

T. Sol. Deeds Registry No 1523/71

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STATUTORY INSTRUMENTS
1977 No. 773

D/DS23/6/4



COWDEN RANGE
BYELAWS
1977

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 Range.

DEFENCE

THE COWDEN RANGE BYELAWS 1977

Made 21st April 1977
Coming into operation 11th July 1977

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 7 of the Land Powers (Defence) Act 1958 (c), and Section 2 of the Defence (Transfer of Functions) Act 1964 (d) 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 Secretary of State for Trade and the consent of the Humberside County Council so far as regards the interference with the highway 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 lands belonging to the Secretary of State (together with the highway thereon) in the County of Humberside known as the Cowden Range, which lands are in these Byelaws referred to as the "Land Area", and
 - (b) the area of sea, tidal water and shore the limits of which are set out in the Schedule hereto, which area is in these Byelaws referred to as the "Sea Area".
- (2) The boundaries and the limits 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 Cowden Range".

USE OF DANGER AREA

2. The Danger Area may be used for the firing of rocket projectiles, ball ammunition and practice bombs 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 6096 metres above mean sea level.
- (2) Whilst the Danger Area is being used for any of the said military purposes, notice of the fact shall be given by the display of the following signals, that is to say:—
- (a) For the Land Area:—
a red flag by day and a red light by night hoisted at the following place:—
approximately 575 metres south of Manor Farm along the B1242 road, which is approximately 1190 metres east of Cowden Magna.
 - (b) For the Sea Area:—
a red flag by day and a red light by night hoisted at the following places:—
 - (i) on the tower building approximately 880 metres along the southern side of the unclassified road between Mill Hill Farm and the cliff top, which is approximately 520 metres south-east of Grange Farm in Latitude $53^{\circ} 51' 48''$ North, Longitude $00^{\circ} 07' 06''$ West;
 - (ii) on the tower building approximately 1555 metres east of Cowden Parva, which is approximately 760 metres east-north-east of East Hill in Latitude $53^{\circ} 50' 43''$ North, Longitude $00^{\circ} 05' 51''$ West.

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 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 found in the Danger Area in contravention of any of the said Byelaws:—
- (a) the Air Officer Commanding in Chief, Strike Command;
 - (b) the Officer in Charge of the Cowden Range;
 - (c) any officer, warrant officer, non-commissioned officer or rating of corresponding rank, or any Service policeman, in uniform and who is for the time being under the Command of the said Air Officer Commanding in Chief or the Officer in Charge of the Cowden Range;
 - (d) any person authorised in writing by or on behalf of the said Air Officer Commanding in Chief or the Officer in Charge of the Cowden Range, 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 Air Officer Commanding in Chief, Strike Command, or the Officer in Charge of the Cowden 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 not being used for fishing in the Sea Area and in the ordinary course of navigation remaining in the Sea Area no longer than is reasonably necessary to pass through the Sea Area;
 - (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;
 - (e) any vessel for the time being engaged in the clearance of floating oil in the Sea Area or purposes connected therewith on behalf of the Secretary of State for Trade or of any local authority;
 - (f) any foreign vessel when outside territorial waters.

INTERPRETATION

9. (1) The Interpretation Act 1889 (e) 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;
- “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 11th day of July, 1977 and may be cited as the Cowden Range Byelaws 1977.

THE SCHEDULE

The limits of the Sea Area are as follows:—

ON THE WEST

Commencing at a point on the line of Mean High Water in Latitude $53^{\circ} 50' 39''$ North, Longitude $00^{\circ} 05' 39''$ West; thence along the line of Mean High Water in a north-westerly direction to a point in Latitude $53^{\circ} 51' 52''$ North, Longitude $00^{\circ} 07' 02''$ West; thence on a true bearing of 004° for a distance of 0.27 nautical miles to a point in Latitude $53^{\circ} 52' 08''$ North, Longitude $00^{\circ} 07' 00''$ West; thence on a true bearing of 042° for a distance of 2.65 nautical miles to a point in Latitude $53^{\circ} 54' 06''$ North, Longitude $00^{\circ} 04' 00''$ West.

ON THE NORTH

From the last mentioned point on a true bearing of 088° for a distance of 1.18 nautical miles to a point in Latitude $53^{\circ} 54' 08''$ North, Longitude $00^{\circ} 02' 00''$ West.

ON THE EAST

From the last mentioned point on a true bearing of 156° for a distance of 2.89 nautical miles to a point in Latitude $53^{\circ} 51' 30''$ North, Longitude Zero; thence on a true bearing of 218° for a distance of 1.44 nautical miles to a point in Latitude $53^{\circ} 50' 22''$ North, Longitude $00^{\circ} 01' 30''$ West.

ON THE SOUTH

From the last mentioned point on a true bearing of 273° for a distance of 1.48 nautical miles to a point in Latitude $53^{\circ} 50' 26''$ North, Longitude $00^{\circ} 04' 00''$ West; thence on a true bearing of 283° for a distance of 1.00 nautical miles to the point of commencement on the line of Mean High Water in Latitude $53^{\circ} 50' 39''$ North, Longitude $00^{\circ} 05' 39''$ West.

Dated 18th April 1977

W. V. MORGAN

By order of the Secretary of State for Defence

The Secretary of State for Trade hereby consents to the making of these Byelaws.

Dated 21st April 1977.

J. N. ARCHER

An Under Secretary of the Department of Trade

The consent of the Humberside County Council to the making of these Byelaws, so far as regards the restriction of the use of the highway within the Danger Area mentioned therein, was given by resolutions dated the 15th October 1974 and 27th February 1975. in the following terms:—

- (a) That the County Council gives it consent to the Byelaws subject to the inclusion of provisions to ensure the following:—
- (i) That the total period for which the path is closed to the public on any one occasion does not exceed eight hours in one day.
 - (ii) That advance warning is given to members of the public by means of notices, red flags or red lights on each occasion when the range is to be used and the footpath closed.
 - (iii) That warning notices, flags or lights be displayed and the footpath closed at least one half hour before the range is brought into use.
 - (iv) That the path is re-opened to the public immediately the use of the range ceases on each occasion.
 - (v) That the path will not be closed to the public on weekends and public holidays.
- (b) That the wording of warning notices and the location of notices, flags and lights be as agreed with the Director of Technical Services of the County Council.

P. R. WILLINGS
Director of Administration of the Humberside
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. If any vessel is within the Danger Area when it is being used for any of the military 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)(b) in order to notify the master of the vessel that his vessel is within the Danger Area. The additional red flag by day and additional red light by night may also be hoisted half and 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.

INSPECTION OF BYELAWS AND PLAN

3. A copy of these Byelaws and a plan showing the Danger Area may be inspected at the office of the Officer in Charge of the Cowden Range and the Police Station, Hornsea. They may also be inspected at the office of the Senior Estate Surveyor, Leeds North, Property Services Agency, Department of the Environment, Liverpool Victoria House, 8 Otley Road, Leeds LS6 2AN, 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, 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 Cowden Range, or 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 Cowden Range or to the police or to a coastguard the position where the projectile was returned into the water.

FACILITIES FOR FISHERMEN

5. In order to assist fishermen during the Spring and Summer months, firing will not take place before 10.30 a.m. local time in the months March to July. Firing will not normally take place before 9.00 a.m. local time during the remainder of the year.

FACILITIES TO THE PUBLIC

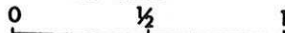
6. In order to give members of the public advance warning that Cowden Range is in use notice boards are positioned at the following places.—

Plan of the COWDEN RANGE

00° 05' 00" W

00° 00' 00" W

Nautical Mile



500 0 1000 2000

Metres

Lat. 53° 54' 06" N
Long. 00° 04' 00" W

BY 2

Lat. 53° 54' 08" N

Long. 00° 02' 00" W

BY 3

53° 54' 00" N



Lat. 53° 53' 07" N
Long. 00° 05' 30" W

BY 6

Lat. 53° 52' 08" N
Long. 00° 07' 00" W

BY 1

NORTH SEA

Lat. 53° 51' 52" N
Long. 00° 07' 02" W

Lat. 53° 51' 30" N
Long. 00° 00' 00" W

BY 4

Lat. 53° 50' 39" N
Long. 00° 05' 39" W

BY 5

Lat. 53° 50' 26" N
Long. 00° 04' 00" W

BY 7

Lat. 53° 50' 22" N
Long. 00° 01' 30" W

53° 50' 00" N

Mappleton

B1242

Mill Hill Farm

Manor Farm

Collin Hill

Cowden Parva

Little Cowden

East Hill

Coastguard Station

Aldbrough

00° 05' 00" W

53° 50' 00" N

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Danger Area
Warning Flag



00° 00' 00" W

- (a) approximately 500 metres north of the Coastguard Station, south of the Range;
- (b) by the coast at the end of Mill Hill Farm Road;
- (c) at the entrance to the public footpath by Manor Farm;
- (d) at the junction of the public footpath near East Hill Farm.

Firing will only take place on Monday to Friday of each week and will not occur on weekends or public holidays. The hoisting of red flags or red lights indicates that the Range is in use. The public footpath by Manor Farm will be closed half an hour before firing is due to start, when the additional red flags or lights are shown, in order to notify members of the public in the vicinity of the Danger Area that firing will shortly take place.

BUOYS

7. The Sea Area is marked by lighted buoys placed at approximately:—
- (a) Latitude 53° 52' 08" North, Longitude 00° 07' 00" West (BY 1)
 - (b) Latitude 53° 54' 06" North, Longitude 00° 04' 00" West (BY 2)
 - (c) Latitude 53° 54' 08" North, Longitude 00° 02' 00" West (BY 3)
 - (d) Latitude 53° 51' 30" North, Longitude 00° 00' 00" (BY 4)
 - (e) Latitude 53° 50' 26" North, Longitude 00° 04' 00" West (BY 5)
 - (f) Latitude 53° 53' 07" North, Longitude 00° 05' 30" West (BY 6)
 - (g) Latitude 53° 50' 22" North, Longitude 00° 01' 30" West (BY 7)

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.