



The Proof and Experimental Establishment, Eskmeals Byelaws 1982

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

DEFENCE

THE PROOF AND EXPERIMENTAL ESTABLISHMENT, ESKMEALS, BYELAWS 1982

Made 30th June 1982

Coming into operation 4th October 1982

The Secretary of State for Defence, in exercise of his powers under Part II of the Military Lands Act 1982(a), section 2 of the Military Lands Act 1900(b), section 7 of the Land Powers (Defence) Act 1958(c) and of all other powers enabling him in that behalf, and the consent of the Crown Estate Commissioners on behalf of Her Majesty having been first had and obtained for that purpose, hereby, with the consent of the Secretary of State for Trade, makes the following byelaws:

AREAS OF LAND AND SEA AFFECTED

1.—(1) The area to which these byelaws apply (hereinafter referred to as the “Danger Area”) shall be:

- (a) the lands in part belonging to the Secretary of State for Defence and in part lands which the Secretary of State has a right to use for defence purposes in the Parish of Bootle in the County of Cumbria known as the Proof and Experimental Establishment, Eskmeals (in these byelaws referred to as the “Land Area”), and;
- (b) the area of sea, tidal water and shore the limits of which are set out in the Schedule hereto (in these byelaws referred to as the “Sea Area”).

(2) The boundaries of the Land Area and limits of the Sea Area are, for convenience of identification, shown by a thick black line on the plans hereto annexed and identified as “Plan of the Proof and Experimental Establishment, ESKMEALS—Land Area” and “Plan of the Proof and Experimental Establishment, ESKMEALS—Sea Area”.

USE OF DANGER AREA

2. The Danger Area may be used for or in connection with the testing and the firing of munitions of war and for all activities ancillary to such testing and firing.

PROHIBITION OF ACCESS

3.—(1) When the Danger Area is being used for any of the military purposes specified in byelaw 2, no person shall:

- (a) enter or be in the Danger Area;
- (b) cause or permit any vehicle, animal, vessel, aircraft, or thing to enter, pass over or remain in the Danger Area;
- (c) cause or permit any aircraft to fly over the Danger Area at a height less than 50,000 feet (15,240 metres) above mean sea level.

(2) Whilst the Danger Area is being used for any of the said military purposes, notice thereof shall be given by the display of the following signals; that is to say, a red flag by day and a red light by night hoisted at the following places:

(a) For the Land Area:

- (i) at a place West of the Marshside to River Esk road near Marshside Cottages and approximately 238 metres North of the road bend 55 metres West of Stub Place;
- (ii) at a place West of the Marshside to River Esk road approximately 229 metres North of the road junction leading to Eskmeals House and approximately 256 metres South of Falcon Place Cottages;
- (iii) at a place near the fence on the foreshore approximately 1394 metres North-West of the Red Flag in (ii) above.

(b) For the Sea Area:

- (i) at a place West of the Marshside to River Esk road near Marshside Cottages and approximately 238 metres North of the road bend 55 metres West of Stub Place in Latitude $54^{\circ}18.33'$ North, Longitude $03^{\circ}24.88'$ West;
- (ii) at a place near the fence on the foreshore approximately 1394 metres North-West of the Red Flag in (a)(ii) above in Latitude $54^{\circ}20.37'$ North, Longitude $03^{\circ}25.23'$ West;
- (iii) at a place West of the Seascale to Drigg Road approximately 150 metres South of the Wansfell Hotel in Seascale on the cliff in Latitude $54^{\circ}23.55'$ North, Longitude $03^{\circ}28.95'$ West.

PROJECTILES

4. No person shall dig, trawl, dredge, 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 Secretary of State for Defence or otherwise the property of the Crown.

OFFENCES

6. Subject to the provisions of byelaw 8:

- (a) any person who contravenes or fails to comply with the provisions of byelaws 3, 4 or 5, or
- (b) any master of a vessel who fails to take all reasonable measures to ensure that any of its passengers or crew complies with the provisions of the said byelaws

shall be guilty of an offence and liable on conviction to the penalties specified in section 17 of the Military Lands Act 1982.

ENFORCEMENT

7. The following persons are authorised to remove from the Danger Area and to take into custody without warrant any person committing an offence against byelaws 3, 4 or 5 and to remove from the Danger Area any vehicle, animal, vessel, aircraft or thing found in the Danger Area in contravention of any of the said byelaws:

- (a) the Superintendent of the Proof and Experimental Establishment, Eskmeals;
- (b) any—
 - (i) officer, warrant officer, non-commissioned officer or rating of corresponding rank; or
 - (ii) Service policeman;
 in uniform and being for the time under the Command of the said Superintendent;
- (c) any public officer being a Crown servant authorised in writing by or on behalf of the said Superintendent;
- (d) any member of a police force;
- (e) any special constable under the control of the Secretary of State for Defence;
- (f) the master of the range safety boat.

EXEMPTIONS

8.—(1) Nothing done by a person using the Danger Area in pursuance of byelaw 2 or in the exercise of any rights in or over land belonging to the Secretary of State for Defence or any such private rights as are referred to in section 15 of the Military Lands Act 1892 not subject to restriction by these byelaws 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 Superintendent of the Proof and Experimental Establishment, Eskmeals shall constitute an offence against any of these byelaws.

(2) It shall be a defence for any person charged with a contravention of byelaw 3(1) to prove that his failure to comply was due to a cause not avoidable by the exercise of reasonable care.

(3) These byelaws shall not in so far as they relate to the Sea Area apply to:

- (a) any vessel not being used for fishing in the Sea Area passing through the Sea Area in the ordinary course of navigation and remaining in the Sea Area no longer than is reasonably necessary to pass through the Sea Area;
- (b) any vessel employed in tending, placing, replacing or removing any buoys or other aids to navigation within the Sea Area;
- (c) any wreck-marking vessels, hoppers and vessels carrying out trials or compass adjustment;
- (d) any vessel belonging to the Corporation of Trinity House whilst employed on any Trinity House duty or service;
- (e) any vessel for the time being engaged in the clearance of floating oil in the Sea Area or purposes connected therewith;
- (f) any foreign vessel when outside territorial waters;
- (g) any vessel for the time being engaged in giving assistance to persons or to any other vessel at sea;
- (h) any vessel employed by or on behalf of British Nuclear Fuels Limited in connection with work on the Sellafield pipeline or with the Sellafield site;
- (i) any vessel engaged in research on behalf of the Ministry of Agriculture, Fisheries and Food.

(4) These byelaws shall not, in so far as they relate to the Sea Area, apply to any sailing vessel (whether or not equipped with an auxiliary engine), rowing boat or canoe operating out of Raven-glass: Provided that it shall be the duty of the master thereof when within the Sea Area to comply with any direction given by any such person as mentioned in paragraphs (a) to (f) of byelaw 7, and, without derogation from the generality of the foregoing, any such direction may require the master to remove his vessel from one part of the Sea Area to another.

(5) Any master who fails to comply with a direction given under the preceding paragraph shall be guilty of an offence and liable on conviction to the penalties specified in section 17 of the Military Lands Act 1892.

INTERPRETATION

9. In these byelaws the expression:

“projectile” means any shot or shell or other missile and any portion thereof;

“master” means the person having command or charge of a vessel for the time being;

“vessel” means every description of water craft, including non-displacement craft and seaplanes (while on the water), used or capable of being used as a means of transportation on water;

“aircraft” means any craft or contrivance which is for the time being airborne.

DATE OF OPERATION OF BYELAWS

10. These byelaws shall come into operation on the 4th day of October 1982, and may be cited as the Proof and Experimental Establishment, Eskmeals, Byelaws 1982.

THE SCHEDULE

The limits of the Sea Area are as follows:

ON THE NORTH

Commencing at a point in Latitude $54^{\circ}20.04'$ North, Longitude $03^{\circ}26.12'$ West, thence by a line on a true bearing of 074° for a distance of 460 metres to a point in Latitude $54^{\circ}20.11'$ North, Longitude $03^{\circ}25.71'$ West, thence in a north-easterly direction along the line of Mean Low Water in the River Esk estuary for approximately 710 metres to a point A in Latitude $54^{\circ}20.42'$ North, Longitude $03^{\circ}25.32'$ West, thence by a line on a true bearing of 120° for a distance of 95 metres to a point B on the line of Mean High Water in Latitude $54^{\circ}20.39'$ North, Longitude $03^{\circ}25.25'$ West; thence

ON THE EAST

From the last mentioned point in a general southerly direction along the line of Mean High Water to a point in Latitude $54^{\circ}18.30'$ North, Longitude $03^{\circ}24.88'$ West; thence

ON THE SOUTH

From the last mentioned point by a line on a true bearing of 268° for a distance of 500 metres to a point on the line of Mean Low Water in Latitude $54^{\circ}18.29'$ North, Longitude $03^{\circ}25.34'$ West, thence by a line on a true bearing of 243° for a distance of 8415 metres to a point in Latitude $54^{\circ}16.23'$ North, Longitude $03^{\circ}32.25'$ West; thence

ON THE WEST

From the last mentioned point in a clockwise direction by the arc of a circle with radius 9275 metres with centre in Latitude $54^{\circ}18.75'$ North, Longitude $03^{\circ}24.87'$ West, to a point in Latitude $54^{\circ}22.98'$ North, Longitude $03^{\circ}29.42'$ West; thence

ON THE NORTH EAST

From the last mentioned point by a line on a true bearing of 167° for a distance of 4031 metres to a point in Latitude $54^{\circ}20.87'$ North, Longitude $03^{\circ}28.57'$ West, thence by a line on a true bearing of 136° for a distance of 2739 metres to a point in Latitude $54^{\circ}19.80'$ North, Longitude $03^{\circ}26.82'$ West, thence by a line on a true bearing of 059° for a distance of 881 metres to the point of commencement in Latitude $54^{\circ}20.04'$ North, Longitude $03^{\circ}26.12'$ West.

Dated 30th June 1982.

(Signed) JERRY WIGGIN

Parliamentary Under Secretary of State for the Armed Forces

The Secretary of State for Trade hereby consents to the making of these byelaws.

Dated 18th June 1982.

(Signed) D. N. BYRNE

An Under Secretary of the Department of Trade

EXPLANATORY NOTES

(These notes are for information only
and are not part of the byelaws)

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 a 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 a 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 PLANS

3. A copy of these byelaws and plans showing the Danger Area may be inspected at the Police Stations at Bootle, Egremont, Millom, Ravenglass, St Bees, Seascale, Thornhill and Whitehaven and the office of the Superintendent, Proof and Experimental Establishment, Eskmeals. They may also be inspected at the office of the Senior Estate Surveyor, Property Services Agency, Department of the Environment, Estates Office, Government Buildings, Penwortham, Preston, PR1 0SN, where copies of the byelaws may be obtained at the price of five pence (5p) for each copy.

RECOVERY OF PROJECTILES

4. Any person who finds a projectile within the Land Area, or within that part of the Sea Area which is for the time being uncovered by the tide, must not disturb it but should report the finding of it to the Superintendent, Proof and Experimental Establishment, Eskmeals, to the police, or to HM Coastguard at the first opportunity. Any person who, when trawling or dredging in the Sea Area, comes into possession of a projectile found within the Sea Area must not retain it but should immediately and without

tampering with it return it in its then condition into the water and report to the Superintendent, Proof and Experimental Establishment, Eskmeals or to the police or to HM Coastguard the position where the projectile was returned to the water.

PUBLIC NOTIFICATION OF FIRING

5.—(1) Firing on Saturdays, Sundays, or Public Holidays will take place only in exceptional circumstances.

(2) Public notification that firing is taking place between 0800 hours to 1700 hours Mondays to Fridays is given on the Notice Boards sited with the Warning Signals (byelaw 3(2)(a) and (b) refer). Public notification that night firing, and exceptionally firing on Saturdays, Sundays or Public Holidays will take place will be given by publication of a notice in the weekly edition of the Whitehaven News and the final edition of the Barrow Evening Mail, and by sending notices, not less than seven clear days before the night or day of the firing, to the following authorities:

- The Police Station, Millom
- The Police Station, Whitehaven
- The Post Office, Barrow
- The Post Office, Bootle
- The Post Office, Bootle Station
- The Post Office, Haverigg
- The Post Office, Holmrook
- The Post Office, Millom
- The Post Office, Ravenglass
- The Post Office, Silcroft
- The Post Office, Waberthwaite
- The Post Office, Whitehaven
- The Whitehaven Harbour Commissioners, Whitehaven
- The Lake District Planning Board, Kendal
- The Clerk and Chief Executive, Cumbria County Council

(3) In the event of firing continuing on any day after 1700 hours the International Code Signal Flag 'L' (a quartered yellow and black flag) is hoisted at a place on the foreshore south of Main Street, Ravenglass, in the County of Cumbria not later than 1630 hours on the day on which it is required.

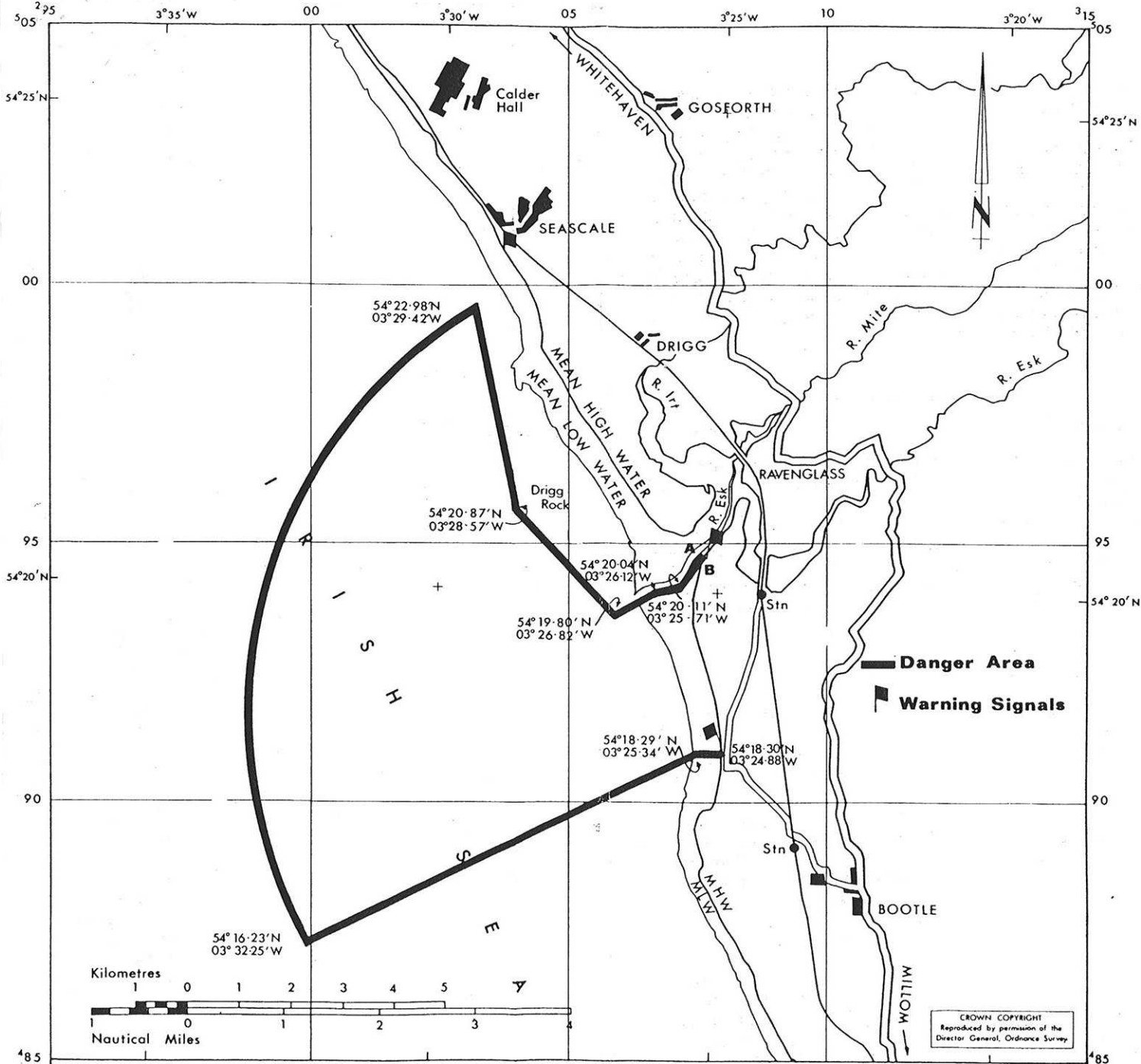
NAVIGATION

6. For the guidance of vessels approaching from the north and persons launching boats from the beach at Seascale, a beacon is positioned at Latitude 54°23.20' North, Longitude 03°28.53' West.

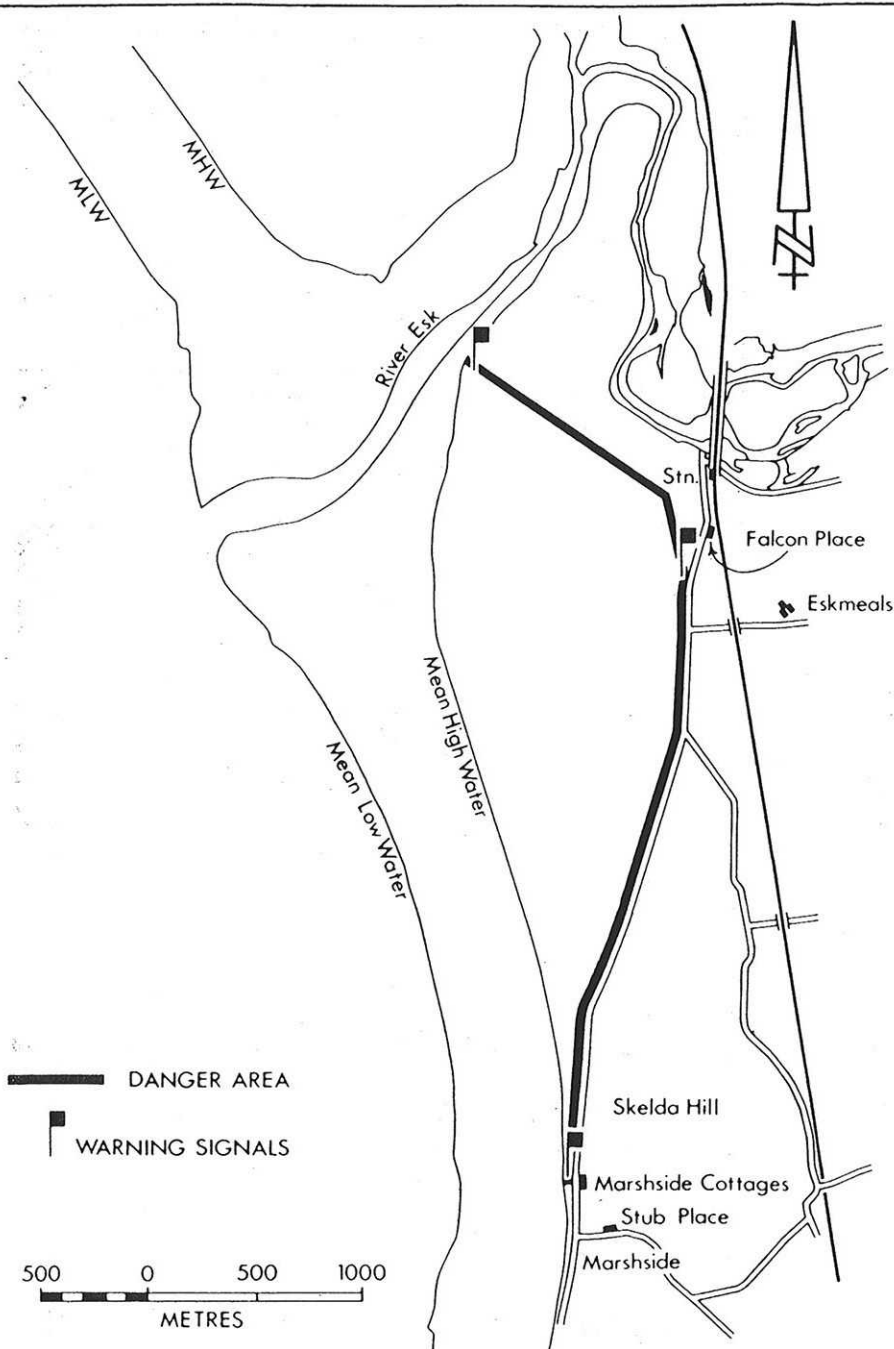
DRIGG ROCK AND RAVENGLASS

7. Byelaw 8(3)(a) permits vessels which are not fishing to pass through the Sea Area in the ordinary course of navigation. It is therefore permissible for any vessel in the ordinary course of navigation

- (a) unable safely to navigate the Drigg Rock within the free water defined by the Sea Area plan to cross into the Sea Area for a reasonable distance for the purpose of avoiding the Drigg Rock providing the vessel returns to free water immediately it is safe to do so.
- (b) to undertake uninterrupted passage in and out of Ravensglass.



Plan of the Proof and Experimental Establishment, ESKMEALS-Sea Area



Plan of the Proof and Experimental Establishment, ESKMEALS-Land Area

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.