



**THE PORTON AND WINTERBOURNE
GUNNER MILITARY LANDS**

BYE-LAWS 1977

Made by the Secretary of State for Defence, under the provisions of the Military Lands Act 1892 to 1903, for regulating the use of the above-mentioned Military Lands.

**STATUTORY INSTRUMENTS
1977 No. 1611**

DEFENCE

Porton and Winterbourne Gunner Military Lands

Byelaws 1977

**Made 19th September 1977
Coming into operation 5th December 1977**

The Secretary of State for Defence in exercise of his powers under Part II of the Military Lands Act 1892 (a) and Section 2 of the Defence (Transfer of Functions) Act 1964 (b) and of all other powers enabling him in that behalf, hereby makes the following Byelaws:-

LAND AFFECTED

1. The lands to which these Byelaws apply consist of land belonging to the Secretary of State in the Parishes of Idmiston, Winterbourne, Newton Tony, Allington and Winterslow in the County of Wiltshire, also in the Parishes of Nether Wallop and Over Wallop in the County of Hampshire, the limits and boundaries of which are, for convenience of identification, shown by a black line on the plan annexed to these Byelaws and identified as the "Plan of the Porton and Winterbourne Gunner Military Lands", including all roads and footpaths upon the said lands, all of which is hereinafter referred to as "the Military Lands".

USE OF LANDS BY PUBLIC

2. Subject to the provisions of these Byelaws the public are permitted to proceed on foot or in vehicles along the roads described in Byelaw No. 4(6), which have been suitably constructed and made up for general use by vehicular traffic, at all times when they are not closed or being used for military purposes for which they are appropriated.

PROHIBITION OF ACCESS

3. With the exception of the roads described in Byelaw No 4(6), the whole of the Military Lands shall at all times be entirely closed to the public and no person shall:-

- (1) enter into or upon or pass over or through any part of the Military Lands, or
- (2) be or remain in or upon any part of the Military Lands, or
- (3) cause, permit or suffer any animal, vehicle, aircraft or thing to enter into, or upon or to pass through to be or remain in or upon any part of the Military Lands.

CONTROL OF ROAD TRAFFIC

4. When either of the roads described in Byelaw No 4(6) is not closed to the public or is not being used for any military purposes:-

- (1) No person shall ride a horse, bicycle or tricycle, or drive a vehicle of any kind elsewhere than on the carriageway of such road.
- (2) No person shall use any vehicle of any kind to ply for hire on any such road.
- (3) Every person who rides a horse, bicycle or tricycle or drives a vehicle of any kind on any such road
 - (a) shall comply with the directions, given orally or by signal, of a Service policeman in uniform or any member of a police force, or special constable under the control of the Defence Council;
 - (b) shall comply with all military and traffic signs; and
 - (c) shall ride or driver with due care and attention and with reasonable care for other persons.

(4) No person shall ride a bicycle or tricycle or drive a vehicle of any kind upon such a road during the hours of darkness as prescribed by the enactments relating to the lighting of road transport unless such a bicycle or tricycle or vehicle carries the appropriate lights which are required to be carried by such bicycle or tricycle or vehicle 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, as required for such vehicle when on a public highway.

(6) Closing of Highways

- (a) The road from Porton to its junction with the A30 near the Pheasant Inn, and

(b) the road from Winterbourne Gunner to Winterslow shall be closed to the public whenever the road gates are closed and guarded at the points where the roads enter the Military Lands. When either of the said roads is closed to the public, no person shall enter into or upon, or be, or remain in or upon such road, or cause, permit or suffer any animal, vehicle or thing to enter into or upon or to be or remain in or upon such road.

PROHIBITED ACTIVITIES

5. Without prejudice to the provisions of Byelaw No. 4, no person when permitted in accordance with these Byelaws to be on either of the roads described in Byelaw No 4(6), shall:-

- (1) engage in or carry on any trade or business of any nature or kind whatsoever 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, or
- (2) loiter, or commit any nuisance, or behave in any indecent or unseemly manner, or
- (3) assemble or attempt to assemble or cause to assemble or bring upon such road any number of persons for the purpose of a private or public meeting or otherwise, or address any such persons when assembled, or
- (4) camp (whether in tents, caravans or otherwise), bivouac or sleep out, or
- (5) deposit industrial or domestic refuse, rubble, waste or litter or abandon any vehicle or vehicle part or article, or
- (6) damage, cut or remove grass, turves or growing crops, shrubs, trees, timber or wild flower roots, or
- (7) graze any animal, or
- (8) pursue, kill, shoot, snare or trap game or other birds or animals, or take or destroy their eggs, or
- (9) damage, spoil, interfere with or remove any building, wall, fence, gate, post, cattle grid, stores, equipment or ammunition, or
- (10) dig or search for any projectile or any lead or other metal, or interfere with or take or retain or be in possession of any projectile or lead or other metal found, or
- (11) do, or cause or allow to be done, any act which is likely to cause nuisance, annoyance or injury to other persons, or
- (12) deposit or distribute or cause to be deposited or distributed any handbills, leaflets or other literature or printed matter of any description, or

- (13) affix posters, notices or bills of any description in or on the boundaries, walls or fences of the Military Lands or in or on any buildings or other structures or on any tree, pillar, post, bollard, railing, gate or other erection on the Military Lands, or
- (14) light fires, drop or leave lighted or live matches or burning cigarette ends or do any act or thing liable to cause an outbreak of fire, or
- (15) take or cause to be taken upon such road any firearm, air gun, ammunition, any explosive or detonator or any part or component of the foregoing, or
- (16) attempt to photograph any part of the Military Lands, or
- (17) fail to keep under control any dog or other animal.

WARNING OFF

- 6. (1) No person shall remain on either of the said roads described in Byelaw No 4(6) after having been warned off by a person acting under the authority of the Director, Chemical Defence Establishment, Porton, of the General Officer Commanding the Army District, of the Commandant, Defence Nuclear Biological and Chemical School, Winterbourne Gunner, or of the Officers in Charge of the Military Lands.
- (2) No person being the owner or person for the time being in charge of any animal, vehicle, aircraft or thing upon either of the said roads shall permit the same to remain upon such road after having been warned to remove the same by any person acting under the authority of the Director, Chemical Defence Establishment, Porton, of the General Officer Commanding the Army District, of the Commandant, Defence Nuclear Biological and Chemical School, Winterbourne Gunner or of the Officers in Charge of the Military Lands.

OFFENCES

7. Subject to the provision of Byelaw No 9 any person doing anything prohibited by or otherwise contravening any provision of the preceding Byelaws Nos 3, 4, 5 and 6 thereby commits an offence against the Byelaws so contravened.

ENFORCEMENT

8. The following persons are hereby authorised to remove from the Military Lands and take into custody without warrant any person committing an offence against any of the said Byelaws, and to

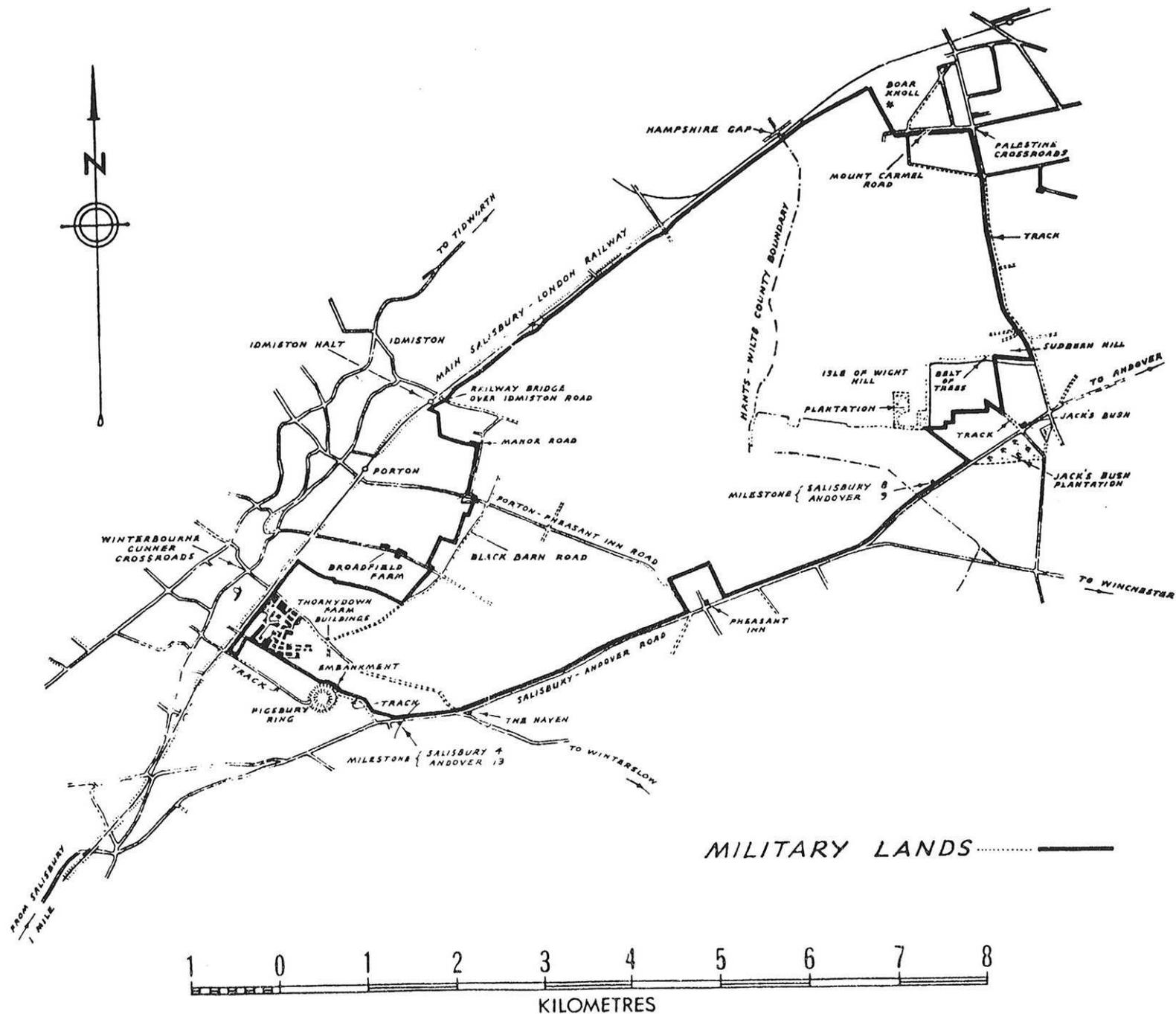
remove from the Military Lands any animal, vehicle, aircraft or thing found on the Military Lands in contravention of any of the said Byelaws:-

- (a) the Director, Chemical Defence Establishment, Porton;
- (b) the General Officer Commanding the Army District;
- (c) the Commandant, Defence Nuclear Biological and Chemical School, Winterbourne Gunner;
- (d) the Officers in Charge of the Military Lands;
- (e) any officer, warrant officer, non-commissioned officer or rating of corresponding rank, or any Service policeman, in uniform and being for the time being under the Command of the said Director, Chemical Defence Establishment, Porton, or the said General Officer Commanding the Army District, or the said Commandant, Defence Nuclear Biological and Chemical School, Winterbourne Gunner, or of the Officers in Charge of the Military Lands;
- (f) any person authorised in writing or on behalf of the said Director, Chemical Defence Establishment, Porton, or of the said General Officer Commanding the Army District, or of the said Commandant, Defence Nuclear Biological and Chemical School, Winterbourne Gunner, or of the Officers in Charge of the Military Lands;
- (g) any member of a police force;
- (h) any special constable under the control of the Defence Council.

EXEMPTIONS

9. (1) Nothing done by a person using the Military Lands for any of the military purposes for which they are for the time being appropriated, if done in pursuance of such military purpose, shall be deemed to constitute an offence against any of these Byelaws.
- (2) Nothing done by a person acting under and in accordance with any authority or permission given by or on behalf of the Secretary of State, the Director, Chemical Defence Establishment, Porton, or of the General Officer Commanding the Army District, or of the Commandant, Defence Nuclear Biological and Chemical School, Winterbourne Gunner, or the Officers in Charge of the Military Lands shall be deemed to constitute an offence against any of these Byelaws.
- (3) If it is proved that an act or omission of any person which would otherwise have been an offence against any of the provisions of Byelaws Nos 3,4, 5 and 6 was due to any cause not avoidable by the exercise of reasonable care by that person the act or omission shall be deemed not to be an offence by that person against any of these Byelaws.

Plan of the PORTON and WINTERBOURNE GUNNER MILITARY LANDS



INTERPRETATION

10. (1) The Interpretation Act 1889 (c) shall apply to the interpretation of these Byelaws as it applies to the interpretation of an Act of Parliament.
- (2) In these Byelaws the expression:-
 "projectile" includes any shot or shell or other missile and any portion thereof;
 "aircraft" includes any craft or contrivance which though not an aircraft is for the time being airborne.

DATE OF OPERATION OF BYELAWS

11. These Byelaws shall come into operation on the 5th day of December 1977 and may be cited as the Porton and Winterbourne Gunner Military Lands Byelaws 1977.

Dated this 19th day of September 1977.

W.V. MORGAN

by Order of the Secretary of State for Defence

NOTICES

PENALTY FOR OFFENCES

1. By Section 17(2) of the Military Lands Act 1892, as amended by Section 92 of and Schedule 3 to the Criminal Justice Act 1967, it is provided that:-

If any person commits an offence against any Byelaw under this Act, he shall be liable, on conviction before a Court of Summary Jurisdiction, to a fine not exceeding TWENTY POUNDS, and may be removed by any Constable or Officer authorised in manner provided by the Byelaw from the area, whether land or water, to which the Byelaw applies, and taken into custody without Warrant, and brought before a Court of Summary Jurisdiction to be dealt with according to law, and any vehicle, animal or thing found in the area in contravention of any Byelaw, may be removed by any Constable or such Officer as aforesaid, and on due proof of such contrvention, to be declared by a Court of Summary Jurisdiction to be forfeited to Her Majesty.

INSPECTION OF BYELAWS AND PLAN

2. A copy of these Byelaws and a Plan showing the Military Lands to which these Byelaws apply may be inspected at the office of the Commandant, Headquarters, Salisbury Plain Area, Bulford, Salisbury, Wiltshire or at the Police Station, Amesbury, Wiltshire and also at the Office of the Defence Land Agent, Property Services Agency, Department of the Environment, Estate Office, Durrington, Salisbury, Wiltshire SP4 8AF, where copies of the Byelaws may be obtained at the price of five pence (5p) for each copy.

Notwithstanding any fine limit mentioned in the above byelaws the current maximum fine as at 01/09/2008 is the sum of £500 being the maximum on level 2 of the standard scale.