STATUTORY INSTRUMENTS
1987 No 1761

D/Lands/6/179

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GLEN FRUIN ROAD

BYELAWS 1987

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 road.

AUTOMATICALLY REVOKED 22 OCT 1997. NOW A817.

STATUTORY INSTRUMENTS

1987 No 1761

DEFENCE

THE GLEN FRUIN ROAD BYELAWS 1987

Made 21st September 1987

Coming into Force 22nd October 1987

The Secretary of State for Defence to whom belongs part of the land described below and who has the right to use the remainder of the land so described for military purposes, 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 following areas of land in the Dumbarton District, Strathclyde Region. This land, which is marked with a thick black line on the plan annexed hereto and identified as "Plan of the Protected Area at Glen Fruin" and which includes the areas of land in the West Kilbride area shown on the said plan, shall be known as the "Protected Area".

PROHIBITED ACTIVITIES

2. No person shall:

(a) cause or permit any vehicle, aircraft or thing to enter into or upon or to pass through or over the Protected Area;

(b) intentionally obstruct any constable or any other person acting in the proper exercise or execution of his duty within the Protected Area;

(c) board, or interfere with, or interfere with the movement or passage of any vehicle or other installation within the Protected Area;

(d) interfere with any property, within the Protected Area, which is under the control of the Crown or its agents or contractors;

(e) deface any sign, fence, or road within the Protected Area;

(f) take or cause to be taken upon the Protected Area any offensive weapon;

(a) 1892 c.43.

(g) pursue, kill, shoot, catch, snare or trap game, fish or other animals, or take or destroy nests or eggs, within the Protected Area;

(h) remain in the Protected Area after having been directed to leave by any of the persons mentioned in byelaw 5;

(i) being the owner or the person for the time being in charge of any animal permit the same to remain in the Protected Area having been directed to remove the same by any of the persons mentioned in byelaw 5.

CONTROL OF ROAD TRAFFIC

3. Every person who uses the road shall:

(a) comply with any directions given by any constable, or other authorised person;

(b) comply with all warning signs, military and traffic signs.

CONTRAVENTION OF BYELAWS

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

ENFORCEMENT

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

(a) the Commander in Chief Naval Home Command;

(b) the Flag Officer Scotland and Northern Ireland;

(c) the Commodore Clyde;

(d) the General Officer Commanding, Army Headquarters, Scotland;

(e) Commander 52nd Lowland Brigade;

(f) Commandant Garelochhead Training Area;

(g) any officer, any warrant officer, or non-commissioned officer or rating of corresponding rank in uniform and being for the time being under the command of any of the officers mentioned at byelaw 5(a) to (f);

(h) any public officer being a Crown servant authorised in writing by or on behalf of any of the officers mentioned at

byelaw 5(a) to (f), provided that the officer shall, on request, produce identification;

(i) any constable.

EXEMPTIONS

6. (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 Commander in Chief Naval Home Command, the Flag Officer Scotland and Northern Ireland, the Commodore Clyde, the General Officer Commanding, Army Headquarters, Scotland, Commander 52nd Lowland Brigade or the Commandant Garelochhead Training Area, shall be an offence against these byelaws.

(2) Byelaw 2(a) shall not apply to any aircraft passing over the Protected Area in the ordinary course of air navigation.

(3) It shall be a defence to any prosecution under the 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 done on or over the Protected Area by:

(a) the landowners or their Tenants;

(b) any person acting under and in accordance with any authority or permission given by or on behalf of the landowners or their Tenants;

shall be a contravention of any of these byelaws, excepting that (subject to byelaw 7) such persons shall comply with byelaws 2(b), 2(d), 3(a) and 3(b).

PUBLIC AND PRIVATE RIGHTS

7. Nothing in these byelaws shall affect the lawful exercise by any person of a public or private right.

INTERPRETATION

8. In these byelaws:

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

"offensive weapon" means any article made or adapted for use for:

(a) causing injury to or incapacitating a person, or

(b) causing injury to, incapacitating or trapping an animal or bird,

or intended by the person having it with him for such use, or for threatening such use.

PENALTY FOR OFFENCES

9. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding One Hundred Pounds (£100).

COMMENCEMENT AND CITATION

10. These byelaws shall come into force on the 22nd day of October 1987, and may be cited as the Glen Fruin Road Byelaws 1987.

Signed: ROGER FREEMAN

Dated: 21st September 1987

11. These byelaws shall cease to have effect after ten years from the date of their coming into force or, if earlier, when the Secretary of State ceases to have the right to use the Protected Area for military purposes, and if the Secretary of State ceases to have the right to use any part of the Protected Area for military purposes, the byelaws shall cease to have effect in relation to that part.

EXPLANATORY NOTES

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

INSPECTION OF BYELAWS

1. A copy of these byelaws may be obtained on postal application to the office of the Principal Estate Surveyor, Property Services Agency, Montrose House, 187 George Street, Glasgow; or from the Ministry of Defence, PL(Lands) 2b, Room B4/3, Block B, Government Buildings, Leatherhead Road, Chessington, Surrey KT9 2LU.

RIGHTS OF WAY

2. Nothing in these byelaws shall be taken as giving a right of way over the Protected Area or the surrounding land.