

New Zealand
1996

SI 1996 No 105

STATUTORY INSTRUMENTS
1986 No. 481

D/Lands/6/130



HMS FOREST MOOR AND MENWITH HILL STATION BYELAWS 1986

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

STATUTORY INSTRUMENT
1986 No 481

DEFENCE

THE HMS FOREST MOOR AND MENWITH HILL STATION BYELAWS	1986
Made 10th March	1986
Coming into operation 26th March	1986

The Secretary of State for Defence, in exercise of his powers under Part II of the Military Lands Act 1892(a) and of all other powers enabling him in that behalf, hereby makes the following byelaws:

APPLICATION OF BYELAWS

1. The areas to which these byelaws apply consist of lands belonging to the Secretary of State in the parishes of Menwith with Darley and Birstwith and Felliscliffe and Norwood and Fewston in the County of North Yorkshire, which lands are for convenience of identification, shown by a thick black line on the plan annexed to these byelaws and identified as "Plan of HMS FOREST MOOR and Menwith Hill Station" all of which is hereinafter referred to as "the Protected Areas".

PROHIBITED ACTIVITIES

2. No person shall:
- (a) enter or leave the Protected Areas except by way of an authorised entrance or exit;
 - (b) enter, pass through or over or remain in or over the Protected Areas;
 - (c) cause or permit any vehicle, animal, aircraft or thing to enter into or upon or to pass through or over the Protected Areas;
 - (d) remain in the Protected Areas after having been directed to leave by any of the persons mentioned in byelaw 4.
 - (e) 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 Areas;

(a) 1892 c.43

- (f) obstruct any constable or any other person acting in the proper exercise or execution of his duty within the Protected Areas;
- (g) board, attempt to board, or interfere with, or interfere with the movement or passage of, any vehicle, aircraft or other installation within the Protected Areas;
- (h) distribute or display any handbill, leaflet, sign, advertisement, circular, poster, bill, notice or object within the Protected Areas or affix it to either side of the perimeter walls and fences;
- (i) interfere with any property, within the Protected Areas, which is under the control of the Crown or of the service authorities of a visiting force, or in either case, its agents or contractors;
- (j) remove any property, from the Protected Areas, which is under the control of the Crown or of the service authorities of a visiting force, or in either case its agents or contractors;
- (k) deface any sign, wall, fence, structure, floor, pavement or other surface within the Protected Areas.

CONTRAVENTION OF BYELAWS

3. Any person contravening or attempting to contravene byelaw 2 shall be guilty of an offence.

ENFORCEMENT

4. The following persons are hereby authorised to remove from the Protected Areas and to take into custody without warrant any person committing an offence against byelaw 2, and to remove from the Protected Areas any vehicle, animal, aircraft or thing whatsoever found therein in contravention of any of these byelaws:

- (a) the Commander-in-Chief Naval Home Command;
- (b) the Flag Officer, Portsmouth;
- (c) the Officer Commanding HMS FOREST MOOR;
- (d) any officer, any warrant officer, or non-commissioned officer in uniform and being for the time being under the command of any of the officers mentioned at byelaw 4(a) to (c);
- (e) any public officer being a Crown servant authorised in writing by or on behalf of any of the officers mentioned at byelaw 4(a) to (c);
- (f) any constable.

EXEMPTIONS

5. (1) 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 Commander-in-Chief Naval Home Command, the Flag Officer, Portsmouth, or the Officer Commanding HMS FOREST MOOR shall be an offence against any of these byelaws.

(2) These byelaws shall not apply to any aircraft passing over the Protected Areas in the ordinary course of air navigation.

(3) It shall not be an offence against any of these byelaws if it is proved that an act or omission was unavoidable by the exercise of reasonable care.

INTERPRETATION

6. In these byelaws:

“aircraft” includes any craft or contrivance which though not an aircraft is for the time being airborne;

“service authorities” means naval, military or airforce authorities;

“visiting force” means such body, contingent or detachment of the force of any country as is a visiting force for the purposes of any of the provisions of the Visiting Forces Act 1952.(a)

RIGHTS OF WAY

7. Nothing in these byelaws shall affect the lawful exercise by any person of any public right of way.

DATE OF OPERATION OF BYELAWS

8. These byelaws shall come into operation on the 26th day of March 1986, and may be cited as the HMS FOREST MOOR and Menwith Hill Station Byelaws 1986.

(Signed)

LORD TREFGARNE

(a) 1952 c.67

EXPLANATORY NOTES

(These notes are for information only and are not part of the byelaws).

PENALTY FOR OFFENCES

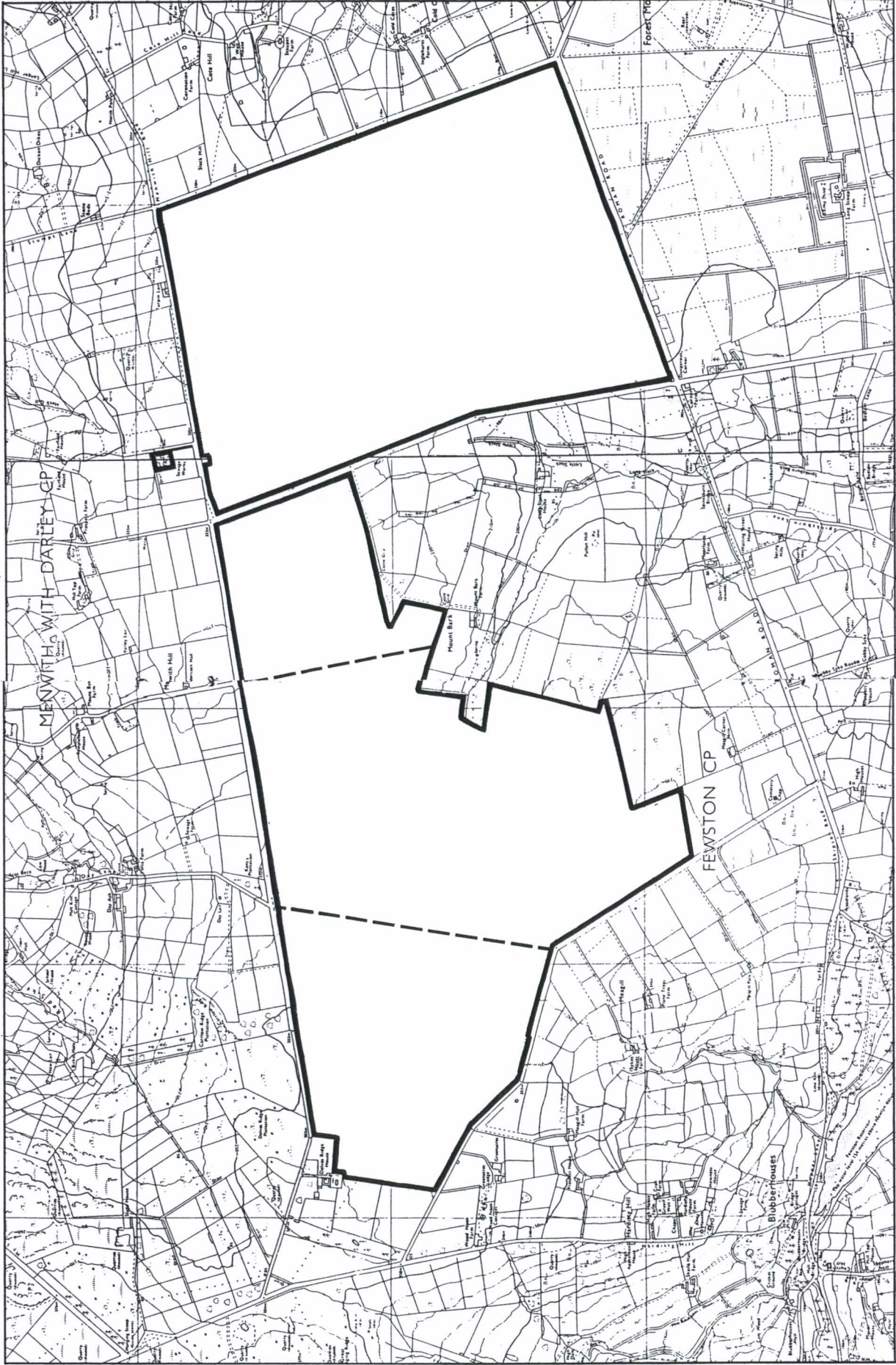
1. By section 17(2) of the Military Lands Act 1892, as amended by section 39 of and schedule 3 to the Criminal Justice Act 1982 (c.48) it is provided;

“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 level 2 on the standard scale, 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, vessel, 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 contravention, be declared by a court of summary jurisdiction to be forfeited to Her Majesty.”

At the time of printing the maximum fine on scale 2 is ONE HUNDRED POUNDS (£100).

INSPECTION OF BYELAWS AND PLAN

2. A copy of these byelaws and a plan showing the Protected Areas to which these byelaws apply may be inspected at The Post Office, 11 Cambridge Road, Harrogate, and at the Police Station in the North Park Road, Harrogate, North Yorkshire. They may also be inspected and copies obtained on request at the office of the Defence Land Agent, Gough Road, Catterick Garrison, North Yorkshire, DL9 3EL.



PLAN OF H.M.S. FOREST MOOR AND MENWITH HILL STATION

Public Footpath