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STATUTORY INSTRUMENTS No 1426/76 D/DS23/6/19
1976 No. 759



**WHITBURN RANGE
BYELAWS
1976**

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.

STATUTORY INSTRUMENTS

1976 No. 759

DEFENCE

THE WHITBURN RANGE BYELAWS 1976

Made 28th April 1976

Coming into operation 5th July 1976

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), (as applied by Regulation 2 of the Territorial and Army Volunteer Reserve (Military Lands) Regulations 1973) (hereinafter called "the TAVR Regulations"), Section 7 of the Land Powers (Defence) Act 1958(c), 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 Tyne and Wear 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 lands (in part belonging to the Territorial Auxiliary and Volunteer Reserve Association for the North of England and in part lands which the Association has the right to use) appropriated by that Association with the consent of the Secretary of State for the military purposes referred to in Byelaw No. 2 in the County of Tyne and Wear known as the Whitburn Range (together with all highways thereon) 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 annexed hereto and identified as "Plan of Whitburn Range".

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

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

(c) 6 & 7 Eliz II c.30.

(d) 1964 c.15.

USE OF DANGER AREA

2. The Danger Area may be used for the firing of general purpose machine guns, medium machine guns, light machine guns, rifles, sub-machine guns, pistols, signal pistols 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 of less than 152 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 places:—
 - (i) at a place near the junction of Wheatall Way and Mill Lane;
 - (ii) at a place approximately 75 metres due east of a point on Mill Lane which is approximately 440 metres south of the entrance to Wheatall Way.
 - (b) For the Sea Area:—
a red flag by day and a red light by night hoisted at the following places:—
 - (i) at a place on the cliff top approximately 675 metres due east of a point on Mill Lane which is approximately 455 metres north of its junction with Wheatall Way in Latitude $54^{\circ} 57' 44''$ North, Longitude $01^{\circ} 21' 15''$ West;
 - (ii) at a place on the cliff top which is approximately 430 metres due east of a point on Mill Lane which is approximately 550 metres south of the entrance to Wheatall Way in Latitude $54^{\circ} 57' 12''$ North, Longitude $01^{\circ} 21' 21''$ 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 Territorial Auxiliary and Volunteer Reserve Association for the North of England or the Ministry of Defence or otherwise the property of the Association or 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 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 and 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:—

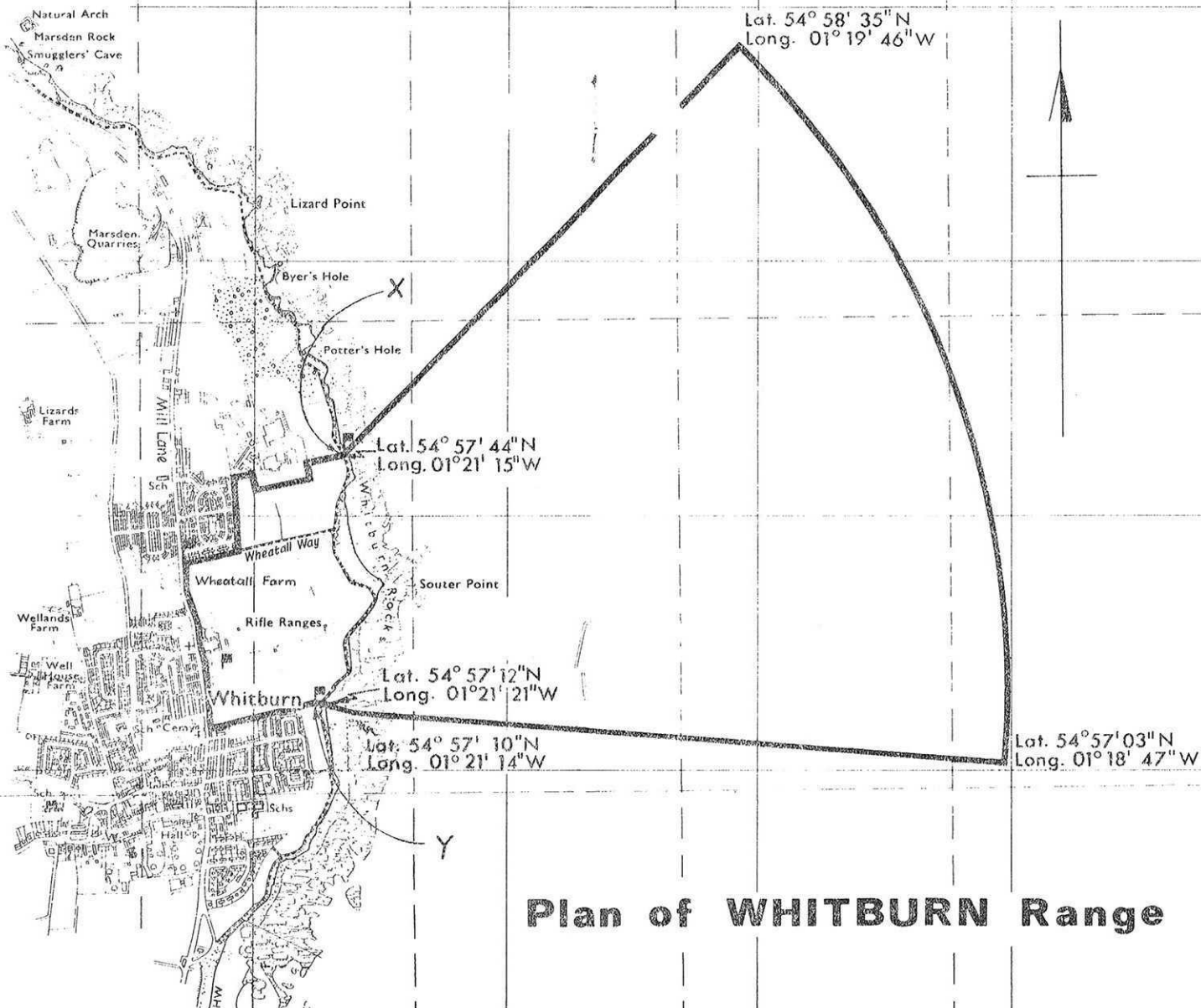
- (a) the General Officer Commanding the Army District;
- (b) the Secretary of the Territorial Auxiliary and Volunteer Reserve Association for the North of England;
- (c) the Administrative Officer, Whitburn Camp;
- (d) any officer, warrant officer, non-commissioned officer or rating of corresponding rank, or any Service policeman, in uniform and who is for the time being under the Command of the said General Officer Commanding or the Administrative Officer, Whitburn Camp;



Warning Signal

Danger Area

Lat. $54^{\circ} 58' 35''$ N
 Long. $01^{\circ} 19' 46''$ W



Plan of WHITBURN Range

- (e) any person authorised in writing by or on behalf of the said General Officer Commanding, or the Secretary of the Territorial Auxiliary and Volunteer Reserve Association for the North of England, or the Administrative Officer, Whitburn Camp, and
- (f) 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 in exercise of any such private rights as are referred to in Section 15 of the Military Lands Act 1892, as applied by the TAVR Regulations, 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 the Army District, or the Secretary of the Territorial Auxiliary and Volunteer Reserve Association for the North of England or the Administrative Officer, Whitburn Camp 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.

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 charge or command of the 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 the 5th day of July 1976, and may be cited as the Whitburn Range Byelaws 1976.

THE SCHEDULE

The limits of the Sea Area are as follows:—

Commencing at a point on the line of Mean High Water in Latitude $45^{\circ} 57' 44''$ North, Longitude $01^{\circ} 21' 15''$ West, thence on a bearing of 045° for 1.20 nautical miles to a point in Latitude $54^{\circ} 58' 35''$ North, Longitude $01^{\circ} 19' 46''$ West, thence following the arc of a circle with its centre at Latitude $54^{\circ} 57' 14''$ North, Longitude $01^{\circ} 22' 07''$ West, and radius of 1.92 nautical miles, to a point in Latitude $54^{\circ} 57' 03''$ North, Longitude $01^{\circ} 18' 47''$ West, thence on a bearing of 275° for 1.41 nautical miles to a point in Latitude $54^{\circ} 57' 10''$ North, Longitude $01^{\circ} 21' 14''$ West, thence on a bearing of 297° for 0.07 nautical miles to a point on the line of Mean High Water in Latitude $54^{\circ} 57' 12''$ North, Longitude $01^{\circ} 21' 21''$ West, thence following the said line of Mean High Water northwards to the point of commencement.

Dated this 14th day of April 1976.

(Signed) M. H. TALLBOYS

By Order of the Secretary of State for Defence

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

Dated this 28th day of April 1976.

(Signed) J. N. ARCHER

An Under Secretary of the Department of Trade

The consent of the Tyne and Wear County Council to the making of these Byelaws, so far as regards the restriction of the use of the highways within the Danger Area mentioned therein, was given by a resolution dated 25th September 1975.

(Signed) J. E. HANCOCK

County Solicitor, Tyne and Wear 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 and applied by the TAVR Regulations, 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 the 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 upon 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, as applied by the TAVR Regulations, it is provided:—

Where a Territorial Auxiliary & Volunteer Reserve Association (TA&VRA) 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 TA&VRA and the same were appropriated for the said military purpose, save that nothing therein or in any Byelaw 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.

WARNING TO VESSELS IN DANGER AREA

3. 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 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.

LOOK-OUTS

4. A look-out is positioned at each of the following places:—
- (a) at a place on the cliff top approximately 675 metres due east of a point on Mill Lane which is approximately 455 metres north of its junction with Wheattall Way and marked X on the plan;
 - (b) at a place on the cliff top which is approximately 430 metres due east of a point on Mill Lane which is approximately 550 metres south of the entrance to Wheattall Way and marked Y on the plan.

If any vessel is within the Danger Area the look-out immediately informs the Officer-in-Charge of Firing who ensures that all firing ceases. If poor visibility prevents the look-outs from seeing the whole of the Danger Area then firing will not take place.

INSPECTION OF BYELAWS AND PLAN

5. A copy of these Byelaws and a plan showing the Danger Area may be inspected at the Police Station, Clarvaux Terrace, Jarrow-on-Tyne. They may also be inspected at the office of the Administrative Officer, Whitburn Camp and at the office of the Senior Estate Surveyor, Property Services Agency, Department of the Environment, Broadway West, Newcastle NE3 2JL, where copies of the Byelaws may be obtained at the price of five pence (5p) for each copy.

RECOVERY OF PROJECTILES

6. 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 Administrative Officer, Whitburn Camp, 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 Whitburn Range Warden or the police, or to a coastguard the position where the projectile was returned into the water.

PUBLIC NOTIFICATION OF FIRING

7. The Range will normally be used for firing during daylight hours on Saturdays and Sundays. Public notification that firing will take place outside these periods will be given in the "Sunderland Echo" and the "Shields Gazette" and by sending notices, not less than seven clear days before the day or night of firing, to the following persons and authorities:—

The Chief Executive, Tyne and Wear County Council, Sand-
ford House, Newcastle-upon-Tyne NE2 1ED.

The Chief Executive, Borough of South Tyneside, Town Hall,
South Shields, Tyne and Wear NE33 2RL.

The Chief Superintendent, South Shields Division, Northumbria
Constabulary, Keppel Street, South Shields, Tyne and Wear.

The Station Officer, HM Coastguard, Roker, Sunderland, Tyne
and Wear.

The Station Officer, HM Coastguard, Tynemouth, Tyne and
Wear.

The District Inspector of Fisheries, Ministry of Agriculture,
Fisheries and Food, 15A Union Quay, North Shields, Tyne
and Wear NE30 1HN.

The Secretary and Director of Administration, Northumbrian
Water Authority, Eldon House, Regent Centre, Gosforth,
Newcastle-upon-Tyne NE3 3PX.

The Clerk of the North Eastern Sea Fisheries Committee,
Kingston House, Bond Street, Kingston-upon-Hull, North
Humberside HU1 3EU.

The Chief Fisheries Officer, Northumberland Sea Fisheries
Committee, 14 Woodburn Square, Whitley Bay, Tyne and
Wear.

The Harbour Master, Port of Sunderland Authority, Barrack
Street, Sunderland, Tyne and Wear.

The Harbour Master, Port of Tyne Authority, Bell Street,
North Shields, Tyne and Wear.

Richard Irvin & Sons Ltd, Fish Quay, North Shields, Tyne and
Wear.

The Secretary, Sunderland Fishermen's Association, 32
Hastings Street, Sunderland, Tyne and Wear.

The Sunderland Yacht Club, Old North Pier, Sunderland Tyne,
and Wear.

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.