

ENVIRONMENT

NEWS RELEASE

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HERITAGE MINISTER ANNOUNCES NAUTICAL ARCHAEOLOGY INITIATIVES

Heritage Minister, Baroness Blatch, today announced new measures for the protection of historic wrecks in United Kingdom waters.

In reply to a Parliamentary Question from Lord Gainford who asked when the Government expected to respond to the recommendations of the Joint Nautical Archaeological Policy Committee's report 'Heritage at Sea,' Lady Blatch said:

"We have responded today and I am placing copies in the library of the House.

"In response to the report we have already announced two main changes. These were set out in the White Paper 'This Common Inheritance'. The first is the transfer of responsibility for the protection of historic wrecks in English waters from the Department of Transport to the Department of the Environment. This will bring together control of archaeology on land with that under water. Similar transfers will take place in relation to Scotland, Wales and Northern Ireland. The second is the preparation of a central record of historic wrecks by the Royal Commission on the Historical Monuments of England. The Commission in Scotland will be asked to take on a similar

responsibility. In Wales, the Welsh Office will be reviewing the new work with the Royal Commission on Ancient and Historical Monuments in Wales.

"In the fuller response made today we say we are ready to develop, in discussion with the organisations concerned, a code of practice for sea-bed operators whose activities could affect wreck sites. We are also willing to exercise Government powers of ownership, where these can be established, in favour of conserving wreck sites and the artefacts recovered from them. We will consider sympathetically applications for special grant for the development of diver training in the skills required for underwater archaeology. We also make a commitment to make the best of existing salvage reporting arrangements to encourage important finds to be properly conserved and displayed.

"The Government does not accept that there is a need for a new agency or legislation but it does intend to make the best use of the powers and resources available in the interest of conservation and to review these matters once the new allocation of responsibilities has had time to take effect.

"The Government is grateful to the Joint Committee for its work and hopes to have the benefit of its expertise and advice again on these matters in future."

NOTES TO EDITORS

"Heritage at Sea" was prepared and published in May 1989 by the Joint Nautical Archaeology Committee. The Committee is a group of representatives from the National Maritime Museum, the Nautical Archaeology Society, the Council for British Archaeology, the Institute of Field Archaeologists, and the Society for Nautical Research.

The main legislation covering underwater archaeological sites is the 1973 Protection of Wrecks Act. The Act is currently the responsibility of the Secretary of State for Transport who designates historic wreck sites in UK waters and licenses diving and other activities around them, where these are acceptable.

These responsibilities are to be transferred to the Secretary of State for the Environment, with similar transfers in Scotland, Wales and Northern Ireland, to bring together control of archaeology on land with that underwater. This element of the response made today was first foreshadowed in the White Paper "This Common Inheritance" published in September.

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THE GOVERNMENT'S RESPONSE TO "HERITAGE AT SEA"

1. In May 1989 the Joint Nautical Archaeology Policy Committee published its report 'Heritage at Sea' which set out proposals for the better protection of archaeological sites underwater.
2. This memorandum sets out the Government's response to 'Heritage at Sea'. In September the Government published the White Paper, "This Common Inheritance", which announced a proposal to transfer from the Secretary of State for Transport to the Secretary of State for the Environment, responsibility for the designation of sites of historic wrecks in English waters and the licensing of diving and other activities around them. The White Paper announced similar transfers of responsibility in relation to Scotland, Wales and Northern Ireland. It also announced that the Royal Commission on the Historical Monuments of England should begin work on a central record of historic wrecks.
3. These are the main changes which the Government proposes to make in response to 'Heritage at Sea', but there are also a number of other points which the Government intends to pursue. This memorandum responds more fully to each of the Committee's recommendations.

Recommendation 1

New legislation, specifically drafted for the protection of underwater archaeological sites and the artefacts associated with them, and covering all aspects of the underwater cultural heritage, should be enacted as soon as possible.

4. The Government considers that the existing provisions of the Protection of Wrecks Act 1973 have served quite well. Before

deciding whether to make changes, therefore, it intends to see how they operate following the transfer of responsibility to Departments which also have responsibility for archaeology on land. It is satisfied with the provisions of the Protection of Military Remains Act 1986, and with the protection they afford to these special sites.

5. The Government recognises that the provisions of the Merchant Shipping Act 1894 in relation to the reporting of salvaged wreck and the payment of salvage awards were framed in an earlier age. But it is not convinced that serious damage is done to archaeological material, nor that important material is being lost to public collections, simply as a result of the requirements of salvage law.

6. 'Heritage at Sea' did not itself recommend the way the Government should move forward in this area. Although some proposals have subsequently been submitted to the Government, it is apparent that changes to the system of reporting and awards are likely to prove controversial. For the present, it intends to keep the working of this legislation under review.

Recommendation 2

An inventory of underwater sites within territorial waters should be compiled and maintained at a national and local level. A set of criteria for assessing the importance of sites should be established and the sites should be graded accordingly.

7. The Government accepts that for better management and preservation of underwater archaeological sites we need to improve our knowledge of where they are and what they comprise. The Archaeological Diving Unit has already carried out some work and the advice of the Advisory Committee on Historic Wrecks has been an invaluable resource. The Government has now invited the Royal Commission on the Historical Monuments of England to start



work on preparing a central record of historic wrecks. The Commission in Scotland will be asked to take on a similar responsibility. In Wales, the Welsh Office will be reviewing the new work with the Royal Commission on Ancient and Historical Monuments in Wales. This work will progress as resources allow, and subject to the competing claims of other work which the Commissions are asked to undertake.

Recommendation 3

The payments required by the Merchant Shipping Act 1894, of fees and VAT, based on the market value of items raised from the seabed, should be waived in the case of items which are to be kept in publicly accessible collections. This should include all finds from sites which are statutorily protected.

8. Customs duty and VAT are not payable on antiques over 100 years old, nor on collectors' pieces of historical or archaeological interest. Antiques over 100 years old, except wines and spirits, are also exempt from excise duty. The restricted range of excise duties means that wreck will seldom attract a charge anyway. With these points in mind, the Government sees no need for change at present.

9. Legislation would be required to abolish the requirement to pay commission to Receivers of Wrecks. The Department of Transport is looking at this possibility, and an announcement will be made when it has reached its conclusion.

Recommendation 4

Commercial seabed operators and statutory undertakers active on the seabed should be encouraged to carry out archaeological



implication surveys before the seabed is disturbed and cooperate with archaeologists during potentially destructive work.

10. The Department of the Environment, in consultation with the territorial heritage Departments, will work with the National Maritime Museum and the representatives of seabed operators to consider whether a code of practice can be developed, what form such a code of practice might take, and who might be consulted when sites of archaeological interest are discovered. The principles established in relation to operations on land may well be relevant to this. They include the provision of help by developers for excavation in some cases.

Recommendation 5

The Ministry of Defence, who have responsibility for historic naval wrecks, and the Foreign and Commonwealth Office, who are responsible for East India Company property in wrecks, should acknowledge and fulfil their responsibilities. They should enter into proper consultation with archaeological bodies before disposing of property from underwater. In the long term they should consider transferring the administration of these cultural resources to the maritime heritage protection agency proposed in recommendation 6.

11. The Ministry of Defence recognises its obligation to dispose responsibly of its interest in historic wreck, and to consult the appropriate archeological bodies before so doing. Title to, and responsibility for, the wrecks of East Indiamen may not always be so clear as the Report suggests. The Foreign and Commonwealth Office will consider whether it is possible to seek to establish any rights belonging to the Crown. It will be for the Department of the Environment in England, and the territorial departments elsewhere, to exercise any rights of ownership in each case. They will do this in consultation with the relevant archaeological bodies.

Recommendation 6

The new legislation should provide for the establishment of a maritime protection agency which should carry out and coordinate the survey work necessary for the inventory; assess the importance of sites; arrange for the protection of sites by buoying and burial; process applications for licences to carry out work on sites and coordinate archaeological diver training and public education.

12. The Government is not persuaded of the need for setting up a new agency. Instead it proposes to consolidate the existing arrangements for maritime archaeology alongside those for archaeology on land. Lead responsibility for maritime archaeology, together with the advice available from the Archaeological Diving Unit and the Advisory Committee on Historic Wrecks will transfer to the Department of the Environment. Their advice will also be available to the other heritage Departments. The activities of the Unit and the expenses of the Advisory Committee will continue to be financed by Government. In addition, the Secretary of State for the Environment is prepared in principle to consider proposals from the relevant organisations for grant-aiding a small programme of education for archaeological divers. The aim would be to encourage the training of amateur underwater archaeologists in the necessary skills. Those divers might ultimately be able to help the Government in providing information about protected wreck sites, and disseminating information and guidance to other sport divers.

Recommendation 7

In the short term, better use should be made of existing legislation to protect underwater sites and effective

arrangements should be made for the reporting of artefacts recovered from the seabed.

13. The White Paper "This Common Inheritance" announced the transfer of responsibility for the protection of historic wreck sites in English waters to the Secretary of State for the Environment. Parallel arrangements are to be made for the other parts of the United Kingdom. The Departments concerned will continue to exercise these powers to safeguard important sites. They will endeavour to improve the current reporting arrangements for artefacts where this can be achieved within the existing level of resources.

Department of the Environment
17 December 1990



DRAFT LETTER FROM LADY BLATCH TO ADMIRAL OF THE FLEET LORD LEWIN
KG GCB LVO DSC, CHAIRMAN OF TRUSTEES, THE NATIONAL MARITIME
MUSEUM, GREENWICH, LONDON SE10 9NF

"HERITAGE AT SEA"

I understand that you and the Director of the Museum met Virginia Bottomley on 3 May 1989 to discuss the proposals in the Joint Nautical Archaeology Policy Committee's report "Heritage at Sea", at the time of its publication.

Since then, as you know, officials have been examining the proposals in detail and have held a number of discussions with Mr Ormond and his colleagues and with other interested parties. The Government's initial response was set out in the White Paper "This Common Inheritance" and included the decision to transfer responsibility for the protection of historic wrecks under the 1973 Act to the Environment Departments, with effect from next April.

I am now writing to you with the Government's fuller response, as set out in the enclosed Memorandum, which we are making available to Parliament today.

I hope your Committee will agree that our response, whilst not implementing "Heritage at Sea" in its entirety, provides a sound basis for taking forward policy in this important branch of history and archaeology. I am very grateful to you and your colleagues for your help in bringing these matters to the Government's attention.

I am copying this letter and enclosure to Patrick McLoughlin, James Douglas-Hamilton, Sir Wyn Roberts and Richard Needham, and to Cranley Onslow.

