



Nesscliff Grenade Range

BYELAWS

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.

DEFENCE

The Nesscliff Grenade Range Byelaws 1967

Made

8th February 1967

Coming into operation

1st June 1967

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 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 lands (in part belonging to the Secretary of State and in part lands which the Secretary of State has a right to use for defence purposes) in the Parish of Montford in the County of Salop known as the Nesscliff Grenade Range 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 Nesscliff Grenade Range”.

USE OF DANGER AREA

2. The Danger Area may be used for the throwing of grenades and for all activities ancillary to such throwing.

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
 - (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 1100 feet 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 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 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-in-Chief, Western Command;
- (b) the Officer in charge of the Nesscliff Grenade Range;
- (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-in-Chief or the Officer in charge of the Nesscliff Grenade Range;
- (d) any person authorised in writing by or on behalf of the said General Officer Commanding-in-Chief or the Officer in charge of the Nesscliff Grenade Range;
- (e) any member of a police force or any special constable under the control of the Ministry of Defence.

EXEMPTIONS

8. (1) Nothing done by a person using the Danger Area in pur-

suance 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-in-Chief, Western Command, or the Officer in charge of the Nesscliff Grenade Range shall constitute an offence against any of these Byelaws.

- (2) Nothing done by the owner or occupier of any land forming part of the Danger Area in regard to the grazing of animals on the said land shall be deemed to constitute an offence against any of the Byelaws.
- (3) 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(a) 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

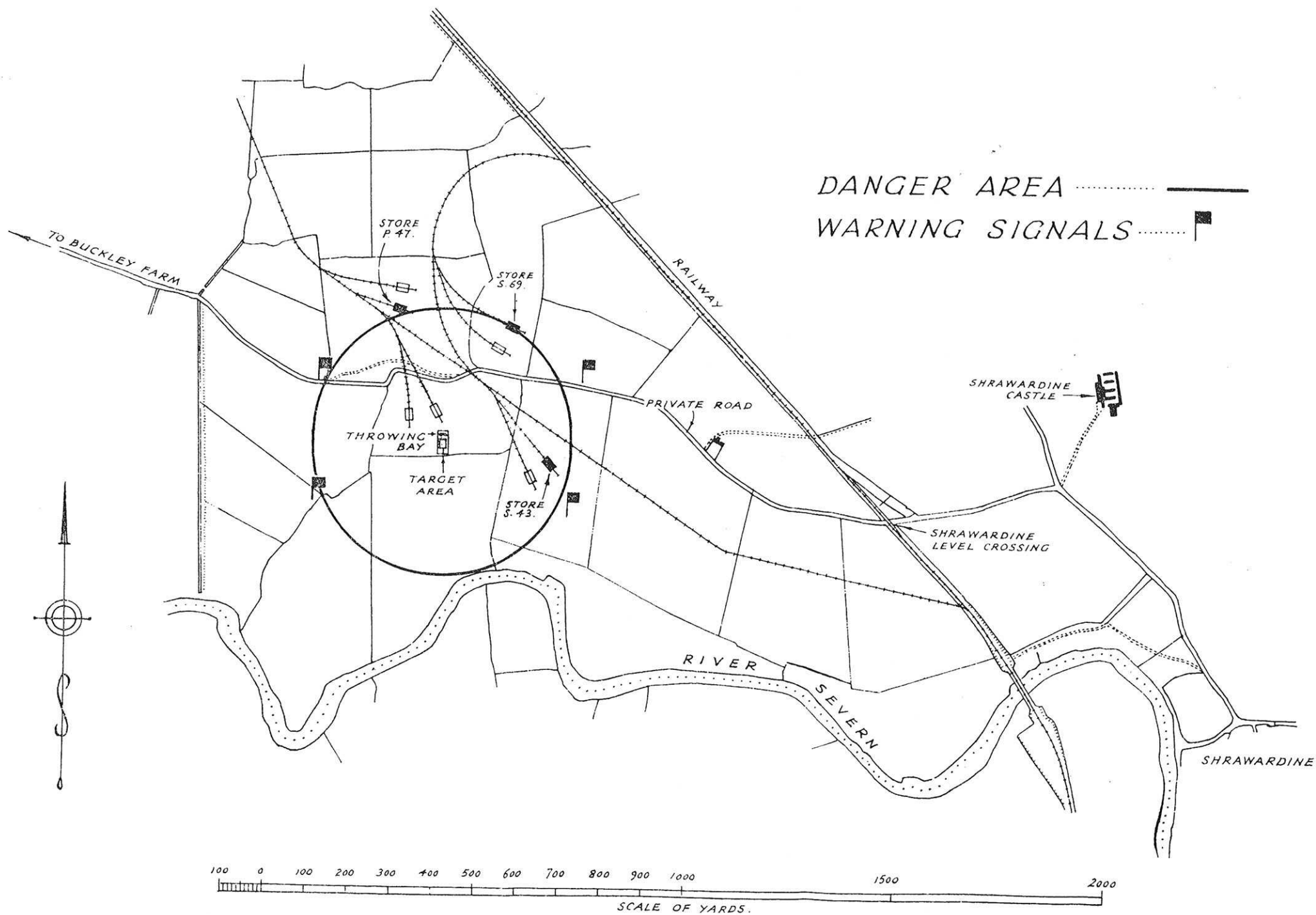
10. These Byelaws shall come into operation on the 1st day of June 1967, and may be cited as the Nesscliff Grenade Range Byelaws 1967.

Dated this 8th day of February 1967.

(L. SALTHOUSE).

By order of the Secretary of State for Defence

PLAN OF THE NESSCLIFF GRENADE RANGE



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 Byelaw 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 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, Nesscliff. They may also be inspected at the Office of the Defence Land Agent, Ministry of Defence, 5 Swan Hill Court, Shrewsbury where copies of the Byelaws may be obtained at the price of one shilling 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 C.O. Nesscliff Camp 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 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

Owners and occupiers of land using Buckley Lane as a means of access to their land.

Owners and tenants of land within the Danger Area.

Severn River Authority, Swan Hill, Shrewsbury.

Superintendent of Police, Oswestry.

Senior Briefing Officer, Ministry of Aviation, Aeronautical Information Service Centre, Manchester Airport, Wythenshawe, Manchester 22.

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.