

No. 1148 of 1941.



# NESS OF SOUND RANGES

## ZETLAND

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### 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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*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.*

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 and display of signals in manner hereinafter provided in Bye-Law No. 4 that firing is taking place on the NESS OF SOUND ranges, all intrusion on the land area and the foreshore and sea abutting thereon (hereinafter called the sea area) within the limits set out in the Schedule hereto, and all obstructions of the use thereof is prohibited.

### LAND AND SEA AREAS AFFECTED.

The land area and sea area affected when firing takes place are described in the Schedule and shown on the plan attached hereto.

### OFFENCES DURING FIRING.

3. While notice that firing is taking place over the NESS OF SOUND 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 affected :—

- (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 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 or display of the following signals.

#### (A) *By Day.*

(i) A Red Flag hoisted on a flagstaff at each of the following places :—

(a) At point 198 (behind the target).

(b) At Launching Croo (south west of the target).

(ii) 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.

(iii) Notice to Aircraft that firing is taking place with Anti-Aircraft Small Arms will be given by the exposition of a suitably sited letter "A" (8 ft. by 8 ft. 2½ ins.) in black on a white background.

#### (B) *By Night.*

A Red Light hoisted on a flagstaff at each of the following places :—

(i) At point 198 (behind the target).

(ii) At Launching Croo (south-west of the target).

The positions of the flagstaffs referred to above are indicated on the plan attached hereto.

### 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 commence and will be hoisted close up or exposed when firing begins and will, subject to provisions of Bye-law No. 7, remain so hoisted or exposed until firing has ceased, when the flag will be hauled down and the letters "F" and "A" covered up.

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

### RECOVERY OF SHELL, ETC.

5. No person shall trawl, dredge or search for or otherwise interfere with any shot, shell or other projectile, or portion thereof within the sea area, or take or retain, or be in possession of, any such shot, shell 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 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 or 3 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 or 3, 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 :—

- (i) The General Officer Commanding-in-Chief, Scottish Command.
- (ii) The Officer in Charge of the Range.
- (iii) Any Officer, Warrant Officer, Non-Commissioned Officer or any Military Policeman for the time being under the Command of the said Officer in Charge.

- (iv) Any person authorised in writing under the hand of the said Officer in Charge ; or
- (v) Any Constable. •

#### WHEN VESSEL OR AIRCRAFT IN DANGER.

7.—(1) While any vessel or aircraft is within the sea area 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 feet below each of the Red Flags referred to in Bye-law No. 4 (A).

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

(2)—(a) When any aircraft is observed on a course likely to bring it flying over the danger area at a height estimated to be less than 3,000 feet 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 at a height estimated to be less than 10,000 feet when firing with Anti-Aircraft small arms 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 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 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. The Bye-laws shall come into force at the date hereof.

### SCHEDULE.

#### DESCRIPTION OF LAND AND SEA AREAS.

##### 1. Land Area.

(a) *On Seaward Side.*—By a line commencing at a point 325° 257 yards from the South-West corner of the house Ness of Sound and running in a direction of 199° for a distance of 107 yards to high water mark; thence continuing along the line of high water mark in a southerly direction to Skeeter Skerries, thence along the line of high water mark to Dainaberg at a point 103° 110 yards from the 198 foot point referred to in Bye-law 4 (A) (a) thence:—

(b) *On Landward Side.*—By a line running in a direction of 342° for a distance of 350 yards through pasture land and cultivated fields thence to the starting point by a line running in a direction of 324° through cultivated fields. •

##### 2. Sea Area.

(a) *On the North-West and West.*—By a line commencing at a point on High Water Mark in Latitude 60° 08' 16" N. Longitude 1° 09' 38" W. and drawn in a direction of 202° to a point in Latitude 60° 08' 00" N. Longitude 1° 09' 52" W., thence by a line drawn in a direction of 192° to a point in Latitude 60° 07' 35" N. Longitude 1° 10' 02" W., thence by a line drawn in a direction of 177° to a point in Latitude 60° 06' 45" N. Longitude 1° 09' 57" W., thence

(b) *On the South.*—By a line commencing at the last-mentioned point and drawn in a direction of 87° to a point in Latitude 60° 06' 47" N., Longitude 1° 08' 57" W., thence

(c) *On the East.*—By a line commencing at the last-mentioned point and drawn in a direction of 357° to a point in Latitude 60° 07' 37" N., Longitude 1° 09' 02" W., thence by a line drawn in a direction of 342° to a point on High Water Mark in Latitude 60° 07' 51" N., Longitude 1° 09' 11" W., thence

(d) *On the North and North-East.*—By the line of High Water Mark from the last-mentioned point to the starting point in Latitude 60° 08' 16" N., Longitude 1° 09' 38" W.

*Note.*—All bearings and directions given above are TRUE.



Dated this second day of August, One thousand nine hundred and forty-one.

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

(Sgd.) G. D. 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.

### TIMES OF FIRING.

3. Firing may take place from these ranges at any time of the day or night throughout the year.

### PROCEDURE FOR CLEARING SEA AREA.

- 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 (a) and (b) 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 order 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 Territorial Army and Air Force Association, "Holmsgarth," Lerwick.

#### WHERE PLAN OF RANGE CAN BE INSPECTED.

7. A plan and chart showing the land and sea areas of the ranges and the position of the flagstaff and signals can be inspected at the Office of the Territorial Army and Air Force Association, "Holmsgarth," Lerwick.

#### AIRCRAFT WARNING.

8. 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.



