

STATUTORY INSTRUMENTS
1976 No. 566

D/DS23/6/5



The Feldom Range Byelaws 1976

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

STATUTORY INSTRUMENTS

1976 No. 566

DEFENCE

THE FELDOM RANGE BYELAWS 1976

Made 18th March 1976

Coming into operation 7th June 1976

The Secretary of State for Defence, in exercise of his powers under Part II of the Military Lands Act 1892 (a) and 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 North Yorkshire 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 (hereinafter referred to as “the Danger Area”) consists of land belonging to the Secretary of State in the District of Richmondshire and the Parishes of Dalton, Gayles, Ravensworth, Kirby Hill, Whashton, Marske and Aske in the County of North Yorkshire known as the Feldom Range (together with all the highways thereon) 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 Feldom Range”.

USE OF DANGER AREA

2. The Danger Area may be used for the firing of all infantry and anti-tank weapons and grenades, for pyrotechnics, demolitions and explosives, and for all activities ancillary to such use.

PROHIBITION OF ACCESS

3. (1) When the Danger 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 the Danger Area, or
 - (b) be or remain in or upon the Danger Area, or
 - (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
 - (d) cause or permit any aircraft to fly over the Danger Area at a height less than 945 metres above mean sea level.

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

(b) 1964 c.15.

- (2) Whilst the Danger Area is being used for any of the said military purposes, notice of the fact shall be given by the display of the following signals, that is to say, a red flag by day and a red light by night, hoisted at the following places:—
- (a) approximately 65 metres south of the junction of Feldom Lane and Sturdy House Lane;
 - (b) approximately 45 metres east of the Lime Kiln on Marske Moor which adjoins the Cordilleras to Marske Road;
 - (c) on Dicky Edge approximately 600 metres south-west of Cordilleras Wood;
 - (d) on the Wham area approximately 230 metres north-east of Shepherd's Hall;
 - (e) approximately 80 metres west of Waitgate Barn;
 - (f) near Crumma Plantation approximately 300 metres west-south-west of Crumma House;
 - (g) near Primrose Gill approximately 30 metres south-east of the junction of the footpath leading to Gayles Moor with the lane known as Long Bank;
 - (h) on the north side of Stone Man Lane approximately 110 metres west of Green House;
 - (i) approximately 55 metres north-west by north of the junction of Stone Man Lane with the road leading to Feldom Rigg;
 - (j) approximately 160 metres south-west of Grove Gill House;
 - (k) approximately 65 metres north-east of Sturdy House Farm on the east side of the land which adjoins Sturdy House Lane near Sturdy House Farm;
 - (l) approximately 25 metres south-west of the junction of Sturdy House Lane and Green Lane and on the west side of Sturdy House Lane;
 - (m) on High Hag Moor approximately 740 metres south-south-west of Buddle House Farm.
- (3) Any person may pass or cause or permit or suffer any vehicle or animal to pass along that portion of the public highway known as Cordilleras Lane if (i) permission to do so is given by one of the sentries at the sentry posts situated to the north of Lime Kiln Hill and to the north of Shepherd's Hall (marked A and B respectively on the plan), or (ii) the said sentry posts are unmanned. Sentry A is posted at a place approximately 450 metres north of the cattle grid at Marske. Sentry B is posted at a place approximately 150 metres north-west of the junction of Cordilleras Lane with the Ministry of Defence road leading from Feldom Lane.

PROJECTILES

4. No person shall dig, or search for any projectile or any lead or any other metal in or upon the Danger Area, or interfere with or take or retain or be in possession of any projectile or any lead or any 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 and to take into custody without warrant any person found therein when it is being used for any of the military 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 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 Feldom Range;
- (c) 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 Command of the said General Officer Commanding or the Officer in Charge of the Feldom Range;
- (d) any person authorised in writing by or on behalf of the said General Officer Commanding or the Officer in Charge of the Feldom Range, 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 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 Feldom Range 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.

DATE OF OPERATION OF BYELAWS

10. These Byelaws shall come into operation on the 7th day of June 1976, and may be cited as the Feldom Range Byelaws 1976.

Dated this 18th day of March 1976.

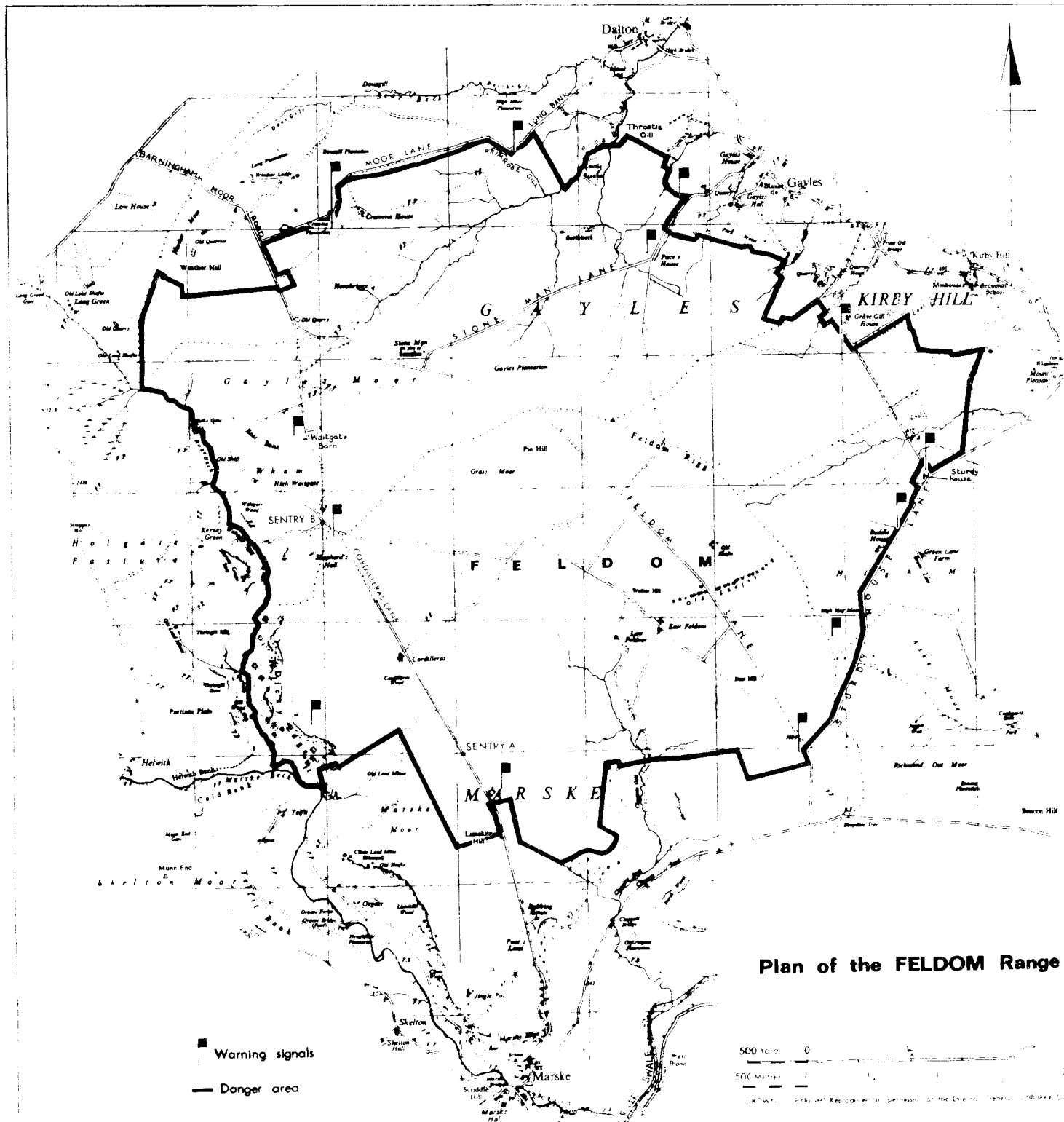
(Signed) M. H. TALLBOYS

By order of the Secretary of State for Defence

The consent of the North Yorkshire County Council to the making of these Byelaws, so far as regards the restrictions of the use of the highways mentioned therein, was given by a resolution dated the 18th day of June 1975.

(Signed) H. J. EVANS

Chief Executive and Clerk of the North Yorkshire County Council



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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.

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 it but should report the finding of it to the Chief Range Warden or to the police at the first opportunity.

TRAFFIC DELAYS

4. When the Danger Area is being used for any of the military purposes specified in Byelaw No 2, the sentries posted in Cordilleras Lane to the north of Lime Kiln Hill and to the north of Shepherd's Hall will, on sighting traffic desiring to pass along that portion of the lane which crosses the Danger Area, expeditiously arrange for firing to be discontinued for a short spell to allow the traffic to proceed with all reasonable speed along the said highway through the Danger Area.

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 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 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.