



**THE
UPPER HULME RANGE
BYELAWS
1985**

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 range.

BYELAWS
STATUTORY INSTRUMENTS
1985 No 1082

DEFENCE

THE UPPER HULME RANGE BYELAWS 1985

Made 5 July 1985

Coming into operation 9 September 1985

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 with the consent of the Staffordshire County Council so far as regards the interference with highways makes the following byelaws:

AREA OF LAND AFFECTED

1.—(1) The area to which these byelaws apply (in these byelaws referred to as "the Danger Area") shall be the lands (in part belonging to the Secretary of State and in part lands which the Secretary of State has a right to use for military purposes) in the parish of Heathylee in the County of Stafford known as the Upper Hulme Range the boundaries of which are for convenience of identification shown by a thick black line on the plan annexed to these byelaws and identified as "Plan of the Upper Hulme Range".

(2) That part of the Danger Area shown by black hatching on the said plan and clearly defined on the ground by a post and wire fence is hereinafter referred to as the "Closed Target Area".

USE OF DANGER AREA

2. The Danger Area may be used for the military firing of mortars, rockets, grenades and anti-tank guns and for all activities ancillary to such firing.

PROHIBITION OF ACCESS

3.—(1) No person shall:

(a) enter or be in, or

(b) cause or permit any vehicle, animal (other than sheep) or thing to enter, pass over or remain in, or

(c) cause or permit any aircraft to fly over at a height less than 2500 feet (723 metres) above mean sea level,
 the Danger Area at any time when entry is prohibited under paragraph (2) of this byelaw.

(2) Entry on the Danger Area is prohibited:

- (a) in respect of the Closed Target Area, at all times;
- (b) in respect of the Danger Area other than the Closed Target Area, when it is being used for any of the military purposes specified in byelaw 2.

(3) Whilst the Danger Area is being used for any of the said military purposes, notice thereof shall be given by the display of a red flag hoisted:

- (a) at a place approximately 90 metres south of Stake Gutter Farm;
- (b) at a place approximately 850 metres east of Stake Gutter Farm;
- (c) at a place approximately 1600 metres north-north-west of Blake Mere;
- (d) at Dry Stones approximately 950 metres south-east of Stake Gutter Farm;
- (e) at a place approximately 800 metres north-north-west of Blake Mere;
- (f) at a place approximately 400 metres north-west of Swainsmoor;
- (g) at a place approximately 370 metres south of Ramshaw Cottage;
- (h) at a place approximately 150 metres north of Strines Farm.

(4) Where a person is charged with contravening para (1) of this byelaw any failure to comply with para (3) of this byelaw shall not be a defence to that charge.

PROJECTILES

4. No person shall search for, interfere with, take or be in possession of any projectile or other thing used for military purposes.

GOVERNMENT STORES

5. No person shall interfere with or remove from the Danger Area any stores or articles belonging to or under the care or control of the Secretary of State for Defence or otherwise the property of the Crown.

ENFORCEMENT

6. The following persons are authorised to remove from the Danger Area and to take into custody without warrant any person committing any offence against byelaws 3, 4 or 5 and to remove from the Danger Area any vehicle, animal or thing found in the Danger Area in contravention of any of the said byelaws:

- (a) the Commander of the Army District;
- (b) the Officer in Charge of the Upper Hulme Range;
- (c) 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 said Commander or the Officer in Charge of the Upper Hulme Range;
- (d) any public officer, being a Crown servant, authorised in writing by or on behalf of the said Commander or the Officer in Charge of the Upper Hulme Range;
- (e) any member of a police force;
- (f) any special constable under the control of the Secretary of State for Defence.

EXEMPTIONS

7.—(1) Nothing done by a person using the Danger Area in pursuance of byelaw 2 or in the exercise of any such private rights as are referred to in section 15 of the Military Lands Act 1892, or 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 Commander of the Army District, or the Officer in Charge of the Upper Hulme Range shall constitute an offence against any of these byelaws.

(2) It shall be a defence for any person charged with a contravention of byelaw 3(1) to prove that his failure to comply was due to a cause not avoidable by the exercise of reasonable care.

OFFENCES

8. Subject to byelaw 7, any person who contravenes or fails to comply with the provisions of byelaws 3, 4 or 5 shall be guilty of an offence and liable, on conviction, to the penalties specified in section 17 of the Military Lands Act 1892.

INTERPRETATION

In these byelaws the expression:

"projectile" means any shot or shell or other missile and any portion thereof;

"aircraft" means any craft or contrivance which is for the time being airborne.

DATE OF OPERATION OF BYELAWS

10. These byelaws shall come into operation on 9 September 1985 and may be cited as the Upper Hulme Range Byelaws 1985

(SIGNED) LORD TREFGARNE

Dated 5th July, 1985.

Parliamentary Under Secretary of State for the Armed Forces.

The consent of the Staffordshire County Council to the making of the byelaws, so far as regards the restriction of the use of the highways mentioned therein, was given by a resolution dated the 8th day of January, 1985.

(SIGNED) M. J. SIMPSON

Deputy County Clerk and Chief Executive of the Staffordshire County Council.

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, 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).

PRIVATE RIGHTS

2. By section 15 of the Military Lands Act 1892, it is provided:
Where a Secretary of State has for the time being the right of using for any military purpose any land vested in another person this part of this Act shall apply in the manner as if the land were vested in the Secretary of State and the same were appropriated for the said purpose, save that nothing therein or in any byelaws made thereunder shall injuriously affect the private rights of any person further or otherwise than is authorised by the grant of the right to use the land.

INSPECTION OF BYELAWS AND PLAN

3. A copy of these byelaws and a plan showing the Danger Area may be inspected at the office of the Officer in Charge of the Leek Training Camp, Anzio Camp, Blackshaw Moor, Leek, Staffordshire and the Police Station at Leek. They may also be inspected at the office of the Senior Estate Surveyor, Property Services Agency Department of the Environment, Mayfield House, Mayfield Drive, London Road, Shrewsbury SY2 6PE where copies may be obtained at the price of five pence (5p) for each copy.

RECOVERY OF PROJECTILES

4. Any person who finds a projectile within the Danger Area, must not disturb it but should report the finding of it to the Officer in Charge of the Leek Training Camp, Anzio Camp, Blackshaw Moor, Leek, Staffordshire, or to the police, at the first opportunity.

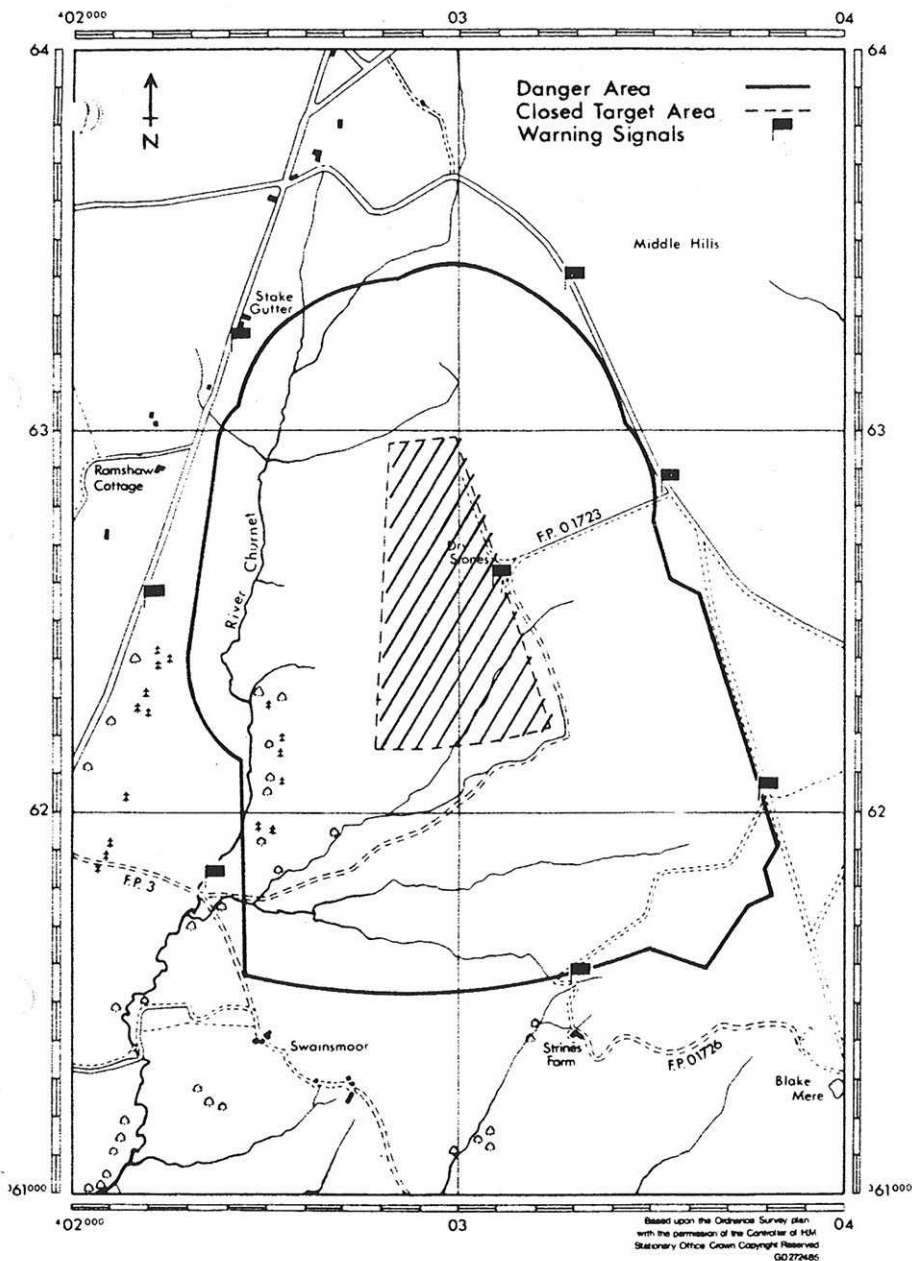
PUBLIC NOTIFICATION OF FIRING

5. Public Notification that firing will take place will be given by sending notices, not less than seven clear days before the day or night of firing to the following persons and authorities:

Chief Superintendent of Police, County Police Station,
Leonard Street, Leek, Staffordshire.

Headquarters, Staffordshire Fire Brigade, Pire Hill House,
Aston, Stone, Staffordshire.

Chief Ranger Peak District National Park, Aldern House,
Baslow Road, Bakewell Derbyshire DE4 1AE.



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Plan of the
UPPER HULME RANGE

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.