

1995 No. 3343

DEFENCE

The Merrivale Range (Amendment) Byelaws 1995

Made - - - - - 29 December 1995

Coming into force 29 January 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 Merrivale Range (Amendment) Byelaws 1995 and shall come into force on 29 January 1996.

Interpretation

2. In these Byelaws, "the principal Byelaws" means the Merrivale Range Byelaws 1979 (b).

Amendment

3. For the plan annexed to the principal Byelaws and identified as "Plan of the Merrivale Range", there shall be substituted the plan annexed to these Byelaws and identified as "Amended Plan of the Merrivale Range".

Signed



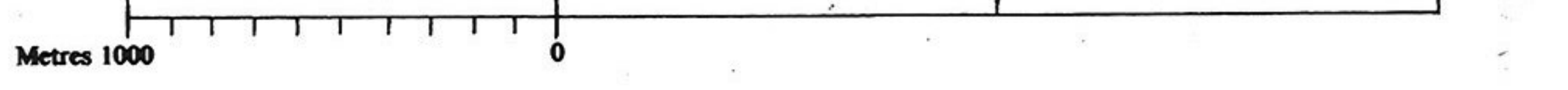
Dated 29 December 1995

Secretary of State for Defence

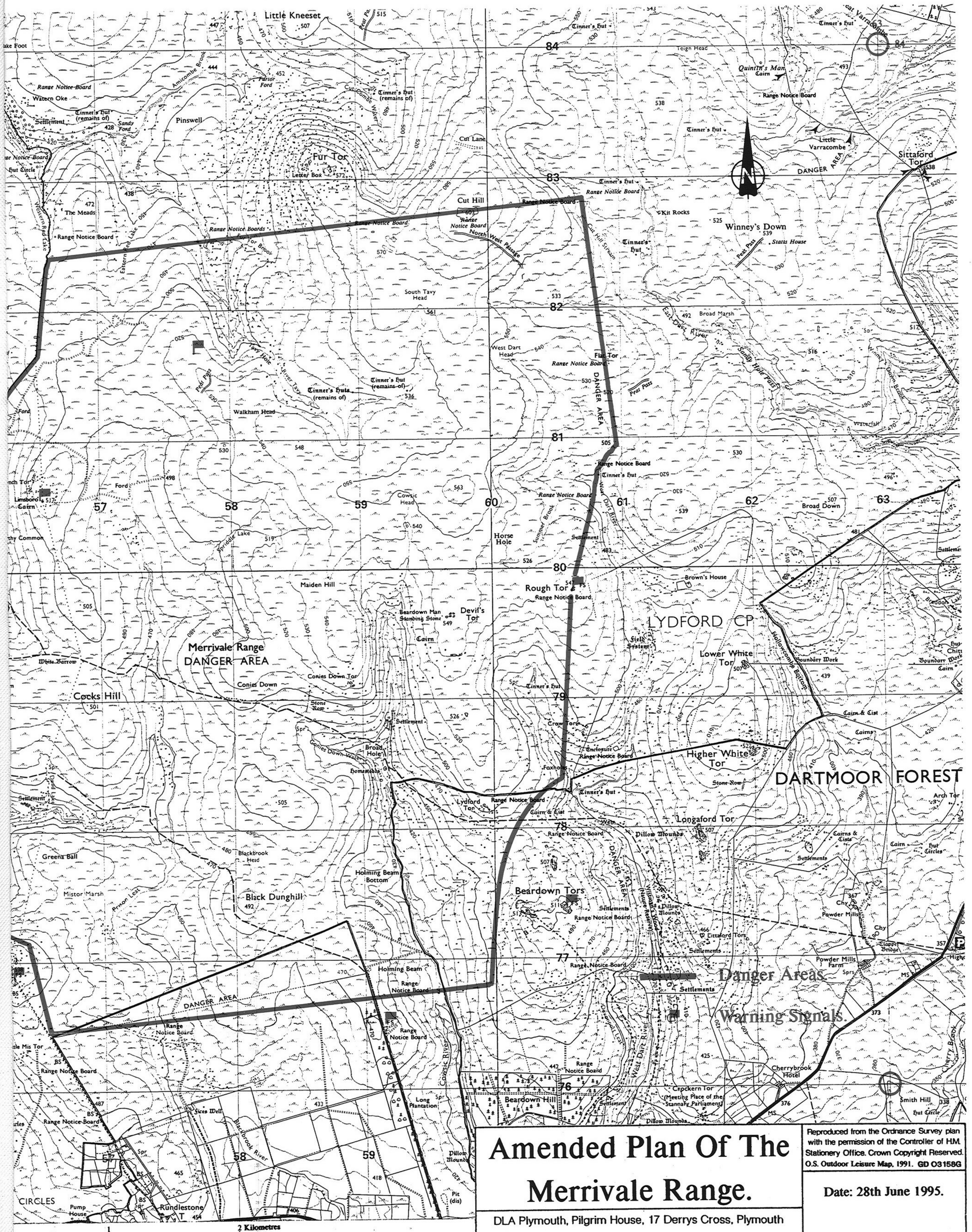
(a) 1892 c.43; Part II was extended by section 2(3) of the Defence (Transfer of Functions) Act 1964 (c.15).
(b) S.I. 1979/1721.



Details of range firing programmes are obtainable by answering service on the following numbers:
 Paignton 559782; Plymouth 701924;
 Okehampton 52939; Exeter 70164.



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Amended Plan Of The Merrivale Range.

DLA Plymouth, Pilgrim House, 17 Derrys Cross, Plymouth
Devon, PL1 2SW

Reproduced from the Ordnance Survey plan with the permission of the Controller of HM Stationery Office. Crown Copyright Reserved. O.S. Outdoor Leisure Map, 1991. GD 03158G

Date: 28th June 1995.

Tel: 01752 661081

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

These Byelaws amend the Merrivale Range Byelaws 1979 (“the principal Byelaws”) by substituting a new plan of the area of application of those Byelaws.

The amendment reduces the area of application of the principal Byelaws, showing the enlarged area of full access to the public on Merrivale Range. It is an interim measure pending a general review of all Military Lands Acts Byelaws.



The Merrivale Range Byelaws 1979

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.

STATUTORY INSTRUMENTS

1979 No. 1721

DEFENCE

THE MERRIVALE RANGE BYELAWS 1979

Made 14th December 1979

Coming into operation 14th January 1980

The Secretary of State for Defence, in exercise of his powers under Part II of the Military Lands Act 1892 (a), 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 Devon 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 lands which the Secretary of State has a right to use for military purposes in the parishes of Peter Tavy, Walkhampton and Lydford in the County of Devon known as the Merrivale 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 annexed to these Byelaws and identified as "Plan of the Merrivale Range".

USE OF DANGER AREA

2. The Danger Area may be used for the purposes of Service training including the firing of Service weapons of all kinds, the firing and exploding of demolition charges, training with cooperating aircraft and for all activities ancillary to such training.

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 pass through or to be or remain in or upon the Danger Area, or

(a) 55 & 56 Vict. c.43.

(b) 1964 c.15.

- (d) cause or permit any aircraft to fly over the Danger Area
- (i) at a height less than 10,000 feet above mean sea level,
or
 - (ii) at a height less than 20,000 feet above mean sea level during any period notified for this purpose by the Range Authorities to the appropriate aviation authorities.
- (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 the following signals, that is to say, a red flag by day and a red light by night, hoisted at the following places:—
- (a) at the summit of Lynch Tor;
 - (b) at the summit of Great Mis Tor;
 - (c) at the summit of Roos Tor;
 - (d) at the south-east summit of Beardown Tors;
 - (e) at a place on Walkham Spur, approximately 1460 metres south-west of Fur Tor and approximately 2200 metres south-west by west of Cut Hill;
 - (f) at Holming Beam, approximately 1530 metres north of the road from Two Bridges to Tavistock;
 - (g) at the summit of Rough Tor;
 - (h) at the summit of White Tor.

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 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 Ministry of Defence or otherwise the property of the Crown.

WARNING NOTICES

6. No person shall interfere with, move or remove any warning notice, danger sign or boundary marker belonging to or under the care of the Ministry of Defence or otherwise the property of the Crown.

OFFENCES

7. Subject to the provisions of Byelaw No 9, any person doing anything prohibited by or otherwise contravening any provision of any of the preceding Byelaws Nos 3, 4, 5 and 6 thereby commits an offence against the Byelaw so contravened.

ENFORCEMENT

8. 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, 5 or 6 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 Commandant of the Devon and Cornwall Training Areas;
- (c) the Officer in charge of the Merrivale 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 Commandant of the Devon and Cornwall Training Areas or the Officer in charge of the Merrivale Range;
- (e) any person authorised in writing by or on behalf of the said General Officer Commanding or the Commandant of the Devon and Cornwall Training Areas or the Officer in charge of the Merrivale Range;
- (f) any member of a police force; and
- (g) any special constable under the control of the Defence Council.

EXEMPTIONS

9. (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 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 Commandant of the Devon and Cornwall Training Areas or the Officer in charge of the Merrivale 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.
- (3) Nothing done in pursuance of any right of common existing in respect of any common land included within the Danger Area shall constitute an offence against any of these Byelaws.

INTERPRETATION

10. 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.

DATE OF OPERATION OF BYELAWS

11. These Byelaws shall come into operation on the 14th day of
 January 1980 and may be cited as the Merrivale Range Byelaws
 1979.

Dated this fourteenth day of December 1979.

(Signed) FRANCIS PYM

Secretary of State for Defence

The consent of the Devon County Council to the making
 of these Byelaws, so far as regards the restriction of the use of the
 highways mentioned therein, was given by a resolution of the Council
 dated the 26th day of July 1979.

(Signed) A. E. BENNETT

County Secretary of the Devon 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 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 like 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 Police Stations at Okehampton, Tavistock, Princetown, and Chagford, at the Offices of the Chief Executive of the West Devon District Council at Okehampton and Tavistock and at Post Offices situated at the following places:—

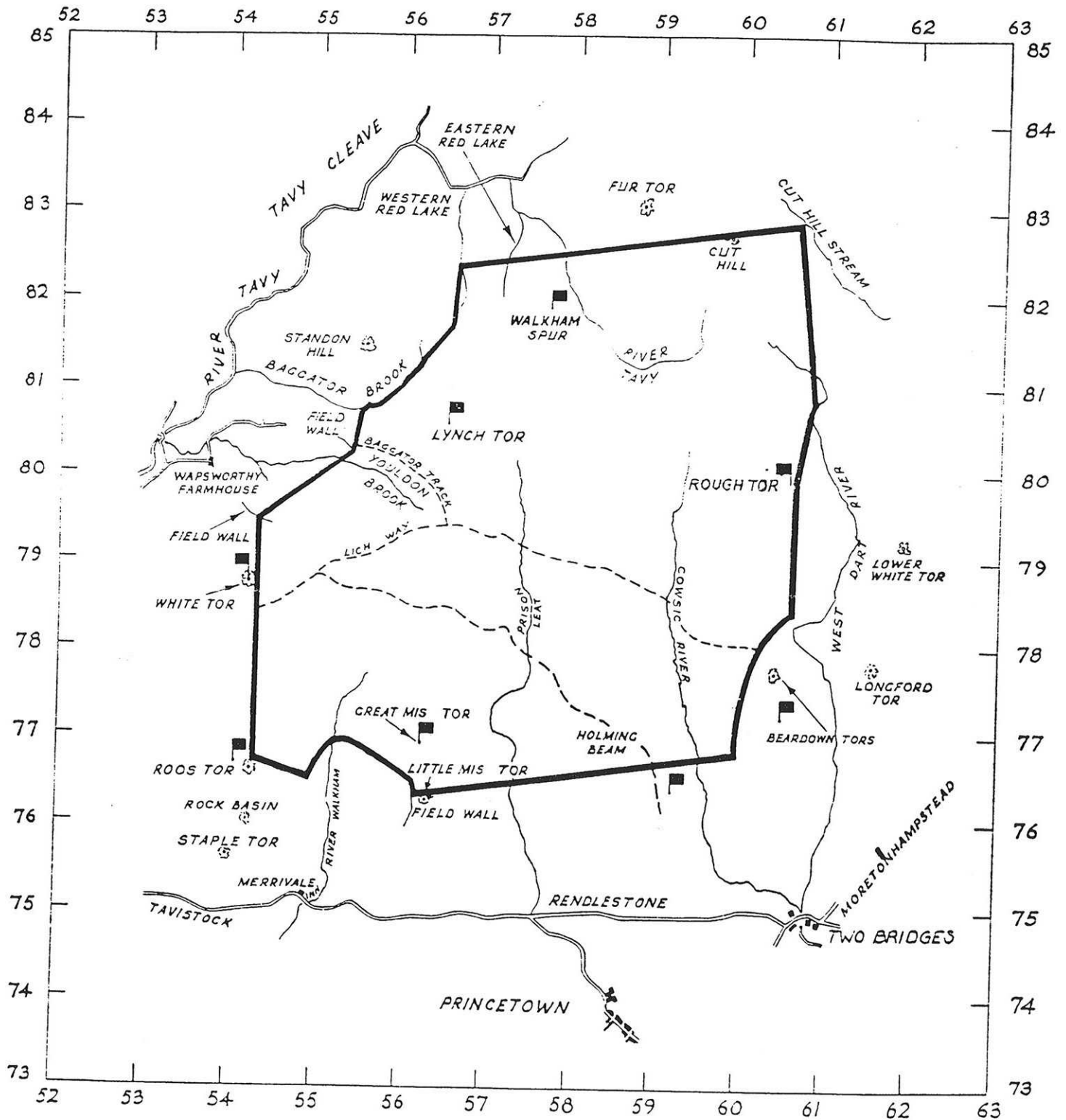
Belstone, Bovey Tracey, Brentor, Bridestowe, Buckfastleigh, Chagford, Gidleigh, Holne, Horrabridge, Ilsington, Lustleigh, Lydford, Mary Tavy, Moretonhampstead, Okehampton, Peter Tavy, Postbridge, Princetown, Shaugh Prior, Sourton, South Zeal, South Tawton, Sticklepath, Tavistock, Throwleigh, Walkhampton, Whiddon Down, Widecombe-in-the-Moor, Yelverton.

A copy of these Byelaws and a plan showing the Danger Area may also be inspected at the Office of the Senior Estate Surveyor, Property Services Agency, Pilgrim House, 17 Derry's Cross, Plymouth PL1 2SW, where copies of the Byelaws may be obtained at the price of five pence (5p) for each copy.

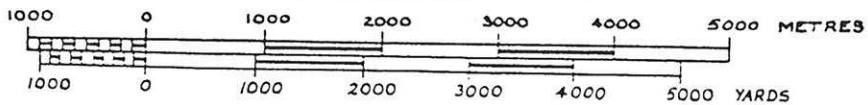
ADDITIONAL PRECAUTIONS AND WARNINGS

4. (1) Notice Boards with a suitable warning are placed on the approaches of all recognised roads and pathways to the Range.
 (2) The limits of the Danger Area are marked on the ground by a series of red and white posts.
 (3) The public are warned not to touch any object on the Range. It could be dangerous.
 (4) The public are warned to be especially careful during conditions of low visibility as firing may take place at any time of the day or night on dates so specified in the Firing Notice regardless of weather conditions.
 (5) Warning flags and lights listed in Byelaw 3(2) will be displayed half an hour before firing is due to commence and will be removed as soon as possible after firing ceases.

PLAN OF THE MERRIVALE RANGE



DANGER AREA
WARNING SIGNALS



RECOVERY OF PROJECTILES

5. Any person who finds a projectile within the Danger Area must not disturb it but should report the finding of it to the Range Officer, Dartmoor Ranges, Okchampton Camp (Okchampton 2241), or to the police at the first opportunity.

PUBLIC NOTIFICATION OF FIRING

6. Public Notification that firing will take place will be given by the publication of a notice each Friday in the "Western Morning News", the "Western Times and Gazette" and "Express and Echo" which will give particulars of the intended date, time and duration of the firing to be practised on the Range during the following week. Copies of this notice are also sent to the Post Offices, Police Stations and most Hotels in the vicinity of Dartmoor, as well as to other interested bodies. In addition, a telephone answering service for use by any member of the public who wishes to check on firing activities is available at Plymouth (0752) 701924, at Exeter (0392) 70164, at Okchampton (0837) 2939 and at Torquay (0803) 24592.

COMMONERS

7. Agreements have been made with certain commoners under which they have undertaken on agreed terms not to use the Danger Area while it is being used for the purposes specified in Byelaw No 2.