



Military Lands Act 1900

1900 CHAPTER 56 63 and 64 Vict

2 Provision as to byelaws.

(1) ^{F1}

(2) Where any land, the use of which can be regulated by byelaws under the Military Lands Act, 1892, or this Act, abuts on any sea or tidal water, or where rifle or artillery practice is or can be carried on over any sea, tidal water, or shore, from any such land, byelaws may be made in relation to any such sea, tidal water, or shore, as if they were part of the land.

Provided that—

(a) If any such byelaw injuriously affects or obstructs the exercise of any private right of any person in or over any such sea, tidal water, or shore, that person shall be entitled to compensation, and the compensation shall, in case of difference, be ascertained in manner provided by the Lands Clauses Acts with respect to the compensation for land taken otherwise than by agreement; and

^{F2}(b)

(c) No such byelaw shall be made in relation to any sea, tidal water, or shore which may for the time being be vested in Her Majesty, and under the management of the Commissioners of Woods, without the consent in writing of such Commissioners on behalf of Her Majesty first had and obtained for that purpose, which consent such Commissioners are hereby authorised to give.

[^{F3}(2A) Before making any such byelaws the Secretary of State must—

(a) take all reasonable steps to ascertain whether the byelaws would injuriously affect any public rights; and

(b) be satisfied, in relation to every public right that the Secretary of State considers would be injuriously affected by the byelaws—

(i) that a restriction of the right is required for the safety of the public or for the requirements of the military purpose for which the area to which the byelaws apply is used; and

(ii) that the restriction of the right imposed by the byelaws is only to such extent as is reasonable in all the circumstances of the case.]

Changes to legislation: There are currently no known outstanding effects for the Military Lands Act 1900, Section 2. (See end of Document for details)

^{F4}(3)

(4) For the purposes of this section “public right” means any right of navigation, anchoring, grounding, fishing, bathing, walking, or recreation.

(5) Where an area to which byelaws under this section apply consists of any sea or tidal water, or the shore thereof, and the boundaries of the area cannot, in the opinion of the authority making the byelaws, be conveniently marked by permanent marks, those boundaries shall be described in the byelaws, and shall be deemed to be sufficiently marked within the meaning of section seventeen of the Military Lands Act, 1892, if, while the area is in use for military or naval purposes, sufficient means are taken to warn the public from entering the area.

(6) ^{F5}

Textual Amendments

- F1** S. 2(1) repealed by [S.I. 1964/488](#)
- F2** Words in s. 2(2) repealed (8.3.2012) by [Armed Forces Act 2011 \(c. 18\)](#), ss. 24(1)(a), 32(3), [Sch. 5](#); [S.I. 2012/669](#), art. 3(a)(g)
- F3** S. 2(2A) inserted (8.3.2012) by [Armed Forces Act 2011 \(c. 18\)](#), ss. [24\(1\)\(b\)](#), 32(3); [S.I. 2012/669](#), art. 3(a)
- F4** S. 2(3) repealed (8.3.2012) by [Armed Forces Act 2011 \(c. 18\)](#), ss. 24(1)(c), 32(3), [Sch. 5](#); [S.I. 2012/669](#), art. 3(a)(g)
- F5** S. 2(6) repealed by [Statute Law Revision Act 1908 \(c. 49\)](#)

Modifications etc. (not altering text)

- C1** S. 2(2) extended by [Land Powers \(Defence\) Act 1958 \(c. 30\)](#), [s. 7](#)
- C2** Functions of Commissioners of Woods now exercisable by Crown Estate Commissioners: [S.R. & O. 1924/1370 \(Rev. V, p. 443: 1924, p. 228\)](#), [Crown Estate Act 1956 \(c. 73\)](#), [s. 1\(1\)](#) and [Crown Estate Act, 1961 \(c. 55\)](#), [s. 1\(1\)](#)

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