

**STATUTORY INSTRUMENTS**  
1986 No 744

D/Lands/6/116



**ROYAL AIR FORCE  
UPPER HEYFORD  
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 744

## DEFENCE

<b>THE ROYAL AIR FORCE UPPER HEYFORD BYELAWS</b>	<b>1986</b>
<b>Made 21st April</b>	<b>1986</b>
<b>Coming into operation 25th April</b>	<b>1986</b>

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. These byelaws apply to the following areas of land belonging to the Secretary of State in the parishes of Upper Heyford and Ardley and Somerton in the County of Oxfordshire:

- (a) the areas, (hereafter referred to as "the Protected Areas"), including the outer perimeter fence of RAF Upper Heyford, the boundaries of which are for convenience of identification, shown by thick black lines on the plan annexed to these byelaws and identified as "Plan of RAF Upper Heyford".
- (b) the areas, (hereafter referred to as "the Controlled Areas"), the boundaries of which are for convenience of identification shown by pecked line on the said plan.

## PROHIBITED ACTIVITIES-PROTECTED AREAS

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 7;

- (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;
- (f) obstruct any constable, or any other person acting in the proper exercise or execution of his duty within the Protected Areas;
- (g) 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 within the Protected Areas 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 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 from the Protected Areas, 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 Areas;
- (l) take a photograph.

#### USE OF CONTROLLED AREAS BY THE PUBLIC

3. Subject to the provisions of these byelaws the public are permitted to use all parts of the Controlled Areas 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 Areas are not being used for the military purpose for which they are appropriated.

#### PROHIBITED ACTIVITIES-CONTROLLED AREAS

4. (1) No person shall:
- (a) enter on any part of the Controlled Areas which are enclosed or the entry to which is shown by a notice as being prohibited or restricted, or which is in private occupation;
  - (b) take or cause to be taken upon the Controlled Areas any offensive weapon;
  - (c) remain in the Controlled Areas after having been directed to leave by one of the persons mentioned in byelaw 7;
  - (d) remove from the Controlled Areas, any property which is under the control of the Crown or of the service authorities of visiting force, or in either case its agents or contractors;

- (e) being the owner or person for the time being in charge of any animal, vehicle, aircraft, or thing upon the Controlled Areas permit the same to remain after having been directed to remove the same by one of the persons mentioned in byelaw 7.
- (2) No person shall within the Controlled Areas:-
- (a) take part in, attend or organise any meeting or procession;
  - (b) camp (whether in tents, caravans or otherwise), bivouac or sleep out;
  - (c) distribute or display any handbill, leaflet, sign, advertisement, circular, poster, bill, notice or any similar form of communication, providing that this shall not prevent the display of such posters, notices or bills for non commercial purposes in a window or on a temporary notice board within the curtilage of any dwelling.
  - (d) photograph any military installation, or attempt to do so;
  - (e) loiter, or commit any nuisance, or behave in any indecent or unseemly manner;
  - (f) deposit industrial refuse, rubble, waste or litter or abandon any vehicle or vehicle part or any other article;
  - (g) do any act which causes or is likely to cause nuisance, annoyance or injury to other persons;
  - (h) 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;
  - (i) fail to keep under control any dog or other animal;
  - (j) deface any sign, wall, fence, structure, floor, pavement or other surface;
  - (k) engage in or carry on any trade or business of any description or ride, drive, conduct or cause to be ridden, driven or conducted, use or employ any animal or vehicle of any kind whatsoever or use any audible means either wholly or mainly for the purpose of trade, or advertisement other than in the course of providing a service to persons resident in dwellings in the Controlled Areas;
  - (l) interfere with 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.

### CONTROL OF ROAD TRAFFIC

5. Any person who rides a horse, bicycle or tricycle or drives a vehicle on any road within the Controlled Areas shall:

- (a) comply with the directions, given orally or by signal, of a service policeman in uniform or any constable, including a constable under the control of the Defence Council.

- (b) comply with all military and traffic signs.
- (c) ride or drive with due care for other persons.

### CONTRAVENTION OF BYELAWS

6. Any person who contravenes or attempts to contravene or fails to comply with byelaws 2, 4 or 5, shall be guilty of an offence.

### ENFORCEMENT

7. The following persons are hereby authorised to remove from the Protected and Controlled Areas 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 these byelaws:

- (a) the Air Officer Commanding-in-Chief RAF Support Command;
- (b) the RAF Commander RAF Upper Heyford;
- (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 7(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 7(a) and (b);
- (e) any constable.

### 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, the Air Officer Commanding-in-Chief RAF Support Command, the RAF Commander RAF Upper Heyford shall be an offence against any of these byelaws.

(2) Byelaw 2 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.

### RIGHTS OF WAY

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

## INTERPRETATION

10. 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

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

Dated 21st April 1986

(Signed) TREFGARNE

## 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 and Controlled Areas to which these byelaws apply may be inspected at The Post Office, Camp Road, Upper Heyford and at the Police Station, Queens Avenue, Bicester. Copies may be inspected and obtained from the Senior Estate Surveyor, Property Services Agency, Block D, Brooklands Avenue, Cambridge CB2 2DZ.**

