

STATUTORY INSTRUMENTS
1986 No 741

D/Lands/6/133



**ROYAL AIR FORCE
ST MAWGAN
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 741

DEFENCE

THE ROYAL AIR FORCE ST MAWGAN 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. The areas to which these byelaws apply consist of lands belonging to the Secretary of State in the parishes of Mawgan-in-Pydar, Colan, Newquay and St Columb Major in the County of Cornwall, which lands are for convenience of identification, shown by thick black lines on the plan annexed to these byelaws and identified as "Plan of RAF St Mawgan" all of which are hereinafter referred to as "the Protected Areas".

PROHIBITED ACTIVITIES

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 4;
- (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.

CONTRAVENTION OF BYELAWS

3. Any person contravening or attempting to contravene any of byelaw 2 shall be guilty of an offence.

ENFORCEMENT

4. The following persons are hereby authorised to remove from the Protected Areas and to take into custody without warrant any person committing an offence against byelaw 2, and to remove from the Protected 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 Strike Command;
- (b) the Officer Commanding RAF St Mawgan;
- (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 4(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 4(a) and (b);
- (e) any constable.

EXEMPTIONS

5. (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 Strike Command, or the Officer Commanding RAF St Mawgan shall be an offence against any of these byelaws.

(2) These byelaws shall not apply to any aircraft passing over the Protected Areas in the ordinary course of air navigation.

INTERPRETATION

6. In these byelaws:

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

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

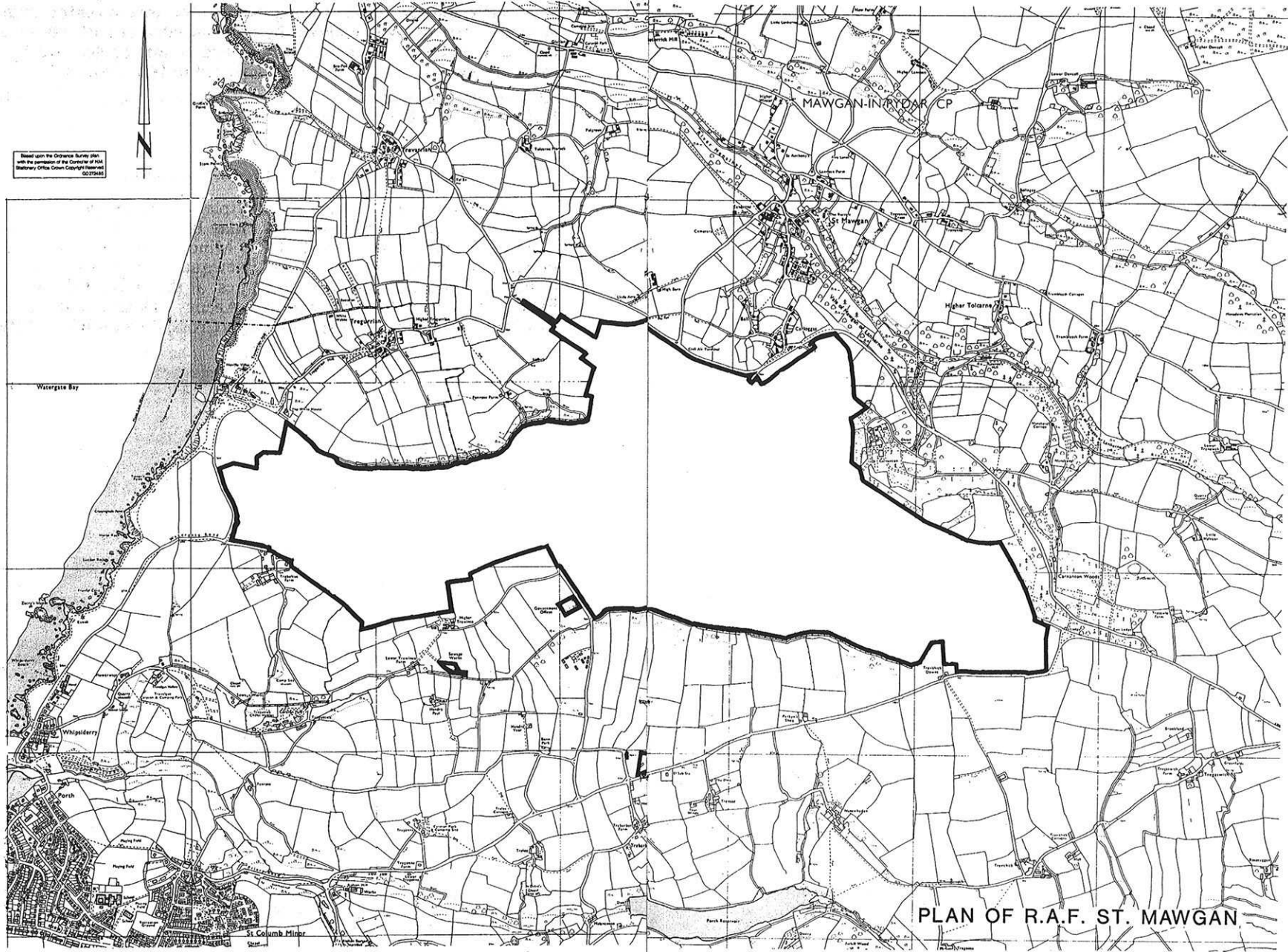
court of summary jurisdiction to be dealt with according to law, and any vehicle, animal, vessel or thing found in the area in contravention of any byelaw, may be removed by any constable or such officer as aforesaid, and on due proof of such contravention, be declared by a court of summary jurisdiction 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 Areas to which these byelaws apply may be inspected at The Post Office, 222 Henvy Road, St Columb Minor, Newquay and at the Police Station at Tolcarne Road, Newquay. They may also be inspected and copies obtained on request at the office of the Senior Estate Surveyor, Property Services Agency, Department of the Environment, Pilgrim House, 17 Derry's Cross, Plymouth PL1 2SW.

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PLAN OF R.A.F. ST. MAWGAN

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.