



Kibworth Range Byelaws 1983

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.

DEFENCE

The Kibworth Range Byelaws 1983

Made 18th March 1983

Coming into operation 27th June 1983

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 Leicestershire County Council so far as regards the interference with the highway known as the Carlton Curlieu—Shangton Road, makes the following byelaws:

AREA OF LAND AFFECTED

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 parishes of Carlton Curlieu, Tur Langton, Shangton and Kibworth Harcourt in the Country of Leicestershire known as the Kibworth 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 Kibworth Range”.

USE OF DANGER AREA

2. The Danger Area may be used for the military firing of rifles, machine guns and other small arms and for all activities ancillary to such firing.

PROHIBITION OF ACCESS

3.—(1) When the Danger Area is being used for any of the military purposes specified in byelaw 2 and subject to paragraph (4) of this byelaw, no person shall:

- (a) enter or be in the Danger Area;
- (b) cause or permit any vehicle, animal or thing to enter, pass over or remain in the Danger Area;
- (c) cause or permit any aircraft to fly over the Danger Area at a height less than 980 feet (299 metres) above mean sea level.

(a) 1892 c.43.

(2) When 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 by day and a red light by night hoisted at:

- (a) a place approximately 10 metres south east of the junction of the Carlton—Kibworth and the Carlton Curlieu—Shangton Roads (GR 699964);
- (b) the junction of Melton Road (B6047), Shangton Road and the Carlton Curlieu Road;
- (c) a place on the Carlton Curlieu to Shangton Road approximately 1050 metres west of its junction with Melton Road (B6047);
- (d) a point on the north side of the Tur Langton—Kibworth Road approximately 300 metres east of Windmill Farm;
- (e) a point on the north side of the Tur Langton—Kibworth Road approximately 450 metres east of Windmill Farm.

(3) Where a person is charged with contravening paragraph (1) of this byelaw any failure to comply with paragraph (2) of this byelaw shall not be a defence to that charge.

(4) Notwithstanding anything to the contrary in paragraph (1) of this byelaw, a sentry in uniform may authorise any person to enter the Danger Area and pass through it along the Carlton Curlieu—Shangton Road:

Provided that nothing done in accordance with such permission shall authorise such person to leave the said road or to be in the Danger Area for a period longer than is necessary to pass through it having regard to his means of transportation.

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 Kibworth 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 Kibworth 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 Kibworth 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 Kibworth 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

9. 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 27th June 1983, and may be cited as the Kibworth Range Byelaws 1983.

Dated 18th March 1983.

(Signed) JERRY WIGGIN
Parliamentary Under Secretary of State for the Armed Forces

The consent of the Leicestershire County Council to the making of the byelaws so far as regards the restriction of the use of the highway within the Danger Area mentioned therein, was given by a resolution dated the 15th day of October 1981.

(Signed) SAMUEL JONES
Chief Executive and County Clerk of the Leicestershire 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 FIFTY POUNDS, 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.

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 Range Warden's Workshop, Kibworth Range and at the Police Station at Market Harborough. They may also be inspected at the office of the Senior Estate Surveyor, Property Services Agency, Department of the Environment, Block 4, Chalfont Drive, Nottingham NG8 3RP where copies of the byelaws 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 Kibworth Range, 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 firing to The Chief Inspector, Police Station, Fairfield Road, Market Harborough, Leicestershire.

TRAFFIC DELAYS

6. When the Danger Area is being used for any of the purposes specified in byelaw 2, the sentries posted at the two points where the Carlton Curlieu—Shangton Road enters the Danger Area will, on sighting traffic desiring to pass along that portion of the road which crosses the Danger Area expeditiously arrange for firing to be discontinued for a short spell to allow the traffic to proceed with all reasonable speed along the said road through the Danger Area.

Plan of the KIBWORTH RANGE

