



The Warcop Principal Training Area Byelaws 1981

Made by the Secretary of State for Defence, under the provisions of the Military Lands Act 1892, for regulating the use of the above-mentioned area.

DEFENCE

THE WARCOP PRINCIPAL TRAINING AREA BYELAWS 1981

Made 26th March 1981

Coming into operation 3rd August 1981

The Secretary of State for Defence in exercise of his powers under Part II of the Military Lands Act 1892 (a) and of all other powers enabling him in that behalf hereby, with the consent of Cumbria County Council so far as regards the interference with the highways hereinafter mentioned, makes the following byelaws:

AREA OF LAND AFFECTED

1. —(1) The area to which these byelaws apply 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 military purposes) in the parishes of Warcop, Murton, Musgrave, Hillbeck and Stainmore in the County of Cumbria and Lunedale in the County of Durham known as The Warcop Principal Training Area together with all highways thereon, hereinafter referred to as the "Danger Area", 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 Danger Area of the Warcop Principal Training Area".
- (2) That part of the Danger Area south-west of the Old Fell Wall is hereinafter referred to as 'the Range Impact Area' and likewise for convenience of identification only is shown hatched black on the said plan.

USE OF DANGER AREA

2. The Range Impact Area may be used for the firing of all types of weapons and activities ancillary to such firing and the lands forming the remainder of the Danger Area may be used for the military purposes for which the Secretary of State has the right to use such lands.

PROHIBITION OF ACCESS

3. —(1) When the Danger Area or the Range Impact Area is being used for any of the purposes specified in byelaw 2, no person shall:
- (a) enter into or upon or pass over or through the Danger Area or the Range Impact Area as the case may be, or
 - (b) be or remain in or upon that 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 that Area, or
 - (d) cause or permit any aircraft to fly over that Area at a height less than 13,500 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 hoisted at the following places:
- (a) at a place on the east side of the Appleby to Dufton Road at the southern outskirts of Dufton where the Pennine Way leaves the road;
 - (b) at a place on a footpath near Moss Shop (in ruins) approximately 1225 metres west-south-west of the junction of Grain Beck and Maize Beck;
 - (c) at a place approximately 730 metres due south of the junction of the Maize Beck and Tees;
 - (d) at a place on the north side of the B6276 road where the bridleway leaves the road approximately 4½ miles from Brough;
 - (e) at the gate where Musgrave Lane joins the A66 road;
 - (f) on a tower at Brough Hill;
 - (g) at the gate where the road from Brough Hill joins the A66 road;
 - (h) at a place near the tank park at Toddygill Bridge;
 - (i) at a place on Hayber Lane approximately 90 metres north-north-east of Haybergill House;
 - (j) at a place where Hag Lane enters the range approximately 180 metres north of Moor House;
 - (k) on a tower east of Hag Lane and approximately 457 metres north of Moor House;
 - (l) on a tower west of Hag Lane and approximately 823 metres west of Burton Hall;
 - (m) at a place where Hag Lane leaves the range approximately 274 metres south of the Cross Keys Inn;
 - (n) at a place approximately 183 metres north-east of Hilton and approximately 90 metres south of Hilton Beck.

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 Secretary of State or otherwise the property of the Crown.

OFFENCES

6. Subject to byelaw 8 any person who contravenes or fails to comply with the provisions of byelaws 3, 4 or 5 shall be guilty of an offence and liable, on conviction, to the penalties specified in section 17 of the Military Lands Act 1892, as amended.

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 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 North West District;
- (b) the Commandant, Warcop Principal Training Area;
- (c) any officer, 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 or the Commandant of the Warcop Principal Training area;
- (d) any public officer being a Crown servant authorised in writing by or on behalf of the said General Officer Commanding or the Commandant Warcop Principal Training Area, and
- (e) any member of a police force, or any special constable under the control of the Secretary of State.

EXEMPTIONS

8. —(1) Nothing done by a person using the Danger Area in pursuance of byelaw 2 or in the exercise of any such private rights as are referred to in section 15 of the Military Lands Act 1892 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 North West District, or the Commandant Warcop Principal Training Area shall constitute an offence against any of these byelaws.

- (2) Nothing done by any person in the exercise of a subsisting private right of access over the Danger Area shall constitute an offence against paragraph (1) of byelaw 3.
- (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 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. In these byelaws the expression:

“projectile” means any shot or shell or other missile and any portion thereof;

“aircraft” means any craft or contrivance which though not an aircraft is for the time being airborne.

COMMENCEMENT AND CITATION

10. These byelaws shall come into operation on the 3rd day of August 1981, and may be cited as the Warcop Principal Training Area Byelaws 1981.

Dated this 26th day of March 1981

(Signed) PHILIP GOODHART

Parliamentary Under Secretary of State
for Defence for the Army

The consent of the Cumbria County Council to the making of these byelaws, so far as regards the restriction of the use of such or such parts of the highways mentioned therein as are situate within its area was given by a resolution dated the 29th day of September 1978.

(Signed) T. J. R. WHITFIELD

Clerk and Chief Executive of the
Cumbria County Council

EXPLANATORY NOTES

(These notes are for information only and are not part of the byelaws)

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.

PRIVATE RIGHTS

2. By section 15 of the Military Lands Act 1892, it is provided: **Where a Secretary of State has for the time being the right of using for any military purpose any land vested in another person this part of this Act shall apply in like manner as if the land were vested in the Secretary of State and the same were appropriated for the said purpose, save that nothing therein or in any byelaws made thereunder shall injuriously affect the private rights of any person further or otherwise than is authorised by the grant of the right to use the land.**

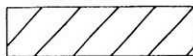
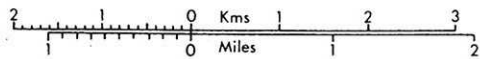
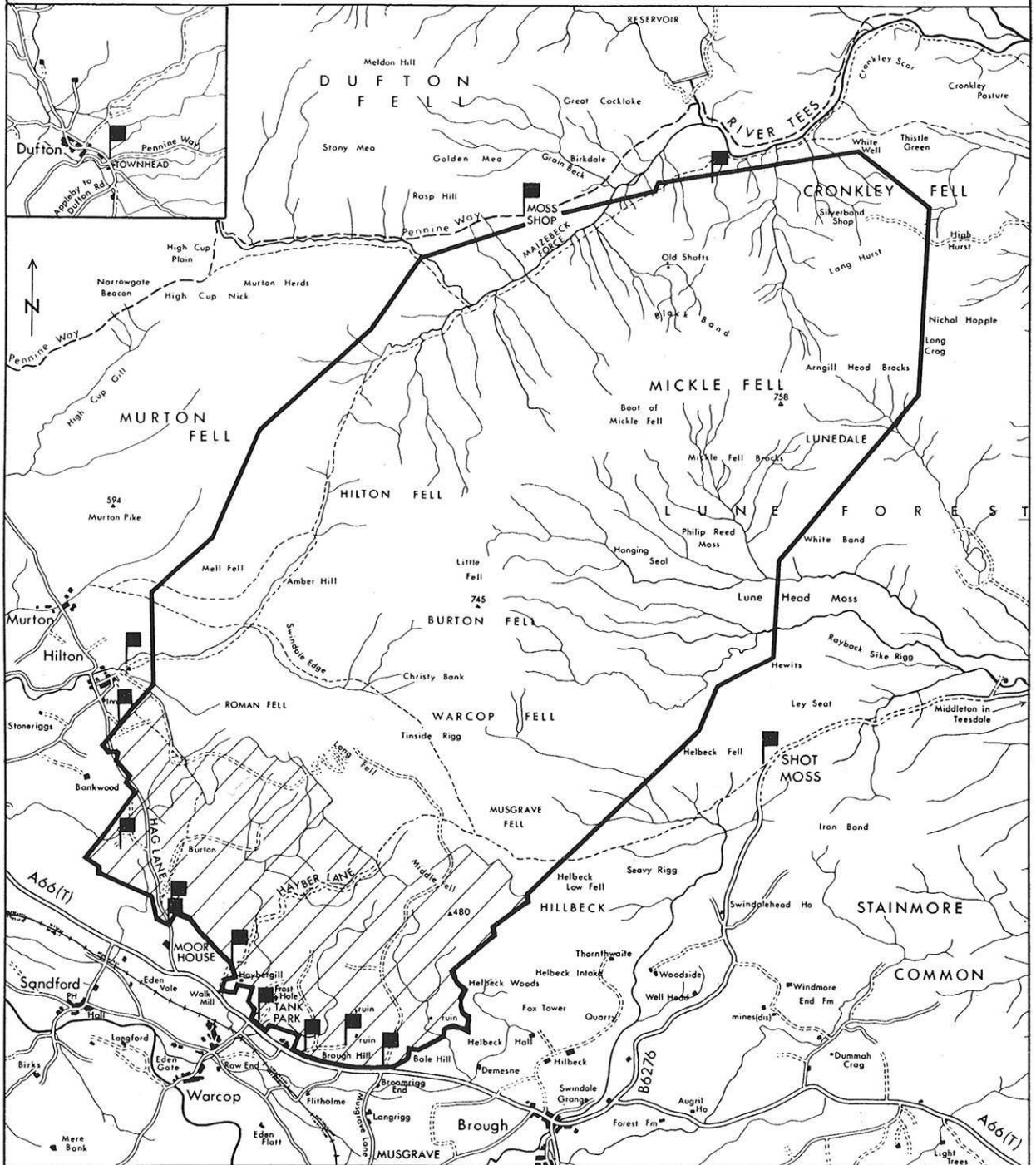
INSPECTION OF BYELAWS AND PLAN

3. A copy of these byelaws and a plan showing the Danger Area may be inspected at the Police Stations at Appleby, Kirkby Stephen, Startforth and Middleton-in-Teesdale and the Post Office, Warcop. They may also be inspected at the office of the Senior Estate Surveyor, Property Services Agency, Department of the Environment, Gough Road, Catterick Garrison, North Yorkshire DL9 3EL, 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 Danger Area must not disturb it but should report the finding of it to the Commandant, Warcop Principal Training Area or to the police at the first opportunity.

Plan of the Danger Area of the Warcop Principal Training Area



RANGE IMPACT AREA

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WARNING FLAG

DANGER AREA



MOOR HOUSE—HILTON ROAD

5. The road from Moor House to Hilton will generally remain open to the public at all times, except when firing is actually taking place across the road. The times when the road is closed to the public will be notified by means of sentries placed at each end of the road. If the sentry posts are unmanned, the road may be used by the public. It is anticipated that the road will be open on most occasions.

PUBLIC NOTIFICATION OF FIRING

6. Public notification that firing will take place will be given by the publication of a notice each month in the Cumberland and Westmorland Herald which will give particulars of the intended date, time and duration of the firing. Copies of the notice are also sent to the persons and authorities listed in the Appendix hereto not less than seven days before the day of firing. In addition any member of the public who wishes to check on firing activities should telephone the Range Control Officer: Telephone Brough 661 Extension 34.

APPENDIX

The Chief Executive, Cumbria County Council, The Courts, Carlisle, Cumbria CA3 8LZ

The Chief Executive, Durham County Council, County Hall, Durham DH1 5UL.

The Chief Executive, Eden District Council, Town Hall, Penrith, Cumbria CA11 7QF.

Chief Executive Officer, Teesdale District Council, 43 Galgate, Barnard Castle, Co. Durham DL12 8EL.

The Chief Constable, Cumbria Constabulary, Carleton Hall, Penrith, Cumbria CA10 2AU.

The Chief Constable, Police Headquarters, Durham Constabulary, Aykley Heads, Durham DH1 5TT

The Secretary of the Warcop Commoners

The Secretary of the Hilton Commoners

The Secretary of the Murton Commoners

The Secretary of the Dufton Commoners

The Secretary, Friends of the Lake District Society

Adjoining Landowners and Tenants

The Warden, Langdon Beck Youth Hostel

The Warden, Dufton Youth Hostel

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.