



**SURREY COMMONS  
MILITARY LANDS  
BYELAWS 1978**

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 lands.

# STATUTORY INSTRUMENTS

1978 No. 64

## DEFENCE

The Surrey Commons Military Lands Byelaws 1978

Made 13th January 1978

Coming into operation 24th April 1978

The Secretary of State for Defence, in exercise of his powers under Part II of the Military Lands Act 1892 (a) and Section 2 of the Defence (Transfer of Functions) Act 1964 (b) and of all other powers enabling him in that behalf hereby makes the following Byelaws:—

### LANDS AFFECTED

1. The lands to which these Byelaws apply consist of lands in part belonging to the Secretary of State and in part lands which the Secretary of State has the right to use in the parishes of Tilford, Frensham, Elstead, Thursley and Peper Harow in the county of Surrey (but not including any public rights of way) the boundaries of which are, for convenience of identification, shown by a black line on the plan annexed to these Byelaws and identified as "Plan of the Surrey Commons Military Lands" all of which is hereinafter referred to as "the Military Lands".

### USE OF LANDS BY PUBLIC

2. Subject to the provisions of these Byelaws, the public are permitted to use all parts of the Military Lands not specially enclosed or the entry to which is not shown by notice as being prohibited or restricted, for the purposes of open-air recreation at all times providing such access does not inhibit the military use of such lands for which they are appropriated.

### PROHIBITION OF VEHICLES AND HORSES

3. No person shall cause, permit or suffer a horse or a vehicle of any kind to enter into or upon any part of the Military Lands.

## PROHIBITED ACTIVITIES

4. No person when on the Military Lands shall:—
- (1) enter on any part of the Military Lands which is specially enclosed or the entry to which is shown by a notice as being prohibited or restricted, or
  - (2) engage in or carry on any trade or business of any nature or kind whatsoever, or
  - (3) loiter, or commit any nuisance, or behave in any indecent or unseemly manner, or
  - (4) assemble or attempt to assemble or cause to assemble or bring upon the Military Lands any number of persons for the purpose of a private or public meeting or otherwise, or address any such persons when assembled, or
  - (5) camp (whether in tents, caravans or otherwise), bivouac or sleep out, or
  - (6) deposit industrial or domestic refuse, rubble, waste or litter or abandon any vehicle or vehicle part or article, or
  - (7) damage, cut or remove grass, turves or growing crops, shrubs, trees, timber or wildflower roots, or
  - (8) graze any animal, or
  - (9) pursue, kill, shoot, snare or trap game or other birds or animals, or take or destroy their eggs, or
  - (10) damage, spoil, interfere with or remove any building, wall, fence, gate, post, cattle grid, stores, equipment or ammunition, or
  - (11) dig or search for any projectile or any lead or other metal, or interfere with or take or retain or be in possession of any projectile or lead or other metal found within the Military Lands, or
  - (12) do, or cause or allow to be done, any act which is likely to cause nuisance, annoyance or injury to other persons, or
  - (13) deposit or distribute or cause to be deposited or distributed any handbills, leaflets or other literature or printed matter of any description, or
  - (14) affix posters, notices or bills of any description in or on the boundaries, walls or fences or in or on any building or other structure or on any tree, pillar, post, bollard, railing, gate or other erection, or
  - (15) light fires, drop or leave lighted or live matches or burning cigarette ends or do any act or thing liable to cause an outbreak of fire, or
  - (16) take or cause to be taken on the Military Lands any fire-arm, air gun, ammunition, any explosive or detonator or any part or component of the foregoing.

## WARNING OFF

5. (1) No person shall remain on the Military Lands after having been warned off by a person acting under the authority of the General Officer Commanding the Army District or of the Officer in Charge of the Military Lands.
- (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 a person acting under the authority of the General Officer Commanding the Army District or of the Officer in Charge of the Military Lands.

## OFFENCES

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

## ENFORCEMENT

7. The following persons are 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 Byelaws, and to remove from the Military Lands any animal, vehicle or thing found on the Military Lands in contravention of any of the said Byelaws:—

- (a) The General Officer Commanding the Army District;
- (b) The Officer in Charge of the Military Lands;
- (c) any officer, 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 the Army District or of the Officer in Charge of the Military Lands;
- (d) any person authorised in writing by or on behalf of the said General Officer Commanding the Army District or of the Officer in Charge of the Military Lands;
- (e) any member of a police force;
- (f) any special constable under the control of the Defence Council.

## EXEMPTIONS

8. (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 Byelaws.
- (2) Nothing done by a person acting under and in accordance with any authority or permission given by or on behalf of the Secretary of State, the General Officer Commanding the Army District or the Officer in Charge of the Military Lands shall be deemed to constitute an offence against any of these Byelaws.
- (3) Nothing done by any person in the exercise of such private rights as are referred to in Section 15 of the Military Lands Act 1892 shall constitute an offence against any of these Byelaws.

## INTERPRETATION

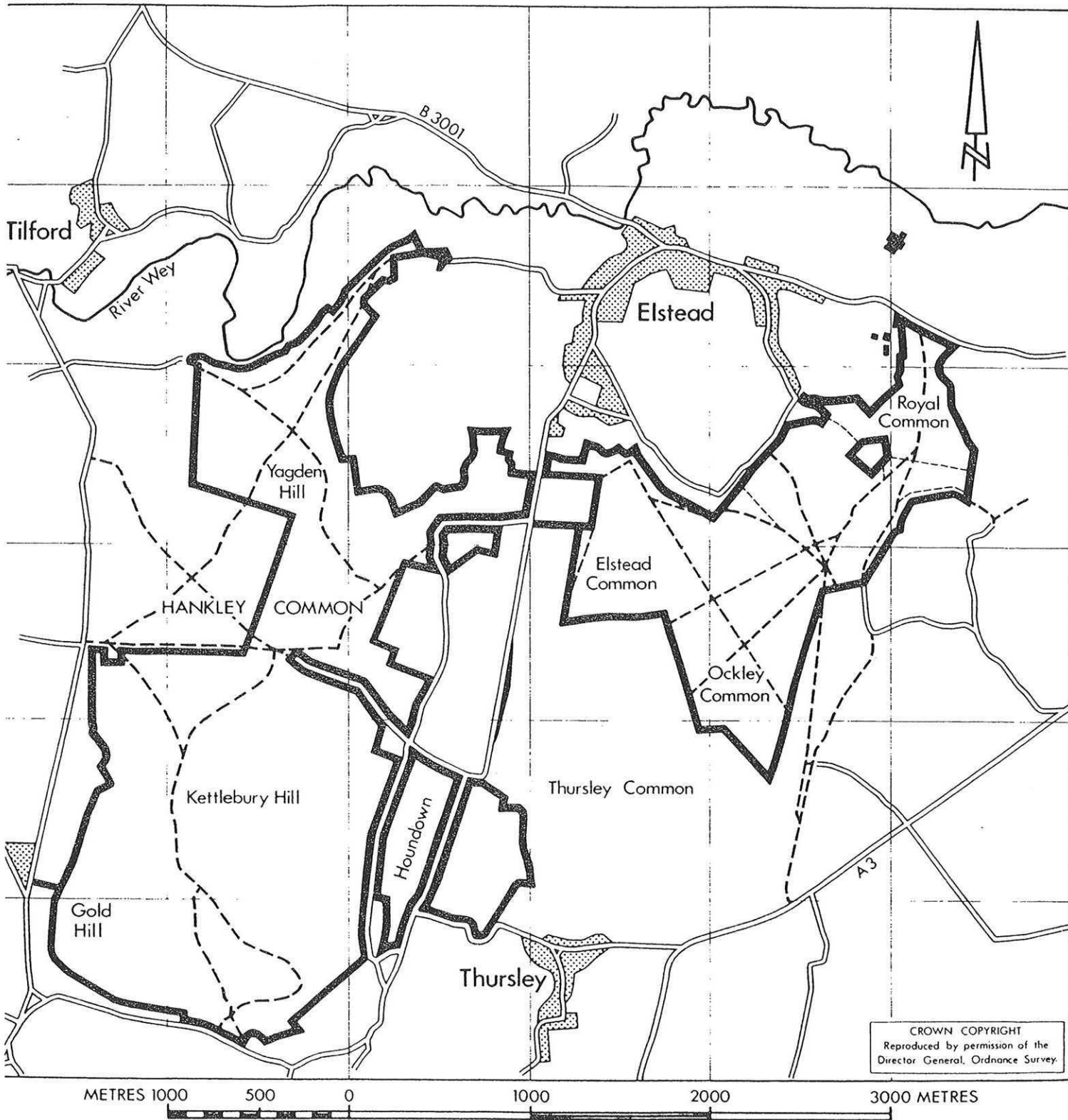
9. The Interpretation Act 1889 (c) shall apply to the interpretation of these Byelaws as it applies to the interpretation of an Act of Parliament.

## COMMENCEMENT, CITATION AND REVOCATION

10. (1) These Byelaws shall come into operation on the 24th day of April 1978 and may be cited as the Surrey Commons Military Lands Byelaws 1978.
- (2) The Byelaws in respect of the Surrey Commons Area Military Lands dated the twenty-first day of October 1935 (d) are hereby revoked.

Dated this 13th day of January 1978.

(Signed) W. V. MORGAN  
By order of the Secretary of State for Defence



# PLAN OF THE SURREY COMMONS MILITARY LANDS AREA

MOD Boundary    
  Bridleway    
  Footpath

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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 the 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.**

COMMON RIGHTS

3. By Section 14(1) of the Military Lands Act 1892, it is provided that:—

**No Byelaws promulgated under this Section shall authorise the Secretary of State to take away or prejudicially affect any right of Common.**

INSPECTION OF BYELAWS AND PLAN

4. A copy of these Byelaws and a plan showing the Military Lands to which these Byelaws apply may be inspected at Headquarters South East District, Queens Avenue, Aldershot, the Police Stations at Farnham, Godalming and Haslemere and also at the office of the Senior Estate Surveyor, Property Services Agency, Department of the Environment, Blandford House, Farnborough Road, Aldershot, Hants GU11 2HA where copies of the Byelaws may be obtained at the price of five pence (5p) for each copy.



*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.*