



# **Penally 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 Penally Range Byelaws 1966

Made

4th April 1966

Coming into operation 1st September 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 and the consent of the Pembrokeshire County Council so far as regards the interference with the highways hereinafter mentioned, 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 (together with all highways thereon) of the Penally Range in the Parish of Penally in the County of Pembroke (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 (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 Penally Range".

### USE OF DANGER AREA

2. The Danger Area may be used for the firing of all small arms weapons 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 is being used for any of the purposes specified in Byelaw No. 2, no person shall, except as provided in sub-paragraph (3) of this Byelaw:—
- (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 500 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 the following signals, that is to say, by the display of a red flag by day and a red light by night, hoisted at the following places:—
- (a) at a place on Giltar Point 435 yards east-south-east of the eastern extremity of the Butts, 60 yards due north of the cliff edge (Latitude  $51^{\circ} 39' 10''$  North, Longitude  $04^{\circ} 42' 55''$  West);
  - (b) on the cliff path from Lydstep to Tenby 175 yards north-east by east of Valleyfield Top (Latitude  $51^{\circ} 39' 09''$  North, Longitude  $04^{\circ} 43' 59''$  West);
  - (c) at a place 65 yards south-south-east of the first bridge 680 yards south-west of Penally Railway Station where the railway line crosses a farm track which leads northwards towards Home Farm;
  - (d) near the level crossing 100 yards to the north-east of Penally Railway Station;
  - (e) near the level crossing adjacent to Railway Cottage.
- (3) (a) When the Danger Area is being used for the said purposes and notwithstanding the provisions of sub-paragraph (1) of this Byelaw the public will be allowed unrestricted passage along the footpath which crosses the Danger Area and runs from Penally Court Farm eastwards to the sea, except when firing is taking place from the 600 yards firing point. The said footpath and firing point are shown on the plan above referred to and marked respectively "Footpath No. 13" and "600 yards firing point", and the points at which the said footpath crosses the Danger Area boundary are shown thereon marked 'A' and 'B'.
- (b) When firing is taking place from the 600 yards firing point sentries will be posted at both points 'A' and 'B'. At such times use of the footpath by the public between

these points is forbidden, except at such intervals as the Officer in charge of the Penally Range may permit.

### 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 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, vessel, 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 Penally 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 Penally 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 Penally Range; 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 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, Western Command, or the Officer in charge of the Penally 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 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 1st day of September 1966, and may be cited as the Penally Range Byelaws 1966.
- (2) The Byelaws in respect of the Penally Ranges dated the 28th day of August 1939(a) are hereby revoked.

## THE SCHEDULE

## PART I

The limits of the Land Area are as follows:—

*On the North-West*

Commencing at a point on the High Water Mark of Ordinary Tides 630 yards due east of Valleyfield Top, thence NORTH-NORTH-EAST for a distance of 490 yards to a point 340 yards east by south of the first bridge situated to the south-west of Penally Railway Station, thence NORTH-EAST BY NORTH for a distance of 620 yards to the western end of the 600 yards firing point, 100 yards east-north-east of the level crossing situated to the north-east of Penally Railway Station (near Court Farm); thence

*On the North*

From the last mentioned point, EAST BY SOUTH for a distance of 57 yards, to the eastern end of the 600 yards firing point; thence

*On the East*

From the last mentioned point due SOUTH for a distance of 620 yards to a point 170 yards east-south-east of the eastern extremity of the Butts, thence SOUTH BY WEST for 320 yards to a point on the High Water Mark of Ordinary Tides 675 yards west by south of the easternmost extremity of Giltar Point; thence

*On the South*

From the last mentioned point following the High Water Mark of Ordinary Tides in a general WESTERLY direction for a distance of 600 yards (measured by a straight line) to the point of commencement.

## PART II

The limits of the Sea Area are as follows:—

*On the North*

Commencing at a point on the High Water Mark of Ordinary Tides in Latitude  $51^{\circ} 39' 05''$  North, Longitude  $04^{\circ} 43' 35''$  West following the line of High Water Mark of Ordinary Tides in an EASTERLY direction to a point in Latitude  $51^{\circ} 39' 05''$  North, Longitude  $04^{\circ} 43' 07''$  West; thence

*On the East*

From the last mentioned point in Latitude  $51^{\circ} 39' 05''$  North, Longitude  $04^{\circ} 43' 07''$  West on a true bearing of  $184\frac{1}{4}^{\circ}$  for a distance of 0.34 nautical miles to a point in Latitude  $51^{\circ} 38' 45''$  North, Longitude  $04^{\circ} 43' 09''$  West, thence on a true bearing of  $196\frac{3}{4}^{\circ}$  for a distance of 0.49 nautical miles to a point in Latitude  $51^{\circ} 38' 16''$  North, Longitude  $04^{\circ} 43' 23''$  West; thence

*On the South*

From the last mentioned point on a true bearing of  $286\frac{3}{4}^{\circ}$  for a distance of 0.41 nautical miles from the last mentioned point to a point in Latitude  $51^{\circ} 38' 23''$  North, Longitude  $04^{\circ} 44' 01''$  West; thence

*On the West*

From the last mentioned point on a true bearing of  $16\frac{3}{4}^{\circ}$  for a distance of 0.49 nautical miles to a point in Latitude  $51^{\circ} 38' 52''$  North, Longitude  $04^{\circ} 43' 47''$  West thence on a true bearing of  $29\frac{3}{4}^{\circ}$  for a distance of 0.25 nautical miles to the point of commencement in Latitude  $51^{\circ} 39' 05''$  North, Longitude  $04^{\circ} 43' 35''$  West.

Dated this 24th day of March 1966.

(Sgd.) J. H. THOMAS  
By order of the Secretary  
of State for Defence.

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

Dated this 4th day of April 1966.

(Sgd.) B. E. BELLAMY  
An Under Secretary of the  
Board of Trade.

The consent of the Pembrokeshire County Council to the making of these Byelaws, so far as regards the restriction of the use of the highways mentioned therein, was given by a resolution dated the fifteenth day of February 1966.

(Sgd.) H. LOUIS UNDERWOOD  
Clerk of the Pembrokeshire  
County Council.

## 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.**

## 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 3(2)(a) and (b) 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 County Police Headquarters, Haverfordwest and the Police Stations at Tenby, Pembroke Dock and Lydstep. They may also be inspected at the Office of the Area Land Agent (Army), Ministry of Defence, Hamilton House, the Struet, Brecon, where copies of the Byelaws may be obtained at the price of one shilling for each copy.

## RECOVERY OF PROJECTILES

4. 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 Penally Range, to the police or to a coastguard 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 Penally Range, to the police or to a coastguard the position where the projectile was returned into the water.

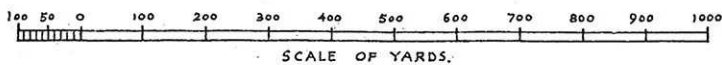
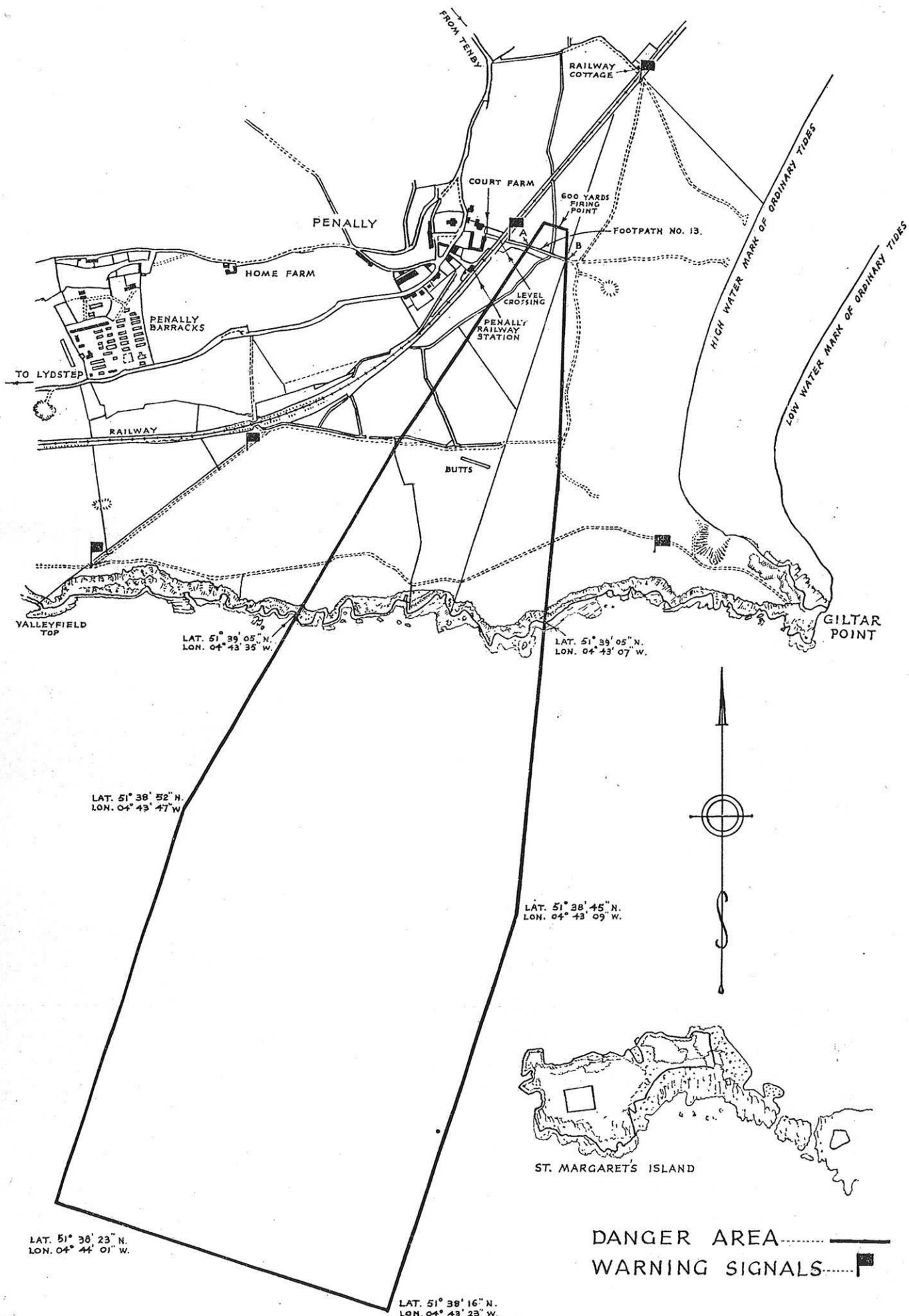


## PUBLIC NOTIFICATION OF FIRING

5. Public Notification that firing will take place will be given by sending notices, not less than seven clear days before the day or night 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

- The Police Station, Tenby.
- The Post Office, Penally.
- The Clerk of the Pembrokeshire County Council, Haverfordwest.
- The Town Clerk, Tenby.
- The Harbour Master's Office, Tenby.
- The Harbour Master's Office, Pembroke Dock.
- The South Wales Sea Fisheries District Committee,  
15 The Kingsway, Swansea.
- The Offices of the Trawler Owners' Association, Milford Haven.
- The Port Fishery Captain, Milford Haven Dock.
- The Customs House, Milford Haven Dock.
- The Naval Officer i/c Royal Dockyard, Pembroke Dock.
- The C.O., R.N.A.S. Brawdy, Nr. Haverfordwest.
- The C.O., R.A.F. Station, St. Athan, Barry, Glam.
- The N.A.S.O., R.N. Mine Depot, Milford Haven.
- Southern A.I.S., Centre, Ministry of Aviation, London Airport,  
Hounslow, Middlesex.
- The Superintendent of Police, Pembroke Dock.
- H.M. Coastguard, Tenby.
- The Secretary, Tenby Sailing Club, Tenby.
- The Superintendent, Trinity House Depot, Swansea.



*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.*