



## CHAPTER ccix.

An Act to provide for ascertaining any rights of common or other rights in or over Strensall Common, in the north riding of the county of York, and for the acquisition and compensation of such rights, and the use of the said Common and adjoining land for military and other purposes.

A.D. 1884.

[7th August 1884.]

**W**HEREAS in pursuance of the Military Forces Localisation Act, 1872, the Secretary of State for the War Department (in this Act referred to as the Secretary of State) has purchased, by agreement, the soil in the common known as Strensall Common, in the parish of Strensall, in the north riding of the county of York, the uninclosed portions of which are in this Act referred to as Strensall Common:

35 & 36 Vict.  
c. 68.

And whereas the object of such purchase was to obtain an area for a military training ground and store depôt in the north of England, including the erection of stores, magazines, buildings, rifle butts, and works, the pitching of a camp, the exercise of troops, rifle practice, and other military purposes, and it is expedient to make such provision as herein-after appears for acquiring the rights of common and other rights in and over Strensall Common, and otherwise respecting the use thereof for military purposes:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Strensall Common Act, 1884.

Short title.

2. The Secretary of State shall purchase and take for the purposes of the Military Forces Localisation Act, 1872, all commonable and other rights existing in or over Strensall Common, and notwithstanding any notices which may have been given and any

Purchase of  
common  
rights.

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proceedings which may have been taken under the provisions of the Lands Clauses Consolidation Acts prior to the passing of this Act, the Secretary of State may for that purpose put in force the provisions of the Lands Clauses Consolidation Acts with respect to the compulsory purchase of such rights: Provided that—

- (a.) For the purpose of such purchase, this Act, together with the Military Forces Localisation Act, 1872, shall be deemed to be the special Act; and
- (b.) The expression “commonable and other rights,” as used in this Act and in the Lands Clauses Consolidation Acts, shall not include any rights in or over Strensall Common to which the Secretary of State may be entitled; and
- (c.) If any committee appointed by the parties entitled to such commonable or other rights shall fail to agree with the Secretary of State as to the amount of compensation to be paid as aforesaid within a period of three months after notice has been given by the Secretary of State to convene a meeting for the purpose of appointing the said committee, the sum to be paid in respect of the total amount of such compensation shall be determined as between the Secretary of State and the committee as in other cases of disputed compensation under the said Lands Clauses Consolidation Acts, and any compensation so determined shall be paid or deposited and apportioned among the several persons interested therein, in the same manner in every respect as though such compensation were compensation agreed to be paid by the Secretary of State to the said committee, and all the provisions of the Lands Clauses Consolidation Acts, and of any Act or Acts amending the same, with reference to compensation so agreed to be paid, shall apply and have effect with reference to compensation so determined as aforesaid.

Provision  
as to roads.

3. Any public or private roads and ways in, over, or through Strensall Common may be set out, stopped up, diverted, and altered in like manner and subject to the same right of appeal as public or private roads in, over, and through lands to be enclosed may be set out, stopped up, diverted, and altered by the valuer under the Inclosure Acts, 1845 to 1878, and the provisions of those Acts relating to such roads shall apply as if they were herein re-enacted and in terms made applicable to Strensall Common, and the powers of the valuer under those provisions shall, on the request of the Secretary of State, be exercised by the Land Commissioners either

by themselves or by any assistant commissioner, or by any valuer to be appointed by them.

Provided that—

- (a.) All expenses of executing any works under this section shall be borne by the Secretary of State; and
- (b.) The Land Commissioners in stopping up, diverting, or altering any public road shall have special regard to the convenience of the public; and
- (c.) The Land Commissioners shall by their award declare by whom any private roads in or over Strensall Common are to be maintained, and may declare that any such road is to be maintained by the Secretary of State, but all public roads in or over the said common shall be maintained by the Secretary of State; and
- (d.) Any award as to roads under this section shall be deposited in the office of the clerk of the peace of the north riding of Yorkshire; and
- (e.) Nothing in this section shall authorise the Land Commissioners or any assistant commissioner or valuer to stop up, alter, or divert (save with the consent of the owner for the time being of Walbuts Farm) the right of way mentioned in the schedule to this Act.

4. Where in the opinion of the officer commanding any forces engaged in any military operations on Strensall Common it is necessary for the safety of any person or persons passing along such road so to do, such officer or any person acting under his authority may stop the traffic on any public or private road or way in or over the said common for such time as the said officer may think necessary.

Power to stop traffic temporarily for military operations.

Provided always, that the present road leading from York to Lilling, or any road to the north or north-west thereof, shall not be subject to this section: Provided also, that no such military operations shall take place without due notice being given to the public by the erection of flags and the posting of notices.

5. The Secretary of State, at any time or times after the passing of this Act, may, in such manner as he may think expedient for the public service, lay out, drain, level, fence, plant, and improve Strensall Common, and construct thereon such houses, stores, magazines, buildings, rifle butts, and works, with yards, gardens, and appurtenances as he thinks expedient, so that the area used for such constructions do not exceed two hundred and fifty acres, and may authorise the rest of the said common (in this Act referred to

Powers to build on and drain and improve Strensall Common and use it for military purposes.

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as the open portion of the common) to be used for such military purposes, whether camps, reviews, drills, training, exercising, firing, rifle ranges, or other whatsoever, and at such time or times and during such periods as he from time to time directs; and Strensall Common may be used for such constructions and purposes as above in this section mentioned by any of Her Majesty's forces and other persons acting under the authority of the Secretary of State, to the exclusion of all other persons whomsoever.

Use of open part of Strensall Common and adjoining land for military purposes and for exercise and recreation, and regulation thereof.

See Worm-wood Scrubs Act, 42 & 43 Vict. c. clx. (Local).

6.—(1.) Whenever the open portion of Strensall Common, and also any land held by the Secretary of State which adjoins or is near to Strensall Common and is for the time being uninclosed, is not required to be used for any military purpose, the Secretary of State shall permit the same to be used by Her Majesty's subjects for exercise and recreation, and such portion of the said common or land as is so permitted to be used is in this Act referred to as the recreation ground land.

(2.) Whenever the recreation ground land, or any part thereof, is required by the Secretary of State, or by any person acting under his authority, to be used for any military purpose, the following provisions shall have effect with respect to such land or part:—

(a.) The Secretary of State and any of Her Majesty's forces, and any persons acting under the authority of the Secretary of State, may use the same for such military purpose, to the exclusion of all persons whomsoever, at such time or times and during such period as the Secretary of State by any general or special regulation may direct.

(b.) A person shall not, without authority from the Secretary of State, or some person acting under his authority, enter the same or any part thereof, or drive any animal or place any thing thereon; and if he does so or attempts to do so shall be liable to a fine not exceeding forty shillings.

(c.) A person who obstructs or interferes with the use of the same for any military purpose, or without due authority removes any flag or mark thereon, shall be liable to a fine not exceeding five pounds.

(d.) A person committing an act for which he is liable to a fine under this section may be removed by any constable by force from the said land or part, and may be taken into custody by any constable without warrant, and animals and things on such ground or part may be removed by any constable, or by any person authorised by the Secretary of State.

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(e.) The Secretary of State shall cause notice to be given, so far as is reasonably practicable, of such part of the recreation ground land as is for the time being required to be kept clear for any military purpose, and of the time or times at which, and the period during which it is to be so kept clear, but the absence of such notice shall not exempt a person from any fine or liability under this section, nor interfere with the right of the Secretary of State, or of Her Majesty's forces, or persons acting under his authority, to use any part of the recreation ground land, and exercise the powers conferred by this Act.

(3.) The Secretary of State may from time to time make, and when made revoke and vary, byelaws for the government of the recreation ground land when not used for any military purpose, 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 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 of exercise and recreation.

(4.) A person who commits an offence against any such byelaw shall be liable, on summary conviction, to a fine not exceeding five pounds, and may be removed by any constable from the recreation ground land, and taken into custody without warrant, and brought before a court of summary jurisdiction to be dealt with according to law.

(5.) The Secretary of State, before making any byelaws under this section, shall cause the same 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 same to be published in such manner as appears necessary to make them known to all persons in the locality, and shall provide for copies thereof being sold at the price of one shilling for each copy to any person who desires to obtain the same.

(6.) A byelaw under this section shall be deemed to be a regulation within the meaning of the Documentary Evidence Act, 1868, and may be proved accordingly.

31 & 32 Vict.  
c. 37.

7. All expenses of the Secretary of State and of the Land Commissioners incurred in the execution of this Act shall be paid out of moneys provided by Parliament.

Expenses.

A.D. 1884.

Clerk of  
peace to  
retain map,  
register, &c.7 W. 4 &  
1 Vict. c. 83.Reserving  
rights of  
the lord of  
the manor of  
Strensall.As to  
power of  
exchange.Saving for  
right of  
Secretary  
of State.

8. The clerk of the peace for the north riding of the county of York shall retain the map deposited for the purposes of this Act, and any award made under this Act, and any other document deposited with him under this Act, and shall permit all persons interested to inspect the same, and make extracts or copies therefrom or thereof, in the like manner, and on the like terms, and under the like penalty for default, as are provided in relation to certain plans and sections by an Act passed in the first year of Her Majesty's reign, intituled "An Act to compel the clerks of the peace for counties and other persons to take the custody of such documents as shall be directed to be deposited with them under the standing orders of either House of Parliament."

9. Nothing in this Act contained shall take away, diminish, or prejudicially affect any estates, titles, interests, rights, privileges, or incidents of the lord of the manor of Strensall, in reference to any lands, messuages, tenements, and hereditaments holden of the said manor other than Strensall Common.

10. Notwithstanding anything in this Act contained any portion of Strensall Common, or of any lands for the time being held by the Secretary of State adjoining to or near to Strensall Common, may be at any time given in exchange for other adjoining lands, under the provisions of the Inclosure Acts, 1845 to 1878, and the lands so given in exchange shall be deemed to be freed and discharged from all rights affecting the same; and the lands taken in exchange shall be subject to all rights and powers affecting the lands given in exchange, provided that the powers by this section conferred shall not be exercised in respect of any part of Strensall Common until the compensation to be agreed upon or determined for the commonable and other rights in or over Strensall Common has been paid or deposited in accordance with the provisions of the Lands Clauses Consolidation Acts or of this Act.

11. Nothing in this Act shall be deemed to diminish or prejudicially affect any right or power vested in the Secretary of State as owner of the soil in Strensall Common, or of any other land or otherwise howsoever.

## SCHEDULE.

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A.D. 1884.

The right of way reserved by the indenture of the 23rd of December 1876, made between William Cayley Worsley and James Robert Walker of the first part, William Benson Richardson of the second part, Leonard Thompson and Lady Mary Thompson of the third part, and Her Majesty's Principal Secretary of State for the War Department of the fourth part, to, from, over, and along the roads marked with a blue line on the plan drawn on or annexed to the said indenture, and leading from Walbut's otherwise Wallbutt's Farm to the main road from York to Lilling.

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