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BALLYKINLER RANGES COUNTY DOWN NORTHERN IRELAND.

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 the use of the above-mentioned ranges.

BALLYKINLER RANGES

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BYE-LAWS

1. These Ranges may be used for Anti-Aircraft Machine Guns, Anti-Tank Rifles, Machine Guns, Mortars, Revolvers, Rifles and Grenades, and are shown on the plan attached hereto.

The Ranges comprise the Classification Range (shown on the plan as a small shaded area); and the Combined Range (of which the area of the Classification Range forms a part) used for Field Firing and other practices carried out on various ranges included in the expression "the Combined Range."

GENERAL PROHIBITION.

2. During such time as notice is given by the hoisting or display of signals in the manner hereinafter provided in Bye-law No. 4 either that classification firing is being carried out on the Classification Range or that Field, Mortar, Anti-Tank, Anti-Aircraft and Machine Gun Firing are being carried out on the Ranges constituting and hereinafter called the Combined Range all intrusion on the land or any part thereof affected by the said notice (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, of the Range on which firing is taking place and all obstruction of the use thereof is prohibited.

OFFENCES DURING FIRING.

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

- (i) No person shall enter or remain in the land area or 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. A. BY DAY—

(1) Notice that Classification firing is taking place on the *Classification Range* will be given by the hoisting and display of Red Flags on

the Flagstaffs Nos. 3, 4, 5, 8, 9 and 10 shown on the plan attached hereto.

(2) Notice that Field, Mortar, Anti-Tank, Anti-Aircraft and Machine Gun firing is taking place on the *Combined Range* will be given by the hoisting and display of Red Flags and chequered black and white Pennants on Flagstaffs Nos. 1 to 10 shown on the plan attached hereto.

(3) Notice to Aircraft that Mortar firing is taking place will be given by exposing a letter "F" (8 feet by 6½ feet) in black on a white background which has a red border. This signal will be sited on Peter's Hill.

(4) Notice to Aircraft that Anti-Aircraft firing is taking place will be given by exposing a letter "A" (8 feet by 8 feet 2½ inches) in black on a white background which has a red border. This signal will be sited on Peter's Hill.

B. BY NIGHT—

Notice that firing as described in A (1) above is taking place on the *Classification Range* will be given by the hoisting and display of RED LIGHTS on Flagstaffs 1 to 10. No Night Firing will take place on the *Combined Range*.

DURATION OF SIGNALS.

The Day signals referred to in this Bye-law will be hoisted and exposed half an hour before firing is due to commence and will, subject to the provision of Bye-law No. 7, remain so hoisted or exposed until firing has ceased, when all flags and pennants will be hauled down and the letters "F" and "A" will be covered up. The Red Lights will be displayed one hour before firing begins and will be hauled down and extinguished when firing has ceased.

RECOVERY OF SHELL, ETC.

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

Any person who, when trawling, dredging, or in any manner whatsoever shall come into possession of any such shot, shell, bomb, bullet or other projectile or any portion thereof, within the sea area shall not retain it, but shall immediately return it in its then condition, and without tampering with it, into the water.

Provided, nevertheless, that the provisions of this Bye-law shall not apply in cases 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-laws so contravened.

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

- (1) The Officer in charge of the Ranges.
- (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.
- (4) Any Constable.

WHEN VESSEL OR AIRCRAFT IS IN SEA DANGER AREA.

7.—(1) When any vessel or aircraft is observed within a sea danger area all firing shall cease in that danger area, and by day the flags and pennants referred to in Bye-law No. 4 (A) will be half-masted, and by night a second Red Light will be hoisted below each of the Red Lights referred to in Bye-law No. 4 (B) to notify the Master or Pilot or other person in charge of the vessel or aircraft that he is within the sea danger area.

(2) (a) When any aircraft is observed on a course likely to bring it flying over the danger area of the Mortar Range at a height estimated to be less than 3,000 feet when firing on that range is in progress, firing will immediately cease, and will not be resumed until the aircraft is out of danger.

(b) When any aircraft is observed on a course likely to bring it flying over the danger area of the Anti-Aircraft Machine Gun Range at a height estimated to be less than 10,000 feet when firing on that range is in progress firing will immediately cease and will not be resumed until the aircraft is out of danger.

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 vessel employed in tending, placing or replacing any buoys or other aids to navigation within the sea area.
- (d) His Majesty's Ships of War, His Majesty's aircraft, or any vessel or aircraft employed under Admiralty, Army Council, or Air Council authority.
- (e) Any aircraft compelled to alight on or unable to quit the sea area.
- (f) Any vessel engaged in racing, provided due notice has been given of the racing fixture not less than three days previously to the Officer Commanding Troops, Ballykinler, who will notify the Officer in Charge of the Ranges accordingly.

- (g) Any vessel belonging to the Commissioners of Irish Lights, Dublin, whilst employed on any duty or service.
- (h) Any vessel or person employed or assisting under the authority of the Minister of Shipping in connection with His Majesty's Coast-guard Service and of the Royal National Lifeboat Institution.

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.

SCHEDULE.

DESCRIPTION OF LAND AND SEA AREAS.

(A) LAND AREA.

The area of land affected by these Bye-laws is situate on the South coast of County Down in the Townland of Ballykinler Upper.

The area is bounded as follows :—

North.—By the County Road from Tyrella to Dundrum Inner Bay ;

South.—By the line of High Water.

East.—By a War Department fence from No. 5 Boundary Stone on the Tyrella-Dundrum Road to Boundary Stone No. 19, at High Water Mark at Craigalea.

West.—By the channel from the Sea to Dundrum Inner Bay.

CLASSIFICATION RANGE.

The land area of the Classification Range (small shaded area on plan hereto, is bounded as follows :—

North.—By the 900 yards, 700 yards and 600 yards firing points of Nos. 3, 2 and 1 ranges respectively.

South.—By the line of High Water.

East.—By a line drawn South South East from the 900 yards firing point No. 3 range to a point East of the 700 yards firing point No. 3 range, thence East to the 600 yards firing points Nos. 2 and 1 ranges, thence South South East to the Sea at Flagstaff No. 9 on coastline.

West.—By a line drawn from the 900 yards firing point No. 3 range South South West to the Sea at Flagstaff No. 8 on coastline.

COMBINED RANGE.

The land area of the Combined Range including Field Firing, Mortar, Anti-Tank, Anti-Aircraft and Machine Gun Ranges (large area on plan attached hereto) is bounded as follows:—

North.—By the road or path at Peter's Hill North of No. 6 Flagpole thence by the 900 yards, 700 yards and 600 yards firing points of Nos. 3, 2 and 1 ranges respectively.

South.—By the line of High Water.

East.—By a line drawn from the 600 yards firing point on No. 1 range to Boundary Stone No. 19 at High Water Mark at Craigalca.

West.—By the Channel from the Sea to Dundrum Inner Bay.

(B) SEA AREA.

The area of foreshore and sea affected by these Bye-laws extends into Dundrum Bay for a distance of about 2,880 yards from High Water Mark and is bounded as follows:—

Classification Range.—The sea area of the Classification Range (small shaded area on plan attached hereto) is bounded as follows:—

On the South.—By the arc of a circle with radius 2.05 nautical miles (4,150 yards) with its centre in Latitude $54^{\circ} 15' 20''$ N., Longitude $5^{\circ} 48' 35''$ W.

On the East.—By a line drawn from a point on High Water Mark in Latitude $54^{\circ} 14' 45''$ N., Longitude $5^{\circ} 47' 50''$ W. in a direction of 177° to meet the above-mentioned arc.

On the West.—By the line drawn from a point on High Water Mark in Latitude $54^{\circ} 14' 40''$ N., Longitude $5^{\circ} 49' 00''$ W. in a direction of 190° to meet the above-mentioned arc.

On the North.—By the line of High Water Mark between the above-mentioned points in Latitude $54^{\circ} 14' 40''$ N., Longitude $5^{\circ} 49' 00''$ W., and Latitude $54^{\circ} 14' 45''$ N., Longitude $5^{\circ} 47' 50''$ W.

Combined Range.—The sea area of the Combined Range including Field Firing, Mortar, Anti-Tank, Anti-Aircraft and Machine Gun Ranges (large area on the plan attached hereto) is bounded as follows:—

In the South.—By the arc of a circle with radius 2.05 nautical miles (4,150 yards) with its centre in Latitude $54^{\circ} 15' 20''$ N., Longitude $5^{\circ} 48' 35''$ W.

On the East.—By a line drawn from High Water Mark in Latitude $54^{\circ} 14' 44''$ N., Longitude $5^{\circ} 46' 30''$ W. in a direction of 166° to cut the above-mentioned arc.

On the West.—By a line drawn in a direction of 217° to intersect the above-mentioned arc and to meet the High Water Mark at a point in Latitude $54^{\circ} 14' 26''$ N. and $5^{\circ} 49' 54''$ W., thence by the line of High Water Mark to a point in Latitude $54^{\circ} 15' 00''$ N. and $5^{\circ} 50' 00''$ W., thence by a line drawn in a direction of 37° across Dundrum Channel to a point in High Water Mark in Latitude $54^{\circ} 15' 13''$ N. and Longitude $5^{\circ} 49' 50''$ W. thence.

On the North.—From the last-mentioned point by the line of High Water Mark to a point in Latitude $54^{\circ} 14' 41''$ N. and Longitude $5^{\circ} 46' 30''$ W.

The Sea Area is marked by three unlighted conical buoys, one near each extremity and one in the middle of the seaward boundary as shown on the plan attached hereto. The buoys are painted white with two blue strips crossing at right angles at the top of the buoy and having the letters "D" and "A" in red on the side of the buoy in alternate spaces between the blue stripes.

Dated this sixteenth day of May One thousand nine hundred and forty.
COBHAM.

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

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 THE 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.

PROCEDURE FOR CLEARING SEA AREAS.

(3) (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 in the ordinary course of navigation or by reason of the exigencies of navigation and exempt from the operation of the Bye-laws under Bye-law No. 8 (a) and (b) are requested to assist the carrying out of the firing practice by

hastening through the area or 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.

ADDITIONAL PRECAUTIONS DURING FIRING.

- (4) When day firing is taking place look-outs will be posted as follows :—
- (i) *Classification Range*.—At Flagstaff No. 10.
 - (ii) *Combined Range*, including Field Firing, Mortar, Anti-Tank, Anti-Aircraft and Machine Gun Ranges—At Flagstaffs Nos. 1, 7 and 10.
 - (iii) *Sea Area*.—The look-outs posted at Flagstaffs Nos. 1, 7 and 10 on coastline facing Dundrum Bay will signal for firing to cease in the event of any vessel entering the sea area.

PROCEDURE FOR CROSSING LAND AREA.

(5) When any persons desire to pass on lawful business within the limits of the land area, the look-outs referred to in Notice No. 4 will signal for firing to cease. Such persons will proceed as quickly as possible without loitering and shall not pass until the danger flags are lowered.

TIMES OF FIRING.

(6) Firing on these Ranges may take place at any time throughout the year.

WHERE PLAN OF RANGES CAN BE INSPECTED AND BYE-LAWS OBTAINED.

(7) A plan showing the land and sea areas of the Ranges and position of the flagstaffs and signals to aircraft referred to in Bye-law No. 4 can be inspected at :—

- (a) Headquarters Office, Victoria Barracks, Belfast.
 - (b) The Ministry of Commerce, Chichester Street, Belfast.
- and copies of these Bye-laws can be obtained at the same addresses.

AIRCRAFT WARNING.

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

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.