



PORTSDOWN

MILITARY LANDS

BYE - LAWS

Made by Her Majesty's Principal Secretary of State for the War Department, under the provisions of the Military Lands Acts, 1892 to 1903, for regulating the use of certain War Department lands at Portsdown as set out in the Schedule hereto, for the purpose to which they are appropriated and for prohibiting all intrusion on such lands and all obstruction of the use thereof.

STATUTORY INSTRUMENTS

1954 No. 1763
MILITARY LANDS

<i>The Portsdown, Military Lands Bye-laws</i>	1954
<i>Made 3rd December</i>	1954
<i>Coming into operation 1st March</i>	1955

Her Majesty's Principal Secretary of State for the War Department in exercise of the powers conferred upon him by Part II of the Military Lands Act, 1892, (a) and of all other powers enabling him in that behalf, hereby makes the following Bye-laws:-

LANDS AFFECTED

1. (1) The lands to which these Bye-laws apply are the lands more particularly described in the Schedule to these Bye-laws and shown on the plan annexed hereto, being lands situated at Portsdown in the County of Southampton and belonging to Her Majesty's Principal Secretary of State for the War Department and appropriated by him for the stationing and training of troops and for other military purposes, and the said lands are in these Bye-laws referred to as "the Military Lands", which phrase shall, unless the context otherwise requires, include any part or parts as well as the whole of the said lands.

(2) These Bye-laws shall apply to all highways, roads and footpaths (*whether public or private*), upon the Military Lands and the phrase "the Military Lands" shall be construed accordingly, but nothing in these Bye-laws shall interfere with the lawful exercise by any person of any public right of way.

USE OF LANDS BY PUBLIC

2. Any use of or entry upon the Military Lands by the public shall be subject always to the restrictions, prohibitions and other provisions of these Bye-laws.

(a) 55 and 56 Vict. C.43

CONTROL OF ROAD TRAFFIC

3. The public may ride any horse or cycle or drive any horse-drawn or mechanically propelled vehicle on any road maintained by the War Department and situated upon the Military Lands, when such road is not closed to the public or is not being used for any military purpose, but in such case -

(1) No person shall ride a horse or cycle or drive a vehicle elsewhere than upon the carriageway of such road;

(2) no person shall cause a vehicle to ply for hire on any such road as a hackney carriage, taxicab or otherwise howsoever;

(3) every person who rides a horse or cycle or drives a horse-drawn or mechanically propelled vehicle on any such road shall forthwith stop if a military policeman in uniform or a War Department constable in uniform requests or (by the holding up of the hand) signals him to do so, and shall not proceed further until such policeman or constable gives him the signal to proceed; and

(4) no person shall ride a cycle or drive a horse-drawn or mechanically propelled vehicle upon any such road during the hours of darkness (as prescribed by the enactments relating to the lighting of road transport - that is to say, as respects the period of summer time, the time between one hour after sunset and one hour before sunrise, and as respects the remainder of the year, the time between half an hour after sunset and half an hour before sunrise) unless such cycle or vehicle carries the appropriate lights which are required to be carried by such cycle or vehicle when on any public highway during the hours of darkness.

PROHIBITED ACTIVITIES

4. No person when on the Military Lands shall:-

- (a) engage in or carry on any trade or business of any nature or kind whatsoever, or
- (b) seek or perform any casual employment (whether by way of carrying soldiers' kits or otherwise howsoever), or
- (c) engage in prostitution, or
- (d) loiter, or commit any nuisance, or behave in any indecent or unseemly manner, or
- (e) engage in gaming, betting or wagering.

5. No person shall:-

- (a) deposit or distribute or cause to be deposited or distributed on the Military Lands any handbills, leaflets or other literature or printed matter of any description, or
- (b) affix any posters, bills or notices of any description in or on the boundaries, walls or fences of the Military Lands, or in or on any buildings or other structures on the Military Lands, or
- (c) assemble or attempt to assemble or cause to assemble upon the Military Lands any number of persons for the purpose of a public or private meeting of any kind, or address any such persons when assembled.

6. No person shall:-

- (a) camp (whether in tents, caravans or otherwise), or bivouac, or sleep out upon the Military Lands, or
- (b) deposit or leave any broken glass or other rubbish upon the Military Lands, or

- (c) light any fire upon the Military Lands, or
- (d) drop or leave upon the Military Lands any lighted or live matches or burning cigarette ends, or do any other act or thing likely to cause an outbreak of fire upon the Military Lands.

7. No person shall:-

- (a) graze any animal upon the Military Lands, or
- (b) cut any grass, turf or growing crops upon the Military Lands or remove the same from the Military Lands, or
- (c) damage, cut or deface any growing trees or shrubs on the Military Lands, or remove any timber, trees, shrubs or wild flower roots from the Military Lands, or
- (d) pursue or kill game or other birds or animals upon the Military Lands, or
- (e) fish in any waters upon the Military Lands.

8. No person shall interfere with or remove from the Military Lands any stores or articles belonging to the War Department or otherwise the property of the Crown.

9. No person shall enter upon the Military Lands for the purpose of doing any act or thing prohibited by any of the foregoing Bye-laws Nos. 4, 5, 6, 7 or 8, and no person shall bring or cause to be brought on to the Military Lands any animal, vehicle or thing for the purpose of doing or facilitating the doing of an act or thing so prohibited.

WARNING OFF

10. (1) No person shall remain on the Military Lands after having been warned off by the Officer in Charge of Military Lands or by a person acting under the authority and on behalf of the said Officer.

(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 the Officer in charge of the Military Lands or by a person acting under the authority and on behalf of the said Officer.

OFFENCES

11. (1) Any person contravening any of the preceding Bye-laws Nos. 3 to 10 (*inclusive*) shall be deemed to commit an offence against the Bye-law so contravened.

(2) The persons 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 Bye-laws, and to remove from the Military Lands any vehicle, animal or thing found on the Military Lands in contravention of any of the said Bye-laws are:-

- (1) The General Officer Commanding-in-Chief, Southern Command;
- (2) the Officer in charge of the Military Lands;
- (3) any officer, warrant officer or non-commissioned officer of any of the Armed Forces, or any military policeman or War Department constable in uniform, being for the time being under the command of the said General Officer Commanding-in-Chief or of the said Officer in charge;
- (4) any person authorised in writing by or on behalf of the said General Officer Commanding-in-Chief or of the said Officer in charge; and
- (5) any police constable.

EXEMPTIONS

12. (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 Bye-laws.

(2) Nothing done by a person

(a) acting under and in accordance with any authority or permission given by or on behalf of the General Officer Commanding-in-Chief, Southern Command, or the Officer in charge of the Military Lands, or

(b) being a member of the civil police force or of the fire or ambulance services and acting in the course of his duty in any emergency

shall be deemed to constitute an offence against any of these Bye-laws.

(3) Nothing in these Bye-laws shall affect the rights of the tenants of the War Department under their agreements with the War Department or the rights of any landlord or superior landlord under any lease of land to the War Department.

INTERPRETATION

13. The Interpretation Act, 1889, (b) shall apply to the interpretation of these Bye-laws as it applies to the interpretation of an Act of Parliament.

DATE OF OPERATION OF BYE-LAWS

14. (1) These Bye-laws shall come into operation on the 1st day of March 1955 on and after which date the Bye-laws in respect of the Portsdown Hill Military Lands dated the 19th day of October, 1935 (c) shall be revoked.

(b) 52 & 53 Vict. C.63

(c) S.R. & O. 1935 1188

(2) These Bye-laws may be cited as the Portsdown Military Lands Bye-laws, 1954.

SCHEDULE

DESCRIPTION OF LANDS AFFECTED

The Military Lands situated at Portsdown in the County of Southampton are as follows:-

All those premises and lands, including the un-enclosed as well as the enclosed Down lands, belonging to Her Majesty's War Department, situated upon Portsdown and

(1) lying between that private residence known as "The Towers", Bedhampton, on the East, and a line approximately 740 yards West of the Southwick-Portsmouth and Portsdown "Crest" cross roads, on the West, and

(2) lying between the eastern boundaries of the field adjoining Monument Lane, Boarhunt, opposite "Nelson's Monument", and the village of Wallington on the West, both of the aforesaid areas being bounded on the North by a line clearly marked with a series of boundary stones, and on the South by a similar series of boundary stones, such stones being incised with the initials "W.D." and the broad arrow, together with an index number. The aforesaid premises and lands are intersected by the Portsdown "Crest" Road and lie North and South of same, the road-side wastes of which form part of the lands hereby scheduled.

DATED this 3rd day of December One thousand nine hundred and fifty-four.

W. H. CURTIS

Assistant Under Secretary of State

By Order of Her Majesty's Principal
Secretary of State for the War
Department.

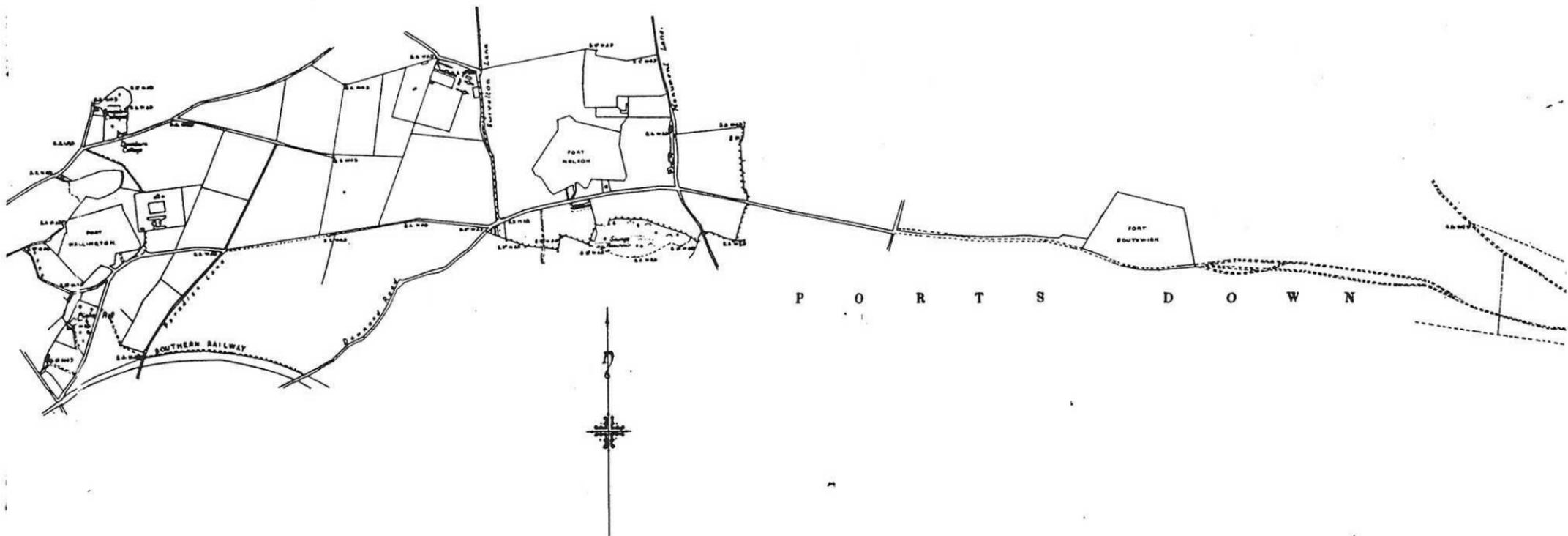
NOTICES
PENALTY FOR OFFENCES

1. By Section 17(2) of the Military Lands Act, 1892, it is provided that:-

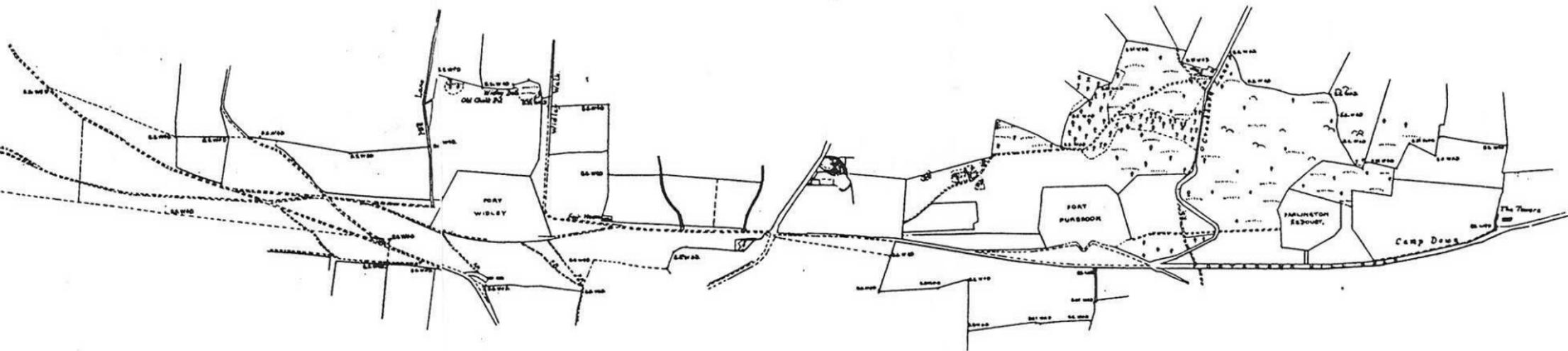
If any person commits an offence against any Bye-law under this Act, he shall be liable, on conviction before a Court of Summary Jurisdiction, to a fine not exceeding FIVE POUNDS, and may be removed by any constable or officer authorised in manner provided by the Bye-law from the area, whether land or water, to which the Bye-law 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 Bye-law, 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.

WHERE BYE-LAWS CAN BE OBTAINED

2. Copies of these Bye-laws can be obtained at the office of the War Department Land Agent (Portsmouth), Fareham House, East Street, Fareham, Hants, by any person who desires to obtain the same.



PORTSDOWN.



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.