



The Bellerby Moor and Wathgill Range Byelaws 1984

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 range.

DEFENCE

THE BELLERBY MOOR AND WATHGILL RANGES BYELAWS 1984

Made 5th November 1984

Coming into operation 11th February 1985

The Secretary of State for Defence, in exercise of his powers under Part II of the Military Lands Act 1892 (a) and of all other powers enabling him in that behalf, hereby with the consent of the North Yorkshire County Council so far as regards the interference with highways makes the following byelaws:

AREAS OF LAND AFFECTED

1. The area of which these byelaws apply (in these byelaws referred to as "the Danger Area") shall be the lands belonging to the Secretary of State in the parishes of Leyburn, Bellerby, Walburn, Stainton and Ellerton Abbey in the County of North Yorkshire known as the Bellerby Moor and Wathgill Ranges the boundaries of which are for convenience of identification shown by a thick black line on the plan annexed to these byelaws and identified as "Plan of the Bellerby Moor and Wathgill Ranges".

USE OF DANGER AREA

2. The Danger Area may be used for the military firing of pistols, rifles, machine guns, mortars, light anti-tank guns, anti-tank guided weapons and for the firing or throwing of grenades and for all activities ancillary to such firing and throwing.

PROHIBITION OF ACCESS

3.—(1) When the Danger Area is being used for any of the military purposes specified in byelaw 2, no person except as provided for in byelaws 3(4), 3(5) and 3(6) shall:

- (a) enter or be in the Danger Area;
- (b) cause or permit any vehicle, animal or thing to enter, pass over or remain in the Danger Area;

- (c) cause or permit any aircraft to fly over the Danger Area at a height less than 2000 feet (610 metres) above mean sea level.

(2) Whilst the Danger Area is being used for any of the said military purposes, notice thereof shall be given by the display of the following signals:

(a) by day a red flag hoisted:

- (i) at a place approximately 20 metres north-east of the cross roads Leyburn-Grinton/Redmire-Richmond roads;
- (ii) at a place approximately 130 metres west-north-west of the said cross roads;
- (iii) at a place approximately 1010 metres west of the said cross roads;
- (iv) on the west side of the Whipperdale Road approximately 1520 metres north-north-west of the said cross roads;
- (v) on the east side of the Whipperdale Road approximately 1480 metres north-north-west of the said cross roads;
- (vi) at a place approximately 90 metres north-east of a point on the Leyburn-Grinton road approximately 460 metres north-west of Black Beck Bridge;
- (vii) at a place on the east side of the Leyburn-Grinton road approximately 1130 metres north-west of Black Beck Bridge;
- (viii) at a place approximately 230 metres north-north-west of the Trigonometrical Station on Whit Fell;
- (ix) on the east side of the Leyburn-Grinton road approximately 610 metres south-east of Hags Gill Bridge;
- (x) on the east side of the Leyburn-Grinton road at Hags Gill Bridge;
- (xi) at a place on the south side of the Stainton-Grinton road approximately 1010 metres north by north-west of the gate dividing the road through Stainton Village from the track leading to Stainton Moor;
- (xii) on How Hill approximately 260 metres west of the said gate in Stainton Village;
- (xiii) at a place approximately 650 metres south-west of Walburn Hall Farm;
- (xiv) alongside a wall approximately 50 metres south-east of Boston Farm;
- (xv) at a place approximately 280 metres west-south-west of the junction of the Redmire-Richmond and the Stainton/Walburn-Halfpenny House roads;
- (xvi) at a place north of the Redmire-Richmond road approximately 2700 metres north-east by east of the said cross roads;
- (xvii) at a place north of the Redmire-Richmond Road approximately 1450 metres north-east by east of the said cross roads;

(b) by night a red lamp hoisted at the places referred to in subparagraph (a) hereof except places (ii), (iii), (iv) and (viii) when Whipperdale, Whit Fell, Deer Park, Wathgill or Walburn Ranges are used for night firing.

(3) Where a person is charged with contravening para (1) of this byelaw any failure to comply with para (2) of this byelaw shall not be a defence to that charge.

(4) Any person may pass or cause or permit any vehicle or animal to pass along that portion of the public highway known as the Leyburn-Grinton road if (i) permission to do so is given by one of the sentries at the sentry posts situated at the entrance to Whipperdale Range and at Wimp Hill (marked A and B respectively on the plan), or (ii) the said sentry posts are un-manned and the barriers are in a raised position. Sentry A is posted at a place approximately 300 metres west-north-west of the Leyburn-Grinton/Richmond-Redmire cross roads. Sentry B is posted at a place approximately 120 metres south-east of Black Beck Bridge.

(5) Any person may at all times pass along the public footpath leading from the Redmire Road at the south-west corner of the Danger Area in a north-north-east direction to join the Leyburn to Grinton Road immediately to the north of Wimp Hill over the defined route, care being taken not to deviate from the said route on to the adjoining Danger Area to the east.

(6) Any person may at all times pass along the footpath leading from the Leyburn to Grinton Road at Hags Gill Bridge for a distance of approximately 550 metres in a north-east direction and then east-north-east to join the Stainton to Grinton road immediately to the east of the entrance to the old quarry in Stainton Quarry plantation (Scar Spring Wood) over the defined route, care being taken not to deviate from the said route onto the adjoining danger area to the south.

PROJECTILES

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

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 Secretary of State for Defence or otherwise the property of the Crown.

ENFORCEMENT

6. The following persons are authorised to remove from the Danger Area and to take into custody without warrant any person committing any offence against byelaws 3, 4 or 5 and to remove from the Danger Area any vehicle, animal or thing found in the Danger Area in contravention of any of the said byelaws:

(a) the Commander of the Army District;

- (b) the Commandant, Catterick Training Centre, Wathgill Training Camp, Downholme, Richmond, North Yorkshire, being the Officer in Charge of the Bellerby Moor and Wathgill Ranges;
- (c) any
- (i) officer, warrant officer, non-commissioned officer or rating of corresponding rank; or
 - (ii) Service policeman;
- in uniform and being for the time being under the Command of the said Commander or the Commandant, Catterick Training Centre;
- (d) any public officer, being a Crown servant, authorised in writing by or on behalf of the said Commander or the Commandant, Catterick Training Centre;
- (e) any member of a police force;
- (f) any special constable under the control of the Secretary of State for Defence.

EXEMPTIONS

7.—(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 or the Commander of the Army District, or the Commandant, Catterick Training Centre, 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(1) to prove that his failure to comply was due to a cause not avoidable by the exercise of reasonable care.

OFFENCES

8. Subject to byelaw 7, any person who contravenes or fails to comply with the provision of byelaws 3, 4, or 5 shall be guilty of an offence and liable, on conviction, to the penalties specified in section 17 of the Military Lands Act 1892.

INTERPRETATION

9. In these byelaws the expression:

“projectile” means any shot or shell or other missile and any portion thereof;

“aircraft” means any craft or contrivance which is for the time being airborne.

COMMENCEMENT CITATION AND REVOCATION

10.—(1) These byelaws shall come into operation on 11th February 1985, and may be cited as the Bellerby Moor and Wathgill Ranges Byelaws 1984.

(2) The byelaws in respect of Bellerby Moor and Wathgill Ranges dated 24th February 1972 (a) are hereby revoked.

Dated 5th November 1984

(Signed) Lord Trefgarne
Parliamentary Under Secretary of State for the Armed Forces

The consent of the North Yorkshire County Council to the making of the byelaws, so far as regards the restriction of the use of the highways mentioned therein, was given by a resolution dated the Sixteenth day of September 1983.

(Signed) H. J. Evans
Chief Executive and Clerk of the North Yorkshire 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 1892, as amended by section 39 of and Schedule 3 to the Criminal Justice Act 1982, it is provided.

- (a) 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.
- (b) At the time of printing the amount of fine at level 2 on the standard scale is ONE HUNDRED POUNDS.

INSPECTION OF BYELAWS AND PLAN

2. A copy of these byelaws and a plan showing the Danger Area may be inspected at the Police Station, Richmond, North Yorkshire. They may also be inspected at the office of the Senior Estate Surveyor, Property Services Agency, Department of the Environment, Gough Road, Catterick Garrison, North Yorkshire, where copies of the byelaws may be obtained at the price of five pence (5p) for each copy.

RECOVERY OF PROJECTILES

3. Any person who finds a projectile within the Danger Area must not disturb but should report the finding of it to the Chief Range Warden, Wathgill Training Camp, Downholme, Richmond, North Yorkshire, or to the Police at the first opportunity.

PUBLIC NOTIFICATION OF FIRING

4. Public notification that firing will take place will be given by sending notices, not less than seven days before the day or night of firing, giving particulars of the intended date, time and duration of the firing to the following persons and authorities:

Chief Superintendent, North Yorkshire Police, Richmond, North Yorkshire.

Clerk of Richmondshire District Council, Richmond, North Yorkshire.

The Chief Executive and Clerk of the North Yorkshire County Council, County Hall, Northallerton, North Yorkshire DL7 8AD.

Chief Constable, North Yorkshire Police, Racecourse Lane, Northallerton, North Yorkshire.

Yorkshire Water Authority, Richmond, North Yorkshire.

County of North Yorkshire Area Surveyor, Bedale Hall, Bedale, North Yorkshire.

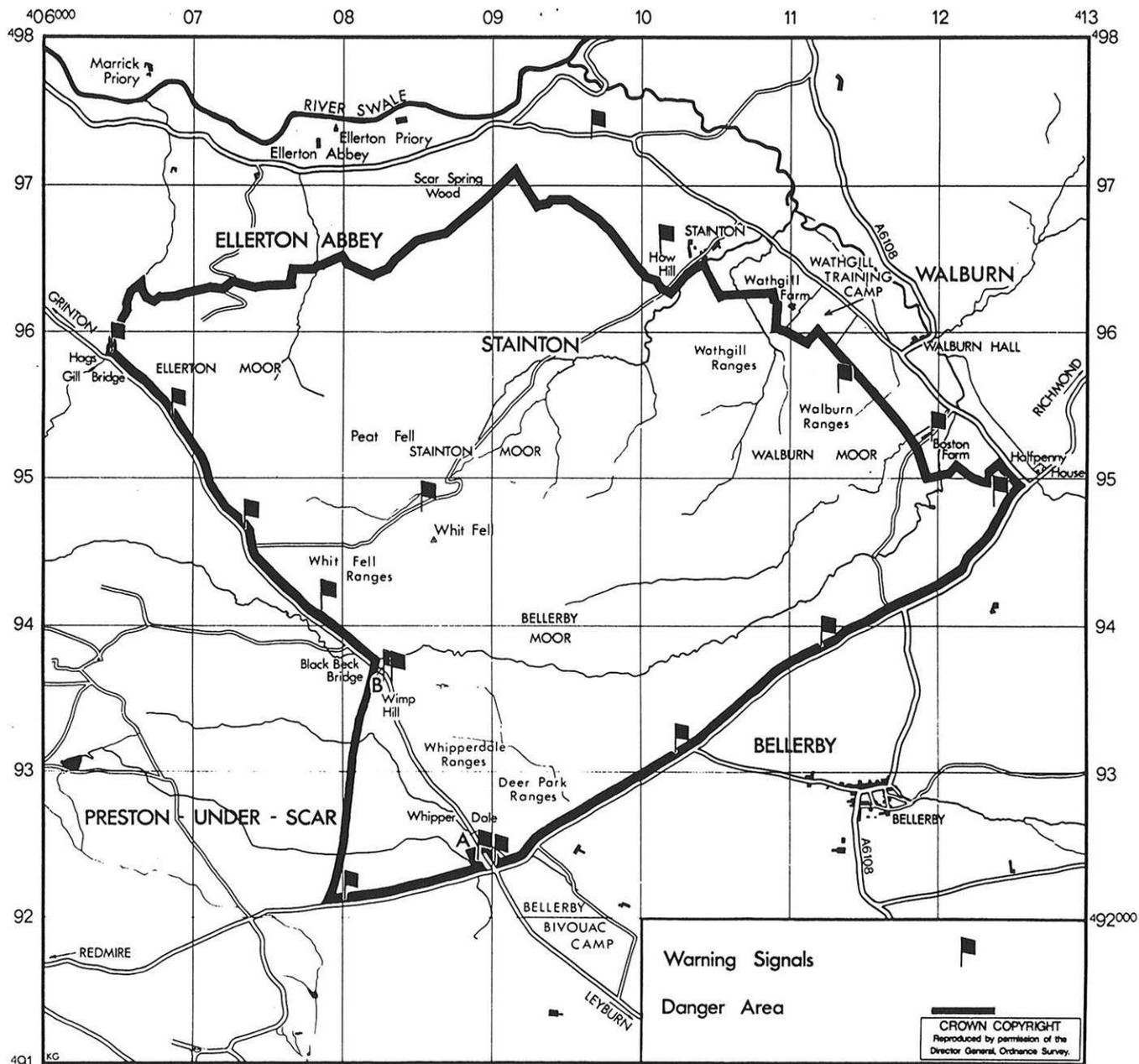
County of North Yorkshire Divisional Surveyor, Green Howards Road, Richmond, North Yorkshire.

County Fire Officer, County Fire Headquarters, Crosby Road, Northallerton, North Yorkshire.

TRAFFIC DELAYS

5. When the Danger Area is being used for any of the purposes specified in byelaw 2, the sentries posted at Whipperdale Range and at Wimp Hill will, on sighting traffic desiring to pass along that portion of the Leyburn-Grinton Road which crosses the Danger Area, expeditiously arrange for firing to be discontinued for a short spell to allow traffic to proceed with all reasonable speed along the said road through the Danger Area.

BELLERBY MOOR & WATHGILL RANGES



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.