

# PLYMOUTH

## NAVAL ANTI-AIRCRAFT RANGE AT THE BREAKWATER AND BREAKWATER FORT.

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### BYE-LAWS

Made by the Admiralty with the consent of the Board of Trade under the powers in that behalf contained in the Military Lands Acts, 1892 and 1900, and the Naval Works Act, 1895, and under all other powers thereunto enabling.

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1939.

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WHEREAS Plymouth Breakwater and the Breakwater Fort are under the management of the Admiralty and are appropriated for the purposes of His Majesty's Navy, and rifle or artillery practice is or can be carried on over the sea and tidal water from such Breakwater and Fort.

AND WHEREAS the Admiralty have established a Naval Anti-Aircraft Range at such Breakwater and Fort.

NOW THEREFORE, in pursuance of the powers given them by the Military Lands Acts, 1892 and 1900, and the Naval Works Act, 1895, and of all other powers them thereunto enabling, the Admiralty with the consent of the Board of Trade hereby make the following Bye-laws in respect of the said Range, namely:—

1. In these Bye-laws—

The expression "vessel" includes any ship, yacht, lighter, boat or craft of any kind and whether navigated by steam, motor, sail, oars or otherwise, and any aircraft on the surface of the water.

The expression "aircraft" includes balloons of all kinds, whether fixed or free, kites, airships, aeroplanes, seaplanes, flying boats, gliders and all other machines which can derive support in the atmosphere from reactions of the air.

The expression "the Officer-in-Charge of the Range" means the Captain G., of the Devonport Gunnery School, or his deputy the Staff Officer in charge of instruction at the Breakwater Fort.

The expression "the Range" means the land and erections comprising Plymouth Breakwater and the Breakwater Fort.

together with the Area of Sea and tidal water abutting thereon next hereinafter defined and herein referred to as "the sea area."

The expression "the sea area" means the total superficial expanse of sea extending into the English Channel for  $3\frac{1}{2}$  sea miles over a sector of a circle to the southward of Breakwater Fort with centre Breakwater Fort and radius 7,000 yards and bounded as follows:—

(a) *On the North.*—Breakwater Fort.

(b) *On the West.*—By a line drawn from the Breakwater Fort in a direction  $200^{\circ}$ , 7,000 yards, to a point in Lat.  $50^{\circ} 16' 48''$  N., long.  $4^{\circ} 10' 44''$  W.

(c) *On the East.*—By a line drawn from the Breakwater Fort in a direction  $150^{\circ}$ , 7,000 yards, to a point in Lat.  $50^{\circ} 17' 02''$  N., long.  $4^{\circ} 06' 12''$  W.

(d) *By the arc of a circle*, centre Breakwater Fort, passing through the seaward extremities of the East and West boundaries.

The expression "the signals" means the signals prescribed in the Schedule annexed to these Bye-laws.

The expression "practice" means the use of the Range for rifle or artillery practice.

2. The Interpretation Act, 1889, shall apply for the interpretation of these Bye-laws as it applies for the interpretation of an Act of Parliament.

3.—(1) (a) During such times as the signals are hoisted or displayed no person other than the Officer-in-Charge of the Range and persons authorised by him shall enter or bring or take or permit to be brought or taken into the area of the Range any vessel, or thing and no person unless authorised as aforesaid shall after the signals have been hoisted or displayed remain in the area of the Range or permit any vessel or thing to remain therein for a period longer than is essential to enable such person, vessel or thing to quit or be removed from the same.

(b) During such times as the signals are hoisted or displayed no aircraft shall alight on, remain or travel upon the sea area nor fly in the air above the Range at a height less than 15,000 feet.

(2) While any vessel or aircraft is to the knowledge of the Officer-in-Charge of the Range within the area of the Range whilst the Range is in use for practice—

(a) By day, the signals will be lowered to half-mast.

(b) By night, a red light will be displayed below the green light of the signals,

as a warning to the Master, Pilot, or other person in charge of the vessel or aircraft that he is within the area of the Range.

(3) The signals will be hauled down or extinguished when practice has ceased.

4. The following persons, viz :—

(1) Any Officer, Warrant Officer, Non-Commissioned Officer, or any Royal Marine Policeman for the time being under the Command of and generally authorised by the Officer-in-Charge of the Range, and

(2) Any person generally authorised in writing under the hand of the said Officer-in-Charge,

may: (i) remove from the area of the Range and take into custody without warrant any person committing an offence against these Bye-laws and bring such person before a Court of Summary Jurisdiction to be dealt with according to law.

(ii) remove from the area of the Range any vessel, or thing found therein in contravention of these Bye-laws—any such vessel or thing may on due proof of such contravention be declared by a Court of Summary Jurisdiction to be forfeited to His Majesty.

5. These Bye-laws shall not apply to :—

(a) Any vessel (not being a pleasure boat) passing as rapidly as possible 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) Any vessel belonging to the Corporation of Trinity House, London, whilst employed on any Trinity House duty or service.

(e) Any yacht when actually engaged in a race of which notice of the date and hour of running has been given in writing to the Captain of His Majesty's Gunnery School, Devonport, at least 14 days in advance.

- (f) His Majesty's Ships of War, His Majesty's Aircraft, or any vessel or aircraft employed and navigating under Admiralty, War Department or Air Council authority.
- (g) Any aircraft by force of circumstances compelled to alight on or unable to quit the area of the Range.

PROVIDED nevertheless that the Officer-in-Charge of the Range may cause to be towed out of or removed from the area any stationary or slow-moving vessel or aircraft within the above exemptions if, in his opinion, delays to the practice may so be minimised.

6. No person shall trawl, dredge or search for, or otherwise interfere with any projectile or portion thereof within the area of the Range or take or retain or be in possession of, any such projectile, or portion thereof, found within that area.

Any person who, when trawling or dredging, shall come into possession of any such projectile or portion thereof, within the sea area, shall not retain it but shall immediately return it in its like condition, and without tampering with it, into the water.

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

7. These Bye-laws may be cited as "The Plymouth Naval Anti-Aircraft Range Bye-laws," and shall come into force at the date hereof.

#### SCHEDULE.

Warning signals preparatory to and during practice will be given as follows:

By hoisting at the Flagstaff at the Breakwater Fort:

BY DAY

*Preparatory Signal.\**

A red flag at half-mast.

*Practice Signal.†*

A red flag close up.

\* Preparatory signals will be flown for half an hour prior to the commencement of practice.

† Practice signals will be flown for the duration of the practice.

BY NIGHT

A red light above a green light for one hour prior to the commencement of practice and for the duration of the practice.

Dated this 4th day of *July*

One Thousand Nine Hundred and Thirty-nine.

CHARLES LITTLE

G. S. ARBUTHNOT

Commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland.

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

OLIVER F. G. STANLEY,

*President of the Board of Trade.*

20th *July*, 1939

#### NOTICES.

(1) A weekly programme of practices will be issued to the following authorities :—

Commander-in-Chief, Plymouth (for King's Harbour Master, Plymouth).

Officer Commanding R.A., Fixed Defences, South-Western Ports.

Officer Commanding, R.A.F. Station, Mount Batten.

The Manager, Exeter Airport.

The District Fishery Officer, Ministry of Agriculture and Fisheries.

This programme will be issued on the Thursday of the week preceding that in which practices will take place. No additional warning, other than the signals referred to above, will be given, and no notice of cancellation of any practice will be given.

(2) Any person doing anything prohibited by or otherwise contravening these Bye-laws is liable on summary conviction to a fine not exceeding Five Pounds.

(3) Copies of these Bye-laws can be obtained and a large-scale plan of the Range can be inspected at the Office of the King's Harbour Master, Plymouth.

(4) Fishermen in pursuit of their calling will be afforded every facility consistent with the carrying out of Anti-Aircraft practice.

*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.*