

No. 1354 of 1941.



NAIRN RANGE NAIRNSHIRE.

BYE-LAWS.

Made by His Majesty's Principal Secretary of State for the War Department under the provisions of the Military Lands Acts, 1892 to 1903, as amended by Regulation 52 of the Defence Regulations, 1939, and by virtue of that Regulation, for regulating the use of the above-named Ranges.

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1. These Ranges may be used for Anti-Aircraft Small Arms, Anti-Tank Guns, Anti-Tank Rifles, Grenades, Machine Guns, Mortars, Revolvers and Rifles.

GENERAL PROHIBITION.

2. During such time as notice is given by the hoisting or display of signals in the manner hereinafter provided in Bye-law No. 4 that firing is taking place on the Classification and Battle Shooting Ranges, all intrusion into the land area described below, and the foreshore and sea abutting thereon, hereinafter called the sea area, within the limits set out in the Schedule hereto, and all obstruction of the use thereof is prohibited.

LAND AND SEA AREAS AFFECTED.

The land and Sea Areas affected are set out in the Schedule hereto.

OFFENCES DURING FIRING.

3. While notice that firing is taking place over the NAIRN Ranges is given by the hoisting or display of signals as provided in Bye-law No. 4 then in respect of the land area or the sea area :—

- (i) All roads and footpaths within the land area will be closed, and no person shall enter or remain within the land area or the sea area nor bring, take, nor 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, or remain in or travel upon, the sea area.
- (vi) 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 firing is taking place is given by the hoisting and display of the following signals :—

(a) *By Day.*

- (i) A Red Flag on a Flag Pole (No. 1) outside the Nairn Dunbar Golf Club House.
 - (ii) A Red Flag on a Flag Pole (No. 2) at the junction of the East Pier of Nairn Harbour and the mainland.
 - (iii) A Red Flag on a Flag Pole (No. 3) about 900 yards East of No. 2 Flag.
- (b) Notice to Aircraft that firing is taking place with Mortars will be given by the exposition of a suitably sited letter " F " (8 ft. by 5 ft.) in black on a white background.
- (c) Notice to Aircraft that Anti-Aircraft firing is taking place will be given by the exposition of a suitably sited letter " A " (8 ft. by 8 ft. 2½ in.) in black on a white background.
- (d) *By Night.*—By a red lamp at each of the places mentioned in 4 (a) above.

DURATION OF SIGNALS.

The " Day " signals referred to in this Bye-law will be hoisted at half-mast or exposed half an hour before firing is due to begin, and will be hoisted close up or exposed when firing begins, and will, subject to the provisions of Bye-law No. 7, remain so hoisted or exposed until firing has ceased, when the signals will be hauled down and the letters " F " and " A " covered up.

The " Night " signals referred to in this Bye-law will be displayed, together with a second Red Lamp, 8 ft. below the first lamps half an hour before firing is due to begin. The second Red Lamps will be removed when firing begins and, subject to the provisions of Bye-law No. 7, the single Red Lamps will remain so displayed until firing has ceased, when they will be extinguished.

RECOVERY OF SHELL, ETC.

5. No person shall trawl, dredge or search for or otherwise interfere with any shot, shell, bomb, bullet or other projectile or portions thereof within the land area or the sea area or take or retain, or be in possession of, any such shot, shell, bomb, bullet or other projectile or portions thereof, found within the sea area.

Any person who when trawling, dredging, or in any manner whatever, shall come into possession of any such shot, shell, bomb, bullet 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 cases of persons who recover projectiles under written instructions from the local Naval, Military or Royal Air Force Authorities.

OFFICERS AUTHORISED.

6. Any person doing anything prohibited by or otherwise contravening 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 contravening Bye-laws Nos. 2, 3 or 5, or to remove any vehicle, animal, vessel, aircraft or thing, found on the land area or the sea area in contravention of Bye-law No. 3 are :—

- (1) The General Officer Commanding-in-Chief, Scottish Command.
- (2) The Officer in Charge of the Range.
- (3) Any Officer, Warrant Officer, Non-Commissioned Officer or any Military Policeman for the time being under the command of the said Officer in Charge.
- (4) Any person authorised in writing under the hand of the said Officer in Charge, or
- (5) Any Constable.

WHEN VESSEL OR AIRCRAFT IN DANGER.

7.—(1) While any vessel or aircraft is observed within the sea area for the time being closed as provided for in Bye-law No. 4, all firing will cease and the following signals will be made to notify the Master or Pilot or other person in charge of the vessel or aircraft that he is within the sea area.

By Day.—A second Red Flag will be hoisted 8 ft. below each of the Red Flags referred to in Bye-law No. 4 (a).

By Night.—A second Red Lamp will be displayed 8 ft. below each of the Red Lamps referred to in Bye-law No. 4 (d).

(2) (a) When any aircraft is observed on a course likely to bring it flying over the danger area of the Range at a height estimated to be less than 3,000 ft. when Mortar firing is in progress, firing will immediately cease and will not be resumed until the aircraft is out of danger.

(b) When any aircraft is observed on a course likely to bring it flying over the danger area of the Range at a height estimated to be less than 10,000 ft. when Anti-Aircraft firing is in progress, firing will immediately cease and will not be resumed until the aircraft is out of danger.

EXEMPTIONS.

8. These Bye-laws shall not apply to :—

- (a) Any vessel entering or passing through the sea area in 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, Army Council or Air Council Authority.
- (e) Any aircraft compelled to alight on or unable to quit the sea area.

INTERPRETATION.

9.—(a) “ Vessel ” in these Bye-laws includes ship, yacht, lighter, boat and craft of every kind, and whether navigated by steam, motor, sail, oars or otherwise.

(b) “ Aircraft ” in these Bye-laws includes all balloons, whether fixed or free, kites, airships, aeroplanes, seaplanes, flying boats, gliders, and other flying machines.

DATE OF OPERATION OF BYE-LAWS.

10. These Bye-laws shall come into force at the date hereof.

SCHEDULE.

DESCRIPTION OF LAND AND SEA AREAS.

The Land Area is situated in the parish of Nairn and bounded as follows :—

On the Seaward side by a line commencing at a point on the line of High Water Mark 370 yards to eastwards of the junction of East Pier of Nairn Harbour with the line of High Water Mark and running Eastwards to a point 500 yards distant.

On the Landward side by a line running south-west from the above point 870 yards to Eastwards of East Pier to a point on the Nairn-Boath Road. 500 yards to the Eastwards of the junction of Nairn-Boath Road with Nairn-Forres Road, thence Northwards to the above point on High Water Mark 370 yards to Eastwards of East Pier.

Sea Area.—The area of foreshore and sea affected by these Bye-laws extends into the Moray Firth for about 2,000 yds. and is bounded as follows :—

On the West.

By a line commencing at a point on High Water Mark in Latitude $57^{\circ} 35' 34''$ N. Longitude $3^{\circ} 51' 09''$ W. and drawn in a direction of 10° to a point in Latitude $57^{\circ} 36' 00''$ N. Longitude $3^{\circ} 50' 57''$ W. thence by a line drawn in a direction of 20° to a point in Latitude $57^{\circ} 36' 43''$ N. Longitude $3^{\circ} 50' 30''$ W. thence—

On the North—

By a line commencing at the last mentioned point and drawn in a direction of 110° to a point in Latitude $57^{\circ} 36' 36''$ N. Longitude $3^{\circ} 49' 54''$ W. thence—

On the East—

By a line commencing at the last mentioned point and drawn in a direction of 200° to a point in Latitude $57^{\circ} 35' 53''$ N. Longitude $3^{\circ} 50' 21''$ W. thence by a line drawn in a direction of 210° to a point on High Water Mark in Latitude $57^{\circ} 35' 36''$ N. Longitude $3^{\circ} 50' 41''$ W. thence—

On the South—

By a line of High Water Mark from the last mentioned point to the starting point in Latitude 57° 35' 34" N. Longitude 3° 51' 09" W.

Dated this First day of October one thousand nine hundred and forty-one.

By Order of His Majesty's Principal Secretary of State for the War Department.

G. W. LAMBERT.

NOTICES.

PENALTY FOR OFFENCES.

1. By Section 17 (2) of the Military Lands Act, 1892, it is provided that :—

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 AREA.

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.

FIRING PROGRAMME AND PUBLIC NOTIFICATION.

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

A weekly provisional programme will be posted at the Post Office, NAIRN, and sent to the Coastguard, BURGHEAD and the Harbour Master, NAIRN, at least 48 hours in advance.

PROCEDURE FOR CLEARING SEA AREAS.

4.—(a) Vessels entering or remaining within the sea area in contravention of any of the preceding Bye-laws may under Section 17 (2) of the Military Lands Act, 1892 (*see* (1) above), be removed from the area. In such cases any vessel acting under the orders of the local military authorities will, when necessary, tow the offending vessel out of the area.

(b) Masters of vessels entering or remaining within the sea area in the ordinary course of navigation or by reason of the exigencies of navigation, and exempt from the operation of the Bye-laws under Bye-law No 8. are requested to assist the carrying out of firing practice by hastening through the area or by consenting to be towed out of the area, if necessary, by any vessel acting under the orders of the local Naval, Military or Royal Air Force Authorities.

FACILITIES TO FISHERMEN.

5. The Local Military Authorities will afford to fishermen in pursuit of their occupation every facility consistent with the carrying out of essential firing practices on the ranges.

WHERE BYE-LAWS CAN BE OBTAINED.

6. Copies of these Bye-laws can be obtained at the office of the Garrison Engineer, FORT GEORGE.

WHERE PLAN OF RANGE CAN BE INSPECTED.

7. A plan and chart showing the land and sea areas of the ranges and the positions of the flagstuffs and signals to aircraft can be inspected at the Office of the Garrison Engineer, FORT GEORGE.

AIRCRAFT WARNING.

6. Aircraft are warned not to fly in the vicinity of these ranges while firing is in progress, and no liability for accident to aircraft arising from the use of the ranges can be admitted.