



Military Lands Act 1900

1900 CHAPTER 56

2 Provision as to byelaws.

- (1) Where any land is for the time being appropriated by the Admiralty for any purpose of Her Majesty's navy, or used by the Admiralty for any such purpose, the Admiralty shall have the same power of making byelaws with respect to the land as maybe exercised by a Secretary of State with respect to land appropriated or used for a military purpose, as the case may be, and the provisions of the Military Lands Act, 1892, relating to byelaws shall apply accordingly.
- (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
- (b) Any such byelaw shall not injuriously affect any public right within the meaning of this section unless made with the consent of the Board of Trade, but the Board of Trade, if satisfied after such inquiries and such notice and opportunity for objections as herein-after mentioned that a restriction of any public right is required for the safety of the public, or for the exigencies of the military or naval purpose for which the area to which the byelaws apply is used, may consent to a byelaw restricting the public right to such extent as under all the circumstances of the case seems reasonable; and
- (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 Commissioner are hereby authorised to give.

Status: This is the original version (as it was originally enacted).

- (3) The Board of Trade, before consenting to any byelaw under this section, shall cause notice of the byelaw to be given by advertisement or otherwise in the locality, in order that any such town, harbour, and other local authorities and persons as are interested may have an opportunity for making objections to the byelaw, and shall consider any objections made, and shall make such inquiries as appear to the Board necessary for the purpose of ascertaining that the byelaw will not unreasonably interfere with any public right.
- (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) Section three of the Artillery and Rifle Ranges Act, 1885, is hereby repealed.