



CHILCOMB RANGE

BYELAWS

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

STATUTORY INSTRUMENTS
1969 No. 533

DEFENCE

The Chilcomb Range Byelaws 1969

Made 26th March 1969

Coming into operation 1st September 1969

The Secretary of State for Defence in exercise of his powers under Part II of the Military Lands Act 1892 (a), Section 2 of the Defence (Transfer of Functions) Act 1964 (b) and of all other powers enabling him in that behalf hereby, with the consent of the Hampshire County Council so far as regards the interference with the highways 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 Chilcomb Range (together with all highways thereon) at Chilcomb in the County of Hampshire 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 CHILCOMB RANGE".

USE OF DANGER AREA

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

PROHIBITION OF ACCESS

3. (1) When the Danger Area is being used for any of the 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 800 feet above mean sea level.

- (2) Whilst the Danger Area is being used for any of the said 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) at a place on the bridleway 400 yards north-east of its junction with Morestead Road 515 yards west by south of the Pump House;
 - (b) at the junction of the bridleway with the road to Chilcomb near Little Golders;
 - (c) at the junction between the Chilcomb to Cheesefoot Head bridleway and the bridleway over Fawley Down 140 yards south-west of the Winchester to Petersfield Road;
 - (d) on the eastern side of the Range Road 360 yards south-south-east of the Range Entrance;
 - (e) on the north side of the bridleway leading from Morestead Road to St. Andrew's Church 183 yards south-west of St. Andrew's Church;
 - (f) 65 yards north of the junction of Morestead Road and the bridleway from Morestead Road to St. Andrew's Church.

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 or under the care or control of the Ministry of Defence 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 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, Southern Command;
- (b) the Officer in charge of the Chilcomb Range;
- (c) any officer, any 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-in-Chief or the Officer in charge of the Chilcomb 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 Chilcomb Range; and
- (e) any member of a police force or any special constable under the control of the Ministry of Defence.

EXEMPTIONS

8. (1) Nothing done by a person using the Danger Area in pursuance of Byelaw No. 2 or in 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, Southern Command, or the Officer in charge of the Chilcomb 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 (a) 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 1st day of September 1969, and may be cited as the Chilcomb Range Byelaws 1969.

THE SCHEDULE

The limits of the Danger Area are as follows:—

On the North-East

Commencing at a point at the eastern end of the 600 yard Firing Point 640 yards west-south-west of the south-west corner of the Manor House thence in a SOUTH-EASTERLY direction for a distance of 630 yards to a point 150 yards west-south-west of St. Andrew's Church, thence continuing in a SOUTH-EASTERLY direction for a distance of 1,010 yards to a point 215 yards east-south-east of the Pump House, thence in a SOUTH-SOUTH-EASTERLY direction for a distance of 825 yards to a point on Fawley Lane 725 yards north-north-east of its junction with Ox Drive; thence

On the South-East

From the last mentioned point in a general SOUTH-SOUTH-WESTERLY direction along the northern side of Fawley Lane for a distance of 360 yards to a point 365 yards north-east of the junction of Fawley Lane and Ox Drive, thence in a SOUTH-WESTERLY direction for a distance of 410 yards to a point 175 yards north-west of the junction of Fawley Lane and Ox Drive, thence in a NORTH-WESTERLY direction for a distance of 85 yards to a point 260 yards north-west of the junction of Fawley Lane and Ox Drive, thence in a SOUTH-WESTERLY direction for a distance of 100 yards to a point 325 yards west-north-west of the junction of Fawley Lane and Ox Drive; thence

On the South-West

From the last mentioned point in a NORTH-WESTERLY direction for a distance of 920 yards to a point 760 yards south-west of the Pump House, thence in a NORTH-NORTH-WESTERLY direction for a distance of 1,020 yards to a point 580 yards west-south-west of St. Andrew's Church, thence continuing in a NORTH-NORTH-WESTERLY direction for a distance of 630 yards to a point 755 yards north-west of St. Andrew's Church; thence

On the North-West

From the last mentioned point in an EAST-NORTH-EASTERLY direction for a distance of 108 yards to the point of commencement.

Dated this 26th day of March 1969.

L. Salthouse

By order of the Secretary of State for Defence

The consent of the Hampshire County Council to the making of these Byelaws, so far as regards the restriction of the use of the highways within the Danger Area mentioned therein, was given by a resolution dated the 16th day of May 1966.

A. H. M. Smyth

Clerk of the Hampshire County Council

NOTICES

PENALTY FOR OFFENCES

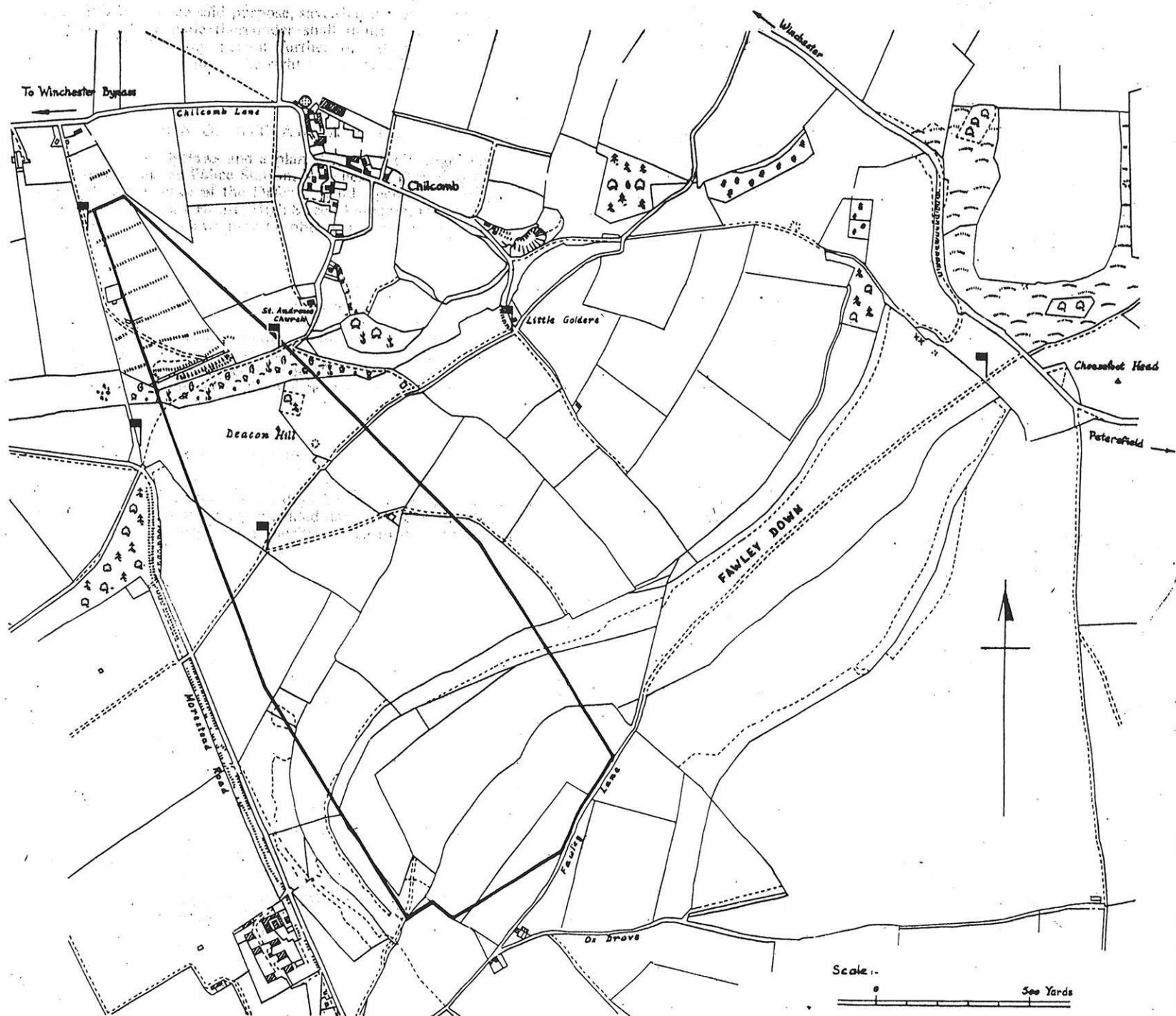
1. By Section 17(2) of the Military Lands Act 1892, as amended by Section 92 of and Schedule 3 to the Criminal Justice Act 1967, it is provided:—

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.

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



Plan of the CHILCOMB RANGE

DANGER AREA ———
WARNING SIGNALS □

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, Winchester. They may also be inspected at the office of the Defence Land Agent, Ministry of Defence, The Old Manor House, High Street, Fareham, Hampshire, 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 Commanding, The Green Jacket Brigade Depot, Winchester, to the Chilcomb Range Warden 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 Town Clerk, City of Winchester.
- The Superintendent of Police, Winchester.
- The Clerk of the Council, Winchester Rural District Council, Winchester.
- The Sub-Postmaster, Owslebury.
- The Clerk of the Parish Council, Owslebury.
- The Chairman of the Chilcomb Parish Meeting.
- The Defence Land Agent, Ministry of Defence, The Old Manor House, High Street, Fareham, Hampshire.
- The Longwood Estates Ltd., Longwood, Winchester.
- The Occupier, Chilcomb Manor, Chilcomb.
- The Occupier, Hazeley Farm, Twyford.
- The Occupier, Morestead Farm, Twyford.
- The County Land Agent, Hampshire County Council, Winchester.

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.