



**THE ABERPORTH 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. 64

DEFENCE

The Aberporth Range Byelaws 1976

Made 15th January 1976

Coming into operation 23rd February 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 7 of the Land Powers (Defence) Act 1958(c), Section 2 of the Defence (Transfer of Functions) Act 1964(d) and of all other powers enabling him in that behalf, and the consent of the Crown Estate Commissioners on behalf of Her Majesty having first been 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 belonging to the Secretary of State in the County of Dyfed known as the Aberporth Range which lands are in these Byelaws referred to as the "Land Area", and
 - (b) the area of sea, tidal water and shore which area is in these Byelaws referred to as the "Sea Area" including that part thereof which is hereinafter referred to as the "Inner Sea Area".
- (2) (a) The limits of the Sea Area and Inner Sea Area are set out in Parts I and II of the Schedule hereto.
- (b) The boundaries of the Land Area are, for convenience of identification, shown by a thick black line on the plans hereto annexed and identified as "Plan of the Aberporth Land Area" and the limits of the Sea Area are, for convenience of identification, shown by a thick black line on the plan hereto annexed and identified as "Plan of the Aberporth Sea Area", the Inner Sea Area being hatched black thereon.

USE OF DANGER AREA

2. The Danger Area may be used for firing of guided weapons of all types and for all military activities ancillary to such firing.

(a) 55 & 56 Vict. c.43

(b) 63 & 64 Vict. c.56

(c) 6 & 7 Eliz II c.30

(d) 1964 c.15

PROHIBITION OF ACCESS

3. Subject to the provisions of Byelaw No. 8:—
- (1) Entry on the Land Area is prohibited at all times.
 - (2) When the Sea 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, or
 - (b) be or remain in or upon, 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 the Sea Area or any part thereof.
 - (3) Whilst the Sea Area is being used for any of the said military purposes, notice of the fact shall be given by the simultaneous display of a red flag and a yellow flag by day and a red light and a yellow light by night at two places at the Aberporth Rangehead Area in Latitude 52° 08' 30" North, Longitude 04° 33' 31" West, and in Latitude 52° 08' 24" North, Longitude 04° 34' 26" West.
 - (4) Whilst the Inner Sea Area is being used for any of the said military purposes notice of the fact shall be given by the display of a red flag only by day and a red light only by night at two places at the Aberporth Rangehead Area described in Byelaw No. 3(3).

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 Sea Area, or remove any projectile from the Sea 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 provisions 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 from 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 Superintendent of Ranges, Royal Aircraft Establishment, Aberporth;
- (b) 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 orders or control of the said Superintendent;
- (c) any person authorised in writing by or on behalf of the said Superintendent, and
- (d) 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 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 Superintendent of Ranges, Royal Aircraft Establishment, Aberporth 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) or paragraph (2) 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 in the ordinary course of navigation not being used for fishing in the Sea Area and remaining in the Sea Area no longer than is reasonably necessary to pass directly through and beyond 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 whilst employed on any Trinity House duty or service.

- (e) any foreign vessel when outside or in innocent passage through territorial waters;
- (f) 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(e) 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 23rd February 1976 and may be cited as the Aberporth Range Byelaws 1976.
- (2) The Byelaws in respect of the Aberporth Anti-Aircraft Artillery Range and Projectile Development Range in the County of Cardigan dated 1st day of May 1941(f) are hereby revoked.

SCHEDULE

Part I

The limits of the Sea Area are as follows:—

ON THE SOUTH-EAST

From a point on the line of Mean High Water in Latitude $52^{\circ} 08' 22''$ North, Longitude $04^{\circ} 33' 20''$ West on a true bearing of 044° for a distance of 5.5 Nautical Miles to a point in Latitude $52^{\circ} 12' 18''$ North, Longitude $04^{\circ} 27' 06''$ West, thence on a true bearing of 061° for a distance of 8.5 Nautical Miles to a point in Latitude $52^{\circ} 16' 25''$ North, Longitude $04^{\circ} 15' 00''$ West, thence

(e) 52 & 53 Vict. c.63

(f) S.R. & O No 421 of 1941

ON THE EAST

On a true bearing of 000° for a distance of 3.6 Nautical Miles to a point in Latitude $52^{\circ} 20' 00''$ North, Longitude $04^{\circ} 15' 00''$ West, thence on a true bearing of $335\frac{1}{2}^{\circ}$ for a distance of 22 Nautical Miles to a point in Latitude $52^{\circ} 40' 00''$ North, Longitude $04^{\circ} 30' 00''$ West, thence

ON THE NORTH

On a true bearing of 270° for a distance of 13.4 Nautical Miles to a point in Latitude $52^{\circ} 40' 00''$ North, Longitude $04^{\circ} 52' 00''$ West, thence on a true bearing of $242\frac{1}{2}^{\circ}$ for a distance of 12.8 Nautical Miles to a point in Latitude $52^{\circ} 34' 06''$ North, Longitude $05^{\circ} 10' 36''$ West, thence

ON THE WEST

On a true bearing of $152\frac{1}{4}^{\circ}$ for a distance of 28.4 Nautical Miles to a point in Latitude $52^{\circ} 09' 00''$ North, Longitude $04^{\circ} 49' 00''$ West, thence

ON THE SOUTH-WEST

On a true bearing of 094° for a distance of 8.9 Nautical Miles to a point in Latitude $52^{\circ} 08' 25''$ North, Longitude $04^{\circ} 34' 35''$ West, thence following the line of Mean High Water to the point of commencement in Latitude $52^{\circ} 08' 22''$ North, Longitude $04^{\circ} 33' 20''$ West.

Part II

The limits of the Inner Sea Area are as follows:—

ON THE SOUTH-EAST

From a point on the line of Mean High Water in Latitude $52^{\circ} 08' 22''$ North, Longitude $04^{\circ} 33' 20''$ West, on a true bearing of 044° for a distance of 5.5 Nautical Miles to a point in Latitude $52^{\circ} 12' 18''$ North, Longitude $04^{\circ} 27' 06''$ West, thence on a true bearing of 061° for a distance of 8.5 Nautical Miles to a point in Latitude $52^{\circ} 16' 25''$ North, Longitude $04^{\circ} 15' 00''$ West, thence

ON THE EAST

On a true bearing of 000° for a distance of 3.6 Nautical Miles to a point in Latitude $52^{\circ} 20' 00''$ North, Longitude $04^{\circ} 15' 00''$ West, thence on a true bearing of $335\frac{1}{2}^{\circ}$ for a distance of 6.6 Nautical Miles to a point in Latitude $52^{\circ} 26' 00''$ North, Longitude $04^{\circ} 19' 30''$ West, thence

ON THE NORTH

On a true bearing of $242\frac{1}{2}^{\circ}$ for a distance of 23.9 Nautical Miles to a point in Latitude $52^{\circ} 14' 56''$ North, Longitude $04^{\circ} 54' 06''$ West, thence

ON THE WEST

On a true bearing of $152\frac{1}{4}^{\circ}$ for a distance of 6.7 Nautical Miles to a point in Latitude $52^{\circ} 09' 00''$ North, Longitude $04^{\circ} 49' 00''$ West, thence

ON THE SOUTH-WEST

On a true bearing of 094° for a distance of 8.9 Nautical Miles to a point in Latitude $52^{\circ} 08' 25''$ North, Longitude $04^{\circ} 34' 35''$ West, thence following the line of Mean High Water to the point of commencement in Latitude $52^{\circ} 08' 22''$ North, Longitude $04^{\circ} 33' 20''$ West.

Dated this 12th day of January 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 15th day of January 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.

WARNING TO VESSELS IN DANGER AREA

2. 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 displayed below the flags and lights described in Byelaws Nos 3(3) and 3(4) 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 displayed half an hour before firing is due to start in order to notify the master of the vessel that firing will shortly take place.

INSPECTION OF BYELAWS AND PLAN

3. A copy of these Byelaws and a plan showing the Danger Area may be inspected at the Police Stations at Aberporth, New Quay, Cardigan, Aberaeron and Aberystwyth, and at the Main Post Offices at Aberporth, New Quay, Cardigan, Aberaeron and Aberystwyth. They may also be inspected at the office of the Senior Estate Surveyor Wales (Mid), Property Services Agency, The Barracks, Brecon LD3 7EA where copies of the Byelaws may be obtained at the price of fivepence (5p) for each copy.

RECOVERY OF PROJECTILES

4. Any person who finds a projectile within that part of the Danger Area which is for the time being uncovered by the tide, must not disturb it but should report the finding of it to the Superintendent of Ranges, Royal Aircraft Establishment, Aberporth, 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 (without tampering with it) return it in its then condition into the water.

JOINT CONSULTATIVE COMMITTEE

5. An Aberporth Range Joint Consultative Committee of Cardigan Bay users operates under the following terms of reference:—

- (a) To minimise the need to use Byelaw restrictions by improving mutual co-operation at all times between the Ministry of Defence and other users of Cardigan Bay.
- (b) To examine and devise suggestions for ways of implementing Byelaw restrictions (on those occasions when they are necessary) so as to minimise any adverse effects on all users.
- (c) To improve communication channels between the Ministry of Defence and other users.
- (d) To ensure that, consistent with the needs and requirements of the Ministry of Defence, the maximum possible availability of the waters of Cardigan Bay is maintained.

FACILITIES TO FISHERMEN

6. The Aberporth Range operation staff will afford to fishermen in the pursuit of their occupation every facility consistent with the

carrying out of essential trials on the Aberporth Range. In particular, the maximum total time that the complete Sea Area will be clear from shipping (apart from vessels exempt under Byelaw No. 8) will be 15 working days per year, and 50 working days per year for the Inner Sea Area. The closed period will be made up of units of a few days at a time scattered evenly throughout the year, will not include any Saturday, Sunday, or Public Holiday, or extend outside the period 9.30 am to 5 pm local time on any day. In the event of unforeseen circumstances in which individuals or organisations outside Ministry of Defence control increase their usage of Cardigan Bay significantly beyond the highest levels seen so far, the Ministry of Defence reserves the right to reconsider their position and, having given written notice of their intention to the members of the Aberporth Range Joint Consultative Committee, the Secretary of State for Defence will examine objections to any extension of use and satisfy the Secretary of State for Trade that the further restriction of the public right is essential.

ADDITIONAL WARNING FLAGS

7. Flags and lights as described in Byelaws Nos 3(3) and 3(4) may additionally be displayed at the Coastguard Stations at Strumble and New Quay whenever the Sea Area or Inner Sea Area is being used for any of the purposes specified in Byelaw No. 2.

PUBLIC NOTIFICATION OF FIRING

8. At least two weeks advance notice of when the Sea Area or Inner Sea Area is required to be clear from shipping (apart from vessels exempt under Byelaw No. 8) will be given to the interested bodies listed in the Appendix hereto. Any person who wishes to obtain additional information about these periods should telephone the Royal Aircraft Establishment, Aberporth (telephone No. Aberporth 810205 Extension 487).

APPENDIX

Aberaeron Yacht Club
 Aberporth Boating and Angling Club
 Aberystwyth Sea Angling and Yacht Club
 Barmouth Sea Fisheries Association
 Borth Boating and Sea Fishing Club
 The Cardigan Bay Regatta, New Quay
 Ceredigion District Council, Aberystwyth
 Dovey Yacht Club, Aberdovey
 Dyfed County Council, Carmarthen
 The Endeavour Deep Sea Group, Aberystwyth
 Fisheries Organisation Society Ltd
 Gwynedd County Council, Caernarvon

Harbour Masters at Aberaeron, Aberystwyth, Barmouth and New Quay
HM Coastguard, Western Division Headquarters, Swansea
HM Coastguard, Dale
Holimarine Ltd, New Quay
Lancashire and Western Sea Fisheries Joint Committee, Lancaster
Llangrannog Boating and Angling Association
Meirionnydd District Council, Dolgellau
Ministry of Agriculture, Fisheries and Food, Conwy
Ministry of Agriculture, Fisheries and Food, Milford Haven
National Federation of Site Operators Ltd
New Quay Yacht Club
Preseli District Council, Haverfordwest
South Wales Sea Fisheries Committee, Swansea
Teifi Boating Club, Cardigan
Trawler Owners Association Ltd, Milford Haven
Trinity House Depot, Swansea
University College of Wales, Aberystwyth
Mr D W Evans, New Quay
Mr E A Meyler, Aberystwyth

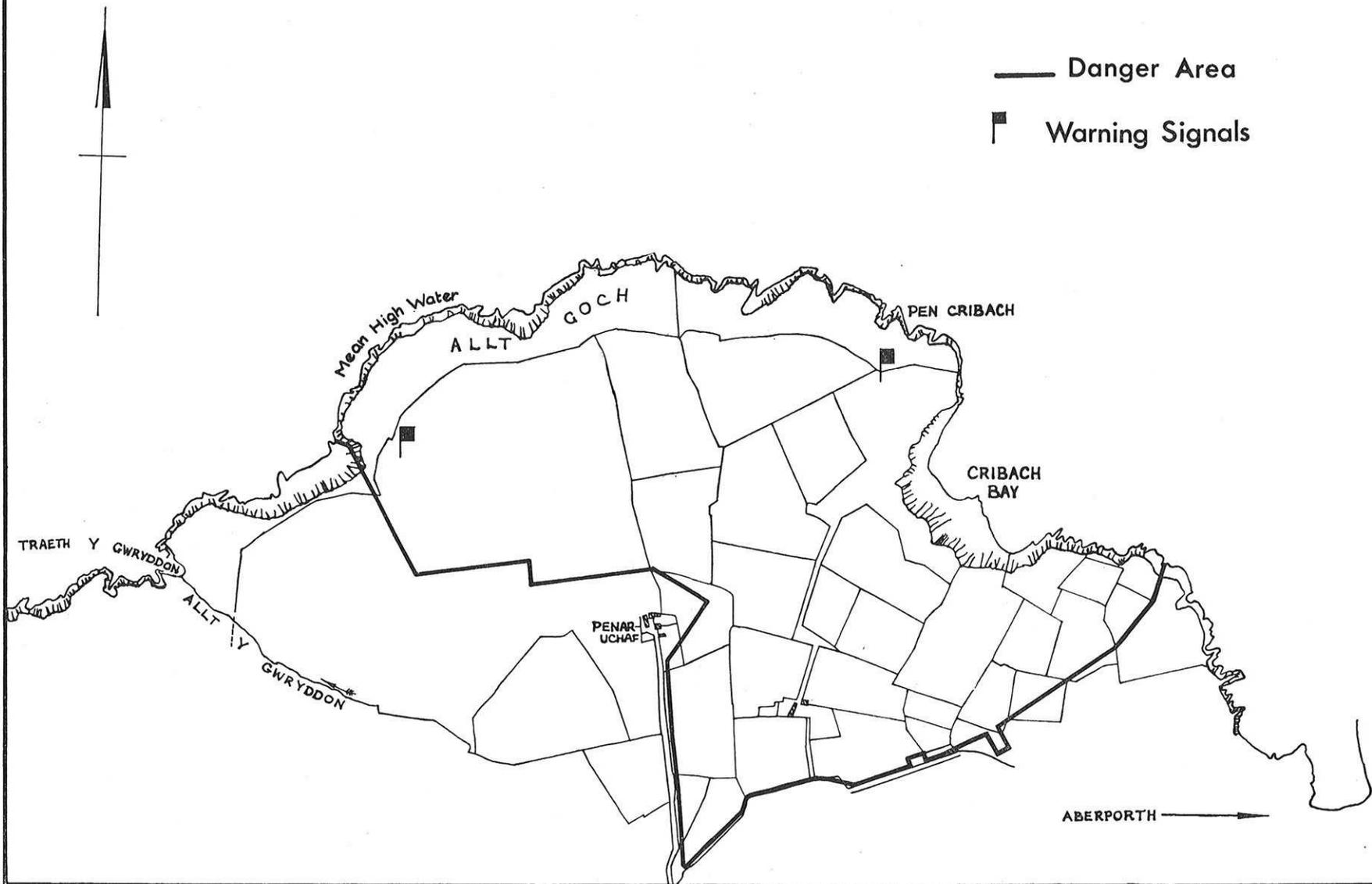
Plan of the ABERPORTH Land Area

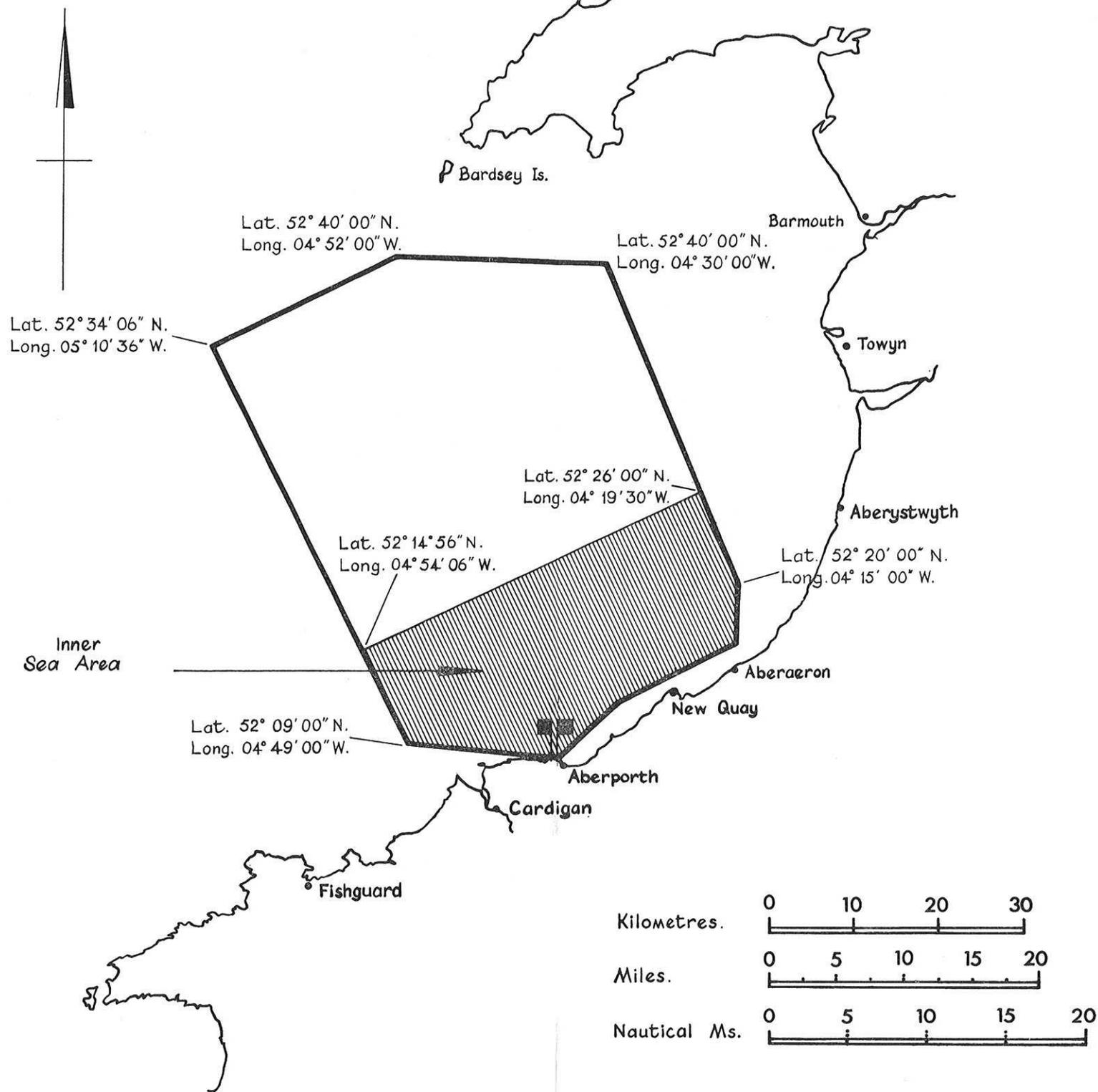
SCALE IN METRES

100 0 1000

— Danger Area

■ Warning Signals





Plan of the ABERPORTH Sea Area

— Sea 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.