



**PENHALE LIGHT ANTI-AIRCRAFT
ARTILLERY RANGE IN THE
COUNTY OF CORNWALL**

*75/2092/3187
1/1/40*

BYE-LAWS

made by His Majesty's Principal Secretary of State for the War
Department under the provisions of the Military Lands Acts, 1892
and 1903, as amended by Regulation 52 of the Defence Regulations,
1939, and by virtue of that Regulation, for regulating the use of the
above-mentioned Range.

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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 area hereinafter referred to as the Penhale Light Anti-Aircraft Artillery Range, the limits of which are set out in the Schedule hereto, the intrusion on the land and sea area and all obstruction of the use thereof is prohibited.

OFFENCES DURING FIRING.

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

- (a) No person shall enter or remain within 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 with the least 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.

- (i) A Red Flag not less than ten feet above a Black Ball six inches diameter on a flagstaff at PENHALE POINT.
- (ii) A Red Flag on a flagstaff at NEWQUAY COASTGUARD ESTABLISHMENT.

By Night:

- (iii) A Flashing Red Light, giving one flash every second from a flagstaff at PENHALE POINT.
- (iv) A Red Fixed Light on a flagstaff at NEWQUAY COASTGUARD ESTABLISHMENT.

(b) In respect of the Land Area :—

By Day.—A Red Flag on a flagstaff at the positions occupied by each of the four safety parties at the following points :—

- (i) Northern Safety Party : on cliff edge above HOLYWELL BEACH 200 yards South-West of river mouth.
- (ii) Southern Safety Party : on the beach half a mile North of CARNHAUT.
- (iii) Eastern Safety Party : on the border of the land area at ST. PIRANS CHURCH.
- (iv) Camp Safety Party : on the road near the camp quarter of a mile South of HOBLYN'S COVE.
- (v) A Red Flag on a flagstaff with a " DANGER " notice board at the entrance to PENHALE ESTATE.

By Night.—Two Red Fixed Lights arranged vertically, three feet apart, on a flagstaff at the positions occupied by each of the four safety parties at the following points :—

- (vi) Northern Safety Party : on cliff edge above HOLYWELL BEACH 200 yards South-West of river.
- (vii) Southern Safety Party : on beach half a mile North of CARNHAUT.
- (viii) Eastern Safety Party : on the borders of the land area at ST. PIRANS CHURCH.
- (ix) Camp Safety Party : on the road near the camp quarter of a mile South of HOBLYN'S COVE.

DURATION OF SIGNALS.

The signals referred to in this Bye-law will be hoisted and displayed one minute before firing is due to commence and will remain hoisted and displayed until firing has ceased.

RECOVERY OF SHELL, ETC.

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

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

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

OFFICERS AUTHORISED.

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-law so contravened.

The persons hereby authorised 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 authorised 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 flashing red light by night will be hoisted on the flagstaff at PENHALE 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.

7. 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 for 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.

(a) "Vessel" in these Bye-laws includes ship, yacht, lighter, boat and 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 kites, airships, aeroplanes, seaplanes, flying boats, gliders, or other 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 bounded as follows:—

On the North-East and South.—By the river running in a South-Easterly direction from Holywell Bay, from its mouth to the point where it is crossed by the footbridge on the road or lane leading to Trebicken, thence by a line running South-Westwards across Penhale Sands in a direction of 229° for a distance of approximately 1,360 yards, thence by a line running in a direction of 255° to the High Water Mark, thence—

On the West and North.—By the line of High Water Mark to the starting point.

(b) SEA AREA. The Sea Area is bounded as follows:—

On the North and West.—By the arc of a circle radius 7.40 nautical miles with its centre in Latitude $50^{\circ} 23' 12''$ N., Longitude $5^{\circ} 8' 48''$ W.

On the South.—By a line drawn from a point on High Water Mark in Latitude $50^{\circ} 22' 00''$ N., Longitude $5^{\circ} 8' 36''$ W. In a direction of 232° to meet the above-mentioned arc.

On the East.—By the line of High Water Mark Northwards from the above-mentioned point in Latitude $50^{\circ} 22' 00''$ N., Longitude $5^{\circ} 8' 36''$ W., to a point bearing 360° from the above centre, thence by a line drawn in a direction of 360° to meet the above-mentioned arc.

Dated this third day of December One thousand nine hundred and forty.

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

(Sd.) G. W. LAMBERT.

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 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, where 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, by any vessel acting under the Orders of the local Military, Naval or Royal Air Force Authorities.

TIMES OF FIRING.

(4) Firing will take place on the range during any period throughout the year.

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 usually last after 2 a.m.

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 Station at Newquay. If on any day it is decided that no firing shall take place, a similar notification will be sent as soon as it is decided.

ADDITIONAL PRECAUTIONS DURING FIRING.

(6) Safety parties will be stationed at the following points when the range is in use :

- (i) Northern Safety Party on cliff edge above HOLYWELL BEACH 200 yards South-West of river mouth.
- (ii) Southern Safety Party on the beach half of a mile North of CARNHAUT.
- (iii) Eastern Safety Party on the border of the land area at ST. PIRANS CHURCH.
- (iv) Camp Safety Party on the road near the Camp quarter of a mile South of HOBLYN'S COVE.

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 Newquay and Perranporth.
- (b) The Principal Post Offices at :—
 - (1) Newquay.
 - (2) Perranporth.
 - (3) Cubert.

AIRCRAFT WARNING.

(8) Aircraft are warned not to fly in the vicinity of this range while firing 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.