



**PROOF & EXPERIMENTAL
ESTABLISHMENT, PENDINE
BYELAWS
1973**

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 Establishment.

DEFENCE

THE PROOF & EXPERIMENTAL ESTABLISHMENT, PENDINE BYELAWS 1973

Made 17th September 1973
Coming into operation 3rd December 1973

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 Secretary of State for Trade and Industry, 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 of the Practice Range of the Proof & Experimental Establishment in the Parishes of Llanddowror Pendine and Laugharne Township in the County of Carmarthen (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 boundaries of the Sea Area are set out in the Schedule hereto and those boundaries and the boundaries of the Land Area are, for convenience of identification, shown by a thick black line on the plans hereto annexed and identified as "Plan of the Proof & Experimental Establishment Pendine—Sea Area" and "Plan of the Proof & Experimental Establishment Pendine—Land Area" respectively.

USE OF THE DANGER AREA

2. The Danger Area may be used for the testing and firing of munitions and for all activities ancillary to such testing and firing.

PROHIBITION OF ACCESS

3. (1) Entry on the Land Area is prohibited at all times.
- (2) 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 30,000 feet above mean sea level.
- (3) 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:—
 - (i) at a place approximately 280 yards east-north-east of Dolwen Point, 25 yards due north of the landward limit of the shore.
(Latitude 51° 44' 30" North, Longitude 04° 33' 22" West);
 - (ii) at a place approximately 4,660 yards east by south of Dolwen Point, 115 yards due north of the landward limit of the shore.
(Latitude 51° 44' 14" North, Longitude 04° 29' 50" West);
 - (iii) at a place at the south end of Brill Road approximately 240 yards west of the southernmost building at Bannister Farm.
(Latitude 51° 44' 36" North, Longitude 04° 28' 46" West);
 - (iv) at a place on Ginst Point approximately 2,030 yards east by north of the south-east corner of East House Farm, 75 yards north-west of that part of the landward limit of the shore southward of Ginst Point.
(Latitude 51° 44' 38" North, Longitude 04° 25' 37" 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 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 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 Superintendent of the Proof & Experimental Establishment Pendine;
- (b) 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 orders or control of the said Superintendent;
- (c) any person authorised in writing by or on behalf of the said Superintendent; and
- (d) 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 Superintendent of the Proof & Experimental Establishment Pendine 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.

INTERPRETATION

9. (1) The Interpretation Act 1889 (d) 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

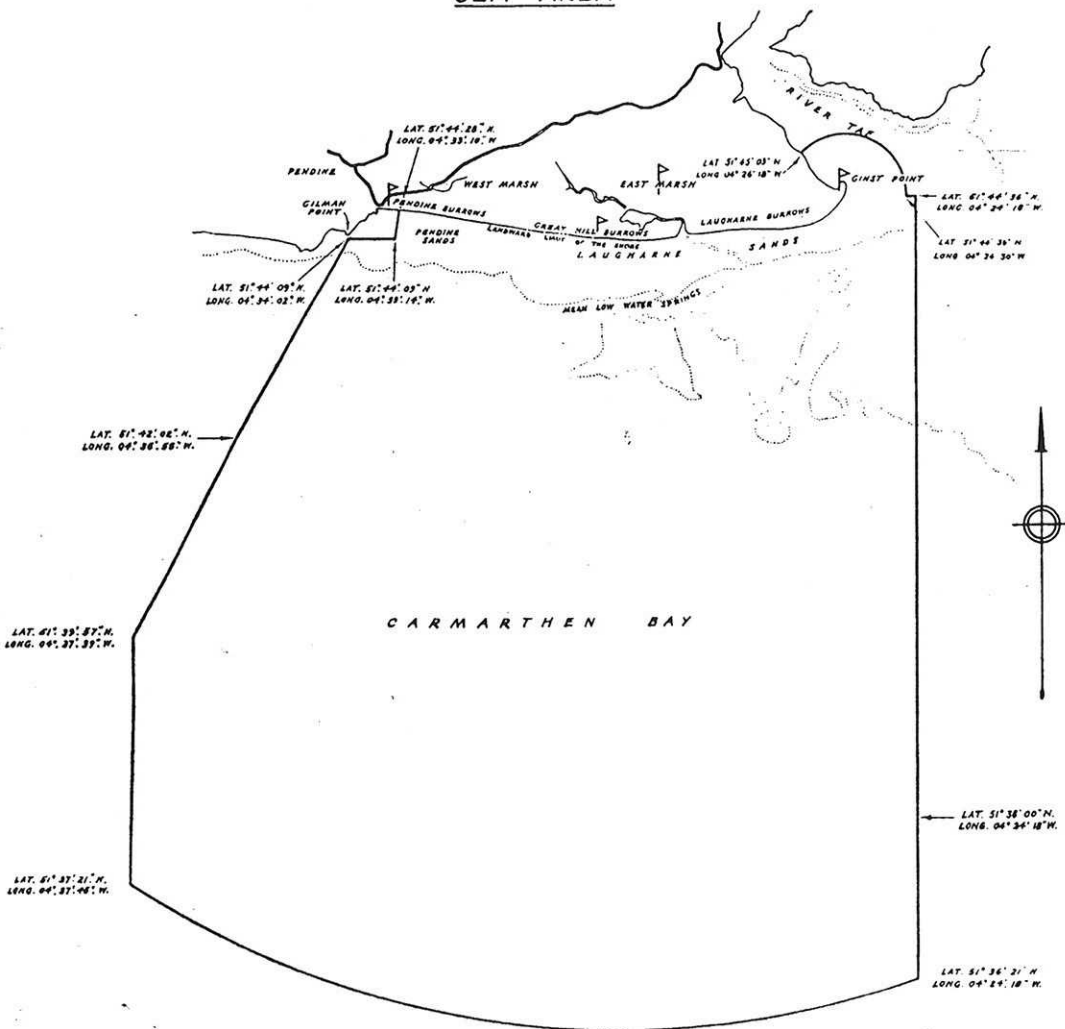
10. These Byelaws shall come into operation on the 3rd day of December, 1973, and may be cited as the Proof & Experimental Establishment Pendine Byelaws 1973.

THE SCHEDULE

The boundaries of the Sea Area are as follows:—
ON THE NORTH

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

PLAN OF THE PROOF & EXPERIMENTAL ESTABLISHMENT PENDINE
SEA AREA



Landward Limit of the Shore
Mean Low Water Springs

Commencing at a point near Gilman Point in Latitude $51^{\circ} 44' 09''$ North, Longitude $04^{\circ} 34' 02''$ West, thence by a line on a true bearing of 090° for a distance of 0.5 nautical miles to a point in Latitude $51^{\circ} 44' 09''$ North, Longitude $04^{\circ} 33' 14''$ West, thence by a line on a true bearing of 007° for a distance of 0.3 nautical miles to a point on the landward limit of the shore in Latitude $51^{\circ} 44' 28''$ North; Longitude $04^{\circ} 33' 10''$ West, thence in a general EASTERLY direction along the landward limit of the shore to Ginst Point, thence in a general NORTH-WESTERLY direction along the landward limit of the shore to a point in Latitude $51^{\circ} 45' 03''$ North, Longitude $04^{\circ} 26' 18''$ West, thence by the arc of a circle with a radius of 1,300 yards and its centre at a point in Latitude $51^{\circ} 44' 36''$ North, Longitude $04^{\circ} 25' 33''$ West, to a point in Latitude $51^{\circ} 44' 36''$ North, Longitude $04^{\circ} 24' 30''$ West, thence by a line on a true bearing of 090° for a distance of 0.1 nautical miles to a point in Latitude $51^{\circ} 44' 36''$ North, Longitude $04^{\circ} 24' 18''$ West; thence

ON THE EAST

From the last mentioned point by a line on a true bearing of 180° for a distance of 6.6 nautical miles to a point in Latitude $51^{\circ} 38' 00''$ North, Longitude $04^{\circ} 24' 18''$ West, thence on a true bearing of $179^{\circ} 5'$ for a distance of 1.65 nautical miles to a point in Latitude $51^{\circ} 36' 21''$ North, Longitude $04^{\circ} 24' 18''$ West; thence

ON THE SOUTH

From the last mentioned point by the arc of a circle with its centre at a point in Latitude $51^{\circ} 45' 22''$ North, Longitude $04^{\circ} 29' 24''$ West, to a point in Latitude $51^{\circ} 37' 21''$ North, Longitude $04^{\circ} 37' 45''$ West; thence

ON THE WEST

From the last mentioned point by a line on a true bearing of 001° for a distance of 2.6 nautical miles to a point in Latitude $51^{\circ} 39' 57''$ North, Longitude $04^{\circ} 37' 39''$ West, thence by a line on a true bearing of 028° for a distance of 2.31 nautical miles to a point in Latitude $51^{\circ} 42' 02''$ North, Longitude $04^{\circ} 35' 55''$ West, thence by a line on a true bearing of 029° for a distance of 2.43 nautical miles to the point of commencement in Latitude $51^{\circ} 44' 09''$ North, Longitude $04^{\circ} 34' 02''$ West.

Dated this 6th day of September 1973.

D. J. CHAPMAN

By order of the Secretary of State for Defence.

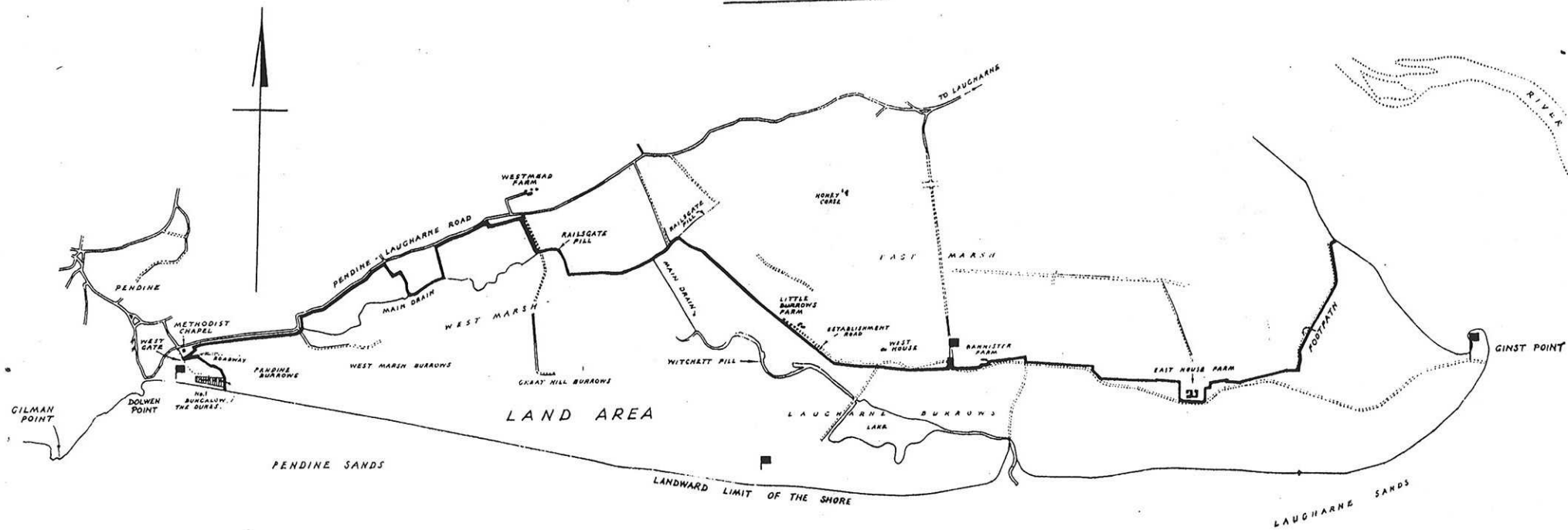
The Secretary of State for Trade and Industry hereby consents to the making of these Byelaws.

Dated this 17th day of September 1973.

J. N. ARCHER

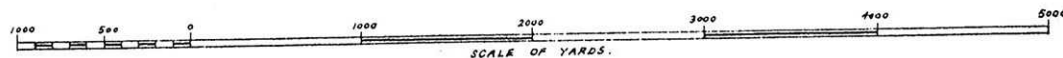
An Under secretary of the Department of Trade and Industry.

PLAN OF THE PROOF & EXPERIMENTAL ESTABLISHMENT · PENDINE LAND AREA



SHORE
(FORBESHORE)

DANGER AREA
WARNING SIGNALS



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 or any Byelaw, may be removed by any Constable of 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 No. 3(3) 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 at Laugharne, the office of the Superintendent, Proof & Experimental Establishment, Pendine, the Coastguard Stations at Tenby and Rhossili, the office of the District Inspector of Fisheries, Milford Haven and the office of the Carmarthen Rural District Council. They may also be inspected at the office of the Defence Land Agent, Property Services Agency, Department of the Environment, The Barracks, Brecon 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 Superintendent of the Establishment, 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 Superintendent of the Establishment or the police or to a coastguard the position where the projectile was returned into the water.

PUBLIC NOTIFICATION OF FIRING

5. Public Notification that firing will take place will be given by sending notices, not less than three clear days before the day or night of firing, giving particulars of the intended date, time and duration of the firing to the persons and authorities listed in the Appendix hereto.

APPENDIX

Carmarthen County Council.
 Carmarthen Rural District Council.
 Officer Commanding, Royal Air Force, Brawdy, Nr. Haverfordwest.
 Officer Commanding, RAF Chivenor, Barnstaple, Devon.
 The Occupier, 38 Coetre Fach Road, Killay, Swansea.
 NCO i/c Marine Craft Detachment, RAF The Harbour, Tenby.
 Station Officer, HM Coastguard, Broadwell Hayes, Tenby.
 Station Officer, HM Coastguard, Rhossili, Glamorgan.
 Harbour Master, Saundersfoot, Pembrokeshire.
 Harbour Master, Ilfracombe, Devon.
 Clerk of the South West Wales River Board, Penyfai House, Penyfai Lane, Llanelli.
 Clerk and Chief Fishery Officer, South Wales Sea Fisheries Committee, 15 Kingsway, Swansea.
 Representative of Ferryside Salmon Netsmen, Brentwood, Ferryside.
 The Milford Haven Conservancy Board.
 Llanelli Harbour Trust.
 River Towy Yacht Club.
 Burry Port Sailing Club.
 Saundersfoot Sailing Club.
 Tenby Yacht Club.
 Mumbles Yacht Club.
 Bristol Channel Yacht Club.
 Neyland Yacht Club.
 Pembrokeshire Yacht Club.
 Lougher Boating Club.
 Pembrokeshire Cruiser Racing Club.
 Tenby Corporation.
 Dale Yacht Club.
 Lawrenny Yacht Club.
 Pembroke Haven Yacht Club.



D/LANDS/6/17/3

STATUTORY INSTRUMENTS

1981 No. 475

DEFENCE

THE PROOF AND EXPERIMENTAL ESTABLISHMENT, PENDINE (AMENDMENT) BYELAW 1981

Made 10th March 1981

Coming into operation 1st June 1981

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, hereby makes the following byelaw:

Commencement and Citation

1. This byelaw shall come into operation on 1st June 1981 and may be cited as the Proof and Experimental Establishment, Pendine (Amendment) Byelaw 1981 and shall be read and construed as one with the Proof and Experimental Establishment, Pendine Byelaws 1973 (d) hereinafter referred to as "The Principal Byelaws".

Amendment to the Principal Byelaws

2. For byelaw 3(2)(d) there shall be substituted:

"(d) cause or permit any aircraft to fly over the Danger Area at a height less than 27,000 feet above mean sea level".

Dated 10th March 1981

(signed) Philip Goodhart
Parliamentary Under Secretary of State
for Defence for the Army

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

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

(c) 1964 c. 15.

(d) SI 1973/1627

EXPLANATORY NOTE

(This note is for information only and is not part of the byelaw)

This byelaw amends the Proof and Experimental Establishment, Pendine Byelaws 1973 by lowering the upper limit of the airspace from which aircraft are excluded when the Danger Area is in use for the purposes specified in byelaw 2.

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.