



**THE BRITISH
UNDERWATER TEST
AND EVALUATION
CENTRE
BYELAWS
1984**

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 centre.

DEFENCE

The British Underwater Test and Evaluation Centre Byelaws 1984

Made 19 November 1984

Coming into operation 25 March 1985

The Secretary of State for Defence, in exercise of his powers Part II of the Military Lands Act 1892 (a), section 2 of the Military Lands Act 1900 (b), section 7 of the Land Powers (Defence) Act 1958 (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 Transport makes the following byelaws:

AREAS OF LAND AND SEA AFFECTED

1.—(1) The area to which these byelaws apply (in these byelaws referred to as “the Danger Area”) shall be:

- (a) the lands belonging to the Secretary of State and lands which the Secretary of State has a right to use for defence purposes in the District of Ross and Cromarty known as the British Underwater Test and Evaluation Centre (in these byelaws referred to as the “land Area”), and;
- (b) the area of sea, tidal water and shore the limits of which are set out in the Schedule hereto (in these byelaws referred to as the “Sea Area”, consisting of those parts which are hereinafter referred to as the “inner Sea Area” and “Outer Sea Area”).

(2) The boundaries of the Land Area and the Limits of the Sea Area are, for convenience of identification, shown by a thick black line on the plans hereto annexed and identified as “Plan of the British Underwater Test and Evaluation Centre—Land Area” and “Plan of the British Underwater Test and Evaluation Centre—Sea Area” respectively.

(a) 1892 c.43

(b) 1900 c.56

(c) 1958 c. 30

USE OF DANGER AREA

2. The Danger Area may be used for the military firing, running and dropping of underwater vehicles and torpedoes and for all activities ancillary to such firing, running and dropping.

PROHIBITION OF ACCESS

3. Without prejudice to the provision of byelaw 6:

- (1) entry on the Land Area is prohibited at all times;
- (2) whilst the Inner Sea Area is being used for any of the military purposes specified in byelaw 2, no person shall;
 - (a) enter or be in the Inner Sea Area, or
 - (b) cause or permit any vehicle, animal, vessel, aircraft or thing to enter, pass over or remain in the Inner Sea Area;
- (3) whilst the Inner Sea Area is being used for any of the military purposes specified in byelaw 2, notice of the fact shall be given by the display of a red flag by day and a red light by night hoisted:
 - (a) at a place near the Range Terminal Control Building in Latitude $57^{\circ} 28.37'$ North, Longitude $05^{\circ} 52.22'$ West;
 - (b) at the British Underwater Test and Evaluation Centre Shore Support Base, Kyle of Lochalsh in Latitude $57^{\circ} 16.83'$ North, Longitude $05^{\circ} 42.50'$ West.

PROJECTILES

4. No person shall search for, interfere with, take or be in possession of any torpedo or other projectile or other thing used for military purposes.

GOVERNMENT STORES

5. No person shall interfere with or remove from the Danger Area any instruments, stores or articles belonging to or under the care or control of the Secretary of State or otherwise the property of the Crown.

UNDERWATER ACTIVITIES

6.—(1) No fishing (whether by line, net, trawl or creel), anchoring of vessels, pontoons or buoys, dredging, dumping of rubbish, underwater swimming, firing of explosive and other acoustic charges or other underwater activities shall take place within the Inner Sea Area at any time.

(2) No fishing by any method involving the use of a net or dredge shall take place within the Outer Sea Area at any time with the exception of fishing by means of fixed or anchored gill nets.

ENFORCEMENT

7. The following persons are authorised to remove from the Danger Area and to take into custody without warrant any person committing an offence against byelaws 3, 4, 5, or 6 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 Flag Officer, Scotland and Northern Ireland;
- (b) the Officer in Charge of the British Underwater Test and Evaluation Centre;
- (c) any—
 - (i) officer, warrant officer, non commissioned officer or rating of corresponding rank; or
 - (ii) Service policeman;
 in uniform and being for the time being under the Command of the said Flag Officer, Scotland and Northern Ireland or the Officer in Charge of the British Underwater Test and Evaluation Centre;
- (d) any public officer, being a Crown Servant, authorised in writing by or on behalf of the said Flag Officer, Scotland and Northern Ireland or the Officer in Charge of the British Underwater Test and Evaluation Centre;
- (e) any constable of a police force;
- (f) any special constable under the control of the Secretary of State.

EXEMPTIONS

8.—(1) Nothing done by a person using the Danger Area in pursuance of byelaw 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 Flag Officer, Scotland and Northern Ireland or the Officer in Charge of the British Underwater Test and Evaluation Centre shall constitute an offence against any of these byelaws.

(2) It shall be a defence for any person charged with a contravention of byelaw 3(1), 3(2), 6(1) or 6(2) to prove that his failure to comply was due to a cause not avoidable by the exercise of reasonable care.

(3) These byelaws shall not in so far as they relate to the Sea Area apply to:

- (a) any vessel not being used for fishing in the Sea Area passing through the Sea Area in the ordinary course of navigation and 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 or vessels carrying out operations with the prior approval of the Secretary of State;
- (d) any vessel belonging to the Commissioners of Northern Lighthouses whilst employed on any official duty or service;
- (e) any vessel for the time being engaged in the clearance of floating oil in the Sea Area or purposes connected therewith;
- (f) any offshore installation in transit in the Sea Area or any vessel towing or attending on such an installation whilst in transit;
- (g) any vessel for the time being engaged in giving assistance to persons or to any other vessel at sea.

OFFENCES

9. Subject to the provisions of byelaw 8:

- (a) any person who contravenes or fails to comply with the provisions of byelaws 3, 4, 5 or 6;
- (b) any master of a vessel who fails to take all reasonable measures to ensure that any of its passengers or crew complies with the provisions of the said byelaws

shall be guilty of an offence and liable, on conviction, to the penalties specified in section 17 of the Military Lands Act 1892.

INTERPRETATION

10. In these byelaws the expression:

“Projectile” means any shot or shell, torpedo or underwater weapon or unmanned vehicle and any portion thereof;

“instrument” includes any electrical or mechanical apparatus or part thereof;

“master” means the person having command or charge of a vessel for the time being;

“offshore installation” has the meaning ascribed to it by the Mineral Workings (Offshore Installations) Act 1971 (d);
 “vessel” means every description of water craft including non-displacement craft and seaplanes (while on the water), used or capable of being used as a means of transportation on water;
 “aircraft” includes any craft or contrivance which though not an aircraft is for the time being airborne.

COMMENCEMENT, CITATION AND REVOCATION

11.—(1) These byelaws shall come into operation on 25th March 1985 and may be cited as the British Underwater Test and Evaluation Centre Byelaws 1984.

(2) The byelaws in respect of the British Underwater Test and Evaluation Centre dated 29th May 1975 (e) are hereby revoked.

THE SCHEDULE

The limits of the Inner Sea Area are as follows:

ON THE EAST

From a point on the line of Mean High Water Springs in Latitude $57^{\circ} 28.52'$ North, Longitude $05^{\circ} 52.32'$ West, on a true bearing of 270° for a distance of 1.38 nautical miles to a point in Latitude $57^{\circ} 28.52'$ North, Longitude $05^{\circ} 54.87'$ West, thence on a true bearing of 021° for a distance of 0.64 nautical miles to a point in Latitude $57^{\circ} 29.12'$ North, Longitude $05^{\circ} 54.45'$ West; thence

ON THE NORTH EAST

On a true bearing of 290° for a distance of 0.98 nautical miles to a point in Latitude $57^{\circ} 29.45'$ North, Longitude $05^{\circ} 56.15'$ West, thence

ON THE NORTH WEST

On a true bearing of 198° for a distance of 0.74 nautical miles to a point in Latitude $57^{\circ} 28.75'$ North, Longitude $05^{\circ} 56.58'$ West, thence on a true bearing of 291° for a distance of 0.51 nautical miles to a point in Latitude $57^{\circ} 28.93'$ North, Longitude $05^{\circ} 57.47'$ West, thence on a true bearing of $199\frac{1}{2}^{\circ}$ for a distance of 2.46 nautical miles to a point in Latitude $57^{\circ} 26.62'$ North, Longitude $05^{\circ} 58.98'$ West, thence on a true bearing of 110° for

(d) 1971 c. 61

(e) SI 1975 No 1268

a distance of 0.50 nautical miles to a point in Latitude $57^{\circ} 26.45'$ North, Longitude $05^{\circ} 58.12'$ West, thence on a true bearing of 199° for a distance of 1.48 nautical miles to a point in Latitude $57^{\circ} 25.05'$ North, Longitude $05^{\circ} 59.02'$ West, thence

ON THE SOUTH WEST

On a true bearing of 109° for a distance of 0.98 nautical miles to a point in Latitude $57^{\circ} 24.73'$ North, Longitude $05^{\circ} 57.30'$ West, thence

ON THE SOUTH EAST

On a true bearing of 020° for a distance of 1.46 nautical miles to a point in Latitude $57^{\circ} 26.10'$ North, Longitude $05^{\circ} 56.38'$ West, thence on a true bearing of 109° for a distance of 0.47 nautical miles to a point in Latitude $57^{\circ} 25.95'$ North, Longitude $05^{\circ} 55.57'$ West, thence on a true bearing of $019\frac{1}{2}^{\circ}$ for a distance of 2.45 nautical miles to a point in Latitude $57^{\circ} 28.25'$ North, Longitude $05^{\circ} 54.05'$ West, thence on a true bearing of 090° for a distance of 0.99 nautical miles to a point in Latitude $57^{\circ} 28.25'$ North, Longitude $05^{\circ} 52.22'$ West, thence along the line of Mean High Water Springs in a northerly direction to the point of commencement in Latitude $57^{\circ} 28.52'$ North, Longitude $05^{\circ} 52.32'$ West.

The limits of the Outer Sea Area are as follows:

ON THE NORTH EAST

From a point on the line of Mean High Water Springs in Latitude $57^{\circ} 29.02'$ North, Longitude $05^{\circ} 52.12'$ West on a true bearing of $296\frac{1}{2}^{\circ}$ for a distance of 3.84 nautical miles, to a point on the line of Mean High Water Springs at Garbh Eilean in Latitude $57^{\circ} 30.68'$ North, Longitude $05^{\circ} 58.52'$ West; thence

ON THE WEST

On a true bearing of 184° for a distance of 0.99 nautical miles to a point on the line of Mean High Water Springs at the Isle of Raasay in Latitude $57^{\circ} 29.70'$ North, Longitude $05^{\circ} 58.65'$ West, thence in a general southerly direction along the line of Mean High Water Springs to a point in Latitude $57^{\circ} 24.20'$ North, Longitude $06^{\circ} 01.13'$ West; thence

ON THE SOUTH

On a true bearing of 090° for a distance of 2.99 nautical miles to a point in Latitude $57^{\circ} 24.20'$ North, Longitude $05^{\circ} 55.60'$ West, thence

ON THE SOUTH EAST

On a true bearing of $022\frac{1}{2}^{\circ}$ for a distance of 4.39 nautical miles to a point in Latitude $57^{\circ} 28.25'$ North, Longitude $05^{\circ} 52.48'$ West, thence on a true bearing of 090° for a distance of 0.14 nautical miles to a point in Latitude $57^{\circ} 28.25'$ North, Longitude

05° 52.22' West, thence along the line of Mean High Water Springs in a general northerly direction to the point of commencement in Latitude 57° 29.02' North, Longitude 05° 52.12' West.

Dated November 19th 1984

(SIGNED) LORD TREFGARNE
Parliamentary Under Secretary of State for the Armed Forces.

The Secretary of State for Transport hereby consents to the making of these byelaws.

Dated 22 October 1984

(SIGNED) J. W. S. DEMPSTER
An Under Secretary of the Department of Transport

EXPLANATORY NOTES

(These notes are for information only and are not part of the byelaws)

PENALTY FOR OFFENCES

1. By Section 17(2) of the Military Lands Act 1892, as amended by section 39 of and Schedule 3 to the Criminal Justice Act 1982, it is provided:

- (a) 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 level 2 on the standard scale, 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.
- (b) At the time of printing the maximum fine on scale 2 is £100.

WARNING TO VESSELS IN DANGER AREA

2. If any vessel is within the Danger Area when it is being used for any of the military purposes specified in byelaw 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(3)(a) in

order to notify the master of the vessel that his vessel is within the Danger Area. When the Danger Area is in use for military purpose it will normally be possible for appropriate range craft to patrol the boundaries of the Area to warn other vessels. When these craft are on station they shall repeat the red flag or light signal hoisted in accordance with byelaws 3(3) and shall fly by day appropriate warning signals from the International Code of Signals. Although every effort will be made to station patrol craft to repeat the warning signals, users of the area are advised that this may not always be possible, and that the signals in byelaw 3(3) shall be conclusive as to the use of the range.

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 British Underwater Test and Evaluation Centre and at the police station at Kyle of Lochalsh. They may also be inspected at the office of the Senior Estate Surveyor, Property Services Agency, Department of the Environment, Angusfield House, 226 Queens Road, Aberdeen AB9 2QN 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 Officer in Charge of the British Underwater Test and Evaluation Centre, to the police or to HM Coastguard at the first opportunity. Any person who comes into possession of a projectile 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 British Underwater Test and Evaluation Centre or to the police or to HM Coastguard the position where the projectile was returned into the water.

RESTRICTIONS ON FISHING

5. The byelaws have the following effect on fishing activities. Under Byelaw 6(1) no fishing of any type may take place within the Inner Sea Area as defined on the plan. Under Byelaw 6(2) certain types of fishing are prohibited in the Outer Sea Area as defined on the plan. These are all types of fishing which use a net or dredge except those involving fixed or anchored gill-nets. The Outer Sea Area may thus be used for other types of fishing, such as fishing by line or creel, or fixed fish farming.

PUBLIC NOTIFICATION OF FIRING

6. 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 following authorities and persons:

Ross and Cromarty District Council, Dingwall
 Skye and Lochalsh District Council, Portree, Isle of Skye
 Fishery Officer, Mallaig
 Fishery Officer, Ullapool
 HM Coastguard, Stornoway
 HM Coastguard, Duntulm
 Piermaster, Gairloch
 McCleod fish sales, Kyle
 The local owner, Strathcarron
 Ross Sailing Ltd, Lochcarron
 The Ferry Supervisor, Caledonian MacBrayne Ltd, Kyleakin
 Marine Manager, Marine Department, Kishorn, Ross-shire

DEMARCATIION OF THE CABLE CORRIDOR


7. (a) The cable corridor between the Land Area and the main part of the Inner Sea Area shall be marked by two lines of buoys as follows:
- (i) to the North, along a line of Latitude $57^{\circ} 28.52'$ North, between Longitude $05^{\circ} 52.32'$ West and $05^{\circ} 52.60'$ West, and
 - (ii) to the South, along a line of Latitude $57^{\circ} 28.25'$ North, between Longitudes $05^{\circ} 52.22'$ West and $05^{\circ} 52.60'$ West.
- (b) Four marker poles on shore shall indicate the landward limits of the cable corridor. These poles shall be placed at approximately:
- (i) Latitude $57^{\circ} 28.52'$ North, Longitude $05^{\circ} 52.32'$ West,
 - (ii) Latitude $57^{\circ} 28.52'$ North, Longitude $05^{\circ} 52.28'$ West,
 - (iii) Latitude $57^{\circ} 28.25'$ North, Longitude $05^{\circ} 52.22'$ West,
 - (iv) Latitude $57^{\circ} 28.25'$ North, Longitude $05^{\circ} 52.18'$ West.

Legend

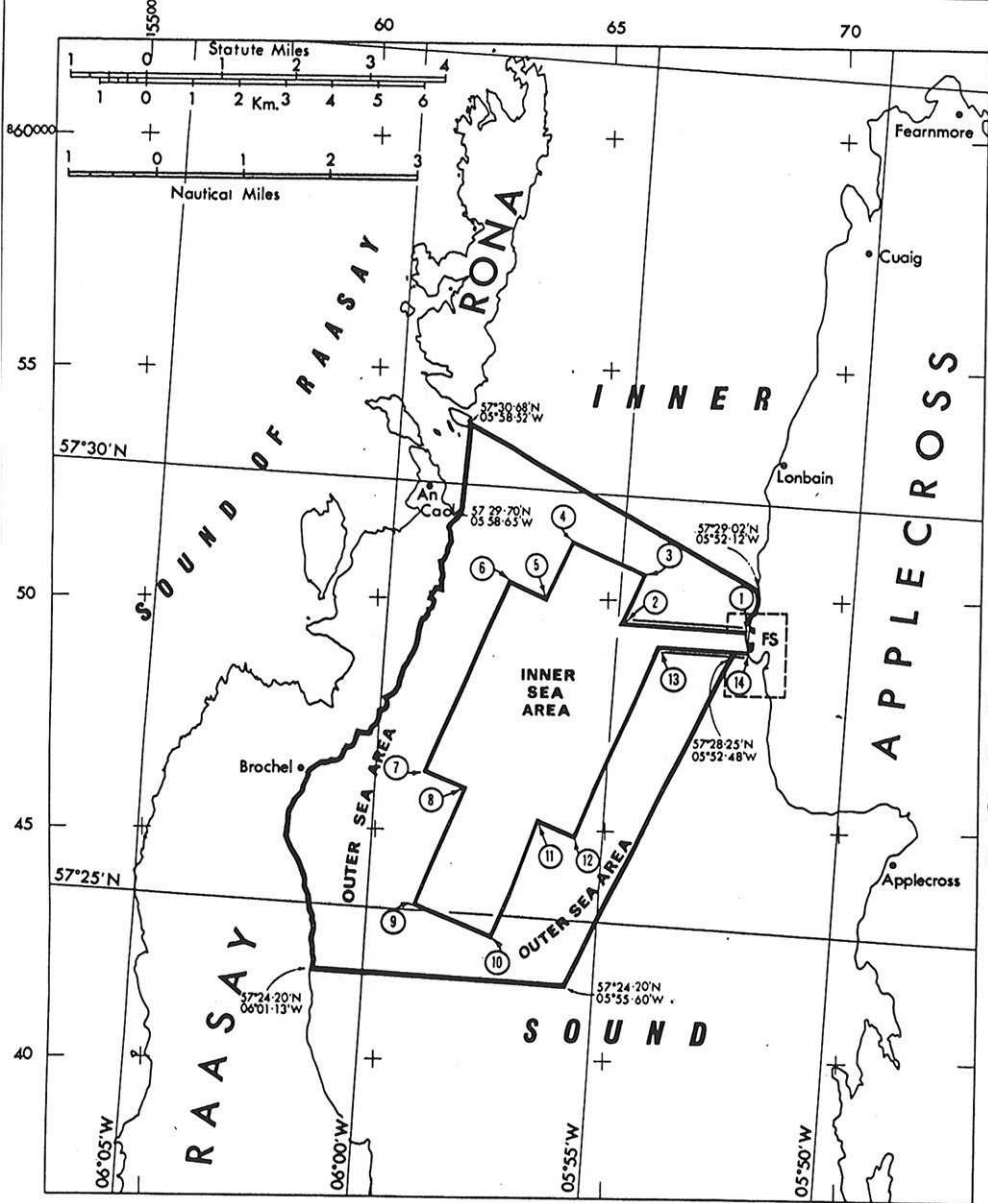
Graticule values for positions shown numerically:-

- ① 57°28'·52" N.
05°52'·32" W
- ② 57°28'·52" N.
05°54'·87" W
- ③ 57°29'·12" N.
05°54'·45" W
- ④ 57°29'·45" N.
05°56'·15" W
- ⑤ 57°28'·75" N.
05°56'·58" W
- ⑥ 57°28'·93" N.
05°57'·47" W
- ⑦ 57°26'·62" N.
05°58'·98" W
- ⑧ 57°26'·45" N.
05°58'·12" W
- ⑨ 57°25'·05" N.
05°59'·02" W
- ⑩ 57°24'·73" N.
05°57'·30" W
- ⑪ 57°26'·10" N.
05°56'·38" W
- ⑫ 57°25'·95" N.
05°55'·57" W
- ⑬ 57°28'·25" N.
05°54'·05" W
- ⑭ 57°28'·25" N.
05°52'·22" W

 DANGER AREA

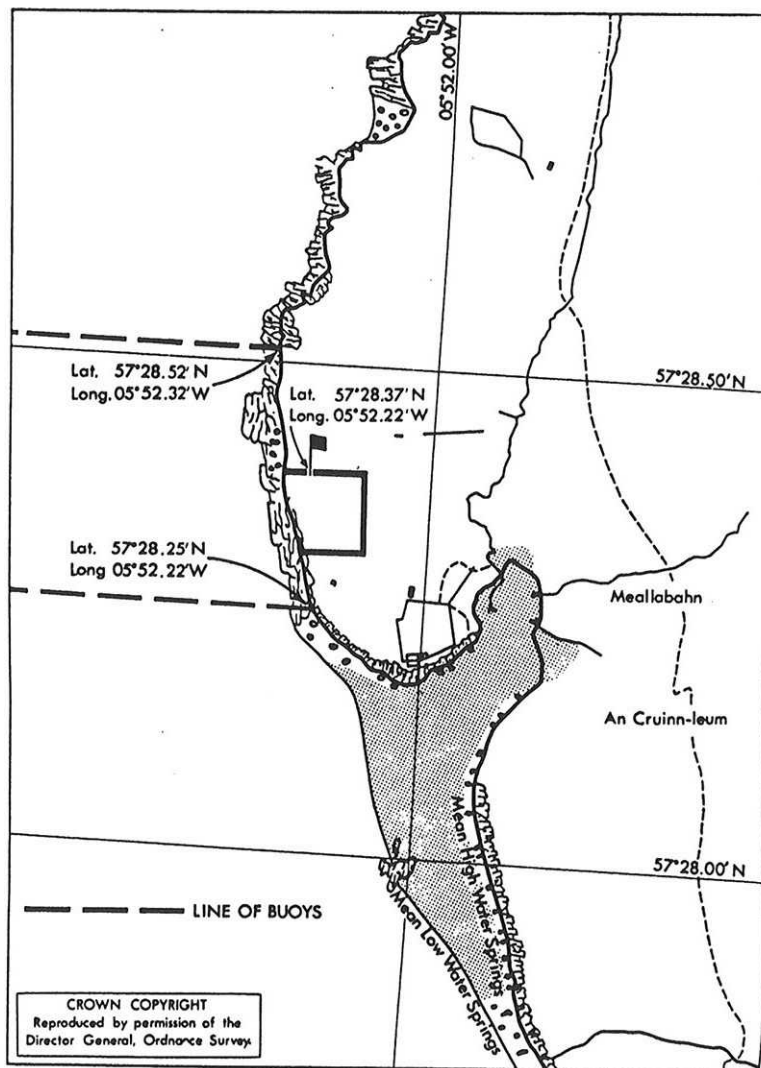
 DANGER AREA
MARKED WITH
LINE OF BUOYS

FS FLAGSTAFF



Plan of the BRITISH UNDERWATER TEST AND EVALUATION CENTRE Sea Area

Plan of the BRITISH UNDERWATER TEST AND EVALUATION CENTRE Land Area



DEMARCATON OF OUTER SEA AREA

8. (a) The northern and southern limits of the Outer Sea Area shall be marked by buoys on the boundaries at approximately:
- (i) Latitude $57^{\circ} 29.75'$ North, Longitude $05^{\circ} 54.90'$ West,
 - (ii) Latitude $57^{\circ} 24.20'$ North, Longitude $05^{\circ} 55.60'$ West,
 - (iii) Latitude $57^{\circ} 24.20'$ North, Longitude $06^{\circ} 00.50'$ West.
- (b) A navigational light of appropriate characteristics on shore in position Latitude $57^{\circ} 29.02'$ North, Longitude $05^{\circ} 52.12'$ West, shall show a red light between bearings of 022° and 117° , and a white light on other bearings.
- (c) The northern limit shall be marked at the western extremity by a navigational beacon (No 8) and light on Garbh Eilean in position Latitude $57^{\circ} 30.68'$ North, Longitude $05^{\circ} 58.52'$ West.

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.