

Protection of Wrecks Act 1973

1973 CHAPTER 33

An Act to secure the protection of wrecks in territorial waters and the sites of such wrecks, from interference by unauthorised persons; and for connected purposes

[18th July 1973]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows

1 Protection of sites of historic wrecks

(1) If the Secretary of State is satisfied with respect to any site in United Kingdom waters that—

(a) it is, or may prove to be, the site of a vessel lying wrecked on or in the sea bed; and

(b) on account of the historical, archaeological or artistic importance of the vessel, or of any objects contained or formerly contained in it which may be lying on the sea bed in or near the wreck, the site ought to be protected from unauthorised interference,

he may by order designate an area round the site as a restricted area.

(2) An order under this section shall identify the site where the vessel lies or formerly lay, or is supposed to lie or have lain, and—

(a) the restricted area shall be all within such distance of the site (so identified) as is specified in the order, but excluding any area above high water mark of ordinary spring tides; and

(b) the distance specified for the purposes of paragraph (a) above shall be whatever the Secretary of State thinks appropriate to ensure protection for the wreck.

(3) Subject to section 3(3) below, a person commits an offence if, in a restricted area, he does any of the following things otherwise than under the authority of a licence granted by the Secretary of State—

(a) he tampers with, damages or removes any part of a vessel lying wrecked on or in the sea bed, or any object formerly contained in such a vessel; or

(b) he carries out diving or salvage operations directed to the exploration of any wreck or to removing objects from it or from the sea bed, or uses equipment constructed or adapted for any purpose of diving or salvage operations; or

(c) he deposits, so as to fall and lie abandoned on the sea bed, anything which, if it were to fall on the site of a wreck (whether it so falls or not), would wholly or partly obliterate the site or obstruct access to it, or damage any part of the wreck;

and also commits an offence if he causes or permits any of those things to be done by others in a restricted area, otherwise than under the authority of such a licence.

(4) Before making an order under this section, the Secretary of State shall consult with such persons as he considers appropriate having regard to the purposes of the order; but this consultation may be dispensed with if he is satisfied that the case is one in which an order should be made as a matter of immediate urgency.

(5) A licence granted by the Secretary of State for the purposes of subsection (3) above shall be in writing and—

(a) the Secretary of State shall in respect of a restricted area grant licences only to persons who appear to him either—

(i) to be competent, and properly equipped, to carry out salvage operations in a manner appropriate to the historical, archaeological or artistic importance of any wreck which may be lying in the area and of any objects contained or formerly contained in a wreck, or

(ii) to have any other legitimate reason for doing in the area that which can only be done under the authority of a licence;

(b) a licence may be granted subject to conditions or restrictions, and may be varied or revoked by the Secretary of State at any time after giving not less than one week's notice to the licensee; and

(c) anything done contrary to any condition or restriction of a licence shall be treated for purposes of subsection (3) above as done otherwise than under the authority of the licence.

(6) Where a person is authorised, by a licence of the Secretary of State granted under this section, to carry out diving or salvage operations, it is an offence for any other person to obstruct him, or cause or permit him to be obstructed, in doing anything which is authorised by the licence, subject however to section 3(3) below.

2 Prohibition on approaching dangerous wrecks

(1) If the Secretary of State is satisfied with respect to a vessel lying wrecked in United Kingdom waters that—

(a) because of anything contained in it, the vessel is in a condition which makes it a potential danger to life or property; and

(b) on that account it ought to be protected from unauthorised interference,

he may by order designate an area round the vessel as a prohibited area.

(2) An order under this section shall identify the vessel and the place where it is lying and—

(a) the prohibited area shall be all within such distance of the vessel as is specified by the order, excluding any area above high water mark of ordinary spring tides; and

(b) the distance specified for the purposes of paragraph (a) above shall be whatever the Secretary of State thinks appropriate to ensure that unauthorised persons are kept away from the vessel.

(3) Subject to section 3(3) below, a person commits an offence if, without authority in writing granted by the Secretary of State, he enters a prohibited area, whether on the surface or under water.

3 Supplementary provisions

(1) In this Act—

“United Kingdom waters” means any part of the sea within the seaward limits of United Kingdom territorial waters and includes any part of a river within the ebb and flow of ordinary spring tides;

“the sea” includes any estuary or arm of the sea; and

references to the sea bed include any area submerged at high water of ordinary spring tides.

(2) An order under section 1 or section 2 above shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament and may be varied or revoked by a subsequent order under the section; and the Secretary of State shall revoke any such order if—

(a) in the case of an order under section 1 designating a restricted area, he is of opinion that there is not, or is no longer, any wreck in the area which requires protection under this Act;

(b) in the case of an order under section 2 designating a prohibited area, he is satisfied that the vessel is no longer in a condition which makes it a potential danger to life or property.

(3) Nothing is to be regarded as constituting an offence under this Act where it is done by a person—

(a) in the course of any action taken by him for the sole purpose of dealing with an emergency of any description; or

(b) in exercising, or seeing to the exercise of, functions conferred by or under an enactment (local or other) on him or a body for which he acts; or

(c) out of necessity due to stress of weather or navigational hazards.

(4) A person guilty of an offence under section 1 or section 2 above shall be liable on summary conviction to a fine of not more than the prescribed sum, or on conviction on indictment to a fine; and proceedings for such an offence may be taken, and the offence may for all incidental purposes be treated as having been committed, at any place in the United Kingdom where he is for the time being.

4 Citation

This Act may be cited as the Protection of Wrecks Act 1973.