

35
Statutory Rules and Orders
No. 1741 of 1939.

119/Northern/1353.



GODWIN BATTERY

KILNSEA

In the County of Yorks.

BYE-LAWS

Made by His Majesty's Principal Secretary of State for the War Department, under the provisions of the Military Lands Acts, 1892 to 1903, as amended by Regulation 52 of the Defence Regulations 1939, and by virtue of that Regulation, for regulating firing practice from the above Battery.

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1939.

BYE-LAWS

1. Firing by all descriptions of Artillery Weapons and by Anti-Aircraft Machine Guns may take place from this Battery.

GENERAL PROHIBITION.

2. During such time as Notice is given by the hoisting of signals in manner hereinafter provided in Bye-law No. 4 that firing practice is taking place from Godwin Battery all intrusion on the land at the Battery, hereinafter called the land area, and the foreshore and sea abutting thereon, hereinafter called the sea area, within the limits set out in the schedule hereto, and all obstruction of the use thereof, is prohibited.

OFFENCES DURING FIRING.

3. While notice that firing is taking place over the areas mentioned in Bye-law No. 2 is given by the hoisting of signals as provided in Bye-law No. 4 then :—

- (i) No person shall enter or remain within the land area or the sea area, nor bring, take nor suffer to remain therein any vehicle, animal, vessel, aircraft or thing, except as provided in Bye-law No. 8.
- (ii) No vessel shall be employed in fishing in the sea area.
- (iii) No pleasure boat shall cruise in the sea area.
- (iv) No vessel shall anchor or remain anchored in or ground in the sea area.
- (v) No aircraft shall alight on, remain in, or travel upon the sea area.
- (vi) In the event of any vessel or aircraft being from any cause within the sea area the Master or Pilot or other person in charge thereof shall use his utmost endeavours to pass out of the sea area without loss of time.

SIGNALS.

4. Notice that firing is taking place is given by the hoisting of the following signals :—

- (i) A Red Flag at the Battery and at Withernsea and Donna Nook Coastguard Stations.
- (ii) A Black Ball at the Hydraulic Tower, Grimsby, and at the Port War Signal Station, Spurn.

DURATION OF SIGNALS.

The signals referred to in this Bye-law will be hoisted half an hour before firing commences and will remain hoisted until firing has ceased, when they will at once be hauled down.

RECOVERY OF SHELL, ETC.

5. No person shall trawl, dredge, or search for, or otherwise interfere with any shot, shell or other projectile, or portions thereof, within the sea area, or take or retain, or be in possession of any such shot, shell or other projectile, or portions thereof, found within the sea area.

Any person who, when trawling, dredging or in any manner whatever shall come into possession of any shot, shell or other projectile, or portions thereof, within the sea area, shall not retain them, but shall immediately return them in their then condition and without tampering with them into the water.

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

OFFICERS AUTHORISED.

6. Any person doing anything prohibited by or otherwise contravening Bye-laws Nos. 2, 3 or 5 shall be deemed to commit an offence against the bye-law so contravened.

The persons hereby authorised to remove or to take into custody without warrant any person contravening Bye-laws Nos. 2, 3 or 5, or to remove any vehicle, animal, vessel, aircraft or thing found on the land area or the sea area in contravention of any of the said Bye-laws are :—

- (1) The Officer in Charge of the Battery.
- (2) Any Officer, Warrant Officer, Non-Commissioned Officer or any Military Policeman for the time being under the Command of the said Officer-in-Charge.
- (3) Any person authorised in writing under the hand of the said Officer in Charge ; or
- (4) Any Constable.

WHEN VESSEL OR AIRCRAFT IS IN DANGER.

7. While any vessel or aircraft is within the sea area, all firing will cease, and a second red flag will be hoisted below the red flag at the Battery referred to in Bye-law No. 4 (i) to notify the Master or Pilot or other person in charge of the vessel or aircraft that he is within the danger area.

EXEMPTIONS.

8. These Bye-laws shall not apply to :—
- (a) Any vessel entering or passing 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 Pilot Cutters cruising within the sea area, or at anchor on their stations.
 - (d) Any vessel when racing, provided due notice of the racing fixture has been given to the Officer Commanding, Royal Artillery at Paull Point Battery, Paull, near Hull.
 - (e) Any vessel employed in tending, placing, or replacing any of the channel mark buoys or other aids to navigation within the sea area.
 - (f) Any vessel belonging to and displaying the flag of the Humber Conservancy Board, whilst employed on duty in connection with the Board.
 - (g) Any vessel engaged in depositing dredged materials or proceeding in connection with such deposit to or from an area utilised for the deposit of dredged materials.
 - (h) Any vessel belonging to the Corporation of Trinity House, London, whilst employed on any Trinity House duty or service.
 - (i) H.M. Ships of War, H.M. Aircraft or any vessel or aircraft employed under Admiralty or Air Council authority.
 - (j) Any aircraft compelled to alight on or unable to quit the sea area.
 - (k) Any foreign vessel when outside territorial waters.

INTERPRETATION.

9.—(a) "Vessel" in these Bye-laws includes ship, yacht, lighter, boat and craft of every kind, and whether navigated by steam, motor, sail, oars or otherwise.

(b) "Aircraft" in these Bye-laws includes all balloons whether fixed or free, kites, airships, aeroplanes, seaplanes, flying boats, gliders and other flying machines.

DATE OF OPERATION OF BYE-LAWS.

10. These Bye-laws shall come into force at the date hereof on and after which date the Bye-laws for Godwin Battery dated Sixteenth January One thousand nine hundred and thirty-four shall cease to have effect.

SCHEDULE.

Limits of the Land and Sea Areas in respect of Firing Practice from Godwin Battery.

DESCRIPTION OF LAND AREA.

1. The area of land affected by these Bye-laws is situated at Kilnsea, and is bounded as follows:—

On the North.—By a line commencing at a point on High Water Mark at the North-Eastern limit of the W.D. land and drawn in a Westerly direction for a distance of about 290 yards to North Marsh Road; thence,

On the West.—By a line drawn in a Southerly direction along the East side of North Marsh Road for a distance of about 390 yards to the Northern side of the Cross Roads (Easington Road—North Marsh Road) opposite the Blue Bell Inn; thence,

On the South.—By a line drawn in an Easterly direction along the North side of Easington Road for a distance of about 315 yards to High Water Mark; thence,

On the East.—By the line of High Water in a Northerly direction to the starting point.

DESCRIPTION OF SEA AREA.

2. The area of foreshore and sea affected by these Bye-laws as given on Admiralty Chart No. 109, is bounded as follows:—

On the West.—By a line commencing at a point on High Water Mark in Latitude $53^{\circ} 37' 22''$ N., Longitude $0^{\circ} 8' 42''$ E. and drawn in a direction due North for a distance of about 8.1 Nautical Miles to a point in Latitude $53^{\circ} 45' 33''$ N., Longitude $0^{\circ} 8' 42''$ E., thence,

On the North.—By a line commencing at the last-mentioned point and drawn in a direction 99° for a distance of about 5.3 Nautical Miles to a point in Latitude $53^{\circ} 44' 44''$ N., Longitude $0^{\circ} 17' 48''$ E., thence,

On the North-East.—By a line commencing at the last-mentioned point and drawn in a direction 153° for a distance of about 8.9 Nautical Miles to a point in Latitude $53^{\circ} 36' 48''$ N., Longitude $0^{\circ} 24' 45''$ E.; thence,

On the South-East.—By a line commencing at the last-mentioned point and drawn in a direction 218° for a distance of about 2.3 Nautical Miles to a point in Latitude $53^{\circ} 35' 00''$ N., Longitude $0^{\circ} 22' 24''$ E.; thence,

On the South.—By a line commencing at the last-mentioned point and drawn in a direction 284° for a distance of about 8.1 Nautical Miles to a point on High Water Mark in Latitude $53^{\circ} 36' 57''$ N., Longitude $0^{\circ} 8' 52''$ E.; thence,

On the South-West.—By the line of High Water from the last-mentioned point in a Northerly direction to the starting point in Latitude $53^{\circ} 37' 22''$ N., Longitude $0^{\circ} 8' 42''$ E.

Dated this second day of December One thousand nine hundred and thirty-nine.

By Order of His Majesty's Principal Secretary of State for the War Department.

(Signed) G. W. LAMBERT.

NOTICES.

PENALTY FOR OFFENCES.

(1) By Section 17 (2) of the Military Lands Act, 1892, it is provided :—

If any person commits an offence against any Bye-law under this Act he shall be liable, on conviction before a Court of Summary Jurisdiction, to a fine not exceeding FIVE POUNDS and may be removed by any Constable or Officer authorised in manner provided by the Bye-law from the area, whether land or water, to which the Bye-law 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 Bye-law 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 His Majesty.

APPLICATION TO SEA AREA.

(2) By Section 2 (2) of the Military Lands Act, 1900, it is provided :—

Where any land, the use of which can be regulated by Bye-laws under the Military Lands Act, 1892, or this Act, abuts on any sea or tidal water or where

Rifle or Artillery Practice is or can be carried on over any sea, tidal water or shore from any such land, Bye-laws may be made in relation to any such sea, tidal water or shore as if they were part of the land.

PROGRAMME OF FIRING AND PUBLIC NOTICES.

(3) The programme of firing from the Battery may vary annually according to military requirements, but so far as can be foreseen, the number of days on which firing will take place is not likely to exceed seven per annum.

Public notification that firing will take place will be made as follows :—

(a) By Notices sent seven days before firing is to take place to the following :—

- The Secretary, Humber Conservancy Board, Hull.
- The Customs House at Grimsby and Goole.
- The Commodore of Pilots, Humber Pilot Office, Queen Street, Hull.
- The Manager, Corporation Pier Office, Hull.
- The Dock Superintendents, Alexandra Dock and King George's Dock, Hull.
- The Port Masters, Grimsby and Immingham Docks.
- The Clerk, North Eastern Sea Fisheries Committee.
- The Secretary, Grimsby Fishing Vessel Owners' Exchange Co., Limited, Grimsby.
- The Secretary, Grimsby Steam Fishing Vessels Mutual Insurance Protecting Co., Limited, Grimsby.
- The Secretary, Lincolnshire Steam Trawlers Mutual Insurance & Protecting Co., Limited, Grimsby.
- The General Manager, Hull Steam Trawlers Mutual Insurance & Protecting Co., Limited, St. Andrew's Dock, Hull.
- The District Inspector of Fisheries, Loch Fishing Co. Buildings, St. Andrew's Dock, Hull.
- The District Inspector of Fisheries, 91, Cleethorpe Road, Grimsby.
- The Secretary, Hull Fishing Vessel Owners' Association, Limited, St. Andrew's Dock, Hull.
- The Secretaries of Steamship Companies at Hull and Goole.
- The District Officer, H.M. Coastguard, Withernsea.
- The District Officer, H.M. Coastguard, Mablethorpe.
- The Principal Keeper, Spurn Lighthouse, Spurn Point, near Hull, Yorks.

(b) By warning posted three days before firing is to take place at :—

The Humber Conservancy Board Offices at Hull,
Goole and Grimsby.

The Humber Pilot Office, Hull.

The Custom Houses, Hull, Goole and Grimsby.

The Post Office, Hull.

The Post Office, Grimsby.

PROCEDURE FOR CLEARING SEA AREA.

(4) (a) Vessels entering or remaining within the sea area in contravention of any of the preceding Bye-laws may, under Section 17 (2) of the Military Lands Act, 1892, (see (1) above) be removed from the area. In such cases any vessel acting under the orders of the local military authorities will, when necessary, tow the offending vessel out of the area.

(b) Masters of vessels entering or remaining within the sea area by reason of the exigencies of navigation and exempt from the operation of the Bye-laws under Bye-law No. 8 (b) are requested to assist the carrying out of firing practice by consenting to be towed out of the area, if necessary, by any vessel acting under the orders of the local Naval, Military or Royal Air Force authorities.

RED FLAG ON TARGET TOWING VESSEL.

(5) A Red Flag on the Range Target Towing Vessel is a signal that the target is ready to be or is being fired at, and Masters of vessels seeing the red flag hoisted should, if possible, keep clear of the Range.

WHERE BYE-LAWS CAN BE OBTAINED.

(6) Copies of these Bye-laws can be obtained at the Office of the Officer Commanding, Humber Fire Command, Paull Point Battery, Paull, Hull.

WHERE PLAN OF RANGE CAN BE INSPECTED.

(7) A plan and chart showing the danger areas affected by these Bye-laws can be inspected at the above office.

AIRCRAFT WARNING.

(8) Aircraft are warned not to fly in the vicinity of this Range while firing is in progress and no liability for accidents to aircraft arising from the use of the range can be admitted.