STATUTORY INSTRUMENTS

2016 No. 508

DEFENCE

The Templeton Training Area Byelaws 2016

Made - - - -	*11th April 2016*
Coming into force - -	*11th August 2016*

The Secretary of State makes the following Byelaws in exercise of the powers conferred by section 14(1) of the Military Lands Act 1892(**1**).

In accordance with section 17(1) of that Act the Secretary of State has caused the proposed Byelaws to be made known in the locality, given an opportunity for objections to be made to them, and received and considered all objections made.

Citation and commencement

1. These Byelaws may be cited as the Templeton Training Area Byelaws 2016 and come into force on 11th August 2016.

Interpretation

2. In these Byelaws—

"appointed person" means the military officer appointed by the Secretary of State for Defence to be responsible for the controlled land area;

"controlled land area" means the area of land coloured blue on the Byelaws Map in the Schedule, and the location of which is shown on the Byelaws Location Map in that Schedule;

"enforcement officer" means—

(a) a member of a service police force in uniform;

(b) an officer, warrant officer or non–commissioned officer in uniform who is for the time being under the command of the appointed person and acting under that person's instructions; and

(c) a person in the public service of the Crown authorised in writing by the appointed person to act as an enforcement officer;

"firearm" has the meaning given in section 57(1) of the Firearms Act 1968(**2**);

(**1**) 1892 c. 43.
(**2**) 1968 c. 27. Various amendments have been made to section 57(1) of the Act, none of which is relevant.

"Her Majesty's forces" has the meaning given in section 374 of the Armed Forces Act 2006(**3**);

"invalid carriage" has the meaning given in section 185(1) of the Road Traffic Act 1988(**4**);

"motor vehicle" means a mechanically propelled vehicle intended or adapted for use on roads, other than an invalid carriage;

"offensive weapon" means any article made or adapted for use for causing injury to the person, or intended by the person carrying it for such use by that person or by another;

"service police force" has the meaning given in section 375 of the Armed Forces Act 2006;

"short lead" means a lead of fixed length of not more than two metres.

Entry to and use of the controlled land area

3.—(1) Subject to byelaws 3(2) and 3(4), a person may enter and use the controlled land area.

(2) A person commits an offence if that person—

(a) enters the controlled land area or remains in it,

(b) causes anything to enter or remain in that area so as to obstruct the use of that area, or

(c) flies or causes anything to fly over that area at a height of less than 500 feet,

when it is being used for a military purpose.

(3) It is a defence for a person charged with an offence under byelaw 3(2)(a) that the person did not know and could not reasonably have known that the area was being used for a military purpose.

(4) A person commits an offence if within the controlled land area that person—

(a) enters a part of the area entry to which is marked as prohibited or restricted;

(b) obstructs a person mentioned in byelaw 4(1) who is acting for a military purpose;

(c) interferes with or obstructs the use of any property which is under the control of a person mentioned in byelaw 4(1) who is acting for a military purpose;

(d) moves or interferes with any military equipment or materials;

(e) carries a firearm or offensive weapon;

(f) uses equipment designed or adapted for the purpose of detecting metal;

(g) drives a motor vehicle;

(h) rides or leads a horse;

(i) damages any wall, fence or structure;

(j) moves, damages or defaces a sign or notice;

(k) erects or uses any tent, or any structure designed or adapted for the purpose of facilitating sleeping or staying in a place for any period;

(l) drops or leaves litter or waste except in a receptacle provided for the purpose;

(m) advertises or carries on a trade or business;

(n) lights a fire or does anything likely to cause an outbreak of fire;

(o) fails to keep a dog in his or her charge on a short lead at any time during the period beginning with 1st March and ending with 31st July in each year;

(p) fails to keep under control an animal in his or her charge, without reasonable excuse;

(q) fails to remove any waste created by a dog in his or her charge, without reasonable excuse;

(**3**) 2006 c. 52.
(**4**) 1988 c. 52.

(r) removes, cuts or deliberately damages any plant or fungus;

(s) causes damage to the land;

(t) grazes an animal;

(u) kills or traps animals or birds, or takes or destroys their eggs;

(v) acts in a way likely to cause alarm or distress to another person, without reasonable excuse;

(w) acts in a way likely to cause annoyance, nuisance or injury to another person, without reasonable excuse;

(x) fails to comply with a sign or notice that imposes a prohibition or restriction.

Exemptions

4.—(1) In relation to a person authorised by or on behalf of the Secretary of State for Defence to use the area for a military purpose and a member of Her Majesty's forces under his or her command—

(a) byelaw 3(2) does not apply;

(b) byelaw 3(4) applies, except to the extent that he or she is acting for the authorised military purpose.

(2) Byelaws 3(2) and 3(4) do not apply to—

(a) a person to the extent that he or she is acting under and in accordance with permission given in writing by the appointed person;

(b) a constable acting in the exercise of his or her duties; and

(c) a person acting for fire and rescue or ambulance purposes who is responding to an emergency within the controlled land area.

Rights of way and private rights

5.—(1) Nothing in these Byelaws affects the public rights of way within the controlled land area, each of which is marked with a green line on the Byelaws Map in the Schedule.

(2) Nothing in these Byelaws affects the right of way within the controlled land area granted by the Secretary of State for the benefit of the property known as the Compound, Course Hill, Upper Carne Road, Templeton, Narberth, Pembrokeshire, SA67 8SR, which is exercisable over the area marked with a yellow line on the Byelaws Map in the Schedule.

(3) Nothing in these Byelaws affects the rights of licensees and tenants of the Secretary of State for Defence under their agreements with him.

Direction to leave

6.—(1) In order to prevent an offence being committed under byelaw 3(2) or byelaw 3(4), a constable, enforcement officer or authorised person may direct a person—

(a) to leave the controlled land area, and

(b) to remove from that area anything over which that person has control,

except in so far as is necessary to exercise a right of way.

(2) A direction under byelaw 6(1)(a) may include a direction not to return to that area until—

(a) the end of a period specified by the person giving the direction; or

(b) if no period is specified, the end of the day on which the direction is given.

(3) A period specified under byelaw 6(2)(a) must not exceed 28 days, beginning with the day the direction is given.