



THE CASTLEMARTIN RAC

RANGE BYELAWS 1986

Made by the Secretary of State for Defence, under the provisions of the Military Lands Acts and the Land Powers (Defence) Act, for regulating the use of the above mentioned ranges.

STATUTORY INSTRUMENTS

1986 No 1834

DEFENCE

THE CASTLEMARTIN RAC RANGE
BYELAWS

1986

Made 3rd September 1986

Coming into Operation 1st November 1986

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 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 Transport and the consent of the Dyfed County Council so far as regards interference with highways, makes the following byelaws:

AREAS OF LAND AND SEA AFFECTED

1. (1) The area to which these byelaws apply (in these byelaws referred to as the "Danger Area") shall be:

- (a) the lands belonging to the Secretary of State in the communities of Castlemartin, Warren, St Twynnels and Bosherton in the County of Dyfed known as the Castlemartin RAC Range and so much of the shore referred to in (b) hereof as at any time is not covered by the tide (in these byelaws referred to as the "Land Area"), and
- (b) the area of sea, tidal water and so much of the shore as at any time is covered by the tide the limits of which area are set out in the Schedule hereto (in these byelaws referred to as the "Sea Area").

(2) The boundaries and the limits of the Danger Area are, for convenience of reference, shown by a thick black line on the plans hereto annexed and identified as "Plan of the Castlemartin RAC Range—Land Area" and "Plan of the Castlemartin RAC Range—Sea Area".

(a)1892 c.43

(b)1900 c.56

(c)1958 c.30

(3) That part of the Land Area south of the coastal footpath between the eastern boundary of the Danger Area and Stack Rocks is hereinafter referred to as the "Cliff Area—Range East" and for convenience of identification is shown hatched black on the plan marked "Plan of the Castlemartin RAC Range—Land Area".

USE OF DANGER AREA

2. The Danger Area may be used for the military firing of conventional weapons of all descriptions from the ground and for the firing of conventional air to surface weapons of all descriptions and for all activities ancillary to such firing.

PROHIBITION OF ACCESS

3. No person shall:

- (a) enter or be in, or
- (b) cause or permit any vehicle, animal, vessel or thing to enter or be in, or
- (c) cause or permit any aircraft to fly at a height less than 15,000 feet (4,572 metres above mean sea level) over

a part of the Danger Area at any time when entry to such part is prohibited under byelaws 4 and 5.

4. (1) Entry to every part of the Land Area other than the parts described in the left hand column of the Table below is prohibited at all times.

(2) Entry into a part of the Land Area described in the left hand column of the Table is prohibited when a notice indicating road or footpath closure is displayed in the position or positions specified opposite the description of that part in the right hand column of the Table.

(3) The positions specified in the right hand column are shown by black squares on the plan marked "Plan of the Castlemartin RAC Range—Land Area".

Parts of Land Area to which access is prohibited when closure notice displayed	Positions of notice boards
West Lane from Warren Village to junction with road (B4319) from Castlemartin Village to Ermigate Cross.	At a place on West Lane approximately 30 metres north west of St Mary's Church, Warren Village.
Road from Ermigate Cross to Stack Rocks, the picnic site and car park at Stack Rocks and the Chapel and site of the old farm buildings at Flimston.	On the east side of the said road at Ermigate Cross.
Road (B4319) from Castlemartin Village to Ermigate Cross.	(i) On the east side of this road approximately 30 metres south of Castlemartin Pound. (ii) At Merrion Cross.
Bosherston to St Govan's road from a point approximately 275 metres south-south-west of Buckspool Farm House and the picnic site and car park at St Govan's.	On the west side of the said road approximately 275 metres south-south-west of Buckspool Farm House.
Coastal footpath from Stack Rocks to St Govan's Chapel and that part of the Cliff Area-Range East lying to seaward of the path.	(i) At a place approximately 145 metres north of Elegug Stacks. (ii) At a place approximately 45 metres north-west of St Govan's Chapel.
Coastal footpath from a place approximately 380 metres south-east of Trefalen Farm House to St Govan's Chapel and that part of the Cliff Area-Range East lying to seaward of the path (including St Govan's Head).	At a place approximately 380 metres south-east of Trefalen Farm House.

5. (1) Entry to the Sea Area is prohibited when it is being used for any of the military purposes specified in byelaw 2.

(2) Whilst the Sea Area is being used for any of the military purposes specified in byelaw 2, notice of that use will be given by the display of a red flag by day and a red light by night hoisted at:

- (a) Great Furzenip at Latitude 51°38.88' North, Longitude 05°03.20' West;
- (b) Linney Head at Latitude 51°37.25' North, Longitude 05°03.48' West;

- (c) St Govan's Head at Latitude 51°35.77' North, Longitude 04°55.52' West

The positions of these warning signals are indicated on the plan marked "Plan of the Castlemartin RAC Range-Sea Area".

PROJECTILES

6. No person shall search for, interfere with, take or be in possession of any projectile or other thing used for military purposes.

GOVERNMENT STORES

7. 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.

ENFORCEMENT

8. 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, 6 or 7 and to remove from the Danger Area any vehicle, animal, vessel or thing found in the Danger Area in contravention of any of the said byelaws:

- (a) the Commander of the Army District;
- (b) the Officer in Charge of the Castlemartin RAC Range;
- (c) any officer, any warrant officer, or non-commissioned officer or rating of corresponding rank, in uniform and being for the time being under the command of any officers mentioned in byelaw 8(a) and (b) above;
- (d) any person, being a crown servant, authorised in writing by or on behalf of the officers mentioned at byelaw 8(a) and (b) above;
- (e) any constable including any constable under the control of the Defence Council.

EXEMPTIONS

9. (1) Nothing done by a person using the Danger Area in pursuance of byelaw 2 or by a person acting under and in accordance with any authority or permission given by or on behalf of the Secretary of State for Defence or the Commander of the Army District or the Officer in Charge of the Castlemartin RAC Range 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 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 insofar 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 anchoring or lying off Milford Haven under instructions given by the Milford Haven Conservancy Board;
- (c) any vessel engaged under the authority of the Milford Haven Conservancy Board in ferrying pilots to or from vessels entering or leaving Milford Haven;
- (d) any vessel employed in tending, placing, replacing or removing any buoys or other aids to navigation within the Sea Area;
- (e) any wreck-marking vessel;
- (f) any vessel belonging to the Corporation of Trinity House whilst employed on any Trinity House duty or service;
- (g) any vessel for the time being engaged in the clearance of floating oil in the Sea Area or purposes connected therewith;
- (h) any vessel for the time being engaged in giving assistance to persons or to any other vessel at sea.

OFFENCES

10. Subject to byelaw 9:

- (a) any person who contravenes or fails to comply with the provisions of byelaws 3, 6 or 7 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.

INTERPRETATION

11. 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.

SCHEDULE

The limits of the Sea Area are:

On the North

Commencing at a point on the line of Mean High Water in Latitude 51°36.30' North, Longitude 04°55.33' West, thence on a true bearing of 090° for a distance of 1.12 nautical miles to a point in Latitude 51°36.30' North, Longitude 04°53.53' West; thence

On the East

From the last mentioned point on a true bearing of 140½° for a distance of 4.93 nautical miles to a point in Latitude 51°32.50' North, Longitude 04°48.50' West, thence in a clockwise direction by the arc of a circle with radius 11.02 nautical miles with centre in Latitude 51°42.22' North, Longitude 04°56.79' West, to a point in Latitude 51°31.58' North, Longitude 05°01.33' West, thence on a true bearing of 185° for a distance of 7.12 nautical miles to a point in Latitude 51°24.50' North, Longitude 05°02.33' West, thence

On the South West

From the last mentioned point in a clockwise direction by the arc of a circle with radius 18.08 nautical miles with centre in Latitude 51°42.22' North, Longitude 04°56.79' West, to a point in Latitude 51°36.17' North, Longitude 05°24.13' West, thence

On the North

From the last mentioned point on a true bearing of 045½° for a distance of 4.93 nautical miles to a point in Latitude 51°39.62' North, Longitude 05°18.50' West, thence on a true bearing of 090° for a distance of 8.58 nautical miles to a point in Latitude 51°39.62' North, Longitude 05°04.72' West, thence on a true bearing of 121° for a distance of 1.00 nautical miles to a point on the line of Mean High Water in Latitude 51°39.10' North, Longitude 05°03.33' West, thence along the line of Mean High Water in a general south-easterly direction to the point of commencement in Latitude 51°36.30' North, Longitude 04°55.33' West.

COMMENCEMENT, CITATION AND REVOCATION

12.—(1) These byelaws shall come into operation on 1st November 1986 and may be cited as the Castlemartin RAC Range Byelaws 1986.

(2) The byelaws in respect of the Castlemartin Armoured Fighting Vehicle Range dated the 1st day of June 1942(d) are hereby revoked.

Dated 16th July 1986

(Signed) ROGER FREEMAN

Parliamentary Under Secretary of State for the Armed Forces

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

Dated 3rd September 1986

(Signed) JOHN DEMPSTER

An Under Secretary of the Department of Transport

The consent of the Dyfed County Council to the making of these byelaws, so far as regards the restriction of the use of the highways within the Danger Area mentioned therein, was given by a resolution dated the 8th day of May 1984.

(Signed) R. R. MORGAN

Deputy County Secretary
Dyfed County Council

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 1982, as amended by section 39 of and Schedule 3 to the Criminal Justice Act 1982, 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 level 2 on the standard scale 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."

At the time of printing the maximum fine on scale 2 is ONE HUNDRED POUNDS (£100).

SIGNALS WHILST THE LAND AREA IS IN USE

2. Whilst the Land Area is being used for military purposes red flags by day and red lights by night will be hoisted at intervals close to the boundary of the range. Where only part of the Land Area is being used for military purposes that area will be marked by red flags or red lights as appropriate.

WARNING

3. The public when allowed to use the undermentioned roads, footpaths, cliff, picnic and parking areas are warned to keep strictly to these roads, footpaths, cliff, picnic and parking areas because of the possible danger from unexploded projectiles:

- (i) West Lane;
- (ii) the Ermigate Cross to Castlemartin Road;
- (iii) the Ermigate Cross to Stack Rocks road;
- (iv) the Bosherton to St Govan's road;
- (v) the picnic sites and car parks at Stack Rocks and St Govans;
- (vi) Flimston Chapel and Flimston farm buildings;
- (vii) the coastal footpaths and Cliff Area – Range East identified on the plan of the Castlemartin RAC Range Land Area.

INSPECTION OF BYELAWS AND PLANS

4. A copy of these byelaws and plans showing the Danger Area may be inspected at the Police Station, Pembroke Dock and at the Offices of Dyfed County Council and South Pembrokeshire District Council. They may also be inspected at the office of the Senior Estate Surveyor Wales (Mid), Property Services Agency, Department of the Environment, The Barracks, Brecon LD3 7EA, where copies of the byelaws may be obtained.

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 Castlemartin Range, Merrion Camp, Pembroke or 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 Officer in Charge of the Castlemartin Range, Merrion Camp, Pembroke or the Police or to HM Coastguard the position where the projectile was returned into the water.

FACILITIES TO FISHERMEN

6. The Castlemartin RAC Range Operational staff will afford to fishermen in pursuit of their occupation afloat every facility consistent with the carrying out of essential firing on the Range. Fishermen may apply to the Commandant of Castlemartin RAC Range for permission under byelaw No 9(1) to fish in any part of the Sea Area when it is being used for the purposes specified in byelaw No 2. Permission can be sought either from the Range Control Officer (Telephone No: Castlemartin 321 ext 340 or 344) or direct by radio on channel 16 VHF. There is no restriction under the byelaws on fishing in the Sea Area when it is not being used for the military purposes specified in byelaw No 2.

Firing takes place from May to December and one week only in January and February Monday-Friday 0900-1700. Night firing takes place on any two non-consecutive nights per week, excluding Fridays. Night firing times will be from 1900-2359 hours. No firing will take place Saturdays, Sundays or Public Holidays.

PUBLIC NOTIFICATION OF FIRING

7. Public notification that firing will take place will be given by sending notices (not less than seven clear days before firing), with details of the intended date, time and duration of the firing to:—

Civil Aviation Authority, Southern Aeronautical Information Service, London (Heathrow) Airport, Hounslow, Middlesex.

The Officer Commanding, RAF Brawdy.

Queen's Harbourmaster, Pembroke Dock.

The Harbourmaster, Milford Haven Conservancy Board, Milford Haven.

The Dock Master, British Transport Docks Board, Cardiff Docks.

The Station Officer, HM Coastguard, St Ann's Head.

The Station Officer, HM Coastguard, St Govan's Head.

The Clerk & Chief Fisheries Officer, South Wales Sea Fisheries Committee, Swansea.

District Inspector of Fisheries, MAFF Fisheries Office, Milford Haven.

Dyfed-Powys Police, Carmarthen.

Dyfed-Powys Police, Pembroke Dock.

Post Office, Bosherton, Pembroke.

Tourist Information Office, Tenby.

Tourist Information Office, Kilgetty.

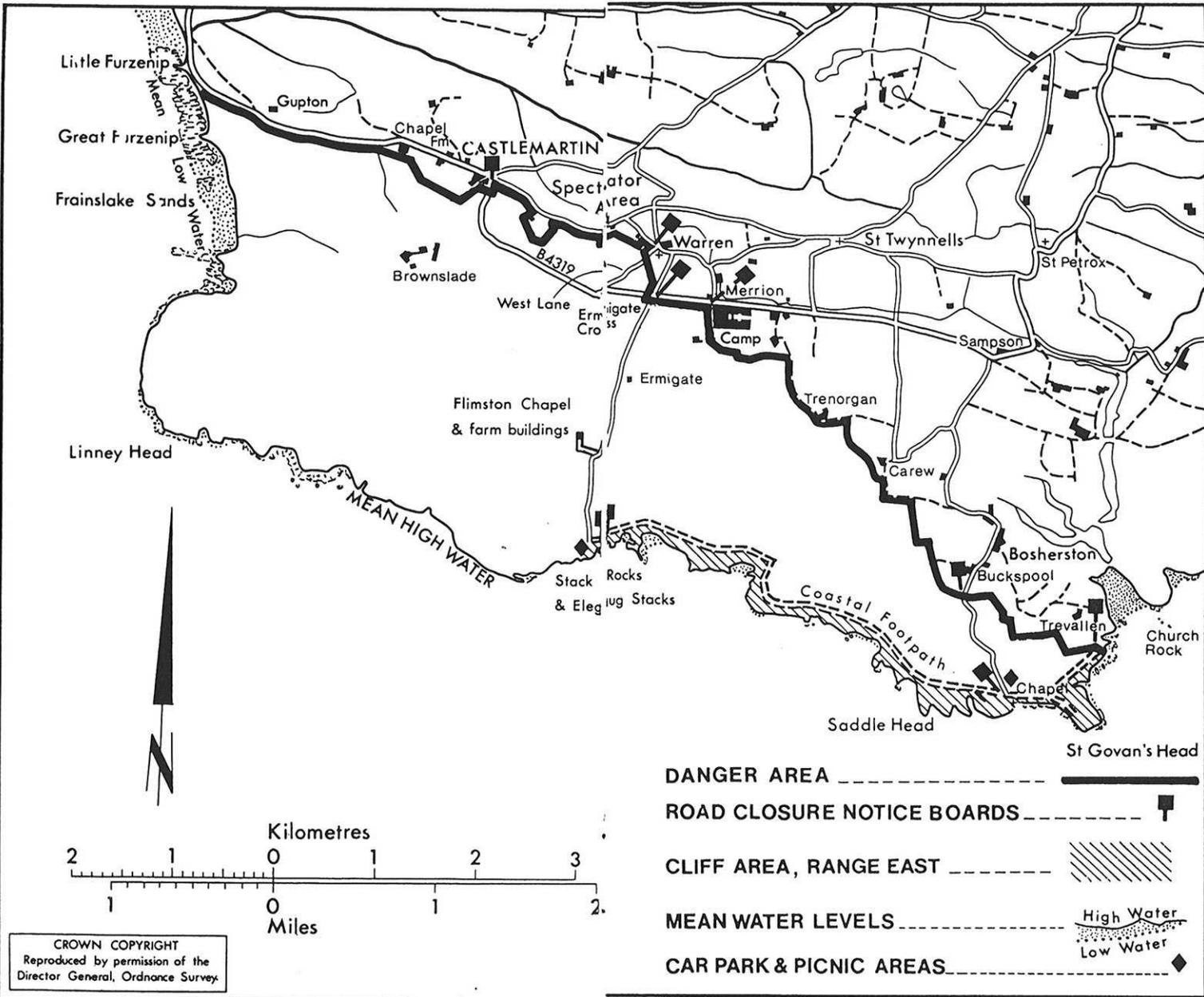
Western Telegraph, Haverfordwest.

West Wales Guardian, Haverfordwest.

West Wales Weekly Observer, Tenby.

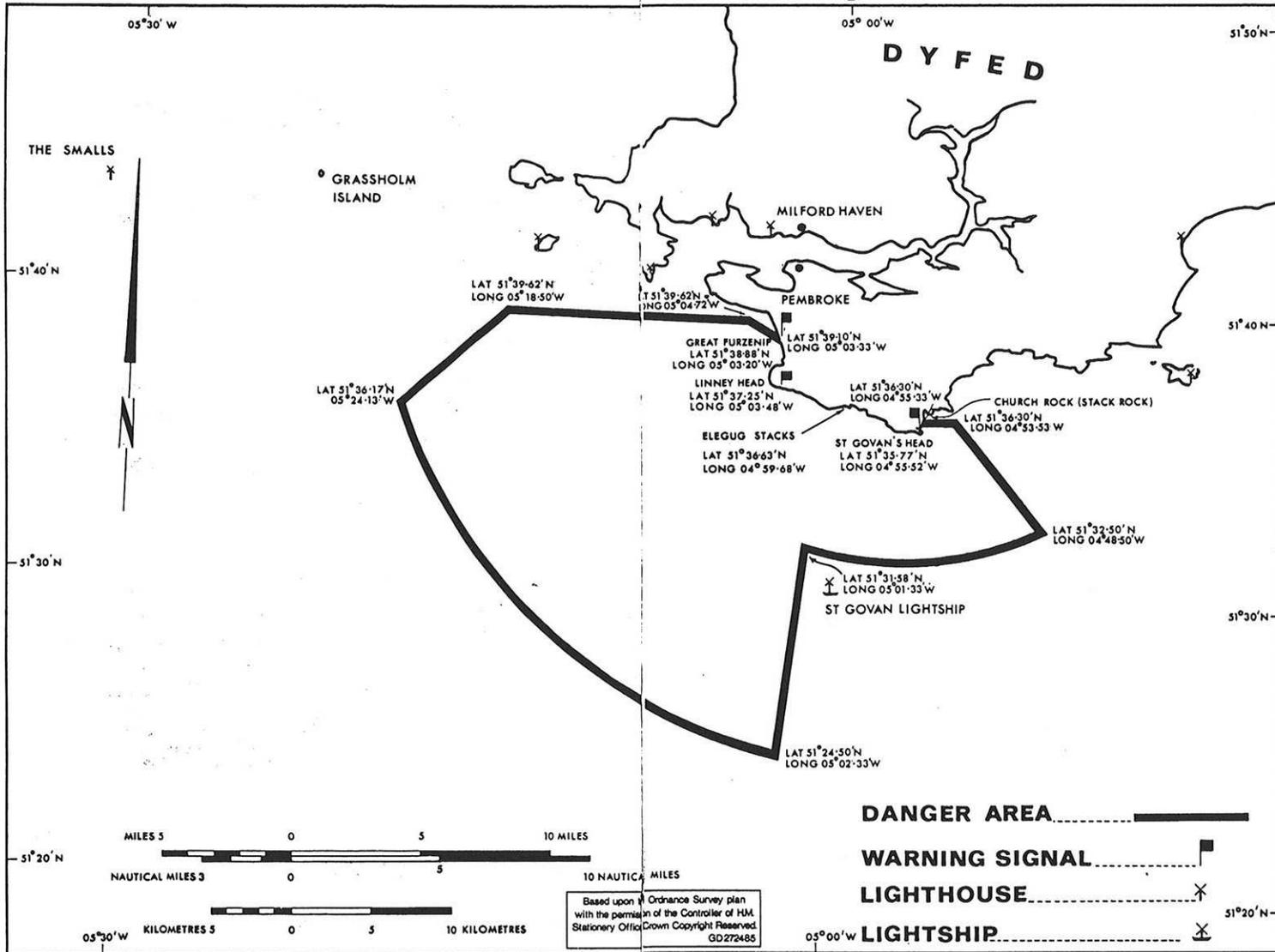
The firing programme will be adhered to as far as possible, but is subject to alteration. In respect of each and every such alteration in the firing programme emergency Notices will be issued not less than 24 hours before the commencement of the time of intended firing to the persons and authorities referred to in the notice.

Plan of the CASTLEMARTIN RAC Range – Land Area



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Plan of the CASTLEMARLIN RAC Range – Sea 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.