

## PERMISSION TO ENTER RANGES

### Key Features:

This document provides permission for an individual to enter Ranges. It is suitable only for individuals, and cannot be used on behalf of an organisation. If you require a document suitable for allowing an organisation access to the Ranges, please contact the DIO Legal Team who will be happy to assist. The document should be completed and submitted to the Range Safety Officer a minimum of 7 days before it is required.

This document attempts to limit the liability of the Secretary of State as Licensor, particularly in respect of **Occupiers Liability Act 1957** (hereafter "OLA1957"). Under **OLA 1957** the Licensor is liable as an occupier, that is someone who has a sufficient degree of control over premises to have a duty of care for others coming onto the premises.

The **Unfair Contract Terms Act 1977** (hereafter "UCTA 1977") will also apply to this document. Whilst the document purports to exclude liability for personal injury or death, **Section 2(1)** of **UCTA 1977** prohibits this stating:

- *"A person cannot by reference to any contract term or to a notice given to persons generally or to particular persons exclude or restrict his liability for death or personal injury resulting from negligence"*

It also attempts to exclude liability for loss or damage, however **Section 2(2)** of **UCTA 1977** states:

- *"In the case of other loss or damage, a person cannot so exclude or restrict his liability for negligence except in so far as the term or notice satisfies the requirement of reasonableness"*

**The clauses are intended to deter or restrict claims against MOD but we cannot be certain that they will not be struck out or challenged by a court. They should therefore be used in cognisance of a residual risk to MOD.**

To: The Range Safety Officer

Address: [Insert Range Address Here]

**Application for Permission to Enter the [Insert Name Of Range Here] Ranges**

Name of Applicant: [Insert Full Name Of Applicant]

Address: [Insert Address of Applicant]

Age: [Insert Applicant's Age]

Occupation: [Insert Applicant's Occupation]

1. I apply for permission to enter the [insert name of Range] Ranges set out in and in accordance with the remainder of this paragraph 1 and paragraph 2 below:
  - (a) Date: [Insert Date]
  - (b) Time: [Insert Time]
  - (c) Period of Access: [Insert Period of Access]
  - (d) Place to be Visited: [Insert place to be visited]
  - (e) Route: [Insert proposed route]
  - (f) Method of Transport: [Insert method of transport - e.g. motor vehicle, pedal cycle, on foot etc]
2. Purpose of entry: [Insert purpose of entry details]
3. I have read and understand the Notes, Conditions and Warnings attached to this Application and I agree to the Conditions. I am aware that there are hazards and dangerous things on the Ranges and I enter **at my own risk**. In particular, I understand that if I enter the Ranges I may be injured, incapacitated or killed and that my property may be damaged or destroyed as a result of those hazards or by those dangerous things. **I voluntarily accept the risks involved.**
4. To the extent that this is lawful by virtue of the provisions of Section 2(1) of the Unfair Contract Terms Act 1977, I agree with The Secretary of State that if permission is granted to enter the Ranges neither I, nor my personal representatives, nor my dependents shall have or make any claim for personal injury or death against the Crown or The Secretary of State or any officer, agent, servant, workman, or contractor of the Crown resulting from the state or condition of the Ranges or any dangerous thing on or below or above the ground there.
5. To the extent that this is lawful by virtue of the provisions of Section 2(2) of the Unfair Contract Terms Act 1977, I agree with The Secretary of State that if permission is granted to enter the Ranges neither I, nor my personal representatives, nor my dependents, shall have or make any claim for any loss or damage against the Crown or The Secretary of State or any officer, agent, servant, workman or contractor of the Crown resulting from the state or condition of the Ranges or any dangerous thing on or below or above the ground there.

6. I further agree to indemnify the Crown against all payments made by the Crown to its servants or agents (whether or not they are paid in pursuance of a legally enforceable obligation) for the purpose of indemnifying them against any such claim as aforesaid.

Date:

Signature of Applicant.....

Witness

Signature of Witness.....

Print Name:

Address:

Occupation: