

STATUTORY INSTRUMENTS
1981 No 1511

D/Lands/6/82



HM Naval Base Portsmouth Byelaws 1981

Made by the Secretary of State for Defence, under the provisions of the Military Lands Act 1892, for regulating the use of HM Naval Base, Portsmouth.

STATUTORY INSTRUMENTS
1981 No 1511

DEFENCE

HM NAVAL BASE PORTSMOUTH BYELAWS 1981

Made 19 October 1981

Coming into Operation 25th January 1982

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:

AREA OF LAND AFFECTED

1.-(1) The area to which these byelaws apply (hereinafter referred to as "the prohibited area") consists of the area of land or land covered with water situated within the perimeter walls of HM Naval Base, Portsmouth, including jetties and other waterside installations together with an area of land comprising part of HM Naval Base Extension Area situated to the north of Market Way, Portsmouth.

(2) The limits of the prohibited area are marked with a thick black line on the plan hereto annexed and identified as "Plan of the prohibited area".

PROHIBITION OF ACCESS

2.-(1) No person shall enter or leave or attempt to leave the prohibited area by land except by way of an authorised entrance or exit.

(2) No person shall enter, pass through or over or remain in or upon the prohibited area without authority or permission given by or on behalf of one of the persons mentioned in byelaw 8(1).

(3) No person shall cause or permit any vessel, vehicle, animal, aircraft or thing to enter into or upon or to pass through or to be or remain in or upon the prohibited area without authority or permission given by or on behalf of one of the persons mentioned in byelaw 8(1).

(a) 1892 c.43.

CONTROL OF ROAD TRAFFIC

3.-(1) No person shall ride a bicycle or tricycle or drive a vehicle of any kind elsewhere than on a road in the prohibited area.

(2) No person shall use any vehicle of any kind to ply for hire on any such road.

(3) No person shall drive, attempt to drive or be in charge of a bicycle, tricycle or motor vehicle on any such road when unfit through drink or drugs.

(4) No person shall drive a vehicle on any such road in a manner likely to be a danger to any other person or property real or personal.

(5) Every person who rides a 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 the Ministry of Defence Police;

(b) shall comply with all military and traffic signs and

(c) shall ride or drive with due care and attention and with reasonable care for other persons.

(6) 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 a bicycle or tricycle or vehicle when on a public highway during the hours of darkness.

(7) No person shall drive without a valid Driving Licence nor shall any person be in charge of any vehicle unless the vehicle is registered, taxed and insured and the subject of a current Department of Transport test certificate as required for such vehicle when on a public highway.

PROHIBITED ACTIVITIES

4.-(1) No person shall 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 prohibited area or to any building or premises within the prohibited area.

(2) No person shall assault, resist or obstruct any member of the Ministry of Defence Police or any other person acting in the proper exercise of his duty within the prohibited area.

(3) No person shall fail to comply with any notice prohibiting or restricting access to any part of the prohibited area or to any (or part of any) building or premises, jetty, berth, pontoon or other installation (including any floating structure) within the prohibited area.

(4) No person shall board, climb upon or remain aboard any service vessel within the prohibited area without authority or

permission given by or on behalf of one of the persons mentioned in byelaw 8(1).

(5) No person shall interfere with, or with the movement or passage of, any service vessel in the prohibited area.

(6) No person shall distribute or display any handbill, leaflet, sign, advertisement, circular, poster, bill or notice within the prohibited area without authority or permission given by or on behalf of one of the persons mentioned in byelaw 8(1).

(7) No person shall interfere with or remove from the prohibited area any stores or articles or machines or appliances belonging to or under the care or control of the Secretary of State for Defence or otherwise the property of the Crown.

(8) No person shall wilfully damage, destroy, deface or remove any notice board within the prohibited area.

(9) No person shall wilfully soil, deface or mark any wall, floor, pavement or other surface within the prohibited area.

WARNING OFF

5. No person shall remain in the prohibited area after having been requested to leave by any of the persons mentioned in byelaw 7.

OFFENCES

6. Subject to the provisions of byelaw 8:
- (a) any person doing anything prohibited by or otherwise contravening any provision of byelaws 2, 3, 4 or 5 thereby commits an offence against the byelaw so contravened;
 - (b) the Master of every vessel shall observe and cause to be observed the said byelaws so far as they relate to his vessel, and any Master who contravenes any of the said byelaws or who fails to cause the same to be observed thereby commits an offence against the byelaw so contravened.

ENFORCEMENT

7. The following persons are hereby authorised to remove from the prohibited area and to take into custody without warrant any person committing an offence against byelaws 2, 3, 4 or 5 and to remove from the prohibited area any vehicle, animal, vessel, aircraft or thing found therein in contravention of the said byelaws:

- (a) the Flag Officer, Portsmouth;
- (b) the Port Admiral, HM Naval Base, Portsmouth;
- (c) the Queen's Harbour Master, Portsmouth;

- (d) any—
- (i) officer, warrant officer, non-commissioned officer or rating of corresponding rank; or
 - (ii) Service policeman;
- in uniform and being for the time being under the command of the Flag Officer, Portsmouth or the Port Admiral, HM Naval Base, Portsmouth or the Queen's Harbour Master, Portsmouth;
- (e) any public officer, being a Crown servant, authorised in writing by or on behalf of the said Flag Officer, Portsmouth or the Port Admiral, HM Naval Base, Portsmouth or the Queen's Harbour Master, Portsmouth;
 - (f) any member of the Ministry of Defence Police.

EXEMPTIONS

8.—(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 for Defence or the Flag Officer, Portsmouth or the Port Admiral, HM Naval Base, Portsmouth or the Queen's Harbour Master or the Chief Constable of the Ministry of Defence Police shall be an offence against any of these byelaws.

(2) These byelaws shall not apply to any service vehicle, vessel or aircraft.

(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 byelaw 2 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 that byelaw.

INTERPRETATION

9. In these byelaws the expression:

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

“vessel” means any craft or vessel used in navigation and any craft or vessel which though not so used is for the time being waterborne;

“master” means the person having command or charge of the vessel for the time being;

“service vehicle, vessel or aircraft” means any of Her Majesty's vehicles, ships or aircraft employed under the authority of the Secretary of State for the purpose of Her Majesty's Forces;

“The Queen's Harbour Master” means the person for the time being appointed under the Dockyard Ports Regulation Act 1865(b) to be the Queen's Harbour Master for Portsmouth and any person having authority to act as Queen's Harbour Master.

DATE OF OPERATION OF BYELAWS

10. These byelaws shall come into operation on 25th January 1982 and may be cited as HM Naval Base Portsmouth Byelaws 1981.

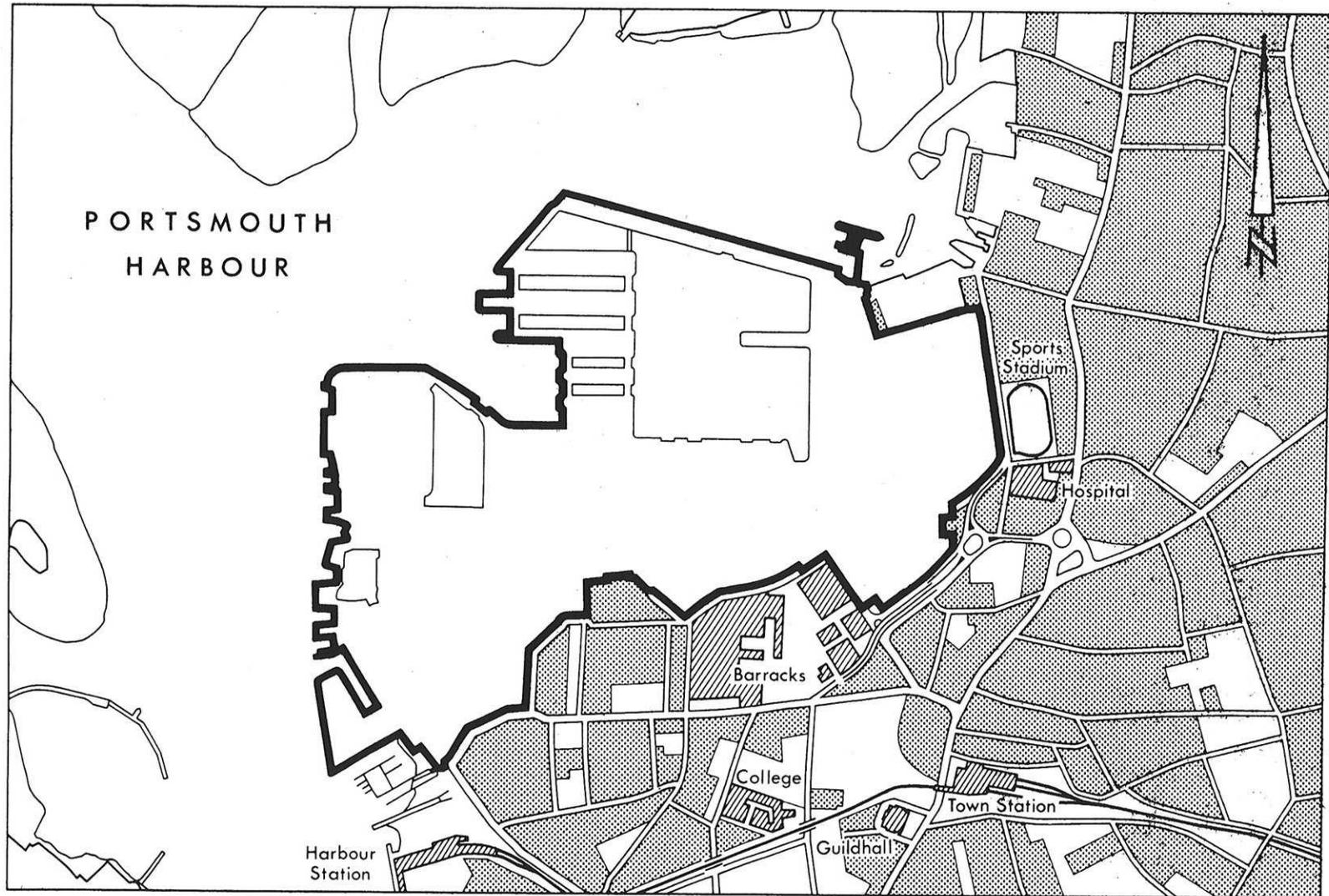
Dated

19th October 1981

(Signed) JERRY WIGGIN

Parliamentary Under Secretary of State for the Armed Forces

PORTSMOUTH
HARBOUR



METRES 500 0 500 1000 1500 METRES

PLAN OF THE PROHIBITED AREA

CROWN COPYRIGHT

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————— Prohibited Area

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 92 of and Schedule 3 to the Criminal Justice Act 1967, 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 TWENTY POUNDS, and may be removed by any Constable or Officer authorised in manner provided by the byelaw from the area 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 of 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.

INSPECTION OF BYELAWS AND PLAN

2. A copy of these byelaws and plan showing the prohibited area may be inspected at the main Gate, HM Naval Base, Portsmouth and at the Police Office inside the gate. They may also be inspected at the office of the Senior Estate Surveyor, Property Services Agency, Department of the Environment, Brunel House, 42 The Hard, Portsmouth PO1 3DS 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.