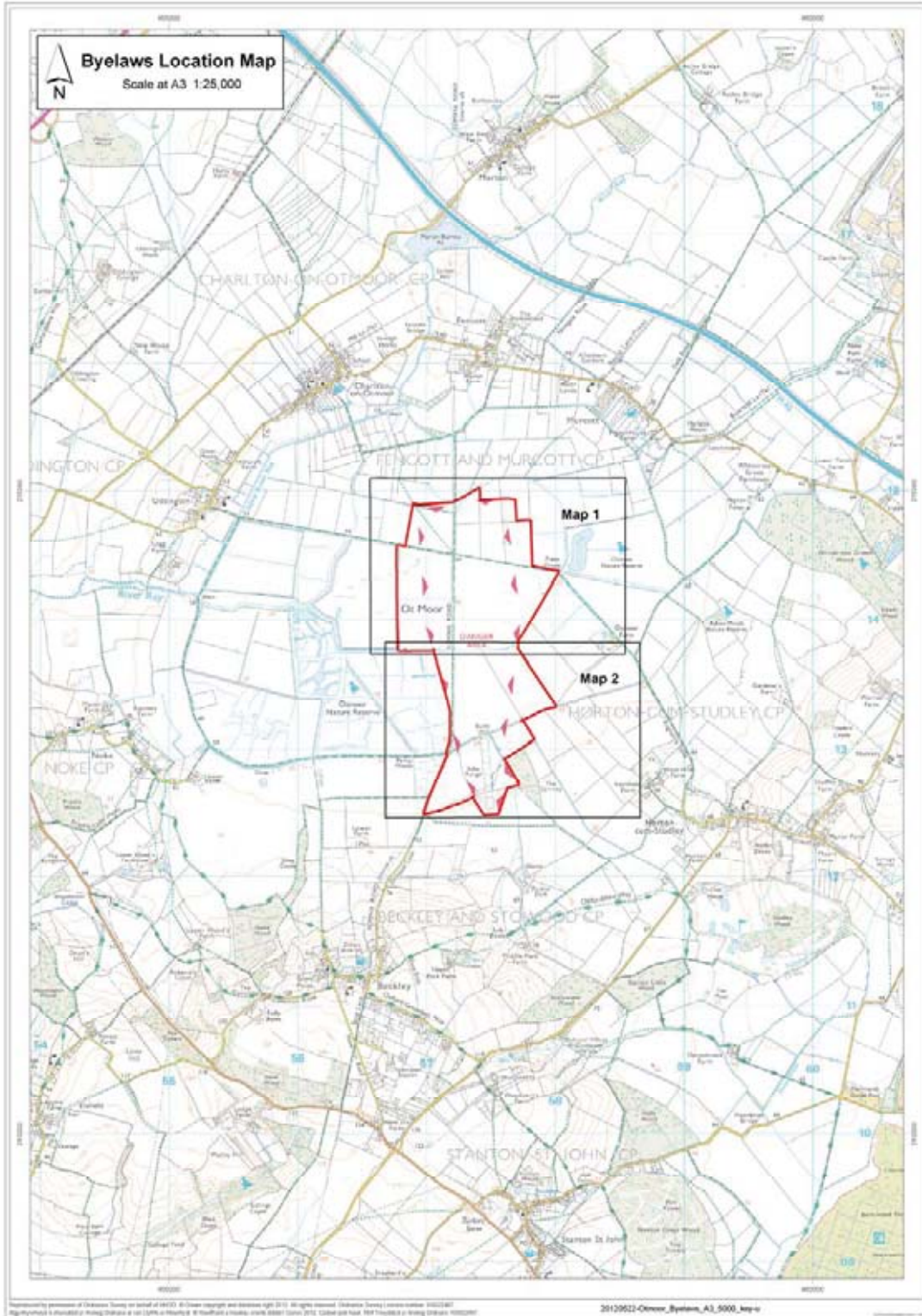
SCHEDULE 1

Byelaw 2



(a) S.I. 1980/39





SCHEDULE 2

Byelaw 4(4)

Locations

<i>Number on Map 1 or Map 2</i>	<i>Latitude (degrees)</i>	<i>Longitude (degrees)</i>
1	51.82951	1.17544
2	51.82968	1.17143
3	51.82480	1.16007
4	51.81393	1.16763
5	51.80981	1.16904
6	51.80858	1.17412
7	51.81284	1.17139
8	51.82666	1.17707

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 for securing the safety of the public where public use of that land is permitted and for the government of that land when so used by the public.

These byelaws regulate the area of land known as Ot Moor Range. Public access is permitted in the Controlled Area when it is not closed to the public because it is being used for military purposes. There is a general ban on the use of motor vehicles other than invalid carriages within the site. These byelaws also permit the temporary closure of the bridleways that lie within Ot Moor Range whilst the land is being used for the purpose it was appropriated for. When the Controlled Area is close, the bridleways are also closed to the public.

During any time that the land is being used for military purposes and is closed to the public and depending on the time of day and weather conditions either flags or lights or both are used to give notice that the area is closed at the locations set out in Schedule 2 and barriers or notices may be placed across the bridleways at the points at which they enter the site.

These byelaws revoke the Otmoor Range Byelaws 1980.

The byelaws are displayed on signboards erected locally. A copy of the byelaws may also be obtained from the Librarian, Defence Estates, Kingston Road, Sutton Coldfield B75 7RL or found on the Ministry of Defence website at—

<http://www.mod.uk/DefenceInternet/MicroSite/DIO/WhatWeDo/Byelaws>

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 7(b) should apply in writing to the Byelaws Appointed Person, MOD, Training Areas and Range Officer, Army Training Estate (Home Counties), Longmoor Camp, Longmoor, Liss, Hampshire, GU33 6EL.

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STATUTORY INSTRUMENTS

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