



**Shorncliffe and District  
Military Lands  
Byelaws  
1976**

Made by the Secretary of State for Defence, under the provisions of the Military Lands Act 1892, for regulating the use of the above-mentioned lands.

# DEFENCE

## THE SHORNCLIFFE AND DISTRICT MILITARY LANDS BYELAWS 1976

Made 1st March 1976

Coming into operation 17th May 1976

The Secretary of State for Defence in exercise of his powers under Part II of the Military Lands Act 1892 (a) and Section 2 of the Defence (Transfer of Functions) Act 1964 (b) and of all other powers enabling him in that behalf hereby makes the following Byelaws:—

### LANDS AFFECTED

1. The lands to which these Byelaws apply consist of lands belonging to the Secretary of State in the former Boroughs of Folkestone and Hythe and in the Parishes of Acrise, Elham, Lyminge, Newington, Paddlesworth, Saltwood and Postling in the District of Shepway, in the County of Kent, but excluding any public rights of way, the boundaries of which lands are, for convenience of identification, shown by a black line on the plan annexed to these Byelaws and identified as "Plan of the Shorncliffe and District Military Lands" all of which is hereinafter referred to as "the Military Lands".

### USE OF LANDS BY PUBLIC

2. Subject to the provisions of these Byelaws the public are permitted to use all parts of the Military Lands not specially enclosed or the entry to which is not shown by notice as being prohibited or restricted, including those Ministry of Defence roads thereon which have been constructed and made up for general use by vehicular traffic, for the purposes of open-air recreation at all times when the Military Lands are not being used for military purposes for which they are appropriated.

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(a) 55 & 56 Vict. c.43.

(b) 1964 c.15.

## CONTROL OF ROAD TRAFFIC

3. When any such Ministry of Defence road as aforesaid within any part of the Military Lands which is not specially enclosed or the entry to which is not prohibited or restricted is not closed to the public or is not being used for military purposes:—

- (1) No person shall ride a horse, bicycle or tricycle or drive a vehicle elsewhere than on the carriageway of such road;
- (2) No person shall use any vehicle to ply for hire on any such road;
- (3) Every person who rides a horse, bicycle or tricycle or drives a vehicle on any such road
  - (a) shall comply with the directions, given orally or by signal, of a Service policeman in uniform or any member of a police force, or special constable under the control of the Defence Council;
  - (b) shall comply with all military and traffic signs, and
  - (c) shall ride or drive with due care and attention and with reasonable care for other persons.
- (4) No person shall ride a bicycle or tricycle or drive a vehicle upon such a road during the hours of darkness as prescribed by the enactments relating to the lighting of road transport unless such bicycle or tricycle or vehicle carries the appropriate lights which are required to be carried by such bicycle or tricycle or vehicle when on a public highway during the hours of darkness;
- (5) No person shall drive without a valid Driving Licence or be in charge of any vehicle unless the vehicle is registered, taxed and insured, as required for such vehicle when on a public highway.

## PROHIBITED ACTIVITIES

4. Without prejudice to the provisions of Byelaw No. 3, no person when on the Military Lands shall:—

- (1) enter on any part of the Military Lands which is specially enclosed or the entry to which is shown by a notice as being prohibited or restricted, or
- (2) ride a horse, bicycle or tricycle or ride, drive or propel a vehicle of any kind otherwise than on the carriageway of a road suitably constructed and made up for general use for vehicular traffic, or
- (3) engage in or carry on any trade or business of any nature or kind whatsoever or ride, drive, conduct or cause to be ridden, driven or conducted, use or employ any animal or vehicle of any kind or use any audible means either wholly or mainly for the purposes of trade or advertisement, or

- (4) loiter, or commit any nuisance, or behave in any indecent or unseemly manner, or
- (5) assemble or attempt to assemble or cause to assemble, or bring upon the Military Lands any number of persons for the purpose of a private or public meeting or otherwise, or address any such persons when assembled, or
- (6) camp (whether in tents, caravans or otherwise), bivouac or sleep out, or
- (7) deposit industrial or domestic refuse, rubble, waste or litter or abandon any vehicle or vehicle part or article, or
- (8) damage, cut or remove grass, turves or growing crops, shrubs, trees, timber or wildflower roots, or
- (9) graze any animal, or
- (10) pursue, kill, shoot, snare or trap game or other birds or animals, or take or destroy their eggs, or
- (11) damage, spoil, interfere with or remove any building, wall, fence, gate, post, cattle grid, stores, equipment or ammunition, or
- (12) dig or search for any projectile or any lead or other metal, or interfere with or take or retain or be in possession of any projectile or lead or other metal found within the Military Lands, or
- (13) do or cause or allow to be done, any act which is likely to cause nuisance, annoyance or injury to other persons, or
- (14) deposit or distribute or cause to be deposited or distributed any handbills, leaflets or other literature or printed matter of any description, or
- (15) affix posters, notices or bills of any description in or on the boundaries, walls or fences or in or on any building or other structure or on any tree, pillar, post, bollard, railing, gate or other erection, or
- (16) light fires, drop or leave lighted or live matches or burning cigarette ends or do any act or thing liable to cause an outbreak of fire, or
- (17) take or cause to be taken on the Military Lands any fire-arm, air-gun, ammunition, any explosive or detonator or any part or component of the foregoing.

#### WARNING OFF

5. (1) No person shall remain on the Military Lands after having been warned off by a person acting under the authority of the General Officer Commanding the Army District or of the Officer in Charge of the Military Lands.

- (2) No person, being the owner or person for the time being in charge of any animal, vehicle or thing upon the Military Lands, shall permit the same to remain upon the Military Lands after having been warned to remove the same by a person acting under the authority of the General Officer Commanding the Army District or of the Officer in Charge of the Military Lands.

### OFFENCES

6. Subject to the provisions of Byelaw No. 8 any person doing anything prohibited by or otherwise contravening any provision of the preceding Byelaws Nos. 3, 4 and 5 thereby commits an offence against the Byelaws so contravened.

### ENFORCEMENT

7. The following persons are hereby authorised to remove from the Military Lands and to take into custody without warrant any person committing an offence against any of the said Byelaws, and to remove from the Military Lands any animal, vehicle or thing found on the Military Lands in contravention of any of the said Byelaws:—

- (a) The General Officer Commanding the Army District;
- (b) The Officer in Charge of the Military Lands;
- (c) any officer, warrant officer, non-commissioned officer or rating of corresponding rank, or any Service policeman, in uniform and being for the time being under the command of the said General Officer Commanding or of the Officer in Charge of the Military Lands;
- (d) any person authorised in writing by or on behalf of the said General Officer Commanding or of the Officer in Charge of the Military Lands, and
- (e) any member of a police force or any special constable under the control of the Defence Council.

### EXEMPTIONS

8. (1) Nothing done by a person using the Military Lands for any of the military purposes for which they are for the time being appropriated, if done in pursuance of such military purpose, shall be deemed to constitute an offence against any of these Byelaws.
- (2) Nothing done by a person acting under and in accordance with any authority or permission given by or on behalf of the Secretary of State, the General Officer Commanding the Army District or the Officer in Charge of the Military Lands shall be deemed to constitute an offence against any of these Byelaws.

## INTERPRETATION

9. The Interpretation Act 1889 (c) shall apply to the interpretation of these Byelaws as it applies to the interpretation of an Act of Parliament.

## COMMENCEMENT, CITATION AND REVOCATION

10. (1) These Byelaws shall come into operation on the 17th day of May 1976 and may be cited as the Shorncliffe and District Military Lands Byelaws 1976.
- (2) The Byelaws in respect of the Shorncliffe and District Military Lands dated the fifth day of September 1938 (d) are hereby revoked.

Date this 1st day of March 1976.

(Signed M. H. TALLBOYS

By order of the Secretary of State for Defence

## NOTICES

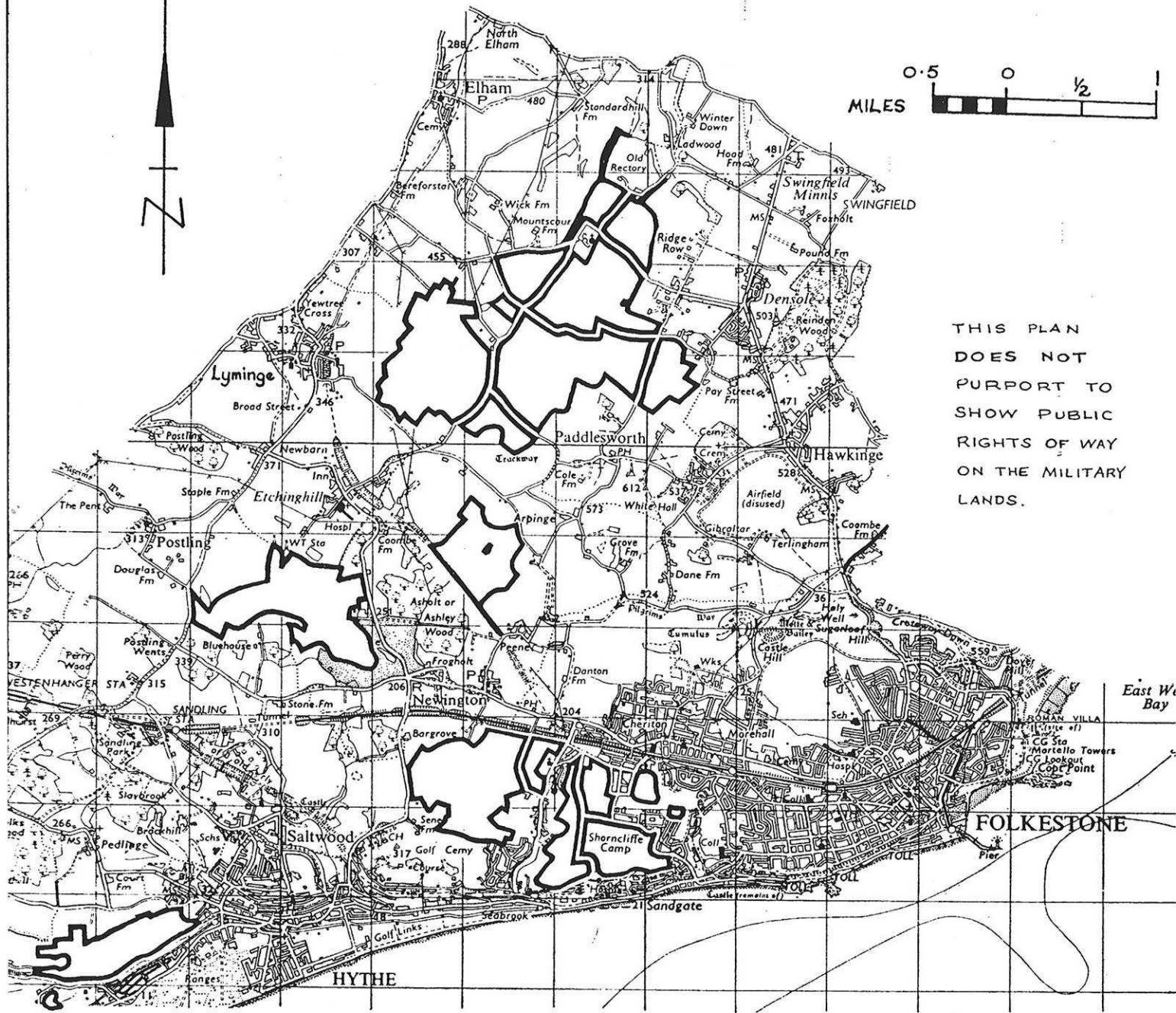
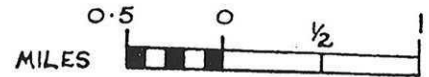
## PENALTY FOR OFFENCES

1. By Section 17 (2) of the Military Lands Act 1892, as amended by Section 92 of and Schedule 3 to the Criminal Justice Act 1967, it is provided:—

**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 TWENTY POUNDS, 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.**

## INSPECTION OF BYELAWS AND PLAN

2. A copy of these Byelaws and a plan showing the lands to which these Byelaws apply may be inspected at the office of the Garrison Commander, Headquarters Dover/Shorncliffe Garrison, the Police Stations at Folkestone and Hythe and also at the office of the Senior Estate Surveyor, Property Services Agency, Department of the Environment, Chaucer Barracks, Canterbury, Kent CT1 1JS where copies of the Byelaws may be obtained at the price of five pence (5p) for each copy.



THIS PLAN  
DOES NOT  
PURPORT TO  
SHOW PUBLIC  
RIGHTS OF WAY  
ON THE MILITARY  
LANDS.

East W  
Bay

FOLKESTONE

HYTHE



*Notwithstanding any fine limit mentioned in the above byelaws the current maximum fine as at 01/09/2008 is the sum of £500 being the maximum on level 2 of the standard scale.*