



The Whittington Ranges

Byelaws

1973

Made by the Secretary of State for Defence under the provisions of the Military Lands Act 1892, for regulating the use of the above-mentioned Ranges.

STATUTORY INSTRUMENTS

1973 No. 1912

DEFENCE

THE WHITTINGTON RANGES BYELAWS 1973

Made 9th November 1973

Coming into operation 4th February 1974

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 Defence (Transfer of Functions) Act 1964(b) and of all other powers enabling him in that behalf hereby, with the consent of the Staffordshire County Council so far as regards the interference with the highways hereinafter mentioned, makes the following Byelaws:—

AREA OF LAND AFFECTED

1. The area to which these Byelaws apply consists of:—
 - (a) the land (in part belonging to the Secretary of State and in part vested in other persons which the Secretary of State has a right to use for military purposes) in the parishes of Whittington, Fisherwick, Wigginton and Swinfen and Packington in the County of Stafford known as the Whittington Ranges together with all highways thereon (hereinafter referred to as “the Danger Area”) the boundaries of which land are for convenience of reference marked with a thick black line on the plan hereto annexed and identified as “Plan of the Whittington Ranges”.
 - (b) the highway (hereinafter referred to as “the Bridleway”) running near the Danger Area between that point on the south-eastern boundary of the Danger Area marked by the letter ‘A’ on the said plan and Hopwas Wood Bridge marked by the letter ‘B’ on the said plan.

USE OF DANGER AREA

2. The Danger Area may be used for the firing of 84 mm sub calibre infantry anti-tank guns, rifles, machine guns, and other small arms and for all activities ancillary to such firing.

PROHIBITION OF ACCESS

3. (1) When the Danger Area is being used for any of the purposes specified in Byelaw No. 2, no person shall:—
 - (a) enter into or upon or pass over or through the Danger Area or the Bridleway, or
 - (b) be or remain in or upon the Danger Area or the Bridleway, or

(a) 55 & 56 Vict. c.43.

(b) 1964 c.15.

- (c) cause or permit or suffer any vehicle, animal, aircraft or thing to enter into or upon or to pass through or to be or remain in or upon the Danger Area or the Bridleway, or
 - (d) cause or permit any aircraft to fly over the Danger Area at a height less than 700 feet above mean sea level.
- (2) When the Danger Area is being used for any of the said purposes notice of the fact shall be given by the display of a red flag by day and a red light by night hoisted at the places shown by a flag on the plan annexed to these Byelaws.

PROJECTILES

4. No person shall dig 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 Danger Area or remove any projectile from the Danger 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 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.

ENFORCEMENT

7. The following persons are hereby authorised to remove from the Danger Area or the Bridleway and to take into custody without warrant any person found therein when it is being used for any of the purposes specified in Byelaw No. 2 or found committing any other offence against any of the said Byelaws, and to remove from the Danger Area any vehicle, animal, aircraft or thing whatsoever found in the Danger Area in contravention of any of the said Byelaws:—

- (a) The General Officer Commanding the Army District;
- (b) the Officer in Charge of the Whittington Ranges;
- (c) any officer, any warrant officer, non-commissioned officer, or any service policeman, in uniform and being for the time being under the Command of the said General Officer Commanding or the Officer in Charge of the Whittington Ranges;
- (d) any person authorised in writing by or on behalf of the said General Officer Commanding or the Officer in charge of the Whittington Ranges; and
- (e) 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 in the exercise of any rights in or over land belonging to the Secretary of State or any such private rights as are referred to in Section 15 of the Military Lands Act 1892 not subject to restrictions by these Byelaws or by a person acting under and in accordance with any authority or permission given by or on behalf of the Secretary of State or the General Officer Commanding the Army District, or the Officer in Charge of the Whittington Ranges 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) 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 against that Byelaw.

INTERPRETATION

9. (1) The Interpretation Act 1889(c), 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;
 “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 the 4th day of February 1974 and may be cited as the Whittington Ranges Byelaws 1973.
- (2) The Lichfield : Whittington Rifle Ranges Byelaws 1924(d) are hereby revoked.

Dated this 9th day of November 1973.

(Sgd.) M. H. TALLBOYS

By Order of the Secretary of State for Defence.

The consent of The Staffordshire County Council to the making of these Byelaws, so far as regards the restriction of the use of the highways mentioned therein, was given by a resolution dated the 24th day of February 1973.

(Sgd.) J. BLAMIRE BROWN,

Clerk of the Staffordshire County Council.

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 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.

2. By Section 15 of the Military Lands Act 1892, it is provided:—
Where a Secretary of State has for the time being the right of using for any military purpose any land vested in another person this part of this Act shall apply in like manner as if the land were vested in the Secretary of State and the same were appropriated for the said purpose, save that nothing therein or in any Byelaws made thereunder shall injuriously affect the private rights of any person further or otherwise than is authorised by the grant of the right to use the land.

INSPECTION OF BYELAWS AND PLAN

3. A copy of these Byelaws and a plan showing the Danger Area may be inspected at the Staffordshire and Stoke on Trent Central Police Stations at Lichfield City and Tamworth. They may also be inspected at the Office of the Defence Land Agent, Spring Gardens, Ditherington, Shrewsbury where copies of the Byelaws may also be obtained at the price of five pence (5p) for each copy.

RECOVERY OF PROJECTILES

4. Any person who finds a projectile within the Danger Area must not disturb it but should report the finding of it to the Officer in charge of the Ranges at Whittington Barracks, Lichfield, Staffordshire or to the Police at the first opportunity.

PUBLIC NOTIFICATION OF FIRING

5. Public notification that firing will take place will be given by sending notices, not less than seven days before the day of firing, giving particulars of the intended date time and duration of the firing to the persons and authorities listed in the Appendix hereto.

APPENDIX

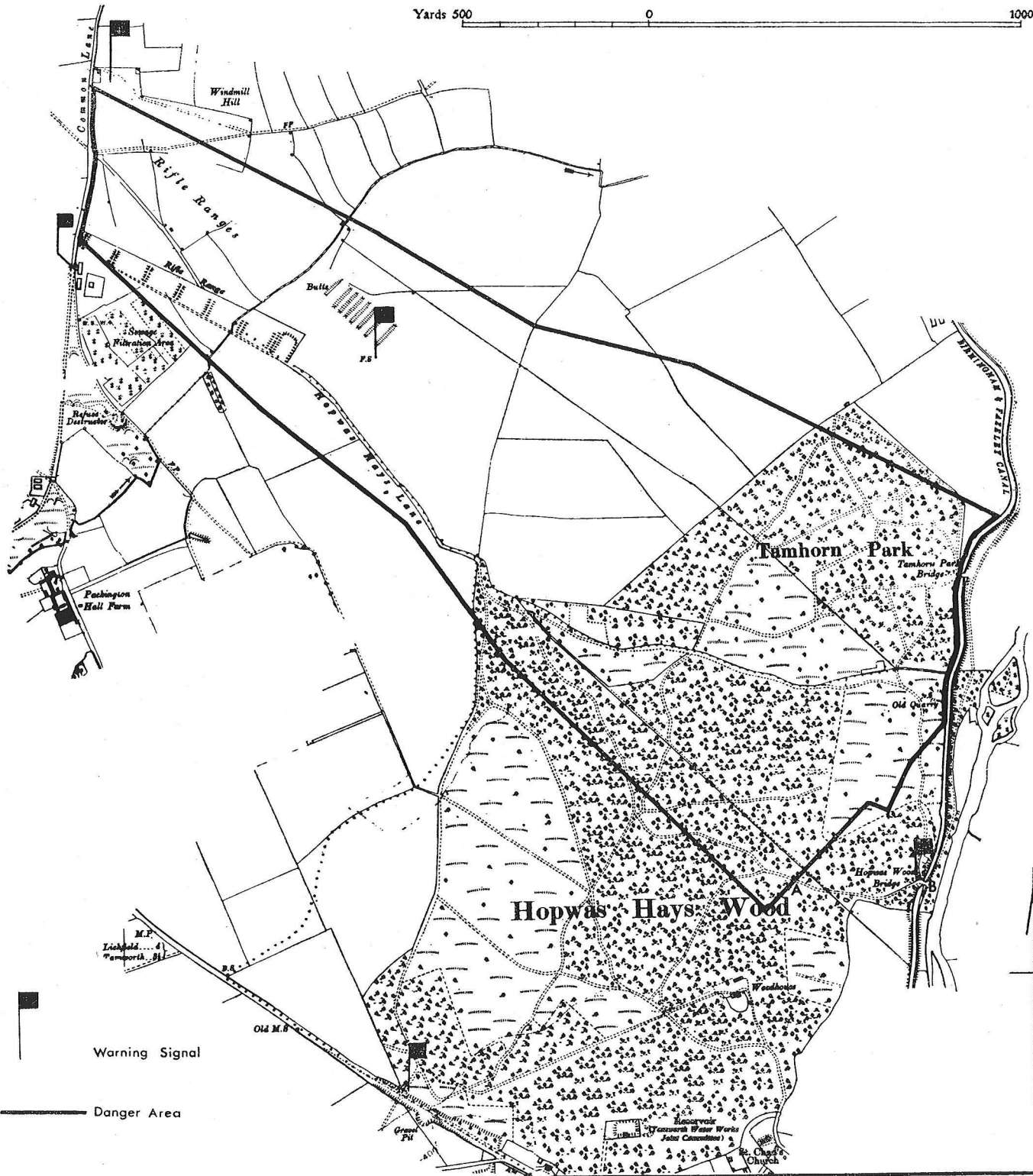
The Superintendent of Police, Staffordshire and Stoke-on-Trent
Police, Lichfield.

The Superintendent of Police, Staffordshire and Stoke-on-Trent
Police, Tamworth.

Owners and tenants of land in and adjoining the Danger Area.

Plan of the WHITTINGTON Range

Yards 500 0 1000



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.