



ROYAL AIR FORCE CAERWENT 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 site.

STATUTORY INSTRUMENTS

1986 No 743

DEFENCE

THE ROYAL AIR FORCE	1986
CAERWENT BYELAWS	1986
Made 21st April	1986
Coming into operation 25th April	1986

The Secretary of State for Defence, in exercise of his powers under Part II of the Military Lands Act 1892(a) hereby makes the following byelaws:

APPLICATION OF BYELAWS

1. (1) These byelaws apply to the following areas of land belonging to the Secretary of State in the communities of Caerwent, Portskewitt, Shirenewtown, Mathern and Caldicot in the County of Gwent:

- (a) the area, (hereafter referred to as "the Protected Area"), including the outer perimeter fence of RAF Caerwent, the boundary of which is for convenience of identification, shown by a thick black line on the plan annexed to these byelaws and identified as "Plan of RAF Caerwent".
- (b) the area, (hereafter referred to as "the Controlled Area"), the boundary of which is for convenience of identification shown by a pecked line on the said plan.
- (c) The Protected Area includes the railway spur from RAF Caerwent up to the British Rail main line connecting at Caldicot Junction.

PROHIBITED ACTIVITIES-PROTECTED AREA

2. No person shall:
- (a) enter or leave the Protected Area except by way of an authorised entrance or exit;
 - (b) enter, pass through or over or remain in, or over the Protected Area;
 - (c) cause or permit any vehicle, animal, aircraft or thing to enter into or upon or to pass through or over the Protected Area;

- (d) remain in the Protected Area after having been directed to leave by any of the persons mentioned in byelaw 6;
- (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 Area;
- (f) obstruct any constable or any other person acting in the proper exercise or execution of his duty within the Protected Area;
- (g) board, or interfere with, or interfere with the movement or passage of, any vehicle, aircraft or other installation within the Protected Area;
- (h) distribute or display within the Protected Area any handbill, leaflet, sign, advertisement, circular, poster, bill, notice or object or affix it to either side of the perimeter fence.
- (i) interfere with any property, within the Protected Area, 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 from the Protected Area, any property 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 Area.

USE OF CONTROLLED AREA BY THE PUBLIC

3. Subject to the provisions of these byelaws the public are permitted to use all parts of the Controlled Area not specially enclosed or entry to which is not shown as being prohibited or restricted, for all lawful purposes at all times when the Controlled Area is not being used for the military purpose for which it is appropriated.

PROHIBITED ACTIVITIES-CONTROLLED AREA

4. No person shall:

- (a) board, or interfere with, or interfere with the movement or passage of, any vehicle, or other installation within the Controlled Area;
- (b) obstruct any constable, (including a constable under the control of the Defence Council), or any other person acting in the proper exercise or execution of his duty;
- (c) enter on any part of the Controlled Area which is enclosed or the entry to which is shown by a notice as being prohibited or restricted, or which is under cultivation or in private occupation;

- (d) remain on the Controlled Area after having been warned to leave by an authorised person, or remain thereon after having been so warned off;
- (e) being the owner or person in charge or for the time being in charge of any animal, vehicle or thing upon the Controlled Area permit the same to remain upon the Controlled Area after having been warned to remove it by an authorized person.

CONTRAVENTION OF BYELAWS

5. Any person who contravenes or attempts to contravene byelaws 2 or 4 shall be guilty of an offence.

ENFORCEMENT

6. The following persons are hereby authorised to remove from the Protected and Controlled Area and to take into custody without warrant any person committing an offence against any of the preceding byelaws and remove from such areas any vehicle, animal, aircraft, or thing whatsoever found therein in contravention of any of the byelaws:

- (a) the Air Officer Commanding-in-Chief RAF Support Command;
- (b) the RAF Commander RAF Caerwent;
- (c) 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 6(a) and (b);
- (d) any public officer being a Crown servant authorised in writing by or on behalf of any of the officers mentioned at byelaw 6(a) and (b);
- (e) any constable.

EXEMPTIONS

7. (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 Air Officer Commanding-in-Chief RAF Support Command, the RAF Commander RAF Caerwent shall be an offence against these byelaws.

(2) Byelaw 2 shall not apply to any aircraft passing over the Protected Area 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.

RIGHTS OF WAY

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

INTERPRETATION

9. In these byelaws:

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

“offensive weapon” means any article made or adapted for use for:

- (a) causing injury to, or incapacitating a person or
- (b) causing injury to, or incapacitating or trapping an animal or bird;

or intended by the person having it with him for such use or for threatening such use;

“meeting” means a meeting held for the purpose of the discussion of matters of public interest or for the purpose of the expression of views on such matters;

“photograph” includes any cinematograph film and any form of video recording;

“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).

DATE OF OPERATION OF BYELAWS

10. These byelaws shall come into operation on the 25th day of April 1986, and may be cited as the Royal Air Force Caerwent Byelaws 1986.

Dated 21st April 1986

(Signed) TREFGARNE

EXPLANATORY NOTES

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

ANCIENT MONUMENTS

1. These byelaws shall not apply to the ancient monument known as Llanmelin Camp and shown (letter A) on the attached plan.

PENALTY FOR OFFENCES

2. 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).

INSPECTION OF BYELAWS AND PLAN

3. A copy of these byelaws and a plan showing the Protected and Controlled Area to which these byelaws apply may be inspected at The Post Office, Caerwent Village, Caerwent, Newport, and at the Police Station, Moore Street, Chepstow. They may also be inspected and a copy obtained on request at the office of the Senior Estate Surveyor, Property Services Agency, Government Buildings, Block 1, St Agnes Road, Gabalfa, Cardiff CF4 4YF.



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OS 100000000

PLAN OF R.A.F. CAERWENT

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.