

16
T. Sir A. D. No. 1544/76

9

STATUTORY INSTRUMENTS

D/DS23/6/48

1976 No. 849



**The Yantlet Demolition Range
Byelaws
1976**

Made by the Secretary of State for Defence, under the provisions of the Military Lands Acts 1892 to 1903, for regulating the use of the above-mentioned Range.

STATUTORY INSTRUMENTS

1976 No. 849

DEFENCE

THE YANTLET DEMOLITION RANGE BYELAWS 1976

Made 21st May 1976

Coming into operation 26th July 1976

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 Military Lands Act 1900(b), Section 2 of the Defence (Transfer of Functions) Act 1964(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") consists of:—
 - (a) the lands, in part belonging to the Secretary of State and in part which the Secretary of State has a right to use for military purposes, in the parish of the Isle of Grain in the County of Kent, known as the Yantlet Demolition Range which lands are in these Byelaws referred to as the "Land Area", and
 - (b) the area of sea, tidal water and shore abutting thereon the limits of which are set out in Part I of the Schedule hereto, which area is in these Byelaws referred to as the "Sea Area".
- (2) (a) The boundaries and the limits of the Danger Area are, for convenience of identification, shown by a thick black line on the plan hereto annexed and identified as "Plan of the Yantlet Demolition Range."
(b) That part of the Danger Area which is for convenience of identification shown shaded on the said Plan is hereinafter referred to as the "Inner Area" and the limits of that part of the Sea Area which forms part of the "Inner Area" are set out in Part II of the Schedule hereto.

USE OF DANGER AREA

2. The Danger Area may be used for the firing and exploding of demolition charges and all activities ancillary thereto.

(a) 55 & 56 Vict. c.43 (b) 63 & 64 Vict. c.56. (c) 1964 c.15.

PROHIBITION OF ACCESS

3. (1) When the Danger Area or the Inner 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 the Inner Area as the case may be, or
 - (b) be or remain in or upon that Area, or
 - (c) cause or permit or suffer any vehicle, animal, vessel, aircraft or thing to enter into or upon or to pass through or to be or remain in or upon that Area, or
 - (d) cause or permit any aircraft to fly over that Area at a height less than 914 metres above mean sea level.
- (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 a red flag by day and a red light by night hoisted at the following places:—
- (a) at a place immediately opposite the old Police Cottages (Latitude $51^{\circ} 27' 38''$ North, Longitude $00^{\circ} 41' 40''$ East);
 - (b) on the sea wall approximately 530 metres north-north-west of Rosecourt Barn (Latitude $51^{\circ} 28' 25''$ North, Longitude $00^{\circ} 41' 26''$ East);
 - (c) at a place on the sea wall approximately 75 metres west-north-west of the Look-out Tower (Latitude $51^{\circ} 28' 19''$ North, Longitude $00^{\circ} 42' 05''$ East);
 - (d) by the gate situated approximately 200 metres north-west of the northernmost building of White Hall Farm (Latitude $51^{\circ} 27' 50''$ North, Longitude $00^{\circ} 42' 41''$ East).
- (3) When the Inner Area only is being used for any of the said military purposes notice of the fact shall be given by the display of a red flag by day and a red light by night at the places specified in Byelaw Nos 3(2)(a), 3(2)(c) and 3(2)(d) and at the following places:—
- (a) by the gate on the sea wall approximately 430 metres north-east of Rosecourt Barn (Latitude $51^{\circ} 28' 19''$ North, Longitude $00^{\circ} 41' 46''$ East);
 - (b) on the sea wall approximately 915 metres north of the northernmost building of Rose Court Farm (Latitude $51^{\circ} 28' 05''$ North, Longitude $00^{\circ} 42' 30''$ East).

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 Ministry of Defence or otherwise the property of the Crown.

OFFENCES

6. Subject to the provision of Byelaw No 8:—
- (1) 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;
 - (2) the master of every vessel shall observe and cause to be observed the said Byelaws so far as they relate to his vessel, and any master who contravenes any of the said Byelaws or who fails to cause the same to be observed thereby commits an offence against the Byelaw so contravened.

ENFORCEMENT

7. The following persons are hereby authorised to remove and to take into custody without warrant any person found in or on the Danger Area in contravention of Byelaw No 3 or found committing any other offence against Byelaws Nos 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 General Officer Commanding the Army District;
 - (b) the Officer in Charge of the Yantlet Demolition Range;
 - (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 the Officer in Charge of the Yantlet Demolition Range;
 - (d) any person authorised in writing by or on behalf of the said General Officer Commanding the Army District or the Officer in Charge of the Yantlet Demolition Range, and
 - (e) any member of a police force, or any special constable under the control of the Defence Council.

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 the Army District or the Officer in Charge of the Yantlet Demolition 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 by that person against that Byelaw.
- (3) These Byelaws shall not apply to:—
- (a) any vessel not being used for fishing in the Sea Area and in the ordinary course of navigation 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, Port of London Authority or Medway Ports Authority employed on any official 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 on behalf of the Secretary of State for Trade or of any local authority.

INTERPRETATION

9. (1) The Interpretation Act 1889(d) 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;
 - “master” includes the person having command or charge of a vessel for the time being;
 - “vessel” includes any craft or vessel used in navigation and any craft or vessel which though not so used is for the time being waterborne;
 - “aircraft” includes any craft or contrivance which though not an aircraft is for the time being airborne.

COMMENCEMENT, CITATION AND REVOCATION

10. (1) These Byelaws shall come into operation on the 26th day of July 1976, and may be cited as the Yantlet Demolition Range Byelaws 1976.
- (2) The Byelaws in respect of the Yantlet (Grain Island) Artillery Range dated the 9th day of November 1939(e) are hereby revoked.

(d) 1889 c.63.

(e) SR & O 1939 No 1920.

THE SCHEDULE

Part I

The limits of the Sea Area are as follows:—

ON THE WEST, NORTH AND EAST

Commencing at a point on the line of Mean High Water in Latitude $51^{\circ} 28' 25''$ North, Longitude $00^{\circ} 41' 26''$ East, thence in a clockwise direction by the arc of a circle with radius of 0.49 nautical miles with centre in Latitude $51^{\circ} 28' 12''$ North, Longitude $00^{\circ} 42' 08''$ East, to a point on the line of Mean High Water in Latitude $51^{\circ} 27' 53''$ North, Longitude $00^{\circ} 42' 44''$ East; thence

ON THE SOUTH

From the last mentioned point along the line of Mean High Water in a general north-westerly and westerly direction to the point of commencement in Latitude $51^{\circ} 28' 25''$ North, Longitude $00^{\circ} 41' 26''$ East.

Part II

The limits of that part of the Sea Area which forms part of the Inner Area are as follows:—

ON THE WEST, NORTH AND EAST

Commencing at a point on the line of Mean High Water in Latitude $51^{\circ} 28' 19''$ North, Longitude $00^{\circ} 41' 46''$ East, thence in a clockwise direction by the arc of a circle with radius of 0.25 nautical miles with centre in Latitude $51^{\circ} 28' 12''$ North, Longitude $00^{\circ} 42' 08''$ East, to a point on the line of Mean High Water in Latitude $51^{\circ} 28' 05''$ North, Longitude $00^{\circ} 42' 30''$ East; thence

ON THE SOUTH

From the last mentioned point along the line of Mean High Water in a general north-westerly and westerly direction to the point of commencement in Latitude $51^{\circ} 28' 19''$ North, Longitude $00^{\circ} 41' 46''$ East.

Dated this 14th day of May 1976.

(Signed) M. H. TALLBOYS
By order of the Secretary of State for Defence

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

Dated this 21st day of May 1976.

(Signed) J. N. ARCHER
An Under Secretary of the Department of Trade

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 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.

WARNING TO VESSELS IN THE DANGER AREA

3. If any vessel is within the Danger Area when it is being used for any of the military purposes specified in Byelaw No 2 an additional red flag by day and an additional red light by night may be hoisted below the flags and lights described in Byelaw Nos 3(2) and 3(3) in order to notify the master of the vessel that his vessel is within the Danger Area. The additional red flag by day and additional red light by night may also be hoisted half an hour before firing is due to start in order to notify masters of vessels in the vicinity of the Danger Area that firing will shortly take place.

INSPECTION OF BYELAWS AND PLAN

4. A copy of these Byelaws and a plan showing the Danger Area may be inspected at the office of the Officer in Charge of the Yantlet Demolition Range and at the Police Station, Rochester. They may also be inspected at the office of the Senior Estate Surveyor, Property Services Agency, Department of the Environment, Chaucer Barracks, Canterbury, Kent CT1 1JS, where copies of the Byelaws may be obtained at the price of five pence (5p) for each copy.

RECOVERY OF PROJECTILES

5. 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 Officer in Charge of the Yantlet Demolition Range, or to the police or to a 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 Officer in Charge of the Yantlet Demolition Range or to the police or to a coastguard the position where the projectile was returned into the water.

PUBLIC NOTIFICATION OF FIRING

6. Public Notification that firing will take place will be given by sending notices, giving particulars of the intended date, time and duration of firing,

- (a) not less than 3 clear days before the day or night of firing to the following persons and authorities:—

The District Inspector of Fisheries, Ministry of Agriculture, Fisheries and Food, 97 All Saints Street, Hastings, Sussex.

The District Inspector, The Fishery Office (Thames), Ministry of Agriculture, Fisheries and Food, Great Westminster House, Horseferry Road, London SW1P 2AE.

The Port Fishery Office, The Pier Buildings, Southend-on-Sea, Essex.

The District Inspector of Fisheries, Ministry of Agriculture, Fisheries and Food, Sea View, Battery Green Road, Lowestoft, Suffolk.

H.M. Coastguard, Maplin Way, Thorpe Bay, Essex.

- (b) not less than 7 clear days before the day or night of firing to the following persons and authorities:—

Officer Commanding, RAF Manston.

Air Traffic Controller, RAF Manston.

HM Coastguard, Helicopter Unit, Manston Aerodrome, Ramsgate, Kent.

Kent County Constabulary, Operations Department, Sutton Road, Maidstone, Kent.

The Superintendent of Police, Kent County Constabulary, Police Station, Rochester.

The Chief Executive, Medway Borough Council, Council Offices, Frindsbury Hill, Strood, Rochester, Kent ME2 4HS.

The Clerk of the Grain Parish Council, 6 Edinburgh Road, Isle of Grain, Nr Rochester.

The South Eastern Gas Board, Isle of Grain Works, Isle of Grain, Kent.

The South Eastern Gas Board, 95 High Street, Rochester.
The Bridge Clerk, Rochester Bridge, 18 Star Hill, Rochester.

Director of Marine Services, Port of London Authority,
Thames House, Galleons Entrance, London E16.

Assistant Harbour Master (Lower), Port of London
Authority, Royal Terrace Pier, Gravesend DA12 2BG.
The Secretary, Kent Oil Refinery, Isle of Grain, Nr
Rochester.

The Commandant, Municipal Airport, Southend-on-Sea,
Essex.

Isle of Grain Police Station, Chapel Road, Isle of Grain.

Canvey Island Police Station, Essex.

Superintendent of Police, Police Station, Southend-on-
Sea, Essex.

Occupant, Rose Court Farm, Isle of Grain.

Operations Engineer (Darent), Southern Water Authority,
Kent River and Water Division, Plot K, Riverside
Industrial Estate, Riverside Way, Dartford, Kent
DA1 5BS.

Western Area Engineer, Southern Water Authority, Kent
River and Water Division, Capstone Road, Chatham,
Kent.

Medway Ports Authority, Operations & Information
Service, Garrison Point, Sheerness.

Medway Ports Authority, River Inspections Office, High
Street, Rochester.

Military Air Traffic Operations, Southern Region, Ux-
bridge, Middlesex.

National Air Traffic Services, C(AP)3, Room 1020, Space
House, 43-59 Kingsway, London WC2B 6TE.

Superintendent, Proof & Experimental Establishment, New
Ranges, Shoeburyness, Southend-on-Sea, Essex.

The Commodore, Allhallows Yacht Club, 18 Gravel Hill,
Addington, Surrey CR0 5BB.

Mr Dance, Yantlet Demolition Range, Isle of Grain, Kent.

Mr Mallion, 1 Police Cottages, Yantlet, Isle of Grain,
Kent.

Mr V. A. Davis, 9 Laxton Way, Chestfield, Whitstable,
Kent.

Mr R. J. Mortley, 1 Woodhall Terrace, High Street,
Queenborough, Kent.

Senior Estate Surveyor, Property Services Agency, Depart-
ment of the Environment, Chaucer Barracks, Canter-
bury, Kent CT1 1JS.

The Clerk of Works, Department of the Environment,
Chattenden Barracks, Rochester, Kent ME3 8LQ.

HQ RSME.

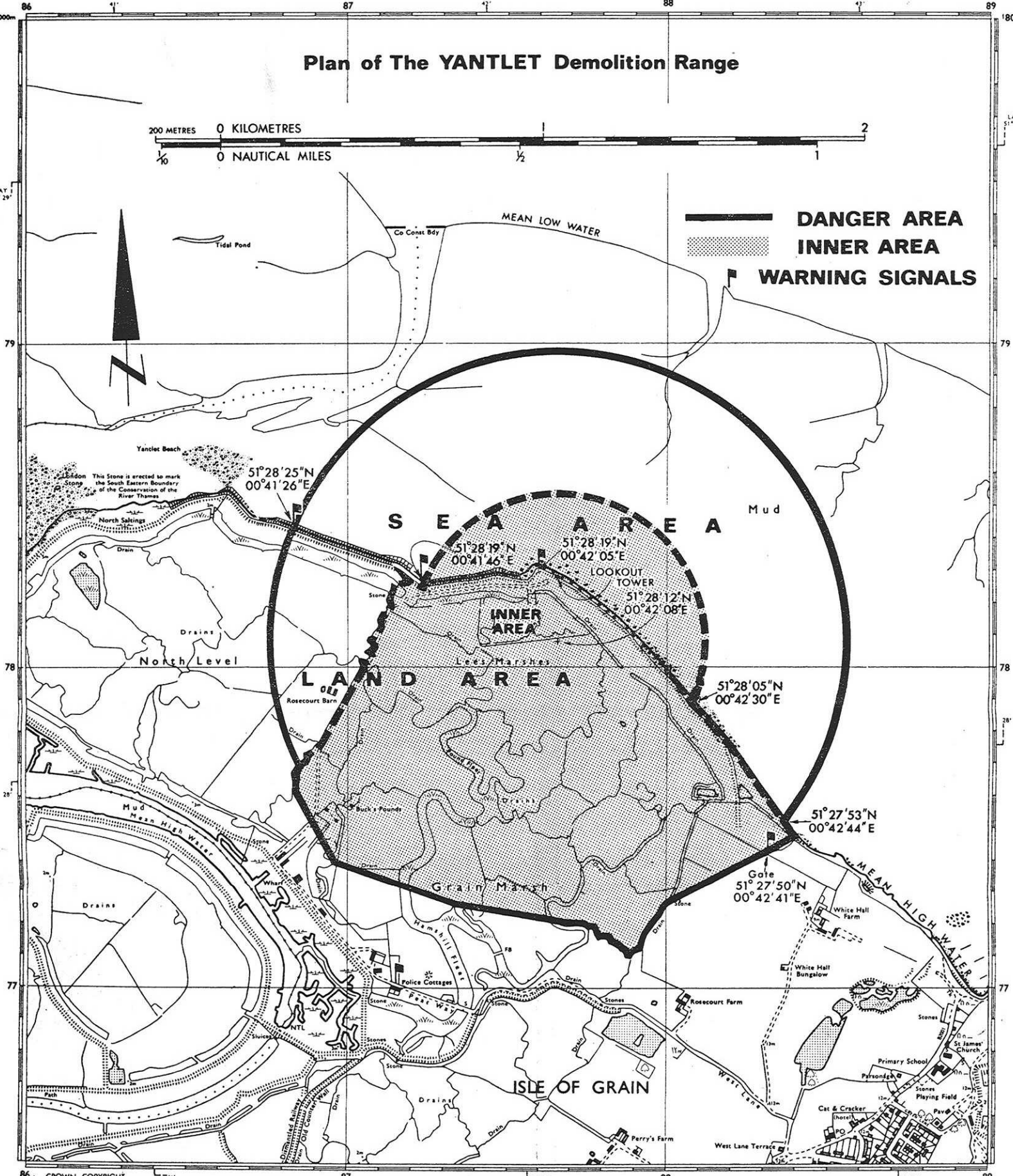
12 RSME Regiment.

Guardroom, 12 RSME Regiment.

Plan of The YANTLET Demolition Range



DANGER AREA
INNER AREA
WARNING SIGNALS



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.