

1974 No. 1772



# GRAFHAM RANGE

## BYELAWS

1974

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 Range.

STATUTORY INSTRUMENTS

1974 No. 1772

**DEFENCE**

**THE GRAFHAM RANGE BYELAWS 1974**

*Made* 22nd October 1974

*Coming into operation* 13th January 1975

The Secretary of State for Defence in exercise of his powers under Part II of the Military Lands Act 1892 (a) and Section 2 of the Defence (Transfer of Functions) Act 1964 (b) and of all other powers enabling him in that behalf, hereby with the consent of the Cambridgeshire County Council so far as regards the interference with the highway hereinafter mentioned, makes the following Byelaws:—

**AREA OF LAND AFFECTED**

1. The area to which these Byelaws apply (hereinafter referred to as "the Danger Area") consists of the lands which the Secretary of State has a right to use for military purposes in the parishes of Grafham and Brampton in the County of Cambridgeshire known as Grafham Range (together with the highway thereon) the boundaries of which are, for convenience of identification, shown by a thick black line on the plan attached to these byelaws and identified as the "Plan of the Grafham Range".

**USE OF DANGER AREA**

2. The Danger Area may be used for the firing of pistols, machine guns, rifles and anti-tank guns (fitted with adaptor sub-calibre) of less than '45" calibre 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, aircraft or thing to enter into or upon or to pass through or to be or remain in or upon the Danger Area;

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

(b) 1964 c.15.

(d) cause or permit any aircraft to fly over the Danger Area at a height less than 150 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 red flag by day hoisted at the following places:—

(i) at a place approximately 3 metres north east of the entrance gate on the Grafham-Ellington Road;

(ii) at a place approximately 9 metres south of the northern extremity of the butts.

### 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 Ministry of Defence or otherwise the property of the Crown.

### OFFENCES

6. Subject to the provisions of Byelaw No. 8 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.

### 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, aircraft or thing found in the Danger Area in contravention of any of the said Byelaws:—

(a) the Air Officer Commanding in Chief, Training Command;

(b) the Officer in Charge of the Grafham Range;

- (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 Air Officer Commanding in Chief or the Officer in Charge of the Grafham 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 Grafham 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 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 Air Officer Commanding in Chief, Training Command, or the Officer in Charge of the Grafham 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.

### INTERPRETATION

- 9. (1) The Interpretation Act 1889 (c) 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;
  - “aircraft” includes any craft or contrivance which though not an aircraft is for the time being airborne.

## COMMENCEMENT, CITATION AND REVOCATION

10. (1) These Byelaws shall come into operation on 13th January 1975 and may be cited as the Grafham Range Byelaws 1974.
- (2) The Byelaws in respect of Brampton Wood Rifle Range dated the 10th day of April 1915 are hereby revoked.

DATED this 14th day of October 1974.

(Signed) M. H. TALLBOYS

BY ORDER of the Secretary of State for Defence

The Cambridgeshire County Council, in accordance with a resolution passed by the Huntingdon and Peterborough County Council on 6th December 1973, consents to the making of these Byelaws so far as regards the restriction of the use of the highway within the Danger Area mentioned therein.

DATED the 22nd day of October 1974.

(Signed) J. A. LAVERACK

County Secretary: Cambridgeshire 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.**

### PRIVATE RIGHTS

2. By Section 15 of the Military Lands Act 1892, it is provided that where a Secretary of State has for the time being the right of using for any military purpose any land vested in another person Part II 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 office of the Officer in Charge of the Grafham Range and the Police Station, Brampton. They may also be inspected at the office of the Defence Land Agent, Department of the Environment, Property Services Agency, Cecil Lodge, Falmouth Avenue, Newmarket, Suffolk CB8 ONB 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 Officer in Charge of the Grafham Range or to the police at the first opportunity.

### PUBLIC NOTIFICATION OF FIRING

5. Public Notification that firing will take place will be given by sending notices, not less than 3 clear days in advance of general firing to the following:—

Officer Commanding, RAF Brampton, Huntingdon.

Occupier, Model Farm, Grafham, Cambridgeshire.

Mr Nicols, Redwood Lodge Farm, Ellington, Cambridgeshire.

The Occupier, High Herthy, Brampton, Cambridgeshire.

Lenton Bros, Park Farm, Brampton, Cambridgeshire.

The Master, Cambs Hunt, Tickworth Hall, Sandy, Beds.

Messrs C. N. Spencer, Timber Merchants, Bridgestock, Kettering, Northants.

Forestry Commission, Block D, Government Offices, Brooklands Avenue, Cambridge.

Mr Narsi, Range Warden, RAF Brampton, Huntingdon.

Mr J. B. Hart, Hill Farm, Grafham, Cambridgeshire.

The Chief Constable, Cambridgeshire Constabulary, Hinchings-brooke Park, Huntingdon.

Cambridgeshire County Council, Shire Hall, Castle Hill, Cambridge.

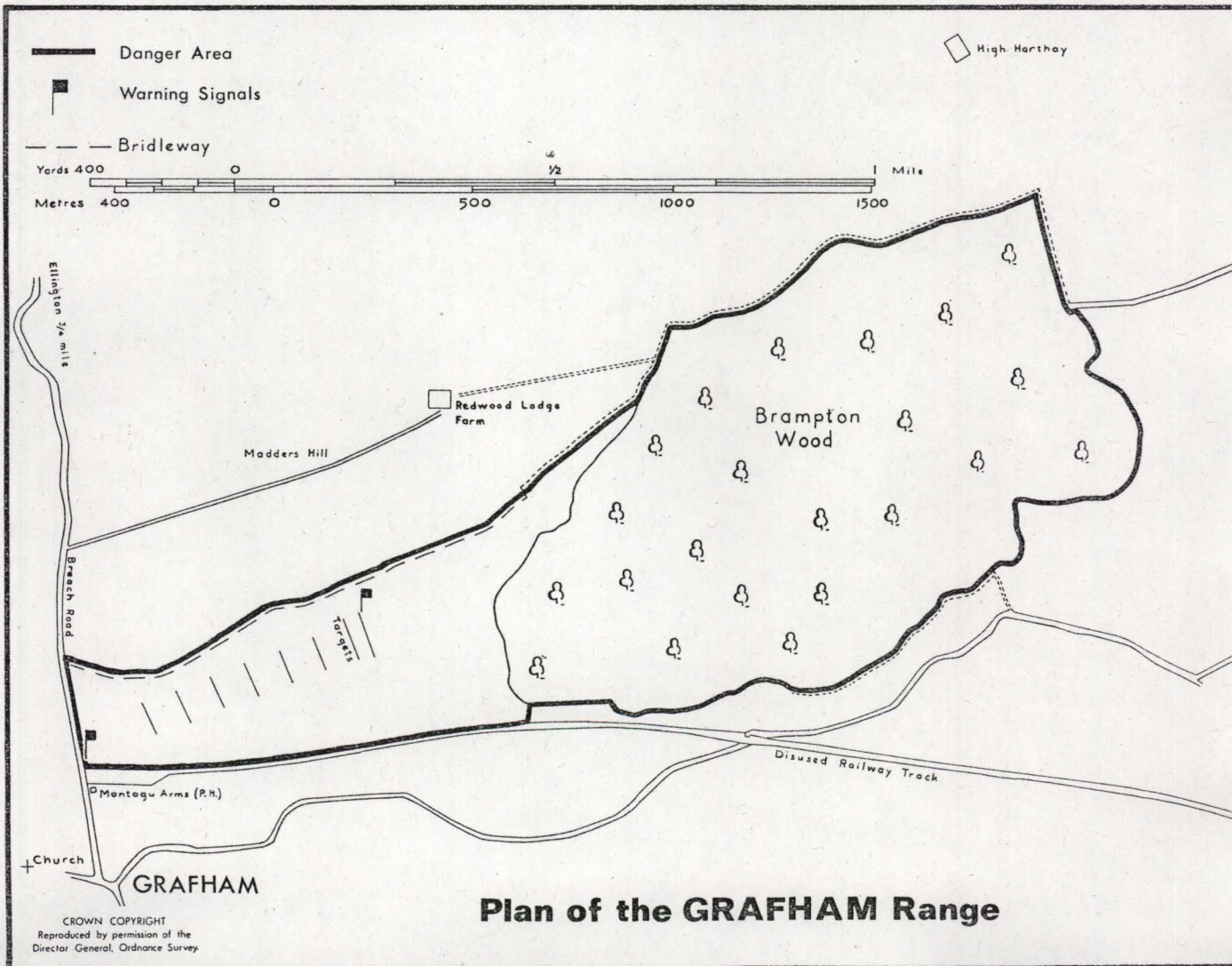
Huntingdon District Council, Council Offices, Huntingdon.

Head Post Office, George Street, Huntingdon.

Brampton Sub Post Office, Brampton, Cambridgeshire.

Grafham Sub Post Office, Grafham, Cambridgeshire.

Defence Land Agent, Department of the Environment, Property Services Agency, Cecil Lodge, Falmouth Avenue, Newmarket, Suffolk, CB8 ONB.



### Plan of the GRAFHAM Range

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