

2010 No. 2489

DEFENCE

The Atomic Weapons Establishment Blacknest Byelaws 2010

Made - - - - *11th October 2010*

Coming into force - - *11th February 2011*

The Secretary of State for Defence makes the following byelaws in exercise of the powers conferred by section 14(1) of the Military Lands Act 1892(a).

In accordance with section 17(1) of that Act the Secretary of State consulted on the proposed byelaws by causing them to be made known in the locality and considering every objection received.

Citation and commencement

1. These byelaws may be cited as the Atomic Weapons Establishment Blacknest Byelaws 2010 and shall come into force on 11th February 2011.

Interpretation

2.—(1) In these byelaws—

“aircraft” includes any craft or device which is for the time being airborne;

“Appointed Person” means the Crown servant who has been appointed by the Secretary of State for Defence to be responsible for the Protected Area and Controlled Area;

“Controlled Area” means the area of land that is coloured blue on the byelaws map set out in the Schedule to these byelaws;

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

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

“lawful user” means any constable, Crown servant, member of a visiting force or headquarters, employee of AWE plc or its contractors and agents, or person in possession of a written permission from the Appointed Person;

“offensive weapon” means any article—

(a) made or adapted for use for causing injury to persons, animals or birds or for trapping animals or birds; or

(a) 1892 c. 43 (55 and 56 Vict); Part II of the Act was extended by section 2(3) of the Defence (Transfer of Functions) Act 1964 (c. 15) in relation to land under the management of the Secretary of State as if any such purpose were a military purpose within the meaning of Part II.

(b) 1968 c. 27.

(c) 1964 c. 5.

(b) intended by the person having it with him for such use or for threatening such use by him or by some other person;

“Protected Area” means the area of land that is coloured pink on the byelaws map set out in the Schedule to these byelaws;

“service authorities” means naval, military or air force authorities;

“short lead” means a lead of fixed length and of not more than two metres;

“site exempt vehicle” means any vehicle used solely within the confines of the Protected Area and the Controlled Area by a lawful user; and

“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 any member of the civilian component of that force as defined in section 10 of the Visiting Forces Act 1952(a).

(2) The Protected Area and the Controlled Area together comprise an area of land known as the Atomic Weapons Establishment Blacknest shown for illustrative purposes only on the location map set out in the Schedule to these byelaws.

Application

3. These byelaws apply to Protected Area and the Controlled Area.

Prohibited Activities – Protected Area

4. No person shall—

- (a) enter or leave the Protected Area except by way of an official entrance or exit;
- (b) remain in the Protected Area after having been directed to leave by a constable or person described in byelaw 11;
- (c) obstruct a lawful user acting in the proper exercise of their duty within the Protected Area;
- (d) cause or permit any vehicle, aircraft, animal or thing to enter the Protected Area;
- (e) take any visual image of any person or thing within the Protected Area;
- (f) gain entry to the Protected Area as a result of making any false statement, either orally or in writing, or by employing any other form of misrepresentation;
- (g) board, or interfere with the movement of any vehicle or aircraft within the Protected Area;
- (h) remove, interfere with, or obstruct the use of, any property within the Protected Area which is under the control of the Crown or the service authorities of either a visiting force or a headquarters, or the agents or contractors of the Crown or such service authorities;
- (i) deface any sign, wall, fence, structure or other surface within the Protected Area; or
- (j) fail to comply with any signs displayed within the Protected Area.

Use of the Controlled Area by the Public

5. Subject to the provisions of these byelaws, members of the public are permitted to use all parts of the Controlled Area not specially enclosed or entry to which is not shown by signs or fences as being prohibited or restricted, for any lawful purpose at all times when the Controlled Area is not being used for the military purpose for which it is appropriated.

(a) 1952 c. 67.

Prohibited Activities – Controlled Area

6. No person shall within the Controlled Area—

- (a) obstruct a lawful user or any other person acting in the proper exercise of his duty;
- (b) enter any part which is enclosed or entry to which is shown by a sign as being prohibited or restricted;
- (c) carry any firearm or offensive weapon;
- (d) remove, interfere with, or obstruct the use of, any property which is under the control of the Crown or the service authorities of either a visiting force or a headquarters, or the agents or contractors of the Crown or such service authorities;
- (e) camp in tents, caravans, trees or otherwise;
- (f) cause any nuisance, or behave in an indecent or obscene manner;
- (g) deposit any industrial refuse, rubble, waste or litter or abandon any vehicle or vehicle part or any other article;
- (h) act in any way likely to cause annoyance, nuisance or injury to other persons;
- (i) light fires or do anything likely to cause an outbreak of fire;
- (j) fail to keep under control any dog or other animal;
- (k) fail to keep any dog on a short lead during the period beginning with 1st March and ending with 31st July in each year;
- (l) fail to remove all waste created by any dog or other animal under their control;
- (m) deface any sign, wall, fence, structure or other surface;
- (n) engage in any trade or business of any description or ride, drive, conduct or cause to be ridden, driven or conducted, use or employ any animal or vehicle of any kind or use any audible means either wholly or mainly for the purpose of trade or advertisement;
- (o) damage, cut or remove any crops, turfs, plants, roots or trees;
- (p) graze any animal;
- (q) kill or trap any birds or animals, or take or destroy their eggs;
- (r) dig or search for any item or interfere with or take any item found; or
- (s) fail to comply with any signs displayed within the Controlled Area.

Control of Road Traffic

7.—(1) Every person who rides a bicycle or drives a vehicle shall—

- (a) ride or drive on the road;
- (b) comply with any directions given by a constable or person described in byelaw 11;
- (c) comply with all traffic signs; and
- (d) ride or drive with due care and attention.

(2) No person shall ride a bicycle or drive a vehicle on the road during the hours of darkness without using the appropriate lights which must be used when on a public highway during the hours of darkness.

(3) No person shall—

- (a) drive any vehicle other than a site exempt vehicle without holding a valid driving licence; or
- (b) be in charge of any vehicle other than a site exempt vehicle unless the vehicle is insured for their use and is in a roadworthy condition.

(4) No person shall stop or park any vehicle where “No Parking” or “No Waiting” notices are displayed, except for the purposes of loading or unloading passengers or goods.

(5) For the purposes of this byelaw “hours of darkness” means the time between half an hour after sunset and half an hour before sunrise.

Offences

8. Any person who contravenes byelaw 4, 6 or 7 commits an offence.

Exemptions

9.—(1) These byelaws shall not apply to anything done—

- (a) by a lawful user in connection with the discharge of their functions; or
- (b) by a person acting under and in accordance with any permission given in writing by the Appointed Person.

(2) Nothing in these byelaws shall injuriously affect or obstruct the lawful exercise of any private right of the owners or occupiers of the adjacent properties at—

- (a) Blacknest Farm Scion Business Park; and
- (b) the Lodge, Brimpton Common,

in or over the Controlled Area.

Enforcement

10. In order to—

- (a) prevent the breach of any provision of byelaws 4, 6 or 7; or
- (b) prevent any nuisance, disorder, obstruction or damage to the land or any property within the Protected Area and the Controlled Area;

a constable or person described in byelaw 11 may direct any person to leave or to remove any vehicle, aircraft, animal or thing over which they have control from the Protected Area and the Controlled Area, and any person to whom such a direction is made shall comply with it as soon as practicable.

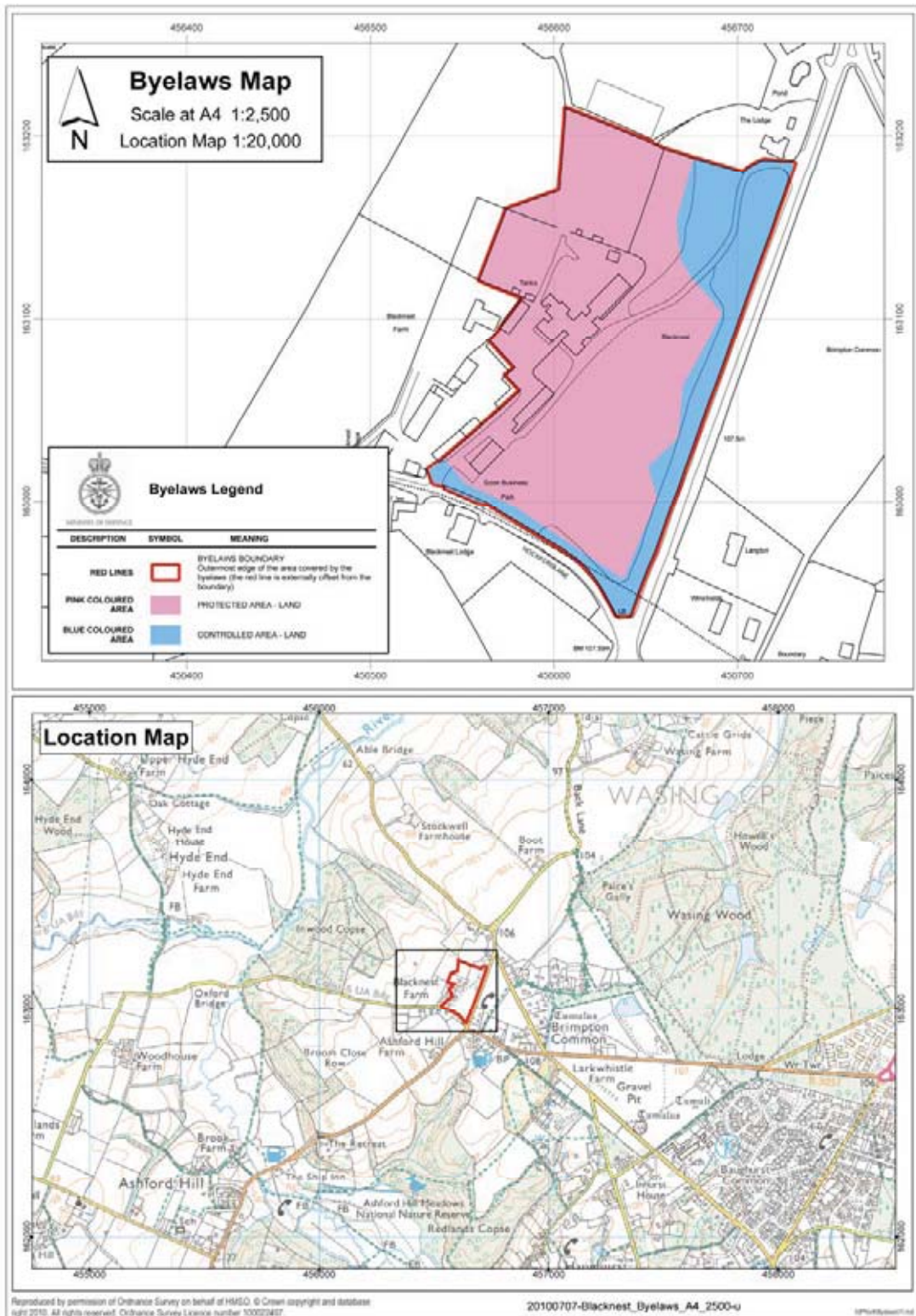
11. The following persons are authorised to remove from the Protected Area and the Controlled Area and to take into custody without warrant any person committing an offence against these byelaws and to remove from those Areas any vehicle, animal, vessel or thing found there in contravention of these byelaws—

- (a) the Appointed Person;
- (b) any officer, warrant officer, or non-commissioned officer in uniform and acting under the instructions of the Appointed Person; and
- (c) any other Crown servant authorised in writing by the Appointed Person.

11th October 2010

Andrew Robathan
Parliamentary Under Secretary of State
Ministry of Defence

SCHEDULE



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 for securing the safety of the public where public use of that land is permitted and for the government of that land when so used by the public.

These byelaws regulate the area of land known as the Atomic Weapons Establishment Blacknest and held under title number BK383872 registered at Gloucester District Land Registry, Twyver House, Bruton Way, Gloucester, GL1 1DQ. The area of land has been divided into two areas for the purposes of these byelaws, namely the Protected Area and the Controlled Area. Public access is only permitted in the Controlled Area.

A copy of these byelaws and the map showing the Protected Area and Controlled Area to which these byelaws apply may be inspected on the Ministry of Defence web site <http://www.mod.uk/DefenceInternet/MicroSite/De/WhatWeDo/Byelaws>. Copies have also been deposited with Tadley Library, 42 – 44 Mulfords Hill, Tadley, Hampshire, RG26 3JE and Berkshire Record Office, 9 Coley Avenue, Reading, RG1 6AF and can be inspected on signboards erected locally. Copies may also be obtained from the Librarian, Defence Estates, Kingston Road, Sutton Coldfield B75 7RL.

By section 17(2) of the Military Lands Act 1892 any person who commits an offence against any byelaw made under the Act, is liable, on conviction before a court of summary jurisdiction, to a fine not exceeding level 2 on the standard scale. At the time of printing the maximum fine on level 2 is five hundred pounds (£500).

Any person seeking a permission under byelaw 9(1)(b) should apply in writing to the Byelaws Appointed Person, MOD, Room 2060, Building F6.1, AWE Aldermaston, Reading, Berkshire, RG7 4PR.

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