CHAPTER 36.

An Act to provide for the regulation of land held by one of Her Majesty's Principal Secretaries of State or a Volunteer Corps for an Artillery or Rifle Range, or a School of Gunnery, or like purposes. [31st July 1885.]

WHEREAS under the Volunteer Act, 1863, a Secretary of State has power to make byelaws for the regulation of shooting and the prevention of intrusion on ground acquired or used, with the assent of a Secretary of State, by any volunteer corps for rifle or artillery practice, and it is expedient to amend the said power and to extend it to ground appropriated by a Secretary of State for the like purposes in the case of other portions of Her Majesty's forces: 26 & 27 Vict. c. 65.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Artillery and Rifle Ranges Act, 1885. Short title.

2. (1.) Where any land belonging to a Secretary of State or to a volunteer corps, is for the time being appropriated by or with the assent of a Secretary of State for all or any of the following purposes (in this Act referred to as military purposes), that is to say, an artillery range, a rifle range, a school of gunnery, experiments connected with gunnery, or any purpose incidental thereto, a Secretary of State may from time to time make, and when made revoke and vary, byelaws for regulating the use of such land for the purposes to which it is appropriated, and for securing the public against danger arising from such use, with power to prohibit all intrusion on such land and all obstruction of the said use thereof. Power of Secretary of State to make byelaws as to use of land held for ranges and like purposes and securing safety of public.

(2.) Where any such byelaws permit the public to use such land for any purpose when not used for the military purpose to which it is appropriated, such byelaws may also provide for the government of such land when so used by the public, and the preservation of order and good conduct thereon, and for the prevention of nuisances, obstructions, encampments, and encroachments thereon, and for the prevention of any injury to the same, or to anything growing or erected thereon, and for the prevention of anything interfering with the orderly use thereof by the public for the purpose permitted by such byelaws.

(3.) For the purposes of this section, "land belonging to a Secretary of State" means land under the management of a Secretary of State, whether vested in Her Majesty or in such Secretary of State, or in a person as trustee for Her Majesty or such Secretary of State; and "land belonging to a volunteer corps" means any land vested in such corps or in a person as trustee for such corps.

3. (1.) Where any land the use of which can be regulated by byelaws under this Act abuts on any sea or tidal water, this Act shall extend to such sea and tidal water and the shore thereof as if it were part of such land, and byelaws in relation thereto may be made accordingly: Provided that— Application of Act to adjoining sea, tidal water, and shore.

(*a.*) If any such byelaw injuriously affects or obstructs the exercise of any private right of any person or body corporate in or over such sea, tidal water, or shore, such person shall be entitled to compensation, and such compensation in case of difference shall be ascertained in manner provided by the Lands Clauses Acts with respect to the compensation for land taken otherwise than by agreement; and

(*b.*) Any such byelaw shall not injuriously affect any public right within the meaning of this section unless made with the consent of the Board of Trade; but the Board of Trade, if satisfied after such inquiries and such notice and opportunity for objections as herein-after mentioned that a restriction of any public right is required for the safety of the public or for the exigencies of the military purpose to which the land abutting on such sea or tidal water is appropriated, may consent to a byelaw restricting the said public right to such extent as under all the circumstances of the case seems reasonable.

(2.) The Board of Trade, before consenting to any byelaw under this section, shall cause notice of such byelaw to be given by advertisement or otherwise in the locality, in order that such town, harbour, and other local authorities, and persons as are interested may have an opportunity for making objections to the byelaw, and shall consider any objections made, and shall make such inquiries as appear to the Board necessary for the purpose of ascertaining that the byelaw will not unreasonably interfere with any public right.

(3.) For the purposes of this section "public right" means any right of navigation, anchoring, grounding, fishing, bathing, walking, or recreation.

Application of Act where right of firing acquired.

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

Application of Act to highways.

5. (1.) A byelaw under this Act shall not interfere with any highway, unless made with the consent of the authority having control of the repair of the roads of the town, district, parish, or other area in which such highway is situate, but where it appears to such authority that any highway crosses or runs inconveniently or dangerously near to any land, the use of which can be regulated by byelaws under this Act, such authority may consent to a byelaw providing to such extent as seems reasonable for the temporary diversion from time to time of such highway, or for the restriction from time to time of the use thereof.

(2.) Any such highway, if a footpath, may (without prejudice to any other power of stopping up or diverting the same) be stopped up or diverted in the manner in which a footpath crossing or running inconveniently or dangerously near to any land used for

rifle or artillery practice under the Volunteer Act, 1863, may be stopped up or diverted in pursuance of section thirty-seven of that Act.

Notice and enforcement of byelaws.

6. (1.) A Secretary of State, before making any byelaws under this Act, shall cause the same to be made known in the locality, and give an opportunity for objections being made to the same, and shall receive and consider all objections made; and when any such byelaws are made, shall cause the boundaries of the area to which such byelaws apply to be marked, and the byelaws to be published, in such manner as appears to him necessary to make them known to all persons in the locality; and shall provide for copies of the byelaws being sold at the price of one shilling for each copy to any person who desires to obtain the same.

(2.) A person who commits an offence against any byelaw under this Act 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 authorized in manner provided by the byelaw from the area, whether land or water, to which such 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 such 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.

(3.) A byelaw under this Act shall be deemed to be a regulation within the meaning of the Documentary Evidence Act, 1868, and may be proved accordingly. 31 & 32 Vict. c. 37.

Definitions.

7. In this Act unless the context otherwise requires:

The expression "Secretary of State" means one of Her Majesty's Principal Secretaries of State.

The expression "Lands Clauses Acts" means, as regards England and Ireland, the Lands Clauses Consolidation Act, 1845, and the Acts amending the same in England and Ireland respectively, and as regards Scotland means the Lands Clauses Consolidation Act, 1845, and the Acts amending the same. 8 & 9 Vict. c. 18. 8 & 9 Vict. c. 19.

The expression "court of summary jurisdiction" as regards England, has the same meaning as in the Summary Jurisdiction Act, 1879, and 42 & 43 Vict. c. 49.

As regards Scotland means a sheriffs court or justice of the peace court; and

As regards Ireland means any court of petty sessions.

CHAPTER 37.

An Act to continue certain Turnpike Acts, and to repeal certain other Turnpike Acts; and for other purposes connected therewith. [31st July 1885.]

WHEREAS it is expedient to continue for limited times some of the Acts herein-after specified, and to repeal others, and to make further provisions in respect to certain turnpike roads: