



ROYAL AIR FORCE EDZELL

Byelaws 1988

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 site.

STATUTORY INSTRUMENTS**1988****No 1944****DEFENCE****THE ROYAL AIR FORCE EDZELL
BYELAWS****1988****Made****28th September 1988****Coming into force****31st December 1988**

The Secretary of State for Defence, to whom belongs the land described below, hereby, in exercise of his powers under Part II of the Military Lands Act 1892(a) makes the following byelaws:

APPLICATION OF BYELAWS

1. These byelaws apply to the areas of land in the Kincardine and Deeside District in the Grampian Region, (hereinafter referred to as "the Protected Areas") shown on the plan annexed to these byelaws as the Protected Areas, which areas comprise the air force establishment known as "RAF Edzell" and include all perimeter fences.

PROHIBITED ACTIVITIES

2. No person shall:
- (a) enter, pass through or over or remain in or over the Protected Areas;
 - (b) enter or leave the Protected Areas except by way of an authorised entrance or exit;
 - (c) cause or permit any vehicle, animal, aircraft or thing to enter into or upon or to pass through or over the Protected Areas;
 - (d) remain in the Protected Areas after having been directed to leave by any of the persons mentioned in byelaw 4;
 - (e) make any false statement, either orally or in writing, or employ any other form of misrepresentation in order to obtain entry to any part of the Protected Areas;
 - (f) intentionally obstruct any constable or any other person acting in the proper exercise or execution of his duty within the Protected Areas;

(a) 1892 c.43.

- (g) board, or interfere with, or interfere with the movement or passage of, any vehicle, aircraft or other installation within the Protected Areas;
- (h) distribute or display within the Protected Areas any handbill, leaflet, sign, advertisement, circular, poster, bill, notice or object or affix the same to either side of the perimeter fence;
- (i) interfere with any property, within the Protected Areas, which is under the control of the Crown or of the service authorities of a visiting force, or its or, as the case may be, their agents or contractors;
- (j) deface any sign, wall, fence, structure, floor, pavement or other surface within the Protected Areas.

CONTRAVENTION OF BYELAWS

3. Any person who contravenes byelaw 2 shall be guilty of an offence.

ENFORCEMENT

4. The following persons are hereby authorised to remove from the Protected Areas and, if it is in the interests of justice to do so, to take into custody without warrant any person committing an offence against byelaw 2, and to remove from the Protected Areas any vehicle, animal, aircraft, or thing whatsoever found therein in contravention of any of these byelaws:

- (a) the Air Officer Commanding-in-Chief RAF Support Command;
- (b) the RAF Commander RAF Edzell;
- (c) any officer, any warrant officer, or non-commissioned officer in uniform and being for the time being under the command of any of the officers mentioned in sub-paragraphs (a) and (b) of this byelaw;
- (d) any public officer being a Crown servant authorised in writing by or on behalf of any of the officers mentioned in sub-paragraphs (a) and (b) of this byelaw;
- (e) any constable.

EXEMPTIONS

5. (1) Nothing done by a person acting under and in accordance with any authority or permission given by or on behalf of the Secretary of State, the Air Officer Commanding-in-Chief RAF Support Command, or the RAF Commander RAF Edzell shall be an offence against any of these byelaws.

(2) Byelaws 2(a) and 2(c) shall not apply to any aircraft passing over the Protected Areas in the ordinary course of air navigation.

(3) It shall be a defence to any prosecution under these byelaws for the accused to establish that the act or omission constituting the alleged offence could not have been avoided by the exercise of reasonable care on his part.

(4) Nothing in these byelaws shall affect the rights of any person under a licence agreement made with the Secretary of State for Defence.

(5) The boarding, interference with or removal from the Protected Areas of any property by the owner or with his consent shall not, in relation to that property, be a contravention of any of these byelaws.

INTERPRETATION

6. In these byelaws:

“aircraft” includes any craft or contrivance which though not an aircraft is for the time being airborne;

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

“visiting force” means such body, contingent or detachment of the force of any country as is a visiting force for the purposes of any of the provisions of the Visiting Forces Act 1952.(a)

COMMENCEMENT AND CITATION

7. These byelaws shall come into force on the 31st day of December 1988, and may be cited as the Royal Air Force Edzell Byelaws 1988.

Dated 28th September 1988

(Signed) ROGER FREEMAN

EXPLANATORY NOTES

(These notes are for information only and are not part of the byelaws)

PENALTY FOR OFFENCES

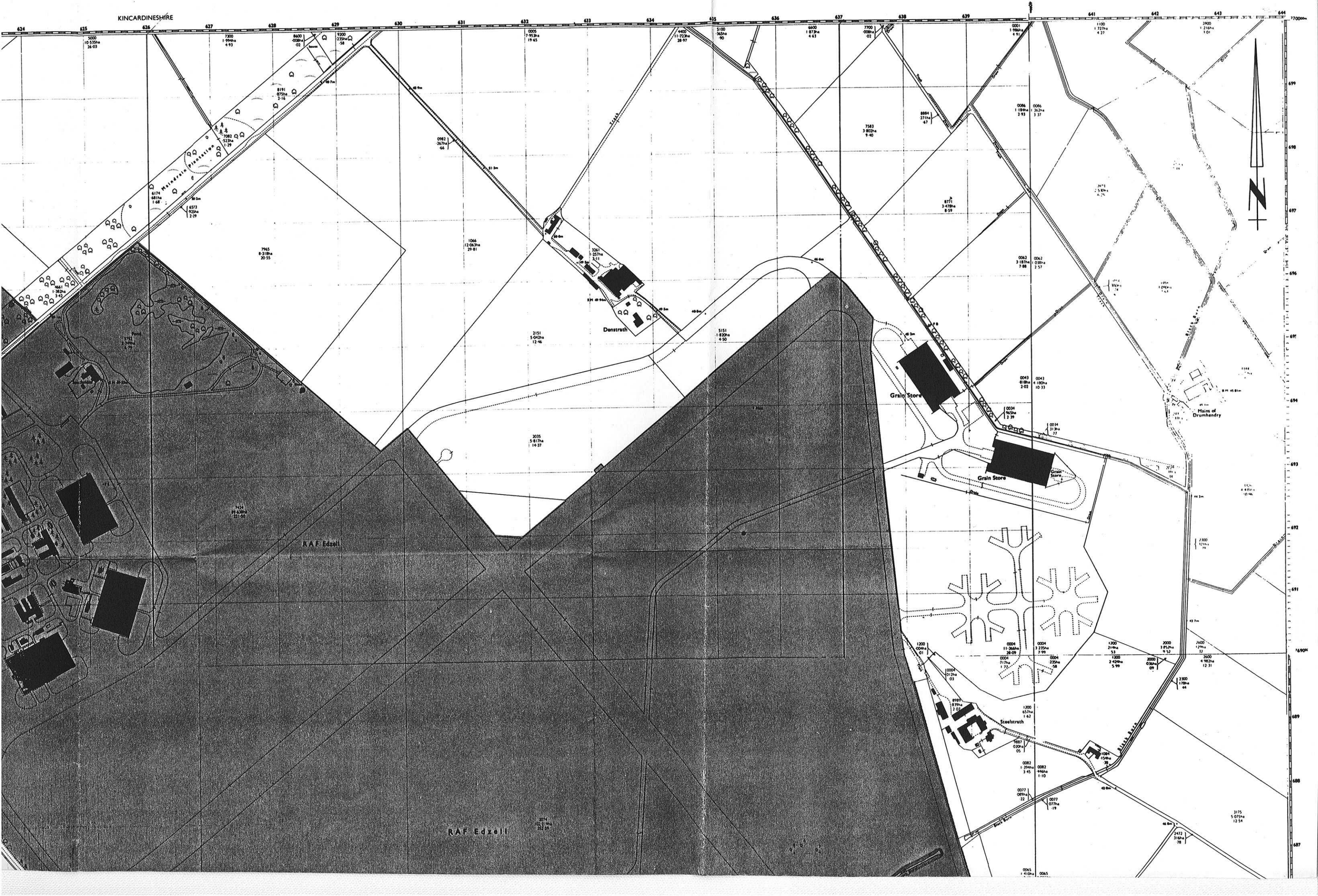
1. By section 17(2) of the Military Lands Act 1892, as amended by section 39 of and schedule 7d to the Criminal Procedure (Scotland) Act 1975 (c.21.) it is provided;

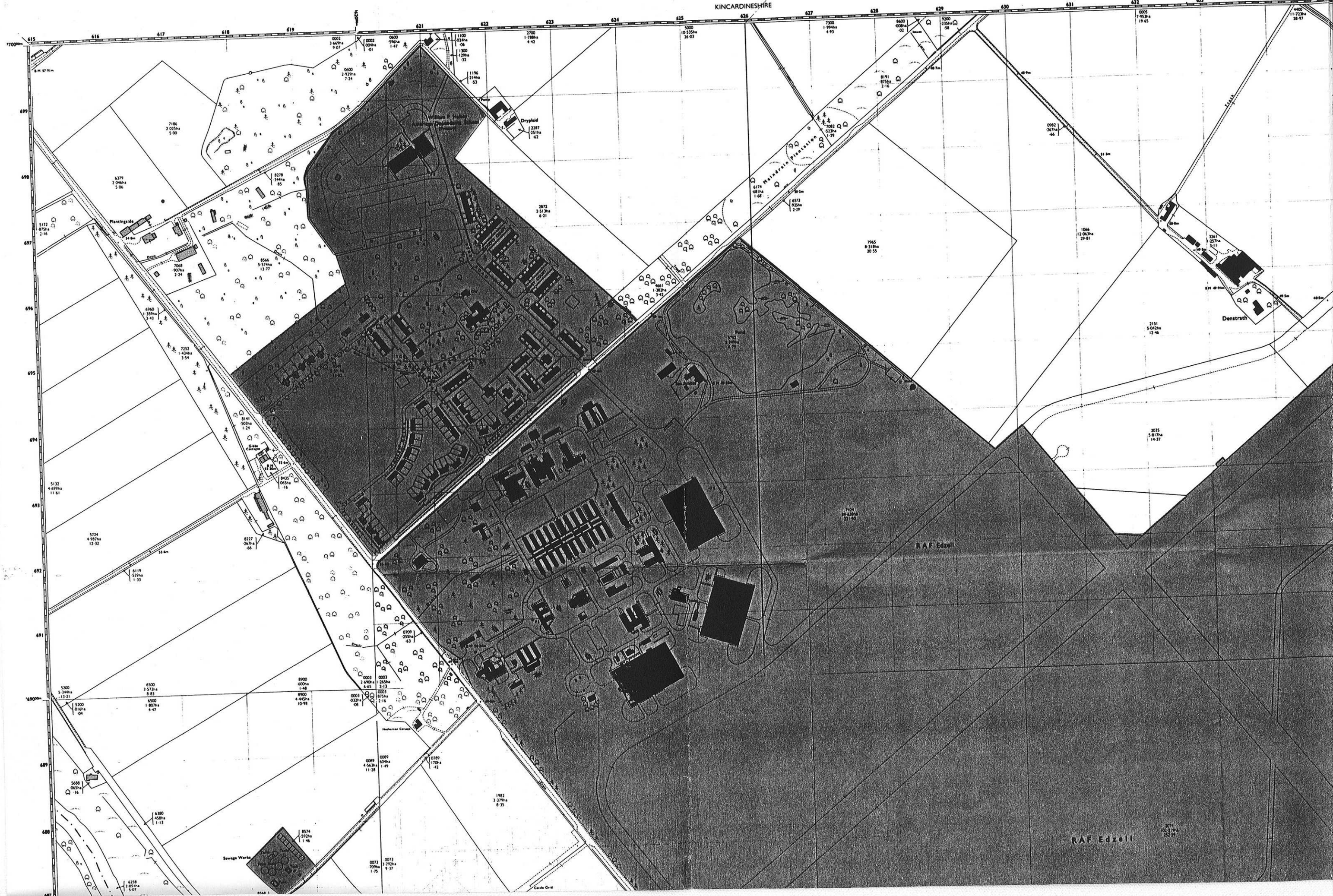
“If any person commits an offence against any byelaw under this Act, he shall be liable, on conviction before a court of summary jurisdiction, to a fine not exceeding level 2 on the standard scale, and may be removed by any constable or officer authorised in manner provided by the byelaw from the area, 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.”

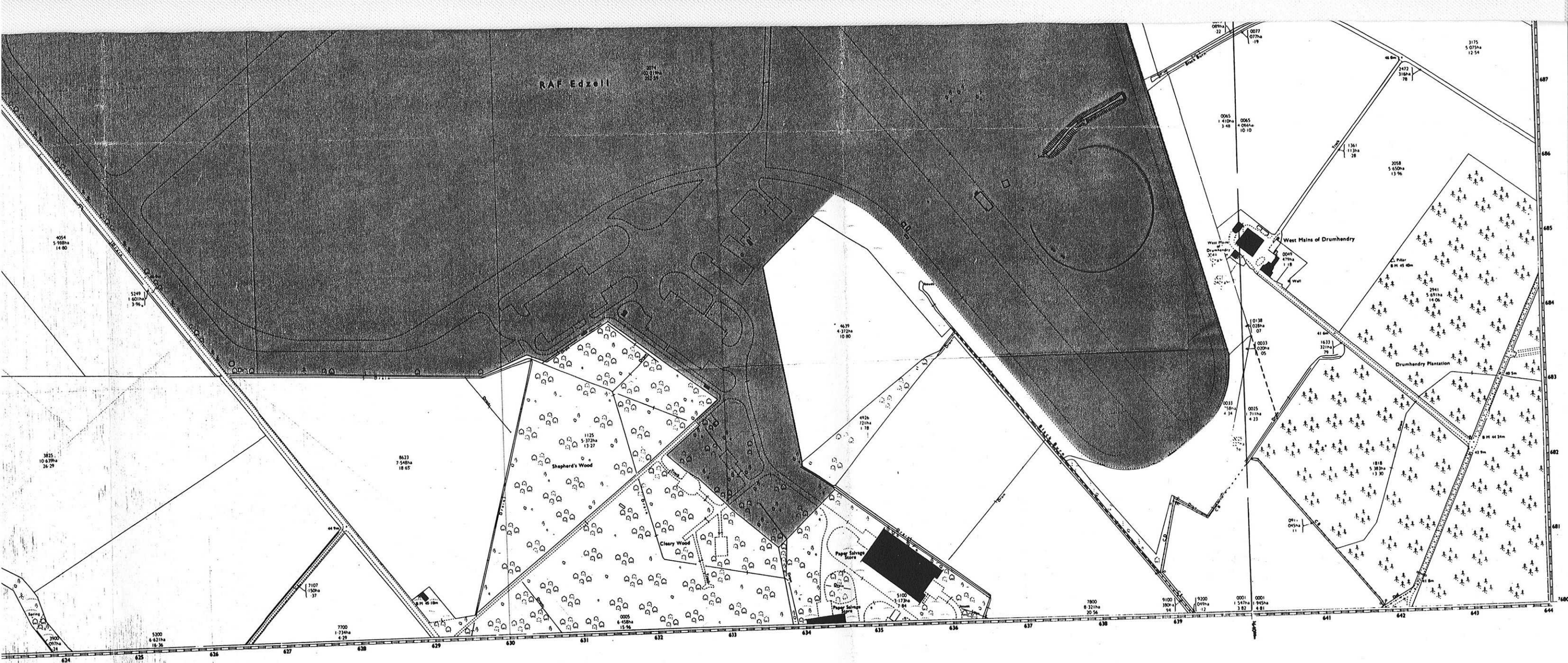
At the time of printing the maximum fine on scale 2 is ONE HUNDRED POUNDS (£100).

INSPECTION OF BYELAWS

2. A copy of these byelaws may be obtained on postal application to the office of the Defence Land Agent, Defence Lands Office, Hilton Road, Rosyth, Fife KY11 2BE, or from the Ministry of Defence, PL (Lands) Safeguarding & Byelaws, Room B4/3, Block B, Government Buildings, Leatherhead Road, Chessington, Surrey KT9 2LU.







PLAN OF RAF EDZELL

GRAMPIAN

SCALE 1:5,000



Protected Areas



PLAN OF RAF EDZELL

GRAMPIAN

SCALE 1:5,000

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