



Ministry of Defence

Secretariat
Defence Infrastructure Organisation
Kingston Road
Sutton Coldfield
B75 7RL

E-mail: diosec-parli@mod.gov.uk
www.gov.uk/DIO

[REDACTED]
[REDACTED]
28 February 2019

Ref. FOI 2019/01609

Dear [REDACTED],

Thank you for your email of 6 February 2019 requesting the following information:

- "1. Please clarify which, if any, UK Road Traffic Legislation applies to MOD establishments.*
- 2. If any such legislation does apply, please further clarify whether or not Unit Commanders have the power to unilaterally add, remove or amend aspects of the applicable legislation, be it through Standing Orders or some other mechanism.*
- 3. If such powers do exist, how enforceable would such changes be, given that many MOD establishments are frequently used by members of the public?*
- 4. If no such legislation does apply to MOD establishments, how is road traffic regulated?"*

I am treating your correspondence as a request for information under the Freedom of Information Act 2000 (FOIA).

A search for the information has now been completed within the Ministry of Defence (MOD) and I can confirm that some information in scope of your request is held.

The information you have requested can be found below.

1. See Section 16 (Advice and Assistance) below.
2. A Commanding Office cannot apply road traffic laws to an MOD site or dis-apply them to roads to which they already apply.
3. A Commanding Office can give orders but such an order only applies to service personnel (and civilians subject to service law) not to members of the public.
4. Where there is a need to regulate road traffic, either military byelaws can be made or an order applying relevant parts of the road traffic legislation to the MOD road in question. Another option is for the road to be dedicated as a highway.

Under Section 16 of the Act (Advice and Assistance) whilst it is not possible to answer question 1 in full given the amount of UK road traffic legislation involved, you may find it helpful to note that MOD sites are private land, therefore traffic laws only apply as they would to any other private land. Some sites may have public roads going through them and road traffic legislation will apply to those roads.

It is also possible for an order to be made under s.131 of the Road Traffic Regulation Act 1984 that applies certain of the road traffic laws to Crown Roads. For example, Queen's Avenue and Alison's Road in Aldershot, are both Crown Roads and have had part of the Road Traffic Acts applied to them through such an order.

The other way road traffic can be regulated is through military byelaws. These are made by the Secretary of State under the Military Lands Act 1892.

If you have any queries regarding the content of this letter, please contact this office in the first instance.

If you wish to complain about the handling of your request, or the content of this response, you can request an independent internal review by contacting the Information Rights Compliance team, Ground Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.gov.uk). Please note that any request for an internal review should be made in writing within 40 working days of the date of this response.

If you remain dissatisfied following an internal review, you may raise your complaint directly to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not normally investigate your case until the MOD internal review process has been completed. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website at <https://ico.org.uk/>.

Yours sincerely,

DIO Secretariat