

# TAIN

(IN THE COUNTY OF ROSS)

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## GUNNERY AND BOMBING RANGE

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### BYE-LAWS

MADE by the Secretary of State for Air under the provisions of the Military Lands Acts, 1892 and 1900, as applied by the Air Force (Application of Enactments) (No. 1) Order, 1918, and the Air Force (Application of Enactments) (No. 3) Order, 1923, and as amended by Regulation 52 of the Defence Regulations, 1939, and by virtue of that Regulation for regulating the use of the Tain Gunnery and Bombing Range.



LONDON:  
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# BYE-LAWS

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## DESCRIPTION OF THE RANGE

1. The Tain Gunnery and Bombing Range, to which these Bye-laws apply (hereinafter called the "Range Area") is situated at Morrish More and Whiteness Sands in the Parishes of Tain and Tarbat in the County of Ross and consists of an area of land (hereinafter called the "Land Area") together with the foreshore and sea abutting thereon (hereinafter called the "Sea Area").

The respective limits of the Land Area and the Sea Area are set out and described in the Schedule hereto.

## GENERAL PROHIBITION

2. During such time as notice is given by the hoisting or displaying of signals in manner hereinafter provided in Bye-law No. 4 that practice is taking place on the Range Area, the Range Area will be closed to the public and all intrusion thereon and all obstruction of the use thereof are prohibited.

## OFFENCES DURING PRACTICE

3. During such time as notice is given by the hoisting or displaying of signals in manner hereinafter provided in Bye-law No. 4, that practice is taking place and the Range Area is closed to the public in accordance with the provisions of Bye-law No. 2, then :—

(i) No person shall enter or remain within the Land Area or the Sea Area, or bring, take or suffer to remain therein any vehicle, animal, vessel, aircraft or thing, except as provided in Bye-law No. 8.

(ii) No vessel shall be employed in fishing in the Sea Area.

(iii) No pleasure boat shall cruise in the Sea Area.

(iv) No vessel shall anchor or remain anchored in or ground on the Sea Area.

(v) No aircraft shall alight on, remain in or travel upon the Land Area or the Sea Area.

(vi) In the event of any aircraft being from any cause within the Land Area, the pilot or other person in charge thereof shall use his utmost endeavours to remove such aircraft out of the Land Area without loss of time.

(vii) In the event of any vessel or aircraft being from any cause within the Sea Area, the master or pilot or other person in charge thereof shall use his utmost endeavours to pass out of the Sea Area without loss of time.

### SIGNALS

4. Notice that practice is taking place is given by the following signals:—

(A) By day:—

(i) By a red flag hoisted on Flagstaff No. 1, at Quadrant Shelter No. 1, situated 687 yards north-west of Balcherry.

(ii) By a red flag hoisted on Flagstaff No. 2, at Quadrant Shelter No. 2, situated 830 yards north-east of Pitnellies.

(iii) By a red flag hoisted on Flagstaff No. 3, at Quadrant Shelter No. 3, situated 490 yards north-west of Summerton.

(iv) By a red flag hoisted on Flagstaff No. 4, at Quadrant Shelter No. 4, situated 860 yards north of Mains of Arboll.

(v) By a red disc 4' 6" in diameter erected 35 feet above ground level and facing seawards at each of the points mentioned in (i), (ii), (iii) and (iv) of (A) above.

(B) By night:—

By a fixed red light displayed on the flagstaffs mentioned in (i), (iii) and (iv) above and by a red flashing light giving one flash of half-a-second's duration every five seconds, situated 830 yards north-east of Pitnellies, Latitude 57° 49' 27" N., Longitude 3° 57' 29" W.

### DURATION OF SIGNALS

The signals referred to in this Bye-law will be hoisted or displayed one hour before practice commences and will be hauled down or extinguished when practice has ceased.

### RECOVERY OF PROJECTILES

5. No person shall trawl, dredge or search for, or otherwise interfere with any shot, shell, bomb or other projectile or portion thereof within the Range Area or take or retain, or be in possession of, any such shot, shell, bomb, or other projectile, or any portion thereof, found within the Range Area.

Any person who, when trawling or dredging, shall come into possession of any such shot, shell, bomb, or other projectile, or any portion thereof, within the Sea Area, shall not retain it, but shall immediately return it in its then condition, and without tampering with it, into the water.

Provided nevertheless, that the provisions of this Bye-law shall not apply in the case of persons who recover projectiles under written instructions from the local Naval, Military or Air Force authorities.

### AUTHORISED OFFICERS

6. Any person doing anything prohibited by or otherwise contravening any of the preceding Bye-laws Nos. 2, 3 or 5 shall be deemed to commit an offence against the Bye-law so contravened.

The persons hereby authorised to remove or to take into custody without warrant any person committing an offence against Bye-laws Nos. 2, 3 or 5, or to remove any vehicle, animal, vessel, aircraft or thing found in the Range Area in contravention of any of the said Bye-laws are :—

- (1) The Officer Commanding, Royal Air Force Station, Evanton, Ross-shire.
- (2) Any Officer, Warrant Officer, Non-Commissioned Officer, or any Service Policeman, for the time being under the Command of the said Officer Commanding.
- (3) Any person authorised in writing under the hand of the said Officer Commanding.
- (4) Any Constable.

### WHEN VESSEL OR AIRCRAFT IN DANGER

7. When any vessel is within the Sea Area while closed to the public or any aircraft is within the Sea Area or the Land Area while closed to the public, all practice shall cease and a second red flag and a second red disc 4' 6" in diameter erected 25 feet above ground level and facing seawards, or a second red flashing light giving one flash of half-a-second's duration every five seconds shall be hoisted or displayed below each of the red flags and red discs or below the red flashing light referred to in Bye-law No. 4 to notify the master or pilot or other person in charge of the vessel or aircraft that he is within the Sea Area or the Land Area as the case may be.

## EXEMPTIONS

8. Save as provided in Bye-law No. 7 these Bye-laws shall not apply to :—

(a) Any vessel entering or passing through the Sea Area in the ordinary course of navigation.

(b) Any vessel compelled to enter or unable to quit the Sea Area by reason of the exigencies of navigation.

(c) Any vessel employed in tending, placing or replacing any of the channel mark buoys or other aids to navigation within the Sea Area.

(d) H.M. ships of war, H.M. aircraft or any vessel or aircraft employed under Admiralty, War Department or Air Council authority.

(e) Any aircraft compelled to alight on or unable to quit the Range Area.

## INTERPRETATION

9. In these Bye-laws :—

(a) The expression “ practice ” includes the firing of all kinds of ammunition from aircraft or from the ground, and the dropping of practice (not live) bombs from aircraft and any or all of such operations.

(b) The expression “ vessel ” includes ship, yacht, lighter, boat and craft of every kind, and whether navigated by steam, motor, sail, oars or otherwise.

(c) The expression “ aircraft ” includes all balloons, whether fixed or free, kites, gliders, airships, aeroplanes, seaplanes, flying boats and other flying machines.

## DATE OF OPERATION OF BYE-LAWS

10. These Bye-laws shall come into force on the fourteenth day of June, One thousand nine hundred and forty, on and after which date the Bye-laws in respect of Tain Air Gunnery and Bombing Range dated the fifteenth day of June, One thousand nine hundred and thirty-eight shall be revoked.

## SCHEDULE

## LIMITS OF THE LAND AND SEA AREAS

## PART I.—DESCRIPTION OF THE LAND AREA

The area of land affected by these Bye-laws is situated at Morrish More and Whiteness Sands in the Parishes of Tain and Tarbat in the County of Ross and is bounded as follows :—

ON THE LANDWARD SIDE.—By a line commencing at a point about 3,000 yards south-south-east of Dornoch Point, Latitude  $57^{\circ} 50' 13''$  N., Longitude  $3^{\circ} 59' 21''$  W., marked by Danger Board No. 3 and proceeding in a southerly direction for a distance of about 1,950 yards, passing Notice Board No. 1, Danger Board No. 4 and Flagstaff No. 1, to a point marked by Danger Board No. 5, and thence in a south-easterly direction for a distance of about 380 yards to a point marked by Notice Board No. 2, and thence in a north-easterly direction for a distance of about 200 yards to a point marked by Danger Board No. 6, and thence in a north-westerly direction for a distance of about 90 yards to a point marked by Danger Board No. 7, and thence in a north-easterly direction for a distance of about 700 yards to a point marked by Danger Board No. 8, and thence in a south-easterly direction for a distance of about 550 yards to a point marked by Danger Board No. 9, and thence in a north-easterly direction for a distance of about 840 yards to a point marked by Danger Board No. 10, and thence in a south-easterly direction for a distance of about 840 yards to a point marked by Danger Board No. 11, and thence in a south-westerly direction for a distance of about 600 yards to a point marked by Danger Board No. 12, and thence following the north bank of Fendom Burn in a general south-easterly direction for a distance of about 700 yards until a point is reached marked by Danger Board No. 13, and thence in an easterly direction for a distance of about 367 yards until a point is reached on the north bank of Fendom Burn marked by Danger Board No. 14, and thence following the north bank of Fendom Burn in a general easterly direction for a distance of about 3,600 yards passing Danger Boards Nos. 15, 16 and 17 until a point is reached at the mouth of Fendom Burn marked by Danger Board No. 18, and thence:—

ON THE SEAWARD SIDE.—By a line commencing at the last-mentioned point and following the line of High Water in a north-westerly and south-westerly direction for a distance of about 6,100 yards passing Danger Board No. 1, and Danger Board No. 2, until the starting point is reached marked by Danger Board No. 3.

Included in the Land Area is the Island of Innis Mhor.

#### PART II.—DESCRIPTION OF THE SEA AREA

The area of foreshore and sea affected by these Bye-laws is situated in Dornoch Firth due north of Inver in the County of Ross extending northwards from the High Water Mark at Whiteness Sands to a line drawn from Tarbat Ness Lighthouse

to Embo Point and embracing the island of Innis Mhor and all other small islands or shallows within the area which is marked by two Beacons, Nos. 1 and 2, each of which consists of a pile painted in alternate yellow and red horizontal stripes and surmounted by a red triangle, and by a series of conical-shaped Buoys, Nos. 1 to 8, each painted in alternate yellow and red horizontal stripes. The area is bounded as follows:—

ON THE SOUTH-WEST.—By a line commencing at a point on High Water Mark 2,800 yards north-west of Pitnellies, Latitude  $57^{\circ} 50' 30''$  N., Longitude  $3^{\circ} 58' 37''$  W., marked by Danger Board No. 2, and drawn in a direction  $338^{\circ}$  true for a distance of 0.40 of a sea mile, passing through Danger Board No. 1, to a point Latitude  $57^{\circ} 50' 52''$  N., Longitude  $3^{\circ} 58' 53''$  W., marked by Beacon No. 1, and thence by a line drawn in a direction  $36^{\circ}$  true for a distance of 0.547 of a sea mile to a point Latitude  $57^{\circ} 51' 19''$  N., Longitude  $3^{\circ} 58' 17''$  W., marked by Buoy No. 1, and thence by a line drawn in a direction  $337\frac{1}{4}^{\circ}$  true for a distance of 1.54 sea miles to a point Latitude  $57^{\circ} 52' 44''$  N., Longitude  $3^{\circ} 59' 25''$  W., marked by Buoy No. 2, and thence:—

ON THE NORTH-WEST.—By a line commencing at the last-mentioned point and drawn in a direction  $57\frac{1}{2}^{\circ}$  true for a distance of 1.20 sea miles to a point Latitude  $57^{\circ} 53' 23''$  N., Longitude  $3^{\circ} 57' 30''$  W., marked by Buoy No. 3, and thence:—

ON THE NORTH.—By a line commencing at the last-mentioned point and drawn in a direction  $102^{\circ}$  true through a point 1.69 sea miles marked by Buoy No. 4 and continuing for a total distance of 3.39 sea miles to a point Latitude  $57^{\circ} 52' 40''$  N., Longitude  $3^{\circ} 51' 16''$  W., marked by Buoy No. 5, and thence:—

ON THE NORTH-EAST.—By a line commencing at the last-mentioned point and drawn in a direction  $147\frac{1}{2}^{\circ}$  true for a distance of 1.25 sea miles to a point Latitude  $57^{\circ} 51' 36''$  N., Longitude  $3^{\circ} 50' 01''$  W., marked by Buoy No. 6, and thence:—

ON THE SOUTH-EAST.—By a line commencing at the last-mentioned point and drawn in a direction  $226\frac{1}{2}^{\circ}$  true through a point 1.26 sea miles marked by Buoy No. 7 and through a point 2.36 sea miles marked by Buoy No. 8 and through a point 2.89 sea miles marked by Danger Board No. 19 and continuing for a total distance of 3.13 sea miles to a point on Low Water Mark in Inver Channel, Latitude  $57^{\circ} 49' 26''$  N., Longitude  $3^{\circ} 54' 17''$  W., marked by Beacon No. 2, and thence:—

ON THE SOUTH.—By a line commencing at the last mentioned point and drawn in a direction  $268\frac{1}{4}^{\circ}$  true for a distance of 0.53 of a sea mile to a point on High Water Mark, Latitude  $57^{\circ} 49' 25''$  N., Longitude  $3^{\circ} 55' 17''$  W., marked by Danger Board No. 17 and thence by the line of High Water passing Danger Board No. 18 to the starting point at Danger Board No. 1.

Dated this tenth day of May, One thousand nine hundred and forty.

(Signed) SAMUEL HOARE  
*Secretary of State for Air.*

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## 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 Bye-law 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 Bye-law from the Area, whether land or water, to which the Bye-law 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 Bye-law 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 His Majesty.”

### APPLICATION TO SEA AREAS

(2) By Section 2 (2) of the Military Lands Act, 1900, it is provided:—

“ Where any land, the use of which can be regulated by Bye-laws under the Military Lands Act, 1892, or this Act abuts on any sea or tidal water or where rifle or artillery practice is or can be carried on over any sea, tidal water or shore from any such land, Bye-laws may be made in relation to any such sea, tidal water or shore as if they were part of the land.”

### HOURS OF GUNNERY AND BOMBING

(3) Practice may take place on the Range at any time of the day or night throughout the year.



## FACILITIES FOR FISHERMEN

The local Air Force authorities will afford to fishermen suit of their occupation every facility consistent with carrying out of essential firing and bombing practice on range.

## WHERE BYE-LAWS CAN BE INSPECTED AND COPIES OBTAINED

Copies of these Bye-laws can be obtained free of charge from the Under-Secretary of State (S.4 (a)), Air Ministry, Whitehall, W.C.2, and can be seen at the following places:—

The Office of the Officer Commanding, Royal Air Force Station, Evanton, Ross-shire.

The Office of Sir Norman Macpherson, S.S.C., Solicitor in Scotland to the Air Ministry, 26 Alva Street, Edinburgh, 2.

The Office of the Town Clerk, Dornoch.

The Office of the Town Clerk, Tain.

The Office of the Harbour Clerk, Portmahomack.

The Office of the County Clerk, County Council of Ross and Cromarty, County Buildings, Dingwall.

H.M. Coastguard Station, Cromarty.

## PLAN OF THE RANGE

2) A plan of the Range to which these Bye-laws apply is attached hereto.



*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.*