



Otmoor Range

BYELAWS 1980

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 OTMOOR RANGE BYELAWS 1980

Made

7th January 1980

Coming into operation 14th April 1980

The Secretary of State for Defence in exercise of his powers under Part II of the Military Lands Act 1892 (a), (as applied by Regulation 2 of the Territorial and Army Volunteer Reserve (Military Lands) Regulations 1973 (hereinafter called "the TAVR Regulations")), Section 2 of the Defence (Transfer of Functions) Act 1964 (b) and of all other powers enabling him in that behalf, hereby with the consent of the Oxfordshire County Council so far as regards the interference with the highways hereinafter mentioned, makes the following Byelaws:—

AREA OF LAND AFFECTED

1. The area to which these Byelaws apply (hereinafter referred to as "the Danger Area") consists of the lands (in part belonging to the Territorial Auxiliary and Volunteer Reserve Association for Eastern Wessex and in part lands which the Association has the right to use) appropriated by that Association with the consent of the Secretary of State for the military purposes referred to in Byelaw No. 2 in the parishes of Fencott and Murcott, Beckley and Stowood and Horton-cum-Studley in the County of Oxfordshire known as the Otmoor Range (together with all the highways thereon) the boundaries of which are for convenience of identification shown by a thick black line on the plan hereto annexed and identified as "Plan of the Otmoor Range".

USE OF DANGER AREA

2. The Danger Area may be used for the firing of rifles, machine guns, machine carbines and pistols 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 No. 2, no person shall:—
- (a) enter into or upon or pass over or through the Danger Area, or
 - (b) be or remain in or upon the Danger Area, or

- (c) cause or permit or suffer any vehicle, animal, aircraft or thing to enter into or upon or to pass through or to be or remain in or upon the Danger Area, or
 - (d) cause or permit any aircraft to fly over the Danger Area at a height less than 700 feet above mean sea level.
- (2) Whilst the Danger Area is being used for any of the said military purposes, notice of the fact shall be given by the display of a red flag by day and a red light by night hoisted at the eastern end of the stop butt at Grid Reference SP 574131.

PROJECTILES

4. No person shall dig, or search for any projectile or any lead or other metal in or on the Danger Area, or interfere with or take or retain or be in possession of any projectile or any lead or other metal found within the Danger Area, or remove any projectile from the Danger Area.

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 Territorial Auxiliary and Volunteer Reserve Association for Eastern Wessex or the Ministry of Defence or otherwise the property of the Crown.

OFFENCES

6. Subject to the provisions of Byelaw No. 8, any person doing anything prohibited by or otherwise contravening any provision of any of the preceding Byelaws Nos. 3, 4 and 5 thereby commits an offence against the Byelaw so contravened.

ENFORCEMENT

7. The following persons are hereby authorised to remove from the Danger Area and to take into custody without warrant any person found therein in contravention of Byelaw No. 3 or found committing any other offence against Byelaws Nos. 3, 4 or 5, and to remove from the Danger Area any vehicle, animal, aircraft or thing found in the Danger Area in contravention of any of the said Byelaws:—

- (a) the General Officer Commanding the Army District;
- (b) the Secretary of the Territorial Auxiliary and Volunteer Reserve Association for Eastern Wessex;
- (c) the Officer in Charge of the Otmoor Range;
- (d) any officer, warrant officer, non-commissioned officer or rating of corresponding rank, or any Service policeman, in uniform and being for the time being under the Command of the said General Officer Commanding or the Officer in Charge of the Otmoor Range;

- (e) any person authorised in writing by or on behalf of the said General Officer Commanding or the Secretary of the Territorial Auxiliary and Volunteer Reserve Association for Eastern Wessex or the Officer in Charge of the Otmoor Range;
- (f) any member of a police force; and
- (g) any special constable under the control of the Defence Council.

EXEMPTIONS

8. (1) Nothing done by a person using the Danger Area in pursuance of Byelaw No. 2 or in the exercise of any such private rights as are referred to in Section 15 of the Military Lands Act 1892, as applied by the TAVR Regulations or by a person acting under and in accordance with any authority or permission given by or on behalf of the Secretary of State or the General Officer Commanding the Army District, or the Secretary of the Territorial Auxiliary and Volunteer Reserve Association for Eastern Wessex or the Officer in Charge of the Otmoor Range shall constitute an offence against any of these Byelaws.
- (2) If it is proved that an act or omission of any person which would otherwise have been an offence against any of the provisions of paragraph (1) of Byelaw No. 3 was due to any cause not avoidable by the exercise of reasonable care by that person the act or omission shall be deemed not to be an offence by that person against that Byelaw.

INTERPRETATION

9. In these Byelaws the expression:—
- “projectile” includes any shot or shell or other missile and any portion thereof;
 - “aircraft” includes any craft or contrivance which though not an aircraft is for the time being airborne.

COMMENCEMENT, CITATION AND REVOCATION

10. (1) These Byelaws shall come into operation on 14th April 1980, and may be cited as the Otmoor Range Byelaws 1980.
- (2) The Byelaws in respect of the Otmoor Bombing Range dated 30th October 1934 (c) are hereby revoked.

Dated this seventh day of January 1980.

FRANCIS PYM
Secretary of State for Defence

The consent of the Oxfordshire 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 24th day of February 1977.

P. J. FLOYD

County Secretary of the
Oxfordshire County Council

NOTICES

PENALTY FOR OFFENCES

1. By Section 17(2) of the Military Lands Act 1892, as amended by Section 92 of and Schedule 3 to the Criminal Justice Act 1967, 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 TWENTY 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, as applied by the TAVR Regulations it is provided that where a Territorial Auxiliary and Volunteer Reserve Association (TA&VRA) 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 TA&VRA 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 Otmoor Range. They may also be inspected at the office of the Senior Estate Surveyor, Property Services Agency, Department of the Environment, Bagley Croft, Hinksey Hill, Oxford OX1 5BS where copies of the Byelaws may be obtained at the price of five pence (5p) for each copy.

RECOVERY OF PROJECTILES

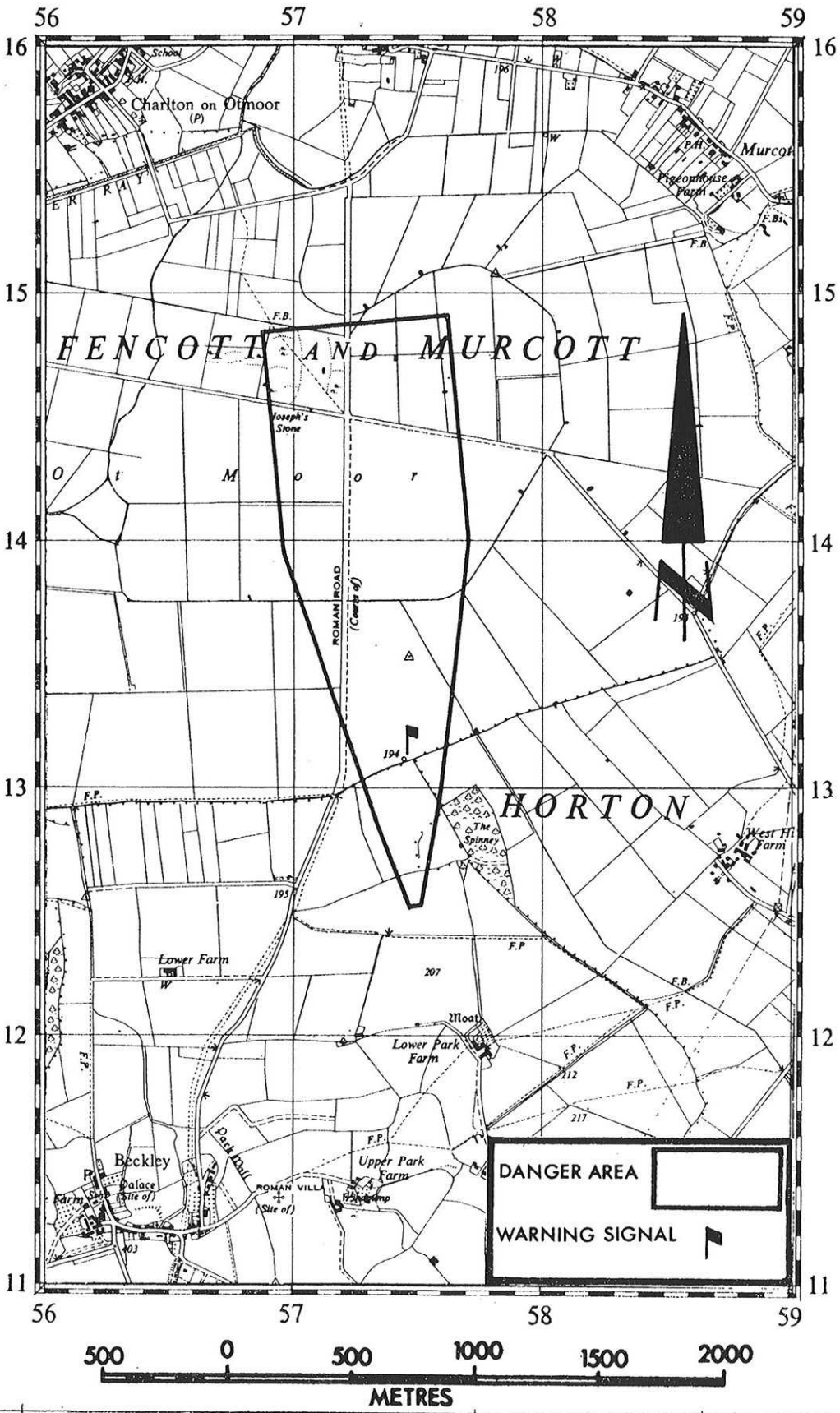
4. Any person who finds a projectile within the Danger Area must not disturb it but should report the finding of it to the Officer in Charge of the Otmoor Range, or to the police, at the first opportunity.

PUBLIC NOTIFICATION OF FIRING

5. Public Notification that firing will take place will be given by sending notice not less than seven clear days in advance of general firing to the Headquarters, Thames Valley Constabulary, Kidlington, Oxfordshire.

WARNING SIGNAL

6. The red flag on the stop butts, mentioned in Byelaw 3(2), will be hoisted half an hour before firing is due to start in order to warn persons in the vicinity that firing will shortly commence.



Plan of the OTMOOR 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.