



*Revised by
1984 B/L*

**THE
BRITISH UNDERWATER
TEST AND EVALUATION
CENTRE
BYELAWS
1975**

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 Centre.

STATUTORY INSTRUMENTS

1975 No. 1268

DEFENCE

THE BRITISH UNDERWATER TEST AND EVALUATION CENTRE BYELAWS 1975

Made 29th May 1975

Coming into operation 1st September 1975

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 7 of the Land Powers (Defence) Act 1958 (c), Section 2 of the Defence (Transfer of Functions) Act 1964 (d) 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 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 lands belonging to the Secretary of State and the lands which the Secretary of State has a right to use for defence purposes in the County of Ross and Cromarty known as the British Underwater Test and Evaluation Centre (which lands are 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 (which area is in these Byelaws referred to as the “Sea Area”).
- (2) The boundaries of the Land Area and the limits of the Danger 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.

USE OF DANGER AREA

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

(a) 55 & 56 Vict. c. 43. (b) 63 & 64 Vict. c. 56.
(c) 6 & 7 Eliz. II c. 30. (d) 1964 c. 15.

PROHIBITION OF ACCESS

3. Without prejudice to the provisions of Byelaw No. 6:—
- (1) entry on the Land Area is prohibited at all times;
 - (2) whilst the Sea 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 Sea Area, or
 - (b) be or remain in or upon the Sea 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 Sea Area or any part thereof;
 - (3) whilst the Sea Area is being used for any of the said military purposes, notice of the fact shall be given by the display of the following signals, that is to say a red flag by day and a red light by night hoisted at the following places:—
 - (a) at a place near the Range Terminal Control Building in Latitude $57^{\circ} 28' 22''$ North, Longitude $05^{\circ} 52' 13''$ West;
 - (b) at the British Underwater Test and Evaluation Centre Shore Support Base, Kyle in Latitude $57^{\circ} 16' 50''$ North, Longitude $05^{\circ} 42' 30''$ West.

PROJECTILES

4. No person shall dig, trawl, dredge, or search for any torpedo or other 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 torpedo or other projectile or any lead or other metal found within the Sea Area, or remove any torpedo or other projectile from the Sea Area.

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 Ministry of Defence or otherwise the property of the Crown.

UNDERWATER ACTIVITIES

6. No fishing (whether by line, net 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 Sea Area at any time.

OFFENCES

7. Subject to the provisions of Byelaw No. 9:—
- (1) any person doing anything prohibited by or otherwise contravening any provision of any of the preceding Byelaws Nos. 3, 4, 5 and 6 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

8. The following persons are hereby authorised to remove 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, 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 officer, warrant officer, non-commissioned officer or rating of corresponding rank, or any Service policeman, in uniform and who is 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 person 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; and
- (e) any member of a police force, or any special constable under the control of the Defence Council.

EXEMPTIONS

9. (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 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) 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) or paragraph (2) of Byelaw No. 3, or the provision against anchoring of vessels contained in Byelaw No. 6, 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, vessels carrying out trials or compass adjustment or vessels carrying out operations with the prior approval of the Secretary of State for Trade;
- (d) any vessel belonging to the Commissioners of Northern Lighthouses whilst employed on any Northern Lighthouse Board 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 on behalf of the Secretary of State for Trade or of any local authority;
- (f) any offshore installation in transit in the Sea Area or any vessel towing or attending on such an installation whilst in transit.

INTERPRETATION

10. (1) The Interpretation Act 1889 (e) 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, torpedo or underwater weapon or unmanned vehicle and any portion thereof;
 - “instrument” includes any electrical or mechanical apparatus or part 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;
 - “offshore installation” has the meaning ascribed to it by the Mineral Workings (Offshore Installations) Act 1971 (f);
 - “aircraft” includes any craft or contrivance which though not an aircraft is for the time being airborne.

DATE OF OPERATION OF BYELAWS

11. These Byelaws shall come into operation on the 1st day of September 1975 and may be cited as the British Underwater Test Evaluation Centre Byelaws 1975.

THE SCHEDULE

The limits of the Sea Area are as follows:—

On the East

From a point on the line of Mean High Water Springs in Latitude $57^{\circ} 28' 31''$ North, Longitude $05^{\circ} 52' 19''$ West on a true bearing of 270° for a distance of 1.38 Nautical Miles to a point in Latitude $57^{\circ} 28' 31''$ North, Longitude $05^{\circ} 54' 52''$ West, thence on a true bearing of 021° for a distance of 0.62 Nautical Miles to a point in Latitude $57^{\circ} 29' 07''$ North, Longitude $05^{\circ} 54' 27''$ West; thence

On the North East

On a true bearing of 290° for a distance of 0.95 Nautical Miles to a point in Latitude $57^{\circ} 29' 27''$ North, Longitude $05^{\circ} 56' 09''$ West; thence

On the North West

On a true bearing of 201° for a distance of 0.72 Nautical Miles to a point in Latitude $57^{\circ} 28' 45''$ North, Longitude $05^{\circ} 56' 35''$ West, thence on a true bearing of 289° for a distance of 0.50 Nautical Miles to a point in Latitude $57^{\circ} 28' 56''$ North, Longitude $05^{\circ} 57' 28''$ West, thence on a true bearing of 200° for a distance of 2.43 Nautical Miles to a point in Latitude $57^{\circ} 26' 37''$ North, Longitude $05^{\circ} 58' 59''$ West, thence on a true bearing of 109° for a distance of 0.49 Nautical Miles to a point in Latitude $57^{\circ} 26' 27''$ North, Longitude $05^{\circ} 58' 07''$ West, thence on a true bearing of 199° for a distance of 1.46 Nautical Miles to a point in Latitude $57^{\circ} 25' 03''$ North, Longitude $05^{\circ} 59' 01''$ West; thence

On the South West

On a true bearing of 110° for a distance of 0.98 Nautical Miles to a point in Latitude $57^{\circ} 24' 44''$ North, Longitude $05^{\circ} 57' 18''$ West; thence

On the South East

On a true bearing of 019° for a distance of 1.46 Nautical Miles to a point in Latitude $57^{\circ} 26' 06''$ North, Longitude $05^{\circ} 56' 23''$ West, thence on a true bearing of 110° for a distance of 0.46 Nautical Miles to a point in Latitude $57^{\circ} 25' 57''$ North, Longitude $05^{\circ} 55' 34''$ West, thence on a true bearing of 020° for a distance of 2.40 Nautical Miles to a point in Latitude $57^{\circ} 28' 15''$ North, Longitude $05^{\circ} 54' 03''$ West, thence on a true bearing of 090° for a distance of 1.00 Nautical Miles to a point in Latitude $57^{\circ} 28' 15''$ North, Longitude $05^{\circ} 52' 13''$ West, thence along the line of Mean High Water Springs in a northerly direction to the point of commencement in Latitude $57^{\circ} 28' 31''$ North, Longitude $05^{\circ} 52' 19''$ West.

DATED this 19th day of May 1975.

(Signed) M. H. TALLBOYS

BY ORDER of the Secretary of State for Defence.

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

DATED this 29th day of May 1975.

(Signed) J. N. ARCHER

An Under Secretary of the Department of Trade.

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 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.

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 No. 2 an additional red flag by day and an additional red light by night may be hoisted below the flag and light described in Byelaw No. 3(3)(a) in order to notify the master of the vessel that his vessel is within the Danger Area. The additional red flag by day and additional red light by night may also be hoisted half an hour before firing is due to start in order to notify masters of vessels in the vicinity of the Danger Area that firing will shortly take place.

INSPECTION OF BYELAWS AND PLAN

3. A copy of these Byelaws and a plan showing the Danger Area may be inspected at the Post Office, Applecross, the office of the Officer in Charge of the British Underwater Test and Evaluation Centre, Kyle and the Police Station, Kyle. They may also be inspected at the office of the Defence Land Agent, Department of the Environment, Property Services Agency, Donibristle Estate, Hillend, Dunfermline, Fife KY11 5NE 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 torpedo or other projectile within the Danger Area, must not disturb it but should report the finding of it to the Officer in Charge of the British Underwater Test and Evaluation Centre, Kyle, to the police or to a coastguard at the first opportunity.

PUBLIC NOTIFICATION OF FIRING

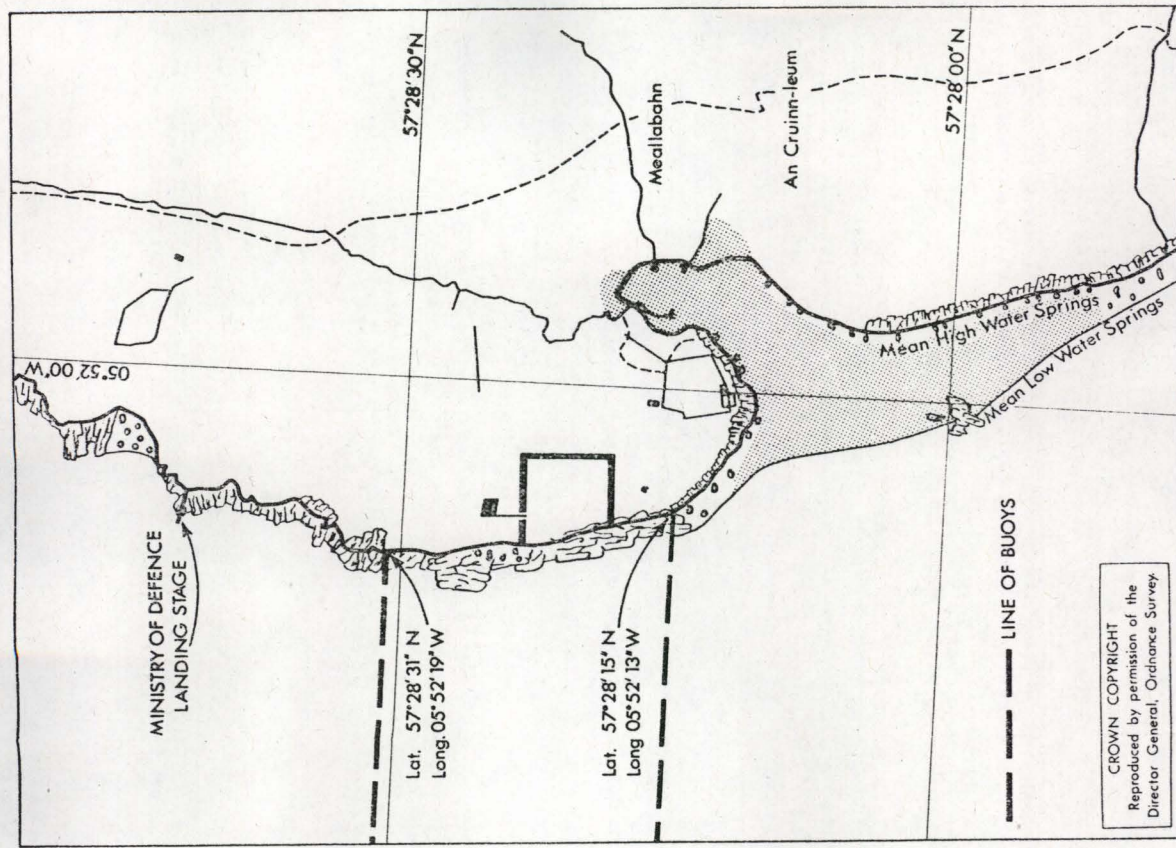
5. Public Notification that firing will take place will be given by sending notices, not less than three clear days before the day or night of firing, giving particulars of the intended date, time and duration of the firing to the following persons and authorities:—

Fishery Officer, Mallaig	Gairloch District Council, Poolewe
Fishery Officer, Ullapool	Lochbroom District Council, Ullapool
Piermaster, Gairloch	Messrs. D. & H. Ferguson, Applecross
Geo. Campbell & Sons, Portree	The Ferry Supervisor, Caledonian MacBrayne Ltd, Kyleakin
McCleod fish sales, Kyle the local owner, Strathcarron	HM Coastguard, Stornoway
Ross Sailing Ltd, Lochcarron	HM Coastguard, Duntulm
South West Ross District Council, Kyle	M. Nicholson, 23 Inverarish, Isle of Raasay
Lochcarron District Council, Lochcarron	

DEMARCATIION OF THE CABLE CORRIDOR

6. (a) The cable corridor between the Land Area and the main part of the Sea Area shall be marked by two lines of buoys as follows:—
- (i) to the North, along a line of Latitude $57^{\circ} 28' 31''$ North, between Longitudes $05^{\circ} 52' 19''$ West and $05^{\circ} 52' 36''$ West, and
 - (ii) to the South, along a line of Latitude $57^{\circ} 28' 15''$ North, between Longitudes $05^{\circ} 52' 13''$ West, and $05^{\circ} 52' 36''$ 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 $57^{\circ} 28' 31''$ North, Longitude $05^{\circ} 52' 19''$ West,
 - (ii) Latitude $57^{\circ} 28' 31''$ North, Longitude $05^{\circ} 52' 17''$ West,
 - (iii) Latitude $57^{\circ} 28' 15''$ North, Longitude $05^{\circ} 52' 13''$ West,
 - (iv) Latitude $57^{\circ} 28' 15''$ North, Longitude $05^{\circ} 52' 11''$ West.

Plan of the BRITISH UNDERWATER TEST AND EVALUATION CENTRE Land Area



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Legend

Graticule values
for positions shown
numerically:—

- ① 57°28'31" N.
05°52'19" W
- ② 57°28'31" N.
05°54'52" W
- ③ 57°29'07" N.
05°54'27" W
- ④ 57°29'27" N.
05°56'09" W
- ⑤ 57°28'45" N.
05°56'35" W
- ⑥ 57°28'56" N.
05°57'28" W
- ⑦ 57°26'37" N.
05°58'59" W
- ⑧ 57°26'27" N.
05°58'07" W
- ⑨ 57°25'03" N.
05°59'01" W
- ⑩ 57°24'44" N.
05°57'18" W
- ⑪ 57°26'06" N.
05°56'23" W
- ⑫ 57°25'57" N.
05°55'34" W
- ⑬ 57°28'15" N.
05°54'03" W
- ⑭ 57°28'15" N.

