



STRENSALL COMMON

(USE FOR MILITARY PURPOSES)

REGULATIONS

Made by the Secretary of State for Defence, under the provisions of the Strensall Common Act 1884, for regulating the use of the Strensall Common recreation ground land.

DEFENCE

THE STRENSALL COMMON (USE FOR MILITARY PURPOSES) REGULATIONS 1971

Made 12th August 1971

Coming into operation 30th November 1971

The Secretary of State for Defence in exercise of his powers under section 6 of the Strensall Common Act 1884 (a), 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 Regulations:—

CITATION AND OPERATION

1. These Regulations may be cited as the Strensall Common (Use for Military Purposes) Regulations 1971, and shall come into operation on the 30th day of November 1971.

INTERPRETATION

2. (1) In these Regulations—
“the recreation ground land” means the open portion of Strensall Common and other land described in section 6 (1) of the Strensall Common Act 1884, which the Secretary of State is required by that section to permit to be used for exercise and recreation when not required to be used for any military purpose, the boundaries of such portion of the said Common and other such land being shown by a thick black line on the plan annexed to these Regulations and identified as “PLAN OF THE STRENSALL RECREATION GROUND LAND SHOWING RIFLE AND GRENADE RANGE AREAS”; and “the Rifle Range Area” and “the Grenade Range Area” mean the parts of the recreation ground land shown so marked on the said plan.
- (2) The Interpretation Act 1889 (c), applies for the purpose of the interpretation of these Regulations as it applies for the purpose of the interpretation of an Act of Parliament.

USE FOR MILITARY PURPOSES

3. It is hereby directed that the following parts of the recreation ground land may be used to the exclusion of all persons whomsoever for the military purposes and at the time or times and during the periods hereinafter specified in relation to them, that is to say—

- (a) The Rifle Range Area may be used as a rifle and small arms range while red flags by day or red lights by night
- (a) 47 and 48 Vict. c.ccx. (b) 1964 c.15. (c) 52 and 53 Vict. c.63.

are hoisted at or near the locations indicated by black circles and the letters A, B and C on the plan annexed to these Regulations;

- (b) the Grenade Range Area may be used as a grenade range while a red flag is hoisted by day at or near the location indicated by a black circle and the letter D on the said plan;
- (c) any other area in which for the time being there is a danger to persons using the recreation ground land by reason of the presence of an unexploded missile or other hazard may be used for the purpose of removing or nullifying the danger while notices notifying the danger are exhibited in the vicinity of the area and the boundaries of the area are marked out;
- (d) any other area may be used for military training which constitutes a danger to persons using the recreation ground land while notices stating that such training is being carried out are exhibited in the vicinity of the area and the boundaries of the area are marked out.

4. The General Regulation made by the Secretary of State under the Strensall Common Act 1884 dated the 28th November 1938 (a) is hereby revoked.

Dated this 12th day of August 1971.

D. J. Chapman

By Order of the Secretary of State for Defence.

NOTICES

OFFENCES AND PENALTIES

1. By section 6 (1) and (2) of the Strensall Common Act 1884, it is provided:—

“(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

(a) S.R. & O. 1938/1954.

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 regulations 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 ANYTHING THEREON; AND IF HE DOES SO OR ATTEMPT TO DO SO SHALL BE LIABLE TO A FINE NOT EXCEEDING TWO POUNDS.
- (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.
- (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."

ENFORCEMENT

2. The following persons are hereby authorised by the Secretary of State to remove animals and things on the Rifle and Grenade Area pursuant to Section 6 (2) (d) of the Act, that is to say:—

- (1) The General Officer Commanding the Army District;
- (2) the Officer in charge of the Strensall Ranges;

- REPORT INTENDING 7
- (3) any officer, warrant officer, non-commissioned officer, service policeman in uniform and being for the time being under the command of the officers specified in paragraph (1) and (2);
 - (4) any person authorised in writing by or on behalf of the officers specified in paragraph (1) or paragraph (2);
 - (5) any member of a police force or any special constable under the control of the Defence Council.

INSPECTION AND COPIES

3. A copy of these Regulations and the Plan attached thereto may be inspected at the Police Station, Strensall. They may also be inspected at the Office of the Defence Land Agent, Ministry of Defence, "Shenfield", Fulford Road, York, where copies of the Regulations and Plan may be obtained at the price of five pence (5p) for each copy.

STRENSALL COMMON

(USE FOR MILITARY PURPOSES)

REGULATIONS