

STATUTORY INSTRUMENTS
1974 No. 665

D/DS23/6/28



**THE FINGRINGHOE
RANGES
BYELAWS
1974**

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 ranges.

DEFENCE

THE FINGRINGHOE RANGES BYELAWS 1974

Made 20th March, 1974
Coming into operation 17th June, 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 Military Lands Act 1900 (b), section 2 of the Defence (Transfer of Functions) Act 1964 (c) and all other powers enabling him in that behalf hereby, with the consent of the Secretary of State for Trade and the consent of the Essex County Council so far as regards the interference with the highways hereinafter mentioned makes the following Byelaws:—

AREAS OF LAND AND TIDAL WATERS AFFECTED

1. (1) The area to which these Byelaws apply (hereinafter referred to as "the Danger Area") consists of:—
 - (a) The land area (together with all highways thereon) of the Fingringhoe Ranges in the Parishes of Fingringhoe and Langenhoe (in the Rural District of Lexden and Winstree) in the County of Essex and
 - (b) the area of foreshore and tidal waters abutting thereon described in the Schedule hereto (which area is in these Byelaws referred to as the "Tidal Waters Area").
- (2) The boundaries of the Danger Area are for convenience of identification shown by a thick black line on the plan hereto annexed and identified as "Plan of the Fingringhoe Ranges".

USE OF DANGER AREA

2. The Danger Area may be used for the firing of all descriptions of machine guns, machine carbines, rifles, revolvers, mortars, grenades, rocket launchers and infantry anti-tank weapons and for all activities ancillary to such firing.

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, vessel, 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 790 metres above mean sea level.
- (2) Whilst 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 following places:—
- (a) The Control Tower at the main entrance to the Ranges, Lodge Lane, Langenhoe, (Latitude $51^{\circ} 49' 36''$ North, Longitude $00^{\circ} 55' 57''$ East).
 - (b) Adjacent to the public footpath approx. 275 metres west of South House Farmhouse, Fingringhoe (Latitude $51^{\circ} 49' 54''$ North, Longitude $00^{\circ} 56' 16''$ East).
 - (c) The junction of South House Farm entrance road with South Green Road, Fingringhoe (Latitude $51^{\circ} 50' 00''$ North, Longitude $00^{\circ} 56' 42''$ East).
 - (d) The junction of the lane with South Green Road, South Green, Fingringhoe (Latitude $51^{\circ} 50' 08''$ North, Longitude $00^{\circ} 57' 09''$ East).
 - (e) 183 metres east of Wick Farm, Wick Lane, Fingringhoe (Latitude $51^{\circ} 50' 01''$ North, Longitude $00^{\circ} 58' 33''$ East).
 - (f) Adjacent to the Observation Post on the south bank of South Geedon Creek, Langenhoe (Latitude $51^{\circ} 48' 56''$ North, Longitude $00^{\circ} 58' 27''$ East).
 - (g) Adjacent to the Observation Post on the north bank of Pyefleet Channel (Latitude $51^{\circ} 48' 44''$ North, Longitude $00^{\circ} 58' 10''$ East).
 - (h) The north bank of Pyefleet Channel 128 metres from the southwest corner of the range (Latitude $51^{\circ} 48' 35''$ North, Longitude $00^{\circ} 56' 45''$ East).
 - (i) The west boundary at the entrance from Wick Lane, Langenhoe (Latitude $51^{\circ} 48' 56''$ North, Longitude $00^{\circ} 56' 37''$ East).

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 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 provision 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 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 whatsoever found in the Danger Area in contravention of any of the said Byelaws:—
- (a) the General Officer Commanding the Army District;
 - (b) the Superintendent of the Fingringhoe Ranges;
 - (c) any officer, any 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 Superintendent of the Fingringhoe Ranges;
 - (d) any person authorised in writing by or on behalf of the said General Officer Commanding or the Superintendent of the Fingringhoe 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 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 Superintendent of the Fingringhoe 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 by that person against that Byelaw.
- (3) These Byelaws shall not apply to:—
- (a) any vessel in the ordinary course of navigation remaining in the Tidal Waters Area no longer than is reasonably necessary to pass directly through and beyond that area.
- (b) any vessel for the time being engaged in the clearance of floating oil in the Tidal Waters 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 (d) 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; and
- “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 17th day of June, 1974, and may be cited as the Fingringhoe Ranges Byelaws 1974.
- (2) The Byelaws in respect of Fingringhoe Ranges dated the 17th day of January 1940 (e) are hereby revoked.

THE SCHEDULE

The Tidal Waters Area comprises all the areas of tidal waters and foreshore bounded seaward by the following limits:—

- (1) A line commencing at a point on the line of Mean High Water on the western side of the River Colne in Latitude $51^{\circ} 49' 45''$ North, Longitude $00^{\circ} 58' 34''$ East thence on a true bearing of 166° for a distance of 0.18 nautical miles (333 metres) to a point in Latitude $51^{\circ} 49' 35''$ North, Longitude $00^{\circ} 58' 38''$ East thence on a true bearing of 158° for a distance of 0.20 nautical miles (370 metres) to a point on the line of Mean High Water in Latitude $51^{\circ} 49' 24''$ North, Longitude $00^{\circ} 58' 45''$ East.
- (2) A line commencing at a point on the line of Mean High Water on the northern side of North Geedon in Latitude $51^{\circ} 49' 03''$ North, Longitude $00^{\circ} 58' 49''$ East on a true bearing of 258° for a distance of 0.14 nautical miles (259 metres) to a point near the north western point of Rat Island in Latitude $51^{\circ} 49' 01''$ North, Longitude $00^{\circ} 58' 36''$ East thence on a true bearing of 174° for a distance of 0.19 nautical miles (352 metres) to a point on the line of Mean High Water on the southern side of South Geedon in Latitude $51^{\circ} 48' 50''$ North, Longitude $00^{\circ} 58' 38''$ East.

Dated this 11th day of March, 1974.

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 20th day of March, 1974.

J. N. ARCHER

An Under Secretary of the Department of Trade.

The consent of the Essex 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 7th day of April, 1972.

J. S. MILLS

Clerk of the Essex 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 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. When any vessel is within the Danger Area when it is used for any of the purposes specified in Byelaw No. 2 an additional red flag by day and an additional red light by night may be hoisted below the flags and lights described in Byelaw No. 3(2) in order to notify the master of the vessel that his vessel is within the Danger Area.

INSPECTION OF BYELAWS AND PLAN

3. A copy of these Byelaws and a plan showing the Danger Area may be inspected at the Police Station, Rowhedge. They may also be inspected at the office of the Defence Land Agent, Property Services Agency, Department of the Environment, Falmouth Avenue, Newmarket, Suffolk, where copies of the Byelaws may be obtained at the price of five pence (5p) for each copy.

RECOVERY OF PROJECTILES

4. Any person who finds a projectile within the land area described in Byelaw No. 1(1)(a), or within that part of the Tidal Waters 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 the Fingringhoe Ranges, or to the police, or to a coastguard at the first opportunity. Any person who, when

trawling or dredging in the Tidal Waters Area, comes into possession of a projectile found within the Tidal Waters Area must not retain it but should immediately and without tampering with it return it in its then condition into the water and report to the Superintendent of the Fingringhoe Ranges or the police or to a coastguard the position where the projectile was returned into the water.

PUBLIC NOTIFICATION OF FIRING

5. Public Notification that night firing will take place will be given by publication of a Notice in the Essex County Standard or the Colchester Express or the Evening Gazette, not less than seven days before the night of firing, giving particulars of the intended date, time and duration of firing. Similar notification will be given to the Superintendent, Trinity House Depot, Harwich.

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.