



Lydden Spout 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 Lydden Spout Range Byelaws 1967

Made

11th October 1967

Coming into operation 1st April 1968

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 Kent 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 Lydden Spout Range at Lydden Spout in the Parish of Hougham Without in the County of Kent (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 Lydden Spout Range".

USE OF DANGER AREA

2. The Danger Area may be used for the firing of rifles, machine guns, revolvers and pistols 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:—
 - (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 1,000 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 the cliff top 570 yards south-south-west of the south-west corner of Lydden Spout Old Coast-guard Station site and 250 yards east-north-east of the south-east end of the Butts (Latitude $51^{\circ} 06' 09''$ North, Longitude $1^{\circ} 15' 30''$ East);
 - (b) at a place on the cliff top 255 yards east-north-east of the western entrance to Abbotscliff Railway Tunnel and 375 yards east-south-east of Abbotscliff House (Latitude $51^{\circ} 06' 04''$ North, Longitude $1^{\circ} 14' 34''$ East);
 - (c) at a place near the side of a field 210 yards south-south-east of Court Lodge and 300 yards west-north-west of the north-west end of the Butts;
 - (d) at a place 495 yards east-north-east of Court Lodge and 300 yards north-north-east of the north-west end of the Butts;
 - (e) at the centre of and on top of the Butts.

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, Eastern Command;
- (b) the Officer in charge of the Lydden Spout 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 Lydden Spout 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 Lydden Spout 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—
- (a) using the Danger Area in pursuance of Byelaw No. 2 or with the authority or consent of the Secretary of State, the General Officer Commanding-in-Chief, Eastern Command, or the Officer in charge of the Lydden Spout Range;
 - (b) using any part of the Land Area in the exercise of any right conferred in respect of such part by the owner

thereof, or with the authority or consent of the owner thereof;

- (c) contrary to the provisions of paragraph 1 of Byelaw No. 3 which is due to any cause not avoidable by the exercise of reasonable care by that person

shall constitute an offence against any of these Byelaws.

- (2) 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 adjustments;
 - (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 April 1968 and may be cited as the Lydden Spout Range Byelaws 1967.
- (2) The Byelaws in respect of the Dover (Lydden Spout) Ranges dated the 8th day of September 1939 (b) are hereby revoked.

(a) 52 & 53 Vict. c.63.

(b) S.R. & O. 1939/1430.

THE SCHEDULE

PART I

The limits of the Land Area are as follows:—

On the South-East

Commencing at a point at the south-eastern end of the 600 yards firing point, 160 yards west-south-west of the south-west corner of Lydden Spout Old Coastguard Station site, thence in a SOUTH-SOUTH-WESTERLY direction for a distance of 630 yards to a point situated to the south-east of and on the prolongation of a line from the Butts, 160 yards south-east of the south-east end of the Butts, thence in a SOUTH-SOUTH-WESTERLY direction for a distance of 60 yards to a point on the High Water Mark of Medium Tides situated 690 yards west-south-west of the eastern entrance to Abbotscliff railway tunnel; thence

On the South

From the last mentioned point along the said High Water Mark of Medium Tides in a general WESTERLY direction for a distance of 1180 yards to a point on the said High Water Mark situated 170 yards east-south-east of the western entrance to Abbotscliff railway tunnel; thence

On the North-West

From the last mentioned point in an EAST-NORTH-EASTERLY direction for a distance of 945 yards to a point situated to the north-west of and on the prolongation of a line from the Butts, 160 yards north-west of the northwest end of the Butts and 310 yards east-south-east of the building at Court Wood. Thence in an EAST-NORTH-EASTERLY direction for a distance of 630 yards to a point situated at the north-west end of the 600 yards firing point, 50 yards south-south-east of the south-east corner of Church Wood; thence

On the North-East

From the last mentioned point along the 600 yards firing point in a SOUTH-EASTERLY direction for a distance of 150 yards to the point of commencement.

PART II

The limits of the Sea Area are as follows:—

On the South-East

Commencing at a point on the High Water Mark of Medium Tides in Latitude $51^{\circ} 06' 03''$ North, Longitude $1^{\circ} 15' 22''$ East, thence on a true bearing of $214\frac{1}{2}^{\circ}$ for a distance of 0.47 nautical miles

to a point in Latitude $51^{\circ} 05' 40''$ North, Longitude $1^{\circ} 14' 57''$ East, thence on a true bearing of 226° for a distance of 0.49 nautical miles to a point in Latitude $51^{\circ} 05' 19''$ North, Longitude $1^{\circ} 14' 23''$ East; thence

On the South-West

From the last mentioned point on a true bearing of 316° for a distance of 0.45 nautical miles to a point in Latitude $51^{\circ} 05' 38''$ North, Longitude $1^{\circ} 13' 53''$ East; thence

On the North-West

From the last mentioned point on a true bearing of 46° for a distance of 0.49 nautical miles to a point on the foreshore in Latitude $51^{\circ} 05' 59''$ North, Longitude $1^{\circ} 14' 27''$ East, thence on a true bearing of $58\frac{1}{4}^{\circ}$ for a distance of 0.04 nautical miles to a point on the High Water Mark of Medium Tides in Latitude $51^{\circ} 06' 00''$ North, Longitude $1^{\circ} 14' 30''$ East; thence

On the North

From the last mentioned point along the High Water Mark of Medium Tides in an EASTERLY direction to the point of commencement in Latitude $51^{\circ} 06' 03''$ North, Longitude $1^{\circ} 15' 22''$ East.

Dated this 28th day of September 1967.

(Signed) L. SALTHOUSE

By order of the Secretary
of State for Defence.

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

Dated this 11th day of October 1967.

(Signed) B. E. BELLAMY

An Under Secretary of the
Board of Trade.

The consent of the Kent 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 of its Roads Committee pursuant to delegated powers on the 21st day of October 1965.

(Signed) G. T. HECKELS
Clerk of the Kent 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 Police Station, Ladywell, Dover and at the Office of the Defence Land Agent (Army), Ministry of Defence, Chaucer Barracks, Canterbury. Copies of the Byelaws may also be obtained at the latter Office 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 Lydden Spout 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 Lydden Spout Range or the police or to a coastguard the position where the projectile was returned into the water.

FISHERMEN

5. Consistent with the needs of service training and efficient operation of the Range the service authorities will on due application being made permit maximum use of the Sea Danger Area by local fishermen pursuing their occupation, and permission to use the Area when entry is prohibited under these Byelaws will be granted whenever circumstances allow. Application for such permission should be made, as long as possible before firing is due to take place, to the Officer Commanding Troops, Dover Garrison.

PUBLIC NOTIFICATION OF FIRING

6. 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 tenants of land in and adjoining the Danger Area and to the persons and authorities listed in the Appendix hereto.

APPENDIX

- The General Manager, British Rail, Southern Region, Waterloo Station, London S.E.1.
- The General Manager, Dover Harbour Board, Harbour House, Dover.
- The Clerk, Dover Rural District Council, Council Offices, Temple Ewell, Nr. Dover.
- The Clerk, Folkestone Borough Council, Municipal Offices, Folkestone.
- The Superintendent of Police, Police Station, Ladywell, Dover.
- The District Inspector of Fisheries South East Area, Fish Market, Hastings, Sussex.
- Fishery Officer, 27 Alexandra Cottage, The Street, Hawkinge, Kent.
- The Superintendent, Trinity House Depot, Harwich, Essex.
- The District Officer, H.M. Coastguard, Deal, Kent.
- The Officer-in-Charge, H.M. Coastguard, Wear Bay Road, Folkestone, Kent.

PLAN OF THE LYDDEN SPOUT RANGE

