



# Military Lands Act 1892

1892 CHAPTER 43 55 and 56 Vict

## PART II

### BYELAWS AS TO LAND USED FOR MILITARY PURPOSES

#### Modifications etc. (not altering text)

- C1** Pt. II applied with modifications by [Military Lands Act 1900 \(c. 56\), s. 2](#); extended by [Emergency Laws \(Miscellaneous Provisions\) Act 1953 \(c. 47\), s. 1, Sch. 1 para. 8](#), [Atomic Energy Authority Act 1954 \(c. 32\), s. 6\(4\), Sch. 3](#), [Defence \(Transfer of Functions\) Act 1964 \(c. 15\), s2\(3\)](#)
- C2** Pt. II (ss. 14–18) modified by [Dockyard Services Act 1986 \(c. 52, SIF 58\), s. 3\(1\)\(b\)](#)
- C3** Power to apply Pt. II with modifications conferred by [Supply Powers Act 1975 \(c. 9, SIF 57\), s. 2, Sch. 1 Pt. I](#)
- C4** Pt. II (ss. 14–18) amended (E.W.)(25.9.1991) by [Atomic Weapons Establishment Act 1991 \(c. 46, SIF 8\), ss. 3, 6\(2\), Sch. para.2](#) (with s. 1)

#### 14 Power of Secretary of State to make byelaws as to use of land held for military purposes and securing safety of public.

- (1) Where any land belonging to a Secretary of State or to a volunteer corps is for the time being appropriated by or with the consent of a Secretary of State for any military purpose, a Secretary of State may make byelaws for regulating the use of the land for the purposes to which it is appropriated, and for securing the public against danger arising from that use, with power to prohibit all intrusion on the land and all obstruction of the use thereof.

Provided that no byelaws promulgated under this section shall authorise the Secretary of State to take away or prejudicially affect any right of common.

- (2) Where any such byelaws permit the public to use the land for any purpose when not used for the military purpose to which it is appropriated, those byelaws may also provide for the government of the land when so used by the public, and the preservation of order and good conduct thereon, and for the prevention of nuisances, obstructions, encampments, and encroachments thereon, and for the prevention of any

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injury to the same, or to anything growing or erected thereon, and for the prevention of anything interfering with the orderly use thereof by the public for the purpose permitted by the byelaws.

- (3) For the purposes of this section, “land belonging to a Secretary of State” means land under the management of a Secretary of State, whether vested in Her Majesty or in the Secretary of State, or in a person as trustee for Her Majesty or the Secretary of State; and “land belonging to a volunteer corps” means any land vested in that corps or in any person as trustee for that corps.

## 15 Application of byelaws where right of firing acquired.

Where a Secretary of State or a volunteer corps has for the time being the right of using for any military purpose any land vested in another person, this Part of this Act shall apply in like manner as if the land were vested in the Secretary of State or volunteer corps, and the same were appropriated for the said purpose, save that nothing therein or in any byelaws made thereunder shall injuriously affect the private rights of any person further or otherwise than is authorised by the grant of the right to use the land.

## 16 Byelaws as to highways.

- (1) A byelaw under this Act shall not interfere with any highway, unless made with the consent of the authority having control of the repair of the roads of the town, district, parish, or other area in which the highway is situate, but where it appears to the authority that any highway crosses or runs inconveniently or dangerously near to any land the use of which can be regulated by byelaws under this Act, the authority may consent to a byelaw providing to such extent as seems reasonable for the temporary diversion from time to time of the highway, or for the restriction from time to time of the use thereof.
- (2) any such highway if a footpath [<sup>F1</sup>within the meaning of [<sup>F2</sup>the Highways Act 1980]], may (without prejudice to any other power of stopping up or diverting the same) be stopped up or diverted in the manner in which a footpath crossing or running inconveniently or dangerously near to any land leased under Part One of this Act may be stopped up or diverted.

### Textual Amendments

- F1** Words inserted (E.W.) by [Highways Act 1959 \(c. 52\)](#), [Sch. 22](#) and [London Government Act 1963 \(c. 33\)](#), [s. 16\(2\)](#)
- F2** Words substituted (E.W.) by [Highways Act 1980 \(c. 66, SIF 59\)](#), [Sch. 24 para. 1\(b\)](#)

## 17 Notice and enforcement of byelaws.

- (1) A Secretary of State, before making any byelaws under this Act, shall cause the proposed byelaws to be made known in the locality, and give an opportunity for objections being made to the same, and shall receive and consider all objections made; and when any such byelaws are made, shall cause the boundaries of the area to which the byelaws apply to be marked, and the byelaws to be published, in such manner as appears to him necessary to make them known to all persons in the locality; and shall provide for copies of the byelaws being sold at the price of one shilling for each copy to any person who desires to obtain the same.

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[<sup>F3</sup>(2) 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 [<sup>F4</sup>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.]

(3) A byelaw under this Act shall be deemed to be a regulation within the meaning of the <sup>M1</sup>Documentary Evidence Act, 1868, and may be proved accordingly.

#### Textual Amendments

**F3** S. 17(2) ceases to have effect so far as it confers a power of arrest without warrant upon (a) a constable, or (b) persons in general (as distinct from persons of any description specified in or for the purposes of the enactment) (E.W.) (1.1.2006) by virtue of [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), **Sch. 7 para. 38**; [S.I. 2005/3495](#), **art. 2(1)(m)**; and s. 17(2) ceases to have effect so far as it confers a power of arrest without warrant on a constable (N.I.) (1.3.2007) by virtue of [The Police and Criminal Evidence \(Amendment\) \(Northern Ireland\) Order 2007 \(S.I. 2007/288\)](#) (N.I. 2), art. 1(2), **Sch. 1 para. 8**

**F4** Words substituted: (E.W.) by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **Sch. 3**; and (S.) by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **Sch. 7D** (which 1975 Act was repealed (S.) (1.4.1996) by [1995 c. 40](#), ss. 6, 7(2), [Sch. 5](#) (with s. 3, [Sch. 1 para. 10](#), **Sch. 2 Pt. III**)); and (N.I.) by virtue of [The Fines and Penalties \(Northern Ireland\) Order 1984 \(S.I. 1984/703\)](#), **arts. 5-10**

#### Modifications etc. (not altering text)

**C5** By [1995 c. 40](#), ss. 3, 7(2), [Sch. 1 para. 10](#), **Sch. 2 Pt. III**, it is provided (S.) (1.4.1996) that s. 17(2) shall have effect as if the maximum fine that may be imposed on summary conviction for the offence mentioned therein was a fine not exceeding level 2 on the standard scale

#### Marginal Citations

**M1** [1868 c. 37](#).

## 18 Byelaws in case of leased land.

- (1) Where land has been leased under Part One of this Act, a byelaw made in respect of that land shall not be inconsistent with any condition contained in the instrument of lease.
- (2) Where land has been leased under Part One of this Act subject to a condition that byelaws relating to the land shall be made with the consent of the lessor, or shall be made by the lessor subject to the approval of the Secretary of State, that condition shall be observed, and the lessor, acting with the approval of the Secretary of State, shall have the same power of making byelaws in relation to the land as is conferred by this Act on the Secretary of State.

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