

1996 No. 105

DEFENCE

RAF Menwith Hill Byelaws 1996

Made - - - - 19 January 1996
Coming into force 19 February 1996

The Secretary of State for Defence, in exercise of the powers conferred upon him in Part II of the Military Lands Act 1892(a) and all other powers enabling him in that behalf, makes the following Byelaws:

Citation and commencement

1. These Byelaws may be cited as the RAF Menwith Hill Byelaws 1996 and shall come into force on 19 February 1996.

Revocation

2. The HMS Forest Moor and Menwith Hill Station Byelaws 1986(b), and any subsisting byelaws made under the Military Lands Acts 1892 to 1903(c) relating to the applicable area, or any part thereof insofar as that part relates to the applicable area, are revoked.

Interpretation

3. – (1) In these Byelaws –

“the applicable area” means all the land (d) shown on map number 1 which lies within the outermost edges of the red lines on that map;

“firearm” has the same meaning as in the Firearms Act 1968;

“headquarters” means a headquarters or organisation designated by an Order in Council under section 1 of the International Headquarters and Defence Organisations Act 1964(e);

“lawful user” means any constable, Crown servant, member of a visiting force or headquarters or any person falling within a description listed in Schedule A;

(a) 1892 c.43; Part II was extended by section 2(3) of the Defence (Transfer of Functions) Act 1964 (c.15). For inclusion of the service of any visiting force or headquarters in the expression “military purposes” in the 1892 Act and section 2 of the Military Lands Act 1900 (c.56), see the Visiting Forces and International Headquarters (Application of Law) Order 1965, S.I. 1965/1536, article 5(1), Schedule 1. For application of the 1892 Act to the Royal Air Force, see the Air Force (Application of Enactments) (No.1) Order 1918, S.R. & O. 1918/538 amended by S.R. & O. 1923/1565, S.I. 1964/488.

(b) S.I. 1986/481. (c) For the Acts cited by the collective title, see the Military Lands Act 1903 (c.47), section 2.

(d) For “land”, see the Military Lands Act 1892, section 23; the Military Lands Act 1900 (c.56) section 3; the Emergency Laws (Miscellaneous Provisions) Act 1953 (c.47) section 1, First Schedule, paragraph 8; the Land Powers (Defence) Act 1958 (c.30) section 7; the Defence (Transfer of Functions) Act 1964 (c.25), section 2(3). (e) 1964 c.5.

“offensive weapon” has the same meaning as in the Prevention of Crime Act 1953;

“relevant property” means any property in or on the applicable area under the care or control of the Ministry of Defence or otherwise the property of the Crown or a visiting force or headquarters or a person acting under and in accordance with a permission as described in byelaw 4(1)(b) or (c);

“visiting force” means any body, contingent or detachment of the forces of a country for the time being present in the United Kingdom on the invitation of Her Majesty’s Government in the United Kingdom, and the civilian component of that force.

(2) In these Byelaws, any reference to a numbered map is a reference to the map so numbered and signed by the Secretary of State for Defence as “Map of the applicable area of the RAF Menwith Hill Byelaws 1996” and deposited at the Public Record Office.

(3) For convenience of identification only the applicable area is shown on the plan in Schedule B.

(4) In these Byelaws, any reference to a numbered byelaw or to a Schedule is a reference to the byelaw bearing that number in or to a Schedule to these Byelaws, and any reference in a byelaw or in a Schedule to a numbered paragraph is a reference to the paragraph bearing that number in that byelaw or Schedule.

Prohibited activities

4. – (1) This byelaw shall not apply to anything –

- (a) done by a lawful user in connection with the discharge of his functions;
- (b) done by a person acting under and in accordance with any permission given in writing by or by a lawful user on behalf of the Secretary of State or the Defence Council;
- (c) done by a person acting under a permission given in writing by the officer commanding RAF Menwith Hill or by a person nominated in writing by him.

(2) Subject to paragraph (1), no person shall –

- (a) enter the applicable area;
- (b) fail as soon as practicable to leave the applicable area in accordance with the directions of a constable or a lawful user in uniform;
- (c) cause any vehicle, animal, vessel or other thing which may be used to interfere with the use of the applicable area or any part of it for a military purpose to be brought into or onto the applicable area or to obstruct a lawful user in the discharge of his functions, or assist or permit any person so to do;
- (d) fail as soon as practicable to remove from the applicable area any item falling within paragraph (c) in accordance with the directions of a constable or a lawful user in uniform, or assist or permit any person so to do;
- (e) take or cause to be taken into or onto the applicable area any firearm or offensive weapon;
- (f) interfere with any relevant property or its use;
- (g) obstruct any lawful user in the discharge of his functions.

Offences

5. – (1) Any person who fails to comply with any provision of byelaw 4 commits an offence against this byelaw.

Exceptions

6. – (1) Any permission granted in consequence of any misrepresentation shall not be a permission for the purposes of byelaw 4(1)(b).

(2) Nothing in these Byelaws shall take away or prejudicially affect any right of common.

(3) Nothing in these Byelaws shall affect the lawful exercise by any person of a public right of way or of a public right.

Enforcement

7. The manner in which an officer is to be authorised for the purposes of section 17(2) of the Military Lands Act 1892 (enforcement of byelaws) is specified in Schedule C.

A handwritten signature in black ink, appearing to read "Michael Hill". The signature is written in a cursive style with a large, looping initial "M".

Dated 19 January 1996

Secretary of State for Defence

EXPLANATORY NOTE
(This Note is not part of the Byelaws).

Part II of the Military Lands Act 1892 (c.43) provides for the making of byelaws for regulating the use of land held for military purposes and securing the safety of the public.

These Byelaws so regulate the land at RAF Menwith Hill.

Byelaw 3(2) provides that the map of the applicable area of the Byelaws is deposited at the Public Record Office. That map may be inspected at that Office in Kew, Richmond, Surrey TW9 4DU.

Schedule A

byelaw 3(1)

LAWFUL USERS

United States Federal Government employees.

United States Federal Government contractors.

Armed forces personnel on temporary duty visits and in possession of a current authority issued by the Ministry of Defence Police, RAF Menwith Hill.

Any other persons in possession of a written permission or invitation and who have registered their particulars in accordance with the requirements of the Ministry of Defence Police, RAF Menwith Hill.

Schedule C

byelaw 7

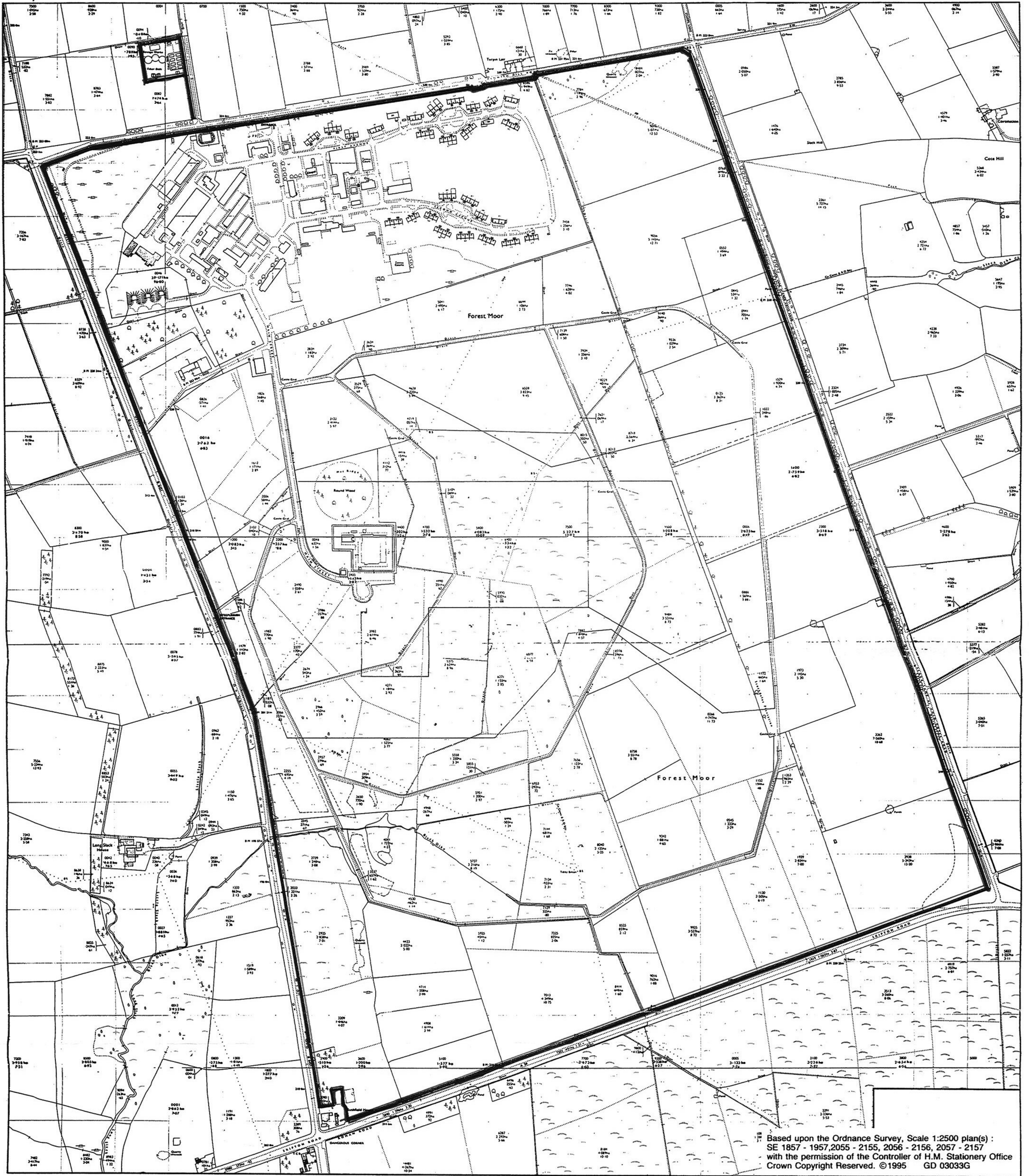
**MANNER OF AUTHORISING OFFICERS
FOR PURPOSES OF ENFORCEMENT OF BYELAWS**

Officers for the purposes of section 17(2) of the Military Lands Act 1892 are to be authorised in accordance with a form as set out below.

.....
is an officer authorised for the purposes of section 17(2) of the Military Lands Act 1892.

(Signed)
Head of Station



PLAN FOR CONVENIENCE OF IDENTIFICATION



Based upon the Ordnance Survey, Scale 1:2500 plan(s) :
SE 1857 - 1957, 2055 - 2155, 2056 - 2156, 2057 - 2157
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PLAN OF THE APPLICABLE AREA OF THE RAF MENWITH HILL BYELAWS 1996

NOT TO SCALE

KEY	
Boundary of the applicable area	Red 
Public rights of way	Yellow 

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.