

# TAIN

(IN THE COUNTY OF ROSS)

## AIR GUNNERY AND BOMBING RANGE

NOTICE IS HEREBY GIVEN that the Secretary of State for Air intends to make the following Bye-laws 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, with the consent of the Board of Trade for regulating the use of the Tain Air Gunnery and Bombing Range.

### PROPOSED BYE-LAWS

#### DESCRIPTION OF THE RANGE

1. The Tain Air 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") as set out and described in the Schedule hereto. 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 air gunnery and bombing 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 air gunnery and bombing 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 vessel shall anchor or remain anchored in or ground on the Sea Area.
- (vi) No vessel shall anchor or remain anchored in or ground on the Sea Area.
- (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 air gunnery and bombing 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 Summertoun.
  - (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 25 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 hoisted 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 Bye-laws Nos. 2, 3 or 5 shall be deemed to have committed 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 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 flashing light 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 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 expressions "air gunnery and bombing practice" and "practice" include the firing of all kinds of ammunition from aircraft 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 \_\_\_\_\_ day of \_\_\_\_\_, One thousand nine hundred and thirty-\_\_\_\_\_.

### SCHEDULE

Limits of the Land and Sea Areas.

#### PART 1—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° 50' 13" N., Longitude 3° 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-westerly 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 easterly direction for a distance of about 5,450 yards, passing Danger Boards Nos. 13, 14, 15, 16 and 17, to a point 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 and the Island of Innis Bheag, situated at the mouth of Fendom Burn in Inver Bay, the south-easterly point of the Island of Innis Bheag being marked by Danger Board No. 19.

#### PART 2—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 two small islands of Innis Mhor and Innis Bheag and all other small islands or shallows within the area which is marked by a Beacon and by a series of conical shaped Buoys Nos. 1 to 8 each painted white and having a blue cross cutting the vertical axis and extending to the water line and with the letters D. and A. painted in red in alternate quadrants. The area is bounded as follows:—

**ON THE SOUTH-WEST.**—By a line commencing at a point on High Water Mark at White Ness, Latitude 57° 50' 43" N., Longitude 3° 57' 51" W., marked by Danger Board No. 1 and drawn in a direction 337° true through a point 0.63 of a sea mile marked by Buoy No. 1 and continuing for a total distance of 2.17 sea miles to a point Latitude 57° 52' 44" N., Longitude 3° 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° true for a distance of 1.20 sea miles to a point Latitude 57° 53' 23" N., Longitude 3° 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° 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° 52' 40" N., Longitude 3° 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° true for a distance of 1.25 sea miles to a point Latitude 57° 51' 36" N., Longitude 3° 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° 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° 49' 26" N., Longitude 3° 54' 17" W., marked by a beacon which consists of a pile painted black and white and surmounted by a red triangle, and thence:—

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

ALL PERSONS interested are to TAKE NOTICE that Twenty-one days after this date the Secretary of State for Air will proceed to make the above Bye-laws and in the meantime will receive and consider any objections that may be made thereto.

DATED this first day of February, One thousand nine hundred and thirty-eight.

BY ORDER of the Secretary of State for Air.

(Signed) NORMAN M. MACPHERSON,  
Solicitor in Scotland to the Air Ministry.

2a, Hill Street, Edinburgh, 2.

### 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) Air gunnery and bombing practice may take place on the Range at any time of the day or night throughout the year, except on Sundays and Public Holidays. The Range Area will not be closed more frequently or for longer periods than is absolutely necessary for the carrying out of essential practice.

#### FACILITIES FOR FISHERMEN

(4) The local Air Force authorities will afford to fishermen in pursuit of their occupation every facility consistent with the carrying out of essential firing and bombing practice on the range.

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

(5) Copies of these Bye-laws can be obtained free of charge from the Secretary, Air Ministry, Kingsway, W.O.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.B.C., Solicitor in Scotland to the Air Ministry, 2a, Hill 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

(6) A plan of the Range to which these Bye-laws apply is shown at the foot hereof.

