

PERHAM DOWN RANGES
BYELAWS

Made by the Secretary of State for Defence, under the provisions of Part II of the Military Lands Act 1892, for regulating the use of the above-mentioned range.

STATUTORY INSTRUMENTS

1969 No. 1902

DEFENCE

The Perham Down Ranges Byelaws 1969

Made 31st October 1969

Coming into operation 1st May 1970

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 Hampshire and Wiltshire County Councils 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 belonging to the Secretary of State in the parishes of North Tidworth, South Tidworth and Shipton Bellinger, situated partly in the Andover Rural District in the County of Hampshire and partly in the Pewsey Rural District in the County of Wiltshire known as the Perham Down Ranges (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 Perham Down Ranges".

USE OF DANGER AREA

2. The Danger Area may be used for the firing of pistols, rifles and machine guns and for all activities ancillary to such firing.

PROHIBITION OF ACCESS

3. (1) When the Danger Area is being used for any of the 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 to pass through or to be or remain in or upon the Danger Area, or
 - (d) cause or permit any aircraft to fly over the Danger Area at a height less than 1,000 feet above mean sea level.

- (2) Whilst the Danger Area is being used for any of the said purposes, notice of the fact shall be given by the display of a red flag by day and a red light by night hoisted at the places shown by a flag on the plan annexed to these Byelaws.

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 in 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.

OFFENCES

6. Subject to the provisions of Byelaw No. 8 any person doing anything prohibited by or otherwise contravening any provision of any of the preceding Byelaws Nos. 3, 4 and 5 thereby commits an offence against the Byelaw so contravened.

ENFORCEMENT

7. The following persons are hereby authorised to remove from the Danger Area and to take into custody without warrant any person found therein when it is being used for any of the purposes specified in Byelaw No. 2 or found committing any other offence against any of the said Byelaws, and to remove from the Danger Area any vehicle, animal, aircraft or thing whatsoever found in the Danger Area in contravention of any of the said Byelaws:—

- (a) the General Officer Commanding-in-Chief, Southern Command;
- (b) the Officer Commanding Salisbury Plain Area;
- (c) the Officer in charge of the Perham Down Ranges;
- (d) any officer, any 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-in-Chief, the Officer Commanding Salisbury Plain Area or the Officer in charge of the Perham Down Ranges;

- (e) any person authorised in writing by or on behalf of the said General Officer Commanding-in-Chief, the Officer Commanding Salisbury Plain Area or the Officer in charge of the Perham Down Ranges; and
- (f) any member of a police force or any special constable under the control of the Ministry of Defence.

EXEMPTIONS

8. (1) Nothing done by a person using the Danger Area in pursuance of Byelaw No. 2 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-in-Chief, Southern Command, or the Officer Commanding Salisbury Plain Area 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 against that Byelaw.

INTERPRETATION

9. (1) The Interpretation Act 1889 (a) shall apply to the interpretation of these Byelaws as it applies to the interpretation of an Act of Parliament.
- (2) 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

10. (1) These Byelaws shall come into operation on the 1st day of May 1970, and may be cited as the Perham Down Ranges Byelaws 1969.
- (2) The Byelaws relating to the Salisbury Plain (Rifle and Revolver and Field and Mortar Firing Ranges) dated 15th December 1933 (b) shall cease to have effect as respects the Danger Area.

Dated this 31st day of October 1969.

L. Salthouse

By order of the Secretary of State for Defence.

The consent of the Hampshire County Council to the making of these Byelaws, so far as regards the restriction of the use of such or such parts of the highways mentioned therein as are situate within its area was given by a resolution dated the 29th day of April 1968.

A. H. M. Smyth

Clerk of the Hampshire County Council.

The consent of the Wiltshire County Council to the making of these Byelaws, so far as regards the restriction of the use of such or such parts of the highways mentioned therein as are situate within its area was given by a resolution dated the 23rd day of February 1968.

R. P. Harries

Clerk of the Wiltshire 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.

INSPECTION OF BYELAWS AND PLAN

2. A copy of these Byelaws and a plan showing the Danger Area may be inspected at the Hampshire County Constabulary, Police Station, South Tidworth, and at the Office of the GSO II, Headquarters Salisbury Plain Area. They may also be inspected at the Office of the Defence Land Agent, Ministry of Defence, Durrington, Wiltshire, where copies of the Byelaws may be obtained at the price of one shilling for each copy.

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.