



# **Kithurst Range**

## **BYELAWS**

**Made by Her Majesty's Principal Secretary of State for the War Department, under the provisions of Part II of the Military Lands Act 1892, for regulating the use of the above-mentioned range.**

# STATUTORY INSTRUMENTS

1963 No. 1000

## ARMY

### The Kithurst Range Byelaws 1963

Made 17th May 1963

Coming into operation 19th August 1963

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<sup>(a)</sup> and of all other powers enabling him in that behalf hereby, with the consent of the West Sussex County Council so far as regards the interference with the highway hereinafter mentioned, makes the following Byelaws:—

#### AREA OF LAND AFFECTED

1. The area to which these Byelaws apply (hereinafter referred to as "the Danger Area") consists of the Kithurst Range (together with the highway thereon) at Kithurst in the Parish of Storrington in the County of Sussex the limits of which are set out in the Schedule hereto and are, for convenience of reference, marked with a thick black line on the plan hereto annexed and identified as "Plan of the Kithurst Range".

#### USE OF DANGER AREA

2. The Danger Area may be used for the firing of rifles, machine guns, revolvers and pistols and for all activities ancillary to such firing.

#### PROHIBITION OF ACCESS

3. (1) When the Danger Area is being used for any of the military purposes specified in Byelaw No. 2, no person shall:—
- (a) enter into or upon or pass over or through the Danger Area, or
  - (b) be or remain in or upon the Danger Area, or
  - (c) cause or permit or suffer any vehicle, animal, aircraft or thing to enter into or upon or to pass through or to be or remain in or upon the Danger Area, or
  - (d) cause or permit any aircraft to fly over the Danger Area at a height less than 1,200 feet above mean sea level.

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

- (2) Whilst the Danger Area is being used for any of the said military purposes, notice of the fact shall be given by the display of the following signals, that is to say, by the display of a red flag by day and a red light by night hoisted at the following places :—
- (a) between the two 500 yards firing points near north boundary, 300 yards east-south-east of Pay Gate Cottage ;
  - (b) at a place 400 yards south of the Butts near south boundary on Kithurst Hill, 1,150 yards south-west of Coldharbour and 20 yards north of the bridle road ;
  - (c) at the junction of the bridle road from Kithurst Hill with the Storrington-Amberley main road, 20 yards south-west of Pay Gate Cottage ;
  - (d) at a place by the bridle road from Kithurst Hill to Pay Gate Cottage at a point 1,000 yards south-south-west of Pay Gate Cottage and 467 yards south-west of the western end of the Butts.

#### PROJECTILES

4. No person shall dig or search for any projectile or any lead or other metal in or on the Danger Area, or interfere with or take or retain or be in possession of any projectile or any lead or other metal found within the Danger Area, or remove any projectile from the Danger Area.

#### GOVERNMENT STORES

5. No person shall interfere with or remove from the Danger Area any stores or articles belonging to the War Department or otherwise the property of the Crown.

#### OFFENCES

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

#### ENFORCEMENT

7. The following persons are hereby authorised to remove from the Danger Area and to take into custody without warrant any person found therein when it is being used for any of the military purposes specified in Byelaw No. 2 or found committing any other offence against any of the said Byelaws, and to remove from the

Danger Area any vehicle, animal, aircraft or thing whatsoever found in the Danger Area in contravention of any of the said Byelaws :—

- (a) the General Officer Commanding-in-Chief, Eastern Command ;
- (b) the Officer in charge of the Kithurst Range ;
- (c) any officer, warrant officer, non-commissioned officer, or any military policeman or War Department constable, in uniform and being for the time being under the Command of the said General Officer Commanding-in-Chief or the Officer in charge of the Kithurst Range ;
- (d) any person authorised in writing by or on behalf of the said General Officer Commanding-in-Chief or the Officer in charge of the Kithurst Range ; and
- (e) any member of a police force.

#### EXEMPTIONS

8. (1) Nothing done by a person using the Danger Area in pursuance of Byelaw No. 2 or in the exercise of any such private rights as are referred to in Section 15 of the Military Lands Act 1892, or by a person acting under and in accordance with any authority or permission given by or on behalf of the Secretary of State or the General Officer Commanding-in-Chief, Eastern Command, or the Officer in charge of the Kithurst Range shall constitute an offence against any of these Byelaws.
- (2) If it is proved that an act or omission of any person which would otherwise have been an offence against any of the provisions of paragraph (1) of Byelaw No. 3 was due to any cause not avoidable by the exercise of reasonable care by that person the act or omission shall be deemed not to be an offence against that Byelaw.

#### INTERPRETATION

9. (1) The Interpretation Act 1889(b) shall apply to the interpretation of these Byelaws as it applies to the interpretation of an Act of Parliament.
- (2) In these Byelaws the expression—  
 “projectile” includes any shot or shell or other missile and any portion thereof ;  
 “aircraft” includes any craft or contrivance which though not an aircraft is for the time being airborne.

## DATE OF OPERATION OF BYELAWS

10. These Byelaws shall come into operation on the 19th day of August 1963, and may be cited as the Kithurst Range Byelaws 1963.

## THE SCHEDULE

The limits of the Danger Area are as follows :—

*On the North*

Commencing on the east side of the ditch which runs from north to south alongside the access road, at a point 190 yards south-east of Pay Gate Cottage, thence in a straight line due EAST for a distance of 205 yards to a point situated 820 yards west-north-west of Coldharbour ; thence

*On the East*

From the last mentioned point in a straight line in a SOUTH-SOUTH-EASTERLY direction for a distance of 350 yards to a point on a fence situated 725 yards west-south-west of Coldharbour ; thence in a straight line in a SOUTH-SOUTH-EASTERLY direction for a distance of 615 yards to a point situated on Kithurst Hill on the north side of a bridle road which runs from east to west along the southern boundary of the Danger Area, 20 yards west of the junction with another bridle road which runs from Coldharbour in a south-westerly direction across Kithurst Hill ; thence

*On the South*

From the last mentioned point in a general WESTERLY direction along the north side of the said bridle road on Kithurst Hill which runs from east to west along the southern boundary of the Danger Area for a distance of 650 yards to a point at a junction with a footpath 990 yards south by west of Pay Gate Cottage, and 1,390 yards west-south-west of Coldharbour ; thence

*On the West*

From the last mentioned point in a straight line in a NORTH-NORTH-EASTERLY direction for a distance of 250 yards to a point on the north side of a wood 750 yards south of Pay Gate Cottage 200 yards west-south-west of the west end of the Butts and 1,240 yards west-south-west of Coldharbour ; thence in a NORTH-NORTH-EASTERLY direction for a distance of 505 yards to a point on the east side of the ditch which runs alongside the access

road 310 yards south-south-east of Pay Gate Cottage, thence in a NORTHERLY direction along the said ditch for a distance of 150 yards to the point of commencement.

Dated this 17th day of May 1963.

(Sgd.) C. M. FIFE

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

The consent of the West Sussex County Council to the making of these Byelaws, so far as regards the restriction of the use of the highway mentioned therein, was given by a resolution dated the 21st day of September 1962.

(Sgd.) T. C. HAYWARD

Clerk of the West Sussex County Council

## 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 Her Majesty.**

### PRIVATE RIGHTS

2. By Section 15 of the Military Lands Act 1892, it is provided:—

Where a Secretary of State has for the time being the right of using for any military purpose any land vested in another person this part of this Act shall apply in like manner as if the land were vested in the Secretary of State and the same were appropriated for the said purpose, save that nothing therein or in any byelaws made thereunder shall injuriously affect the private rights of any person further or otherwise than is authorised by the grant of the right to use the land.

## INSPECTION OF BYELAWS AND PLAN

3. A copy of these Byelaws and a plan showing the Danger Area may be inspected at the Police Station, Storrington, or at the Office of the Commander, Chichester Garrison. They may also be inspected at the Office of the War Department Land Agent, 2 Manege Lines, Old Infantry Barracks, Canterbury, Kent, where copies of the Byelaws may be obtained at the price of one shilling for each copy.

## RECOVERY OF PROJECTILES

4. Any person who finds a projectile within the Danger Area must not disturb it but should report the finding of it to the Officer in charge of the Kithurst Range or to the police at the first opportunity.

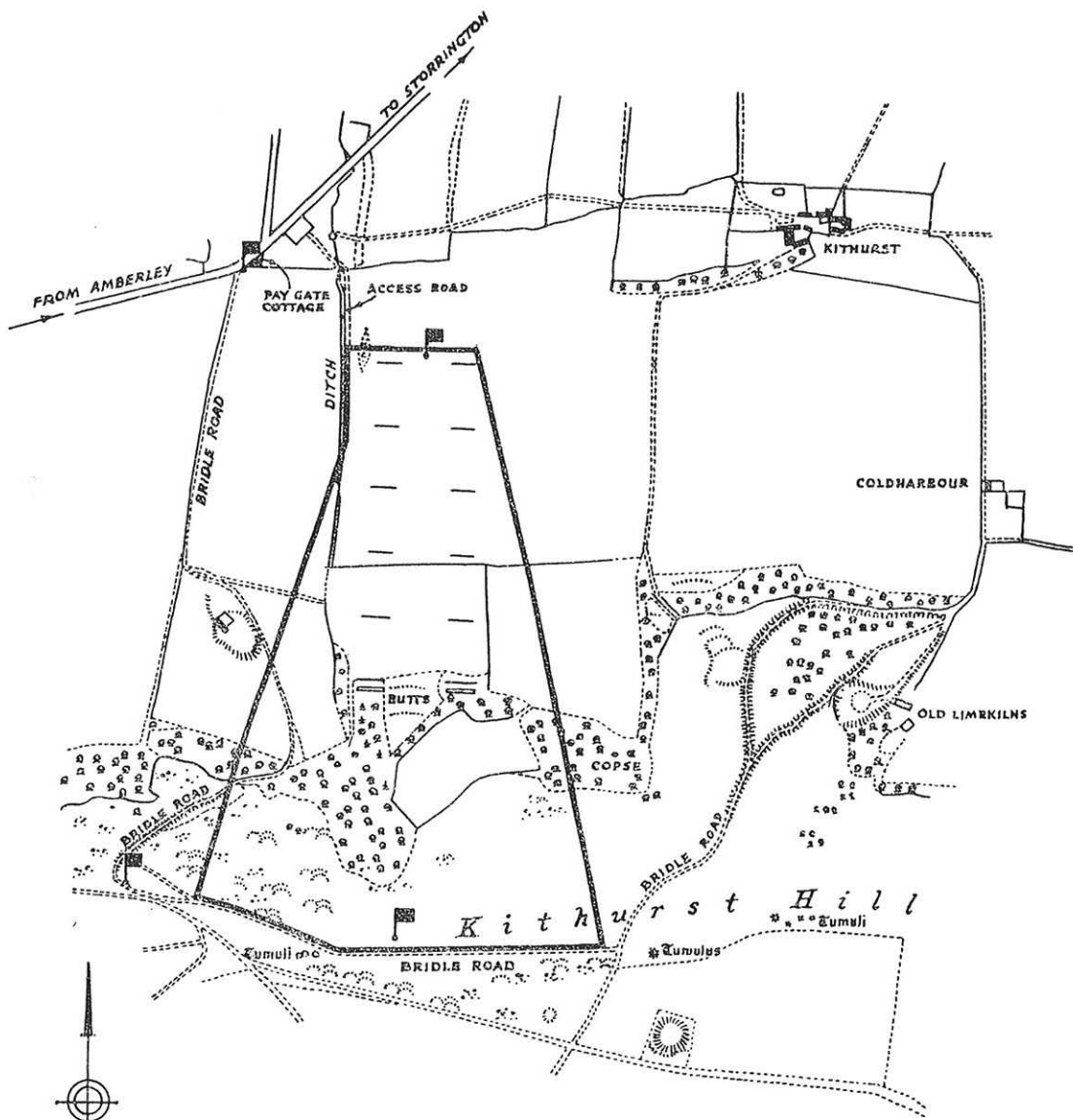
## PUBLIC NOTIFICATION OF FIRING

5. Public Notification that firing will take place will be given by sending notices, not less than seven days before the day or night of firing, giving particulars of the intended date, time and duration of the firing to the persons and authorities listed in the Appendix hereto.

## APPENDIX

The Officer-in-Charge of the Police Station, Storrington, Sussex.  
 The Agent, Parham Estate Office, near Pulborough, Sussex.  
 The Occupier, Cootham House Farm, Storrington, Sussex.

# PLAN OF THE KITHURST RANGE



DANGER AREA .....  
 WARNING SIGNALS ..... 

SCALE - 6 INCHES TO 1 MILE

500 0 500 1000  
 YARDS