1952 No. 2071

MILITARY LANDS

BYELAWS (MINISTER OF SUPPLY)

Nancekuke Establishment (Cliff Footpath) Byelaws, 1952

Made - - - - - - - Coming into Operation -

28th November, 1952

1st December, 1952

The Minister of Supply in exercise of the powers conferred upon him by Part II of the Military Lands Act, 1892(a), as applied in relation to him by the Ministry of Supply (Transfer of Powers) (No. 1) Order, 1939(b) and of all other powers enabling him in that behalf, hereby with the consent of Camborne-Redruth U.D.C. makes the following Byelaws for regulating the use of the Portreath-Porthtowan cliff footpath at Nancekuke in the County of Cornwall:—

Application of Byelaws

- 1. These Byelaws apply:--
 - (1) to the strip of land which lies to the seaward of the north-western boundary fence of the Ministry of Supply Establishment at Nancekuke in the County of Cornwall being all the land which lies between the said boundary fence and the cliff edge, and
 - (2) to that section of the Portreath-Porthtowan cliff footpath which runs through the said strip of land, that is to say that section of the said footpath which lies between the gate approximately 400 yards east of Gooden Heane Point on the west and the gate situated approximately 700 yards north-west of Factory Farm on the east, the said strip of land and the said section of footpath being hereinafter collectively referred to as "the Cliff Footpath".

General Restriction of use of Cliff Footpath

- 2.—(1) No person shall enter or be upon the Cliff Footpath otherwise than on foot and in the course of and for the purpose of making his passage thereover in accordance with these Byelaws.
- (2) No person shall cause or permit any animal (other than a dog upon a lead) or vehicle (other than a bicycle not equipped with mechanical propulsion) to be upon the Cliff Footpath.
- (3) No person shall deposit or leave upon the Cliff Footpath any article, thing or matter of any kind whatsoever.

Prohibition of Passage

3. During such times as the gate at each end of the Cliff Footpath is shut and a red flag is flown alongside

each such gate, then the Cliff Footpath shall be closed to the public and no persons shall:—

(a) enter upon the Cliff Footpath, or

(b) be or remain upon the Cliff Footpath, or

(c) cause or permit or suffer any animal, vehicle or other thing whatsoever to enter upon or be or remain upon the Cliff Footpath.

Offences

- 4. Any person doing anything prohibited by or otherwise contravening any provision of either of the preceding Byelaws Nos. 2 or 3 shall be deemed to commit an offence against the Byelaw so contravened.
- 5. The persons hereby authorised to remove from the Cliff Footpath and to take into custody without warrant any person committing an offence against either of the said Byelaws, and to remove from the Cliff Footpath any animal, vehicle, or thing found on the Cliff Footpath in contravention of either of the said Byelaws are:—
 - (a) the Chief Superintendent for the time being of the Ministry of Supply Establishment Nancekuke aforesaid;
 - (b) any person authorised in writing under the hand of the said Chief Superintendent and
 - (c) any police constable.

Exemptions

6. Nothing done by the Chief Superintendent for the time being of the said Establishment, or by any person acting under his authority, or by any person authorised for the purposes of Byelaw No. 5 hereof, shall be deemed to constitute an offence against any of these Byelaws.

Date of operation of Byelaws

7. These Byelaws shall come into force on the first day of December, 1952, and may be cited as the Nancekuke Establishment (Cliff Footpath) Byelaws, 1952.

Dated this 28th day of November, 1952.

The Camborne-Redruth Urban District J. Mitchell, Chairman. Council hereby signify their consent to the foregoing Byelaws

J. Mitchell, Chairman. S. C. Wilson, Clerk.

A. K. Davis,
Assistant Secretary, Ministry of Supply.
Authorised by the Minister.

Notices Penalty for Offences

1. By Section 17 (2) of the Military Lands Act, 1892, 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 FIVE 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 His Majesty.

Where copies of Byelaws can be obtained and inspected

2. Copies of these Byelaws can be obtained at the price of one shilling for each copy from:—

The Secretary, Ministry of Supply, The Adelphi, London, W.C.2. (Reference 4/Land/2246) and can be inspected at the following places:—

The Office of the Chief Superintendent, Ministry of Supply Establishment, NANCEKUKE.

The Police Station at REDRUTH.

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.