

No. 1422 of 1939.



CLEAVE
ANTI-AIRCRAFT ARTILLERY RANGE
(In the County of CORNWALL).

BYE-LAWS

Made by His Majesty's Principal Secretary of State for the War Department, under the provisions of the Military Lands Acts, 1892 to 1903, with the consent of the Board of Trade, for regulating the use of the above-mentioned Range.

CLEAVE ANTI - AIRCRAFT ARTILLERY RANGE.

BYE-LAWS

GENERAL PROHIBITION.

1. During such time as notice is given by the hoisting and display of signals in manner hereinafter provided that firing is taking place in the land and sea areas hereinafter referred to of the Cleave Anti-Aircraft Artillery Range, the limits of which are set out in the Schedule hereto, all intrusion on the land and sea areas and all obstruction of the use thereof is prohibited.

OFFENCES DURING FIRING.

2. While notice that firing is taking place in the areas mentioned by Bye-law No. 1 is given by the hoisting and display of signals as provided by Bye-law No. 3, then in respect of the land and sea areas :—

- (a) No person shall enter or remain in the land area or sea area, nor bring, take or suffer to remain therein any vehicle, animal, vessel, aircraft or thing except as provided in Bye-law No. 7.
- (b) No vessel shall be employed in fishing in the sea area.
- (c) No pleasure boat shall cruise in any part of the sea area.
- (d) No vessel shall anchor or remain anchored in or ground in the sea area.
- (e) No aircraft shall alight on, remain in, or travel upon the sea area.
- (f) In the event of any vessel or aircraft being from any cause within the sea area, the Master or Pilot or other person in charge thereof shall use his utmost endeavours to pass out of the sea area without loss of time.

SIGNALS.

3. Notice that firing is taking place is given by the hoisting and display of the following signals :—

(a) *In respect of the sea area—*

By Day.—A Red Flag over a Black Ball six feet in diameter on a flagstaff in the vicinity of Lower Sharpnose Point. The Flag and Ball will be not less than ten feet apart.

A Red Flag on flagstaffs at Coast Guard Look-out Stations at Boscastle and Hartland Point.

By Night.—A Red Flashing Light, giving one red flash every five seconds, on a flagstaff in the vicinity of Lower Sharpnose Point.

A Red fixed Light on the flagstaffs at Coast Guard Look-out Stations at Boscastle and Hartland Point.

(b) *In respect of the land area—*

By Day.—A Red Flag hoisted on a staff on the top of the cliff occupied by each of the three safety parties, two of which will be stationed on the Northern and Southern boundaries of the Land Area at the following points :—

Northern Party at end of track at STANBURY MOUTH.

Southern Party on the cliff edge 600 yards NORTH of STEEPLE POINT.

In addition, a third party will be stationed at end of track 500 yards SOUTH WEST of MORWENSTOW.

By Night.—Two Red fixed Lights, arranged vertically, three feet apart, hoisted on the top of the cliff occupied by each of the above-mentioned Safety Parties.

(*Note.*—See Notice 6 as to the positions of the Safety Parties referred to.)

DURATION OF SIGNALS.

The signals referred to in this Bye-law will be hoisted or displayed one hour before firing commences, and will remain hoisted until firing has ceased.

RECOVERY OF SHELL, ETC.

4. No person shall trawl, dredge, or search for, or otherwise interfere with any shot, shell or other projectile or portions thereof within the sea area, or take or retain, or be in possession of any such shot, shell or projectile, or portions thereof, found within the sea area.

Any person who, when trawling, dredging, or in any manner whatever, shall come into possession of any such shot, shell or other projectile, or any portion thereof, within the sea area, shall not retain them but shall immediately return them in their then condition, and without tampering with them, into the water.

Provided, nevertheless, that the provisions of this Bye-law shall not apply in case of persons who recover projectiles under written instructions from the local Naval, Military, or Royal Air Force Authorities.

OFFICERS AUTHORIZED.

5. Any person doing anything prohibited by or otherwise contravening any of the preceding Bye-laws Nos. 1, 2 or 4 shall be deemed to commit an offence against the Bye-laws so contravened.

The persons hereby authorized to remove or take into custody without warrant any person committing an offence against Bye-laws Nos. 2 or 4, or to remove any vehicle, animal, vessel, aircraft or thing found in the land area or in the sea area in contravention of any of the said Bye-laws are :—

- (1) The Major-General in charge of Administration, Southern Command.
- (2) The Officer in charge of the Range.
- (3) Any Officer, Warrant Officer, Non-Commissioned Officer, or any Military Policeman, for the time being under the command of the said Officer in Charge.
- (4) Any person authorized in writing under the hand of the said Officer in Charge.
- (5) Any Constable.

WHEN VESSEL OR AIRCRAFT IN DANGER.

6. While any Vessel or Aircraft is observed within the sea area a second Red Flag by day, or an additional Red Flashing Light by night will be hoisted or displayed on a flagstaff in the vicinity of Lower Sharpnose. Point below the Flag and Ball or Flashing Red Light, referred to in Bye-law No. 3 (a) to notify the Master or Pilot or other person in charge of the Vessel or Aircraft that he is within such sea area. Firing will then normally be continued outside the limit of twenty degrees on either side of such Vessel or Aircraft.

EXEMPTIONS.

These Bye-laws shall not apply to :—

- (a) Any vessel entering or passing through the sea area in the ordinary course of navigation.
- (b) Any vessel compelled to enter or unable to quit the sea area by reason of the exigencies of navigation.
- (c) Any vessel employed in tending, placing or replacing any of the channel mark buoys or other aids to navigation within the sea area.
- (d) H.M. Ships of War, H.M. Aircraft, or any vessel or aircraft employed under Admiralty or Air Council Authority.
- (e) Any aircraft compelled to alight on or unable to quit the sea area.
- (f) Any vessel belonging to the Corporation of Trinity House, London, whilst employed on any Trinity House duty or service.
- (g) Any foreign vessel or aircraft when outside territorial waters.

INTERPRETATION.

8.—(a) "Vessel" in these Bye-laws includes ship, yacht, lighter, boat and craft of every kind, and whether navigated by steam, motor, sail, oars, or otherwise.

(b) "Aircraft" in these Bye-laws includes all balloons, whether fixed or free, kites, airships, aeroplanes, seaplanes, flying boats, gliders or other flying machines.

DATE OF OPERATION OF BYE-LAWS.

9. These Bye-laws shall come into force at the date hereof.

SCHEDULE.

DESCRIPTION OF LAND AND SEA AREAS.

(a) *Land Area*.—The land area is situate about 1 mile North West of Combe and 600 yards West of Cleve farm and is bounded as follows :—

From High Water Mark at Higher Sharpnose Point, in latitude $50^{\circ} 54' 15''$ N., Longitude $4^{\circ} 34' 03''$ W., by a straight line to the top of the cliff, thence southwards along the top of the cliff for a distance of one mile and one furlong, thence in a circular route radius 200 yards from the Western end of the lane leading in a Westerly direction from Harscott to the junction of the hedge in the North Western corner of

Ordnance Survey field No. 728 thence along the hedge in a Southerly direction to the cowshed in the South Western corner of Ordnance Survey field No. 702 thence South Westwards in a straight line to High Water Mark at Wren Rock, and thence by the high water line to the starting point.

(b) *Sea Area.*—The Sea Area is bounded :—

On the West—

By an arc of a circle with radius 24,000 yards (11.84 nautical miles) and with its centre in Latitude $50^{\circ} 53' 03''$ N. Longitude $4^{\circ} 33' 30''$ W.

On the North East and South East—

By lines drawn 344° and 206° true from points on the high water line in Latitude $50^{\circ} 54' 15''$ N. Longitude $4^{\circ} 34' 03''$ W. and in Latitude $50^{\circ} 52' 54''$ N. Longitude $4^{\circ} 33' 39''$ W. respectively, to meet the above-mentioned arc of a circle.

On the East—

By the high water line between the above positions.

Dated this Fourth day of September One thousand nine hundred and thirty-nine.

By Order of His Majesty's Principal Secretary of State for the War Department.

(Signed) G. W. LAMBERT.

The Board of Trade hereby signify their consent to the foregoing Bye-laws.

(Signed) OLIVER F. G. STANLEY.
President of the Board of Trade.

NOTICES.

PENALTY FOR OFFENCES.

(1) By Section 17 (2) of the Military Lands Act, 1892, it is provided :—

If any person commits an offence against any Bye-law under this Act he 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 authorised in manner provided by the Bye-law from the area, whether land or water, to which the Bye-law 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 Bye-law may be removed by any Constable or such Officer as aforesaid and on due proof of such contravention to be declared by a Court of Summary Jurisdiction to be forfeited to His Majesty.

APPLICATION TO SEA AREA.

(2) By Section 2 (2) of the Military Lands Act, 1900, it is provided :—

Where any land, the use of which can be regulated by Bye-laws under the Military Lands Act, 1892, or this Act, abuts on any sea or tidal water, or where rifle or artillery practice is or can be carried on over any sea, tidal water or shore from any such land, Bye-laws may be made in relation to any such sea, tidal water or shore as if they were part of the land.

PROCEDURE FOR CLEARING SEA AREA.

(3)—(a) Vessels entering or remaining within the sea area in contravention of any of the preceding Bye-laws may, under Section 17 (2) of the Military Lands Act, 1892, (see (1) above), be removed from the area. In such cases any vessel acting under the orders of the local Military Authorities will, when necessary, tow the offending vessel out of the area.

(b) Masters of vessels entering or remaining within the sea area by reason of the exigencies of navigation and exempt from the operation of the Bye-laws under Bye-law No. 7 (b) are requested to assist the carrying out of Artillery Practice by consenting to be towed out of the area, if necessary, by any vessel acting under the orders of the local Naval, Military or Royal Air Force Authorities.

TIMES OF FIRING.

(4) Firing will take place on the range from 1st January to 31st December inclusive annually.

Except when night firing occurs, no firing will take place between the hours of 8 p.m. and 6 a.m. the following morning.

Night firing will not last after 2 a.m.

No firing will take place from midnight Saturday to 6 a.m. on Monday.

PUBLIC NOTIFICATION OF FIRING.

(5) As soon as firing has been completed each day a notification will be sent by telephone to the Coast Guard Look-out Station at Boscastle. If on any day it is decided that no firing shall take place, a similar notification will be sent.

ADDITIONAL PRECAUTIONS DURING FIRING.

(6) Safety Parties will be stationed on each boundary of the Land Area during firing at the following points :—

Northern Party—At end of road 400 yards WEST of HARSOTT.

Southern Party—On the cliff edge 600 yards NORTH of STEEPLE POINT.

An additional party at end of track 500 yards SOUTH WEST of MORWENSTOW.

WHERE BYE-LAWS CAN BE OBTAINED AND PLAN OF THE RANGE INSPECTED.

(7) Copies of these Bye-laws can be obtained and a plan of the range can be inspected at :—

(a) Police Stations at :—Morwenstow, Kilkhampton and Bude.

(b) The Principal Post Offices at :—

(1) Morwenstow.

(2) Kilkhampton.

(3) Bude.

AIRCRAFT WARNING.

(8) Aircraft are warned not to fly in the vicinity of this range while firing is in progress, and no liability for accidents to aircraft arising from the use of the range can be admitted.

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.