



Hythe Ranges

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 ranges.

STATUTORY INSTRUMENTS

1966 No. 814

DEFENCE

The Hythe Ranges Byelaws 1966

Made

23rd June 1966

Coming into operation

21st November 1966

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 of all other powers enabling him in that behalf and the consent of the Crown Estate Commissioners on behalf of Her Majesty having been first had and obtained for that purpose, hereby, with the consent of the Board of Trade, makes the following Byelaws:—

AREAS OF LAND AND SEA AFFECTED

1. (1) The area to which these Byelaws apply (hereinafter referred to as "the Danger Area") consists of:—
 - (a) the land area of the Hythe Ranges at Hythe in the County of Kent (which land area is in these Byelaws referred to as the "Land Area") and
 - (b) the area of sea, tidal water and shore abutting thereon comprising Area 'A' and Area 'B' (which area is in these Byelaws referred to as the "Sea Area")
- (2) The limits of the Land Area and the Sea Area are respectively set out in Parts I and II of the Schedule hereto, and the limits of the Danger Area are, for convenience of reference marked with a thick black line on the plan hereto annexed and identified as "Plan of the Hythe Ranges". The boundary between Area 'A' and Area 'B' of the Sea Area is marked on the said plan by a dotted black line.

USE OF DANGER AREA

2. The Danger Area, or part only thereof consisting of the Land Area and Area 'A' of the Sea Area (which part is hereinafter referred to as the "Reduced Danger Area"), may be used for the firing of anti-aircraft small arms, anti-tank guns, anti-tank rifles, grenades, machine guns, mortars, pistols and rifles and similar arms and for all activities ancillary to such firing.

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

(c) 1964 c.15.

(b) 63 & 64 Vict. c.56.

PROHIBITION OF ACCESS

3. (1) When the Danger Area or Reduced 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, or
 - (b) be or remain in or upon, 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, or
 - (d) cause or permit any aircraft to fly at a height less than 1,000 feet above mean sea level over the Danger Area or Reduced Danger Area as the case may be.
- (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 the following signals, that is to say a red flag by day and a red light by night hoisted at the following places:—
- (a) on the east side of the road running north-westwards from N range 34 yards from its junction with the Dymchurch-Hythe main road opposite a garage;
 - (b) south of the main road 100 yards south-west of the Prince of Wales Public House;
 - (c) at the junction of the track running westwards from the Range Workshops with the Dymchurch-Hythe main road;
 - (d) at the south end of Fort Road;
 - (e) on the sea-wall east of Dymchurch Redoubt at a point 100 yards east by north of the centre of the Redoubt (Latitude $51^{\circ} 02' 55''$ North, Longitude $01^{\circ} 02' 22''$ East);
 - (f) between the Gas Works and Martello Tower No. 14 (Latitude $51^{\circ} 03' 47''$ North, Longitude $01^{\circ} 04' 37''$ East);
 - (g) on the sea-wall east of Dymchurch Redoubt at a point 108 yards east by north of the centre of the Redoubt (Latitude $51^{\circ} 02' 55''$ North, Longitude $01^{\circ} 02' 22''$ East).
- (3) When the Reduced Danger Area only is being used for any of the said purposes, notice of the fact shall be given by the display of the signals specified in the preceding paragraph with the exception of that specified in sub-paragraph (g).

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 provisions 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 from the Danger Area or Reduced Danger Area as the case may be and to take into custody without warrant any person found therein when such 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 or Reduced Danger Area any vehicle, animal, vessel, aircraft or thing whatsoever found therein in contravention of any of the said Byelaws—

- (a) the General Officer Commanding-in-Chief, Eastern Command;
- (b) the Officer in charge of the Hythe 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-in-Chief or the Officer in charge of the Hythe Ranges;
- (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 Hythe Ranges; and
- (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 or Reduced 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-in-Chief, Eastern Command, or the Officer in charge of the Hythe 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 passing through the Sea Area in the ordinary course of navigation and taking no longer than is reasonably necessary for that purpose;
 - (b) any vessel employed in tending, placing, replacing or removing any buoys or other aids to navigation within the Sea Area;
 - (c) any wreck-marking vessels, hoppers and vessels carrying out trials or compass adjustment;
 - (d) any vessel belonging to the corporation of Trinity House whilst employed on any Trinity House duty or service.

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;
 - “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.

DATE OF OPERATION OF BYELAWS

10. (1) These Byelaws shall come into operation on the 21st day of November 1966, and may be cited as the Hythe Ranges Byelaws 1966.
- (2) The Byelaws in respect of the Hythe Ranges dated the 4th day of December 1939 (b) are hereby revoked.

(a) 52 & 53 Vict. c.63.

(b) S.R. & O. 1939/1744.

THE SCHEDULE

PART I

The limits of the Land Area are as follows:—

On the South-East

Commencing at a point on the High Water Mark of Ordinary Tides situated 100 yards east of Martello Tower No. 14, thence in a general SOUTH-WESTERLY direction along the High Water Mark of Ordinary Tides for a distance of 3,285 yards to a point situated 185 yards north-east of the centre of the Dymchurch Redoubt; thence

On the South-West

From the last mentioned point in a NORTH-WESTERLY direction to the north-east fence of the Maintenance Yard and along the line of that fence for a distance of 105 yards to the point at which it meets the south side of the Dymchurch-Hythe main road; thence

On the North-West

From the last mentioned point in a general NORTH-EASTERLY direction along the south side of the Dymchurch-Hythe main road for a distance of 3,275 yards to Ministry of Defence Boundary Stone No. 14, thence along the south side of the road bordering on the southern side of the triangle of land lying to the east of the Prince of Wales Public House to Ministry of Defence Boundary Stone No. 13, thence along the south side of the Dymchurch-Hythe main road to a point 65 yards south-west of the north-west corner of the Married Quarters enclosure and 515 yards south-west of the Fort-Dymchurch road junction; thence

On the North

From the last mentioned point in a SOUTH-EASTERLY direction along a fence for 45 yards, thence in a NORTH-EASTERLY direction along a fence for 65 yards, thence along the line of a fence which borders the south-west side of the Married Quarters enclosure for a distance of 30 yards to a point at the south-west corner of the Married Quarters enclosure, thence along the line of the fence which borders the south-east side of the Married Quarters enclosure for a distance of 90 yards to a point at the north-west corner of the Hockey Ground, thence in a straight line in a SOUTH-SOUTH-EASTERLY direction for a distance of 100 yards to a point at the south-west corner of the Hockey Ground, thence in a general NORTH-EASTERLY direction along the south-east side of the Cricket and Hockey Grounds for a distance of 290 yards to Ministry of Defence Boundary Stone No. 7A on the west side of Fort Road, thence in a straight line in a SOUTH-SOUTH-EASTERLY direction along the extension of the west side of Fort Road for a distance of 150 yards, thence in an EASTERLY direction for a distance of 125 yards to Ministry of Defence Boundary Stone No. 6 situated at the south-west corner of the Green; thence

On the East

From the last mentioned point in a straight line in a SOUTH-EASTERLY direction for a distance of 100 yards to the Ministry of Defence boundary fence, thence along the line of that fence for a distance of 315 yards to the point at which it meets the north side of Range Road, thence in a straight line in a WEST-SOUTH-WESTERLY direction along the Ministry of Defence boundary on the north side of Range Road for a distance of 165 yards at a point at Ministry of Defence Boundary Stone No. 2, thence along the line of the Ministry of Defence fence, and wall respectively which run from that Boundary Stone to the point of commencement.

PART II

The limits of the Sea Area are as follows:—

AREA 'A'

On the East

Commencing at a point on the High Water Mark of Ordinary Tides in Latitude $51^{\circ} 03' 46''$ North, Longitude $01^{\circ} 04' 38''$ East, thence in a straight line on a true bearing of $158\frac{1}{2}^{\circ}$ for a distance of 1.72 nautical miles to a point in Latitude $51^{\circ} 02' 10''$ North, Longitude $01^{\circ} 05' 37''$ East; thence

On the South

From the last mentioned point in a straight line on a true bearing of $249\frac{3}{4}^{\circ}$ for a distance of 2.12 nautical miles to a point in Latitude $51^{\circ} 01' 26''$ North, Longitude $01^{\circ} 02' 28''$ East; thence

On the West

From the last mentioned point in a straight line on a true bearing of 360° for a distance of 1.47 nautical miles to a point on the Low Water Mark situated east of the Dymchurch Redoubt in Latitude $51^{\circ} 02' 55''$ North, Longitude $01^{\circ} 02' 28''$ East, thence in a straight line on a true bearing of 318° for a distance of 0.06 nautical miles to a point on the High Water Mark situated north-east of the Dymchurch Redoubt in Latitude $51^{\circ} 02' 58''$ North, Longitude $01^{\circ} 02' 24''$ East; thence

On the North

From the last mentioned point in a general NORTH-EASTERLY direction along the High Water Mark to the point of commencement in Latitude $51^{\circ} 03' 46''$ North, Longitude $01^{\circ} 04' 38''$ East.

AREA 'B'

On the East

Commencing at a point on the Low Water Mark of Ordinary Tides situated east of Dymchurch Redoubt in Latitude $51^{\circ} 02' 55''$

North, Longitude $01^{\circ} 02' 28''$ East, thence in a straight line on a true bearing of 180° for a distance of 1.47 nautical miles to a point in Latitude $51^{\circ} 01' 26''$ North, Longitude $01^{\circ} 02' 28''$ East; thence

On the South

From the last mentioned point in a straight line on a true bearing of $249\frac{3}{4}^{\circ}$ for a distance of 0.38 nautical miles to a point in Latitude $51^{\circ} 01' 18''$ North, Longitude $01^{\circ} 01' 54''$ East (which has a true bearing of $137\frac{1}{2}^{\circ}$ and distance of 1.01 nautical miles from Martello Tower No. 23 situated in Latitude $51^{\circ} 02' 03''$ North, Longitude $01^{\circ} 00' 48''$ East); thence

On the West

From the last mentioned point in a straight line on a true bearing of $328\frac{1}{2}^{\circ}$ for a distance of 0.74 nautical miles to a point in Latitude $51^{\circ} 01' 56''$ North, Longitude $01^{\circ} 01' 17''$ East (which has a true bearing of 113° and distance of 0.32 nautical miles from Martello Tower No. 23 situated in Latitude $51^{\circ} 02' 03''$ North, Longitude $01^{\circ} 00' 48''$ East), thence in a straight line on a true bearing of $037\frac{1}{2}^{\circ}$ for a distance of 1.24 nautical miles to the point of commencement.

Dated this 10th day of June 1966.

(Signed) HARRY A. SHAW

By order of the Secretary of State for Defence.

The Board of Trade hereby consent to the making of these byelaws.

Dated this 23rd day of June 1966.

(Signed) C. M. P. BROWN

A Second Secretary of the Board of Trade.

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 Justices 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 or Reduced Danger Area when it is being 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—

- (a) when the Danger Area is in use, below the flags and lights described in Byelaw No. 3(2)(e), (f) and (g) in order to notify the master of the vessel that his vessel is within the Danger Area;
- (b) when the Reduced Danger Area is in use, below the flags and lights described in Byelaw No. 3(2)(e) and (f) in order to notify the master of the vessel that his vessel is within the Reduced Danger Area.

The additional red flag by day and additional red light by night may also be hoisted half an hour before firing is due to start in order to notify masters of vessels in the vicinity of the Danger Area that firing will shortly take place.

ADDITIONAL PRECAUTIONS DURING FIRING

3. In addition to the signals referred to in Byelaw No. 3(2), in order to warn persons approaching the Danger Area and to keep a look out for vessels or aircraft entering the Sea Area, sentries will be posted at the following places:—

- (a) The flagstaff between the Gas Works and Martello Tower No. 14;
- (b) The Dymchurch Redoubt.

INSPECTION OF BYELAWS AND PLAN

4. A copy of these Byelaws and a plan showing the Danger Area may be inspected at the Police Station, Hythe. They may also be inspected at the Office of the Defence Land Agent, Department of the Environment, Property Services Agency, Chaucer Barracks, Canterbury CT1 1JS where copies of the Byelaws may be obtained at the price of five pence (5p) for each copy.

RECOVERY OF PROJECTILES

5. Any person who finds a projectile within the Land Area, or within that part of the Sea Area which is for the time being uncovered by the tide, must not disturb it but should report the finding of it to the Officer in charge of the Hythe Ranges, to the police or to a coast-guard at the first opportunity. Any person who, when trawling or dredging in the Sea Area, comes into possession of a projectile

found within the Sea 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 Officer in charge of the Hythe Ranges or the police or to a coastguard the position where the projectile was returned into the water.

PUBLIC NOTIFICATION OF FIRING

6. Public Notification that firing will take place will be given by sending notices, not less than two clear days before the day or night of firing, giving particulars of the intended area, date, time and duration of the firing to the persons and authorities listed in the Appendix hereto, and by copies of the notice being posted on notice boards situated at the Life-boat station, Hythe and near Palmarsh Post Office.

APPENDIX

The Harbour Master, Folkestone Harbour.

H.M. Coastguard, Wear Bay Road, Folkestone.

H.M. Coastguard, 2 Erith Road, Buckland, Dover.

H.M. Coastguard, Deal.

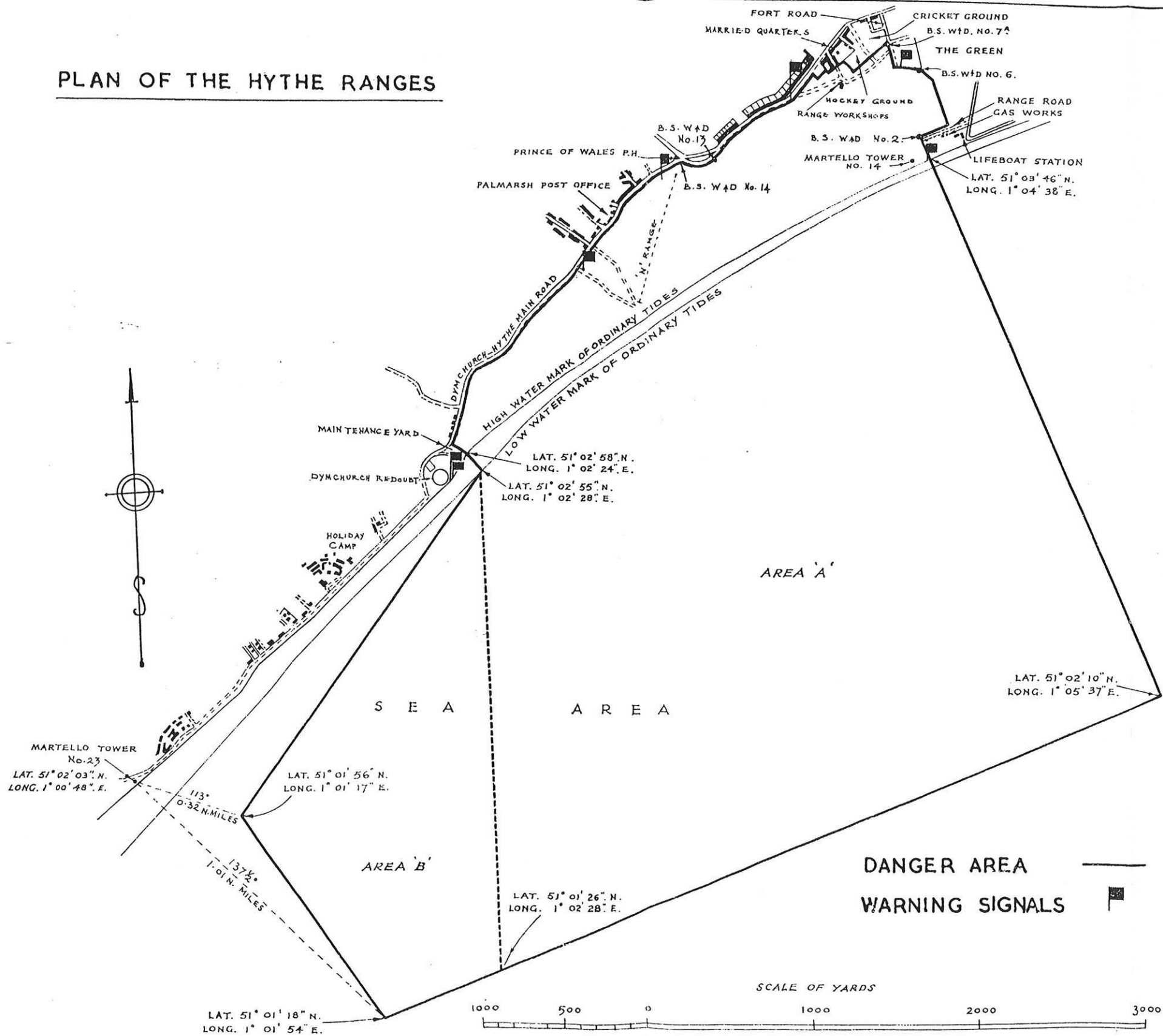
The Officer in charge of the Police Station, Hythe.

The Senior Air Traffic Control Officer, Lympe Airport, Hythe.

The District Inspector of Fisheries, Fish Market, Hastings, Sussex.

Senior Briefing Officer, Ministry of Aviation, Southern A.I.S. Centre,
London Airport, Hounslow.

PLAN OF THE HYTHE RANGES



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.