

Protecting our Marine Historic Environment: Making the System Work Better.

**Response by
The Joint Nautical Archaeology Policy Committee**

The Joint Nautical Archaeology Policy Committee (“JNAPC”) welcomes the opportunity to respond to the Consultation Document - Protecting our Marine Historic Environment: Making the System Work Better.

The JNAPC was formed over fourteen years ago from individuals and representatives of institutions who wished to raise awareness of the United Kingdom’s underwater cultural heritage and to persuade government that underwater sites of historical importance should receive no less protection than those on land. Some summary information on the JNAPC and its members is attached

In May 1989 the JNAPC launched *Heritage at Sea* seeking better protection for our underwater cultural heritage, and followed this in 2000 with *Heritage Law at Sea*, which called for a review of the legislation affecting the protection of historic sites underwater. In 2003 the JNAPC published *An interim Report on the Valletta Convention & Heritage Law at Sea*, which made detailed recommendations for legal and administrative changes to protect the UK’s underwater cultural heritage.

The JNAPC therefore wishes to congratulate the Department for Culture, Media and Sport for issuing this Consultation Document.

It could be said that underwater archaeology lags its terrestrial counterpart by at least eighty years: the current state of knowledge and protection is equivalent to early terrestrial provision after the passing of the 1882 Ancient Monuments Act and prior to the discoveries achieved by aerial photography from the 1920’s onwards. There is an urgent need to catch up.

The JNAPC welcomes the commitment to address the key issues made in paragraphs 12-19 of the Consultation Document. We also endorse the Summary of Suggestions for Change set out on pages 33 to 35. These provide the basis for future protection and we put forward further recommendations for enhancement, which come later in this response. We especially welcome the principle of a single Register of Historic Sites and Buildings of England (and appropriate Lists in the other Home Countries), which will need to be accompanied by a proactive programme of characterisation and designation. The JNAPC also believes that a strategic framework for the marine environment needs to be created by the provision of marine spatial planning, since this will create the same foundation that the land use planning system presently provides for protection of the terrestrial cultural heritage. This would also go some way towards the achievement of a

‘seamless’ approach to the protection of terrestrial and marine cultural heritage.

We also believe there are strong similarities between the protection needed by the marine historic environment and the marine natural environment and to avoid the development of a duplicated and confusing system of consenting, information provision and enforcement regimes, it is important that DCMS, Defra and the nature conservation advisers, and the Heritage agencies work closely to develop a common procedure that covers protection of both natural and archaeological sites of importance.

The JNAPC looks forward to the progression of this consultation initiative into new legislation in the near future. Over the last ten years the JNAPC has devoted considerable resources to developing detailed proposals for legislative reform, which have been published. The JNAPC would welcome the opportunity to take part in any continuing dialogue or discussion on how this process might be progressed and to contribute its legal expertise.

Question 1

What should be encompassed by the term ‘marine historic environment’?

The JNAPC believes that the term ‘marine historic environment’ should be as inclusive as possible and should include ‘any deposit that has been formed by human activity, or that reflects the effects of that activity on the environment’. Reference should be made to the definitions produced by the Valletta Convention, the UNESCO Convention on the Protection of the Underwater Cultural Heritage, and the Granada Convention (for buildings and structures founded on the seabed).

We agree that the proposals for the definition of a Marine Historic Asset (“MHA”) made in paragraphs 41 and 42 are a very good start. For the sake of completeness we recommend that the proposed definition include the following:

- The definition would automatically include any remains which can presently be designated under the Protection of Wrecks Act 1973 or the Protection of Military Remains Act 1986 or be scheduled under the Ancient Monuments and Archaeological Areas Act 1979.
- Inter-tidal and managed retreat, submerged monuments and occupation sites, associated deposits, gravels, peat deposits and submerged forests.
- Shipwrecks, aircraft, their contents and debris fields.
- Chance finds (artefacts) and ecofacts in, on or under the seabed.
- Harbours, coastal structures, coastal industries and associated deposits.
- Sites that have a demonstrable potential to include physical traces of the historical environment
- Buildings and other structures offshore or in the inter-tidal zone.
- Areas of marine cultural heritage (e.g. Scapa Flow, Goodwin Sands)
- The setting of MHA

Question 2

Should the legal basis for maritime heritage conservation (protection) continue to be UK-wide and should it be more closely integrated with terrestrial conservation?

The JNAPC considers that the legal basis for marine heritage protection should continue to be UK-wide following the precedent of existing legislation such as the Protection of Wrecks Act 1973, Protection of Military Remains Act 1986, Merchant Shipping Act 1995, and the Ancient Monuments and Archaeological Areas Act 1979, which are UK-wide. The sea around the United Kingdom is a seamless continuum and separate legislation would require artificial boundaries and would cause great confusion to sea users. The JNAPC believes that there should be an overarching UK wide heritage Act of Parliament or a Marine Act, which brings a holistic view to issues of marine nature and cultural heritage protection.

Where possible the legal basis for marine heritage protection should be closely integrated with terrestrial heritage protection and the principles, values, application and terminology should be equivalent to those used in terrestrial heritage protection. However it must be accepted that special conditions apply in the marine environment, which are not replicated on land, and so legislation will not be able to be identical.

Not only should individual sites be protected but consideration should be given to protecting Archaeological Areas such as the Goodwin Sands, which are known to hold at least 2,800 wrecks most of which are of historic interest¹.

Consideration should be given to integrating closely the legal basis for marine heritage conservation with marine nature protection. There are more similarities than differences between the measures needed to protect marine historic heritage and marine natural heritage. Consideration should be given to integrating closely the legal basis for mapping, designation of protected areas, consenting of activities within protected areas, informing sea users of the existence and location of any protected areas, management, and enforcing protection measures.

Question 3

Would it be helpful to have an elapse of time or a date as a criterion in respect of marine historic assets? If so, what should that time be?

It will be necessary to have a cut-off date for MHA since it will be necessary to differentiate between modern and historic wreck for the purposes of the Merchant Shipping Act 1995, which is administered by the Receiver of Wreck.

¹ Note the Ancient Monument and Archaeological Act 1979 may create archaeological areas. .

As suggested in paragraphs 44 and 45 of the Consultation Document the JNAPC believes it would be appropriate to use the lapse of 50 years as the default definition for marine historic assets. This will give all finders a clear guideline of what may or may not be of historic interest. The use of Summaries of Importance, whilst useful for known sites, would not be appropriate at the discovery stage as clearly the finds are not known and therefore there cannot be a Summary of Importance at that stage.

It must, however, be recognised that more recent sites or structures (e.g. military or industrial installations, wrecks etc.) can be of historic importance, as they are on land. The definition of marine historic assets should therefore be capable of being extended to any marine cultural material less than 50 years old which is of historical, archaeological or artistic importance or potential. These assets could also be protected or listed as appropriate.

Question 4

What kinds of criteria should be used to decide which marine historic assets should be designated? Should marine historic assets be subject to a set of generic criteria which might be constructed for the new designation or should marine historic assets be subject to specific criteria relating to their special nature?

The JNAPC agrees with the proposal that statutory responsibility for designating marine sites in English waters be given to English Heritage (paragraphs 48 to 50). We suggest that the proposal in paragraph 51 not to have grades of protected marine sites be revisited and that a revised system of grading according to importance should be introduced.

This question proposes methods of administration rather than legislation. The existing non-statutory criteria presently used under the Protection of Wrecks Act 1973 and the Ancient Monument and Archaeological Act 1979 would be a useful starting point. They have been used systematically in the Monuments Protection Programme and should be developed to include specific provisions for protecting marine heritage interests. These criteria should also be developed to include the existence of human remains at sea.

In cases where either heritage legislation or the Protection of Military Remains Act 1986 could be applied, the heritage legislation should prevail by default unless negotiated otherwise with heritage agencies (e.g. K class submarines in the Firth of Forth). The 1986 Act lacks any capacity for proactive management of cultural heritage and is protective in a reactive manner.

Question 5

Should protected sites be subject to standardised constraints on activity, or should the heritage agencies define what activities will or will not require consent on each site?

The JNAPC believes that generic constraints should apply to all protected sites consistent with seeking general protection against disturbance by divers, developers, fisheries and other users, and they should promote a 'look but don't touch' philosophy. The default situation should be that any activity potentially involving disturbance or dumping of material over a marine heritage asset would require consent unless it is specifically allowed for that site. Any exceptions should be strictly time-limited. Any more general exemption of particular activities (whether explicit or by omission from a list of proscribed activities) would be equivalent to the highly damaging and discredited system of class consent for ploughing of scheduled monuments (which is now to be reviewed). Any time-limited exemptions should be done on the basis of identifying the activities that are deemed not to be a threat based on the particular importance and vulnerability of the assets contained within the site, which will differ between wreck and non-wreck assets, and other deposits and structures.

On the basis of promoting access and education a tiered system should be introduced depending upon the robustness of the site similar to the amenity criteria for scheduled monuments. For instance these could be:

1	Visitor site	Open access but look don't touch
2	Managed access	Supervised access (e.g. visitor trails)
3	Controlled activity	Restricted access and licensed intervention

There are again similarities here with the marine natural environment and nature conservation areas that list Operations Likely to Damage (OLDs). Equivalent guidance could be developed for individual marine heritage assets, leading to appropriate management measures to limit or control each of these activities. Such guidance would need to be only advisory, and not overrule any statutory protection to prevent unauthorised damage or burial.

The Consultation Document does not address the very difficult aspect of restricting fishing activity, which will no doubt in some cases be the greatest threat to a site. The Heritage agencies presently do not have the powers to restrict fishing activity and should liaise closely with the national nature conservation agencies on how this can be effectively achieved. Consideration should be given to giving the Heritage agencies a statutory power to restrict or prohibit fishing activity where it could damage a site. In all cases, unilateral fishing restrictions can only be implemented within 6 nm of shore, outside this limit the European Commission must be involved. Defra based management agreements with fishing interests should be considered equivalent to agri-environmental schemes on land. The potential benefits for fish stocks of designating no-go areas to protect areas of heritage or ecological interest should be examined.

Question 6

Would a requirement for statements of (importance) significance for designated historic marine sites help to establish for owners, authorities and sea-users, what was important to conserve?

How could they take account of inevitable changes in knowledge, understanding and values over time? How should the limits of individual sites be defined and publicised?

The JNAPC believes that Summaries of Importance on designated sites would be helpful for owners, authorities and sea-users. As outlined in question 5 above these should be partly generic and partly specific. The criteria for the classification of important historic remains should build on those currently used for the Protection of Wrecks Act 1973 which are: Period, Rarity, Documentation, Group Value, Survival/condition, Fragility/vulnerability, Diversity, Potential.

The Summaries of Importance should not only be in the national context but take account of local importance as well.

They should be reviewed regularly over time and updated as research initiatives change and more information is obtained on each site. From a security viewpoint it needs to be debated whether site coordinates should be included, whether buoys should be placed over sites and how the sites will be policed.

The production of Summaries of Importance would be a vital component of ensuring awareness and understanding of why a site has been identified or designated as being important and therefore provide justification for any limitations on activities of sea-users that may be required. In order to be of best use to a wide audience the Summaries of Importance could be prepared in two formats: one a longer detailed document which would be circulated to key national bodies whose activities may be affected and then available to others on request from heritage agencies or online; and a brief 'brochure' or flyer that could be circulated to relevant users and posted at, for example, harbour masters near relevant sites. The flier style could be combined with any voluntary code of practice that may apply to for example divers, sailors or other recreational users of the area. The frequency of review of such Summaries needs to be carefully considered and should not be any more frequent than 5 years but perhaps not more than 10 years. It should be considered whether a formal review process affecting all designated sites is really necessary or whether flexibility should be incorporated to allow for changes to be made when these are deemed necessary for the purposes of providing adequate protection.

Site boundaries should be defined by coordinates in latitude and longitude based on the WGS 84 datum and mapped shapes. It is important that DCMS and the Heritage agencies discuss the options for defining and mapping site boundaries with all relevant government departments, agencies, and the conservation agencies. The conservation agencies have already looked into the options and issues surrounding the demarcation of site boundaries in detail during the development of the Marine Wildlife Conservation Bill (Randall Bill) in 2002, which aimed to establish a new legislative framework for designating and managing nationally important sites for nature conservation.

An extremely important issue is how far beyond the precise limit of a site (if known) protection should extend. Provision must be made for control of damage caused by new patterns of erosion and deposition induced by development. The research carried out by the Sandpit project under the 5th framework of the EU Community Research Program (contract number EVK3-CT-2001-00056; <http://sandpit.wldelft.nl/mainpage/mainpage.htm>) is highly relevant in this respect. Its overall objective is *'to develop reliable prediction techniques and guidelines to better understand, simulate and predict the morphological behaviour of large-scale sand mining pits/areas and the associated sand transport processes at the middle and lower (offshore) shore face and also in the surrounding coastal zone.'*

There are various ways in which this issue could be taken into account. One might be to define a buffer zone around the designated area; another might be to apply the concept of a physical "setting" to underwater heritage assets. Where erosion arises as an effect of development that is subject to an Environmental Impact Assessment then it should be assessed as a potential indirect effect of development, but not all seabed alterations that might induce erosion are subject to EIA.

Question 7

Who should be consulted when an application is made to designate a marine historic site? We have identified finders, Crown Estate, Defra, DfT, owners, local authorities, those pursuing economic activities such as dredging, amenity or special interest groups, 'the public' – are there others?

What would be a reasonable period for receiving representations and receiving decisions?

What form of interim protection would be reasonable to safeguard sites during the application and consultation process?

Who should be consulted?

It is important that the requirements of natural justice and due process imposed by administrative law and Article 6 of the European Convention on Human Rights are complied with. The dangers of not doing so were emphasised when DCMS was successfully taken to court in 1997 for designating the Postal Packet Hanover under the Protection of Wrecks Act 1973 without conducting adequate consultation. To the consultees identified above we should consider adding:

- MoD, FCO, Nature Conservation Agencies, Receiver of Wreck ("ROW"), Advisory Committee on Historic Wreck Sites ("ACHWS"), and professional conservators specialising in marine archaeology.
- Owners of historical vessels².
- Owners of cargo and Insurers of vessels

² Ownership of historical vessels can still be established notwithstanding their age. This has been the case for ships from the Spanish Armada, for those belonging to the former Dutch East India Company and in any event is usually so for state vessels.

- Grantees from the Crown of the Foreshore and Tidal Watercourses.
- Grantees from the Crown of the seabed.
- Contractors & Statutory Undertakers whose commercial operations are constrained or prohibited by designation or scheduling, subsequent to the entry into the contract.
- Fisheries Sector
- Navigational interests e.g. Port Authorities, Hydrographic Office, Trinity House
- Recreational Diving Organisations and Charter Boat Organisations
- Amenity and special interest groups

Period for receiving representations

Consultation should be 6 weeks for representation and 10 weeks for a decision. However these limits may have to be extended if site investigation needed to be carried out in the winter or was weather dependent.

Form of protection

Interim protection should be as extensive as that conferred by permanent designation, thus removing any possibility that interests opposed to designation could further their interest by interfering with the site during the period of interim protection. Consequently, interim protection should include a prohibition against any interference, disturbance or the causing of damage, with the customary saving for maritime emergency & navigational necessity.

The process of determining national significance should be proactive rather than reactive more along the lines of the Monuments Protection Programme. It should be noted that the marine heritage has never been subject to a full review of the kind that has been done on land for listed buildings and scheduled monuments. We would also suggest that the concept of characterisation could be applied more effectively to marine heritage. This could for example relate known documentary or physical records of wrecks, fishermen's' fastenings, finds or archaeological deposits to seabed topography, geology and currents and past areas of mineral or navigation dredging, thereby enabling a generalised map of marine heritage potential to be developed. This would then help to provide the basis for developing proactive management strategies for areas of the seabed, especially those likely to be under pressure from development. A possible mechanism for delivering such characterisation might partly be provided through the requirements of the Strategic Environmental Assessment Regulations, which have just come into force (SI No. 1633).

There are special requirements with respect to fishing that need to be considered. Fishing is a common law right and does not require consent. Fishing licences are required to set limits on the species and quota that a vessel may land, but does not generally include any restrictions on where the fishing takes place. If fishing activity poses a threat to a historic site, a byelaw or other legal instrument will have to be put in place specifically to prohibit fishing in that area and relevant action taken to ensure that persons fishing know that their activities are limited within that area. We understand this can be done by adding specific restrictions on fishing licences, but can only be

applied by UK authorities to vessels within the 6 nautical mile limit. This is analogous to farming and ploughing on scheduled monuments on land. There should not be a generalised exception given to the fishing industry not to comply, as there is on land in the form of the widely discredited 'Class Consents' provisions. Instead, there should be a pro-active basis for providing the equivalent of agri-environmental management agreements.

Question 8

In what circumstances would a right of appeal be justified?

Should be the suggested right of appeal against protecting marine historic assets apply just to owners or to other interested parties as well?

We support the proposal for a right of appeal against designation. This should only be permitted where:

- Due process has not been complied with by the relevant heritage agency.
- New facts or new information has become available.

We consider that the appeal should be limited to persons with a proprietary or direct economic interest in the site and statutory undertakers, in a similar manner to the terrestrial situation.

In order to secure suitable compliance, consideration should be given to including:

- The provision of consultation prior to designation or scheduling, which would, inter alia, encompass the circumstances of those persons adversely affected by such proposed designation or scheduling;
- The provision of a statement of reasons for the proposed designation or scheduling;
- The provision of an opportunity to make representations in respect of the proposed designation or scheduling, such representations not being restricted to the merits of the proposed designation or scheduling;
- The provision of a statement of reasons for a designation or scheduling;

In relation to the refusal of consent to undertake activities directed at a marine heritage asset consideration should be given to including:

- The provision of a statement of reasons for a refusal of a licence or scheduled monument consent
- The provision of a statement of reasons for a refusal of such an appeal;
- The provision of an opportunity to appeal against the merits of a refusal of such a licence or consent to a person specifically appointed to hear such appeals;
- The continued availability of judicial review of the legality of such administrative decisions.
- As noted above, it will be important that administrative law and Articles 1 and 6 of the European Convention on Human Rights are complied with. It

may be necessary to consider the provision of compensation in circumstances where designation, scheduling or a refusal of a licence would result in a disproportionate burden falling upon persons.

Question 9

What might owners and others having an interest in protected sites of marine historic assets be reasonably expected to do in respect of long-term conservation, knowledge and public appreciation of sites in which they have interests? What sort of support should they be looking for?

Although there are, or will be, individual owners of protected sites, many sites will be owned by the Crown or government departments and agencies such as MoD, FCO and the Crown Estate. Essentially, if the heritage agencies deem a site worthy of protection they become responsible for securing the protection of that site, as is the case with nature conservation. Encouraging owners and those with an interest, such as MoD, FCO and the Crown Estate, to support the preservation objectives of a site is fundamental to ensuring good stewardship.

Support and resources will be required from Government and heritage agencies. Examples of standards and good practice should be provided by the professional and conservation organisations.

Information as to where and how to access professional archaeological conservation advice should be provided, perhaps as part of the reporting mechanism. Standardized funding, even on a small scale, should be made available for this and for the initial assessment and x-radiography of recovered finds. The involvement of professionally accredited conservators for site management planning, monitoring and for the conservation treatment of artifacts will help to protect both the heritage and the public and comply with standards required by the Valletta Convention. Accredited conservators are also covered by professional indemnity in the event of litigation.

There is also the need to recognise the financial resources and time put in by volunteers and the avocational sector and how this contribution can be harnessed and perhaps matched by Government. The analogy with agricultural grants on land could be considered.

The MoD is a large, if not the largest marine 'heritage' owner. The MoD has addressed its ownership of terrestrial heritage through its own heritage personnel and in partnership with the heritage agencies. This recognition of its responsibility to heritage should now be extended to the marine cultural heritage.

Question 10

What information would be most useful to owners and those with other interests?

Summaries of importance and advice on management and conservation would be useful to owners.

For those with other interests such as sea users, divers, and the fishing sector it will be important to raise awareness and examples of information provided for Marine Nature Reserves should be looked at to identify what has been found useful. For instance the circulation of Codes of Conduct through the Sea Fisheries Committees and Harbour Masters has been found it to be very effective and resources would need to be allocated for paying for postage and insertion rates within relevant newsletters. The diving associations would also be a very good vehicle for disseminating information to divers.

Information about where and how to access professional archaeological conservation advice should be provided, perhaps as part of the reporting mechanism. Details could also be made available in publications, leaflets and internet sites.

The JNAPC and its members have worked over the years to produce information for owners, divers, seabed users and developers. Further funding from government and its agencies is required to develop these initiatives and for capacity building in the sector to provide support for owners and those with other interests.

Question 11

In what circumstances would management agreements be most useful?

Management agreements would be useful for:

- Protection and education purposes
- Managed access and repeat activities such as diver trails and visitor licenses.
- Prevention of erosion
- Part of a mitigation package on sites subject to natural or human attrition
- Areas of multiple marine historic assets, such as the Goodwin Sands, where groups of assets and protected sites could be managed on a uniform basis.
- Maintenance related to marine historic assets.
- Facilitating the involvement of local diving interests and local communities in such agreements.

Management agreements could facilitate day-to-day management but should be reviewed on a regular basis. Exemplar management plans should be made available by the heritage agencies. Management agreements could be made between private owners and government departments and agencies, between government departments and agencies and between developers and government departments and agencies.

Question 12

What support could usefully be given to owners and other interested parties?

Greater financial resources will be required from Government and the heritage agencies to support owners and other interested parties in addressing long-term management of designated marine historic assets, educational objectives and capacity building. Provision of adequate resources will encourage responsible attitudes to reporting and conservation of marine historic assets by divers and developers.

Provision of funding and resources to enable conservation assessment of finds including x-radiography should be provided. These processes are critical for identification and for the decision-making process for the treatment and storage of finds and will help to ensure compliance with recognized standards.

Information from professional conservators could be provided and, if necessary, site visits, leading to recommendations for conservation and sustainable management.

Co-ordinated nation-wide support, training and information for police forces in coastal areas should be provided for proper law enforcement.

Question 13

How could heritage agencies seek to encourage public access, both physical and virtual, to marine historic assets?

The UK has an obligation under Article 9 of the Valletta Convention to conduct educational initiatives to develop public awareness and to promote public access to both land and marine historic assets.

Heritage agencies should provide funding, advice and information. Virtual access to some sites could be given. Wider access to the Maritime Records at the NMR's should be encouraged and marine sections of local Historic Environment Records should be set up on a statutory basis.

Public access could be promoted through support of coastal museums for acquisition and display of finds (perhaps through joint projects and co-ordinated funding applications along areas of the coast-line), and through the use of sign boards on coastal walks explaining the local seascape and describing the history of sites, as has been done for nature conservation.

The National Aquarium in Plymouth is providing a future 'model' with its 'virtual access' to the wreck of HMS Scylla, recently scuttled as an artificial reef outside Plymouth Sound. This experiment should be followed closely by the heritage agencies, as it may well prove to be the means by which 'outreach' to the wider non-diving public can be secured for the marine cultural heritage.

Question 14

What measures should be introduced to improve the overall accessibility and consistency of marine historic asset records in the UK?

The Valletta Convention Article 2(i) requires the maintenance of an inventory of 'archaeological heritage' and the designation of protected monuments and areas and Article 7(i) requires the making or bringing up to date of surveys, inventories and maps of archaeological sites. There is also an obligation under the AARHUS Convention (UN Economic Commission for Europe Convention on *Access to Information, Public Participation in Decision Making and Access to Justice in Environmental Matters*) to produce and maintain proper records (the UK is a signatory to, but has not yet ratified this Convention).

The first requirement is for all government departments to join together to undertake a comprehensive programme of seabed mapping to a level of resolution that will produce the basic management information required by the heritage, nature conservation and development interests. We know from the evidence given by the British Geological Survey to the EFRA select committee that this seabed mapping process is technically feasible.

Based on this mapped information, the process of Marine Spatial Planning will then identify areas suitable for fishing and development and the vulnerability of the cultural and natural environments to those processes.

At present there is an almost complete lack of proper marine historic asset records to inform heritage management and development decisions. The first priority is to put this right.

National and local/regional records should be maintained to a national data standard enabling a site's individual significance to be assessed against national criteria taking into account its local importance for the various proposed listings and levels of protection. The measures should take into account the recommendations of the recent Historic Environment Record consultation undertaken by DCMS and incorporate the recommendations of Historic Environment Records: Benchmarks for Good Practice (EH & ALGAO 2002). The scope of the records should include all marine historic assets and meet the basic standards set out in benchmarks for good practice.

There should be a statutory requirement for relevant local authorities to maintain, and/or ensure they have access to, a Heritage Environment Record that covers the United Kingdom's Territorial Sea (12 nautical mile limit) and Continental Shelf.

There needs to be seamless access to national and local records on a local, regional and national level and the JNAPC believes the best way to achieve this is through a Marine Historic Environment Portal to be interoperable with other environmental information systems. This should include interpretative material for specialists, professionals and popular access. Information should

include that relating to sites at risk and should not be limited to positional information.

In the Marine Wildlife Bill (Randall Bill) debated in the House of Commons in 2000 there was a requirement for the relevant authority to maintain a public register of sites, which “*must include the co-ordinates of each site and a chart illustrating its boundaries. The register should be available for inspection at all reasonable times free of charge. The form of the register is for the conservation agencies to determine and does not preclude the use of new technologies including the World Wide Web*”. The web is probably one of the best ways now of improving accessibility.

Question 15

What range of measures do you think the heritage agencies could take to promote ‘high standards’?

The heritage agencies will have the responsibility, in conjunction with the professional bodies, to determine how standards will be set relating to:

- Policy
- Survey
- Information and records
- Investigation and reporting
- Public access and participation
- Conservation and management
- Training

In order to promote the standards required for better preservation of MHA the Government and heritage agencies will need to provide appropriate funding for education and training programmes at all levels. Under the Valletta Convention Article 3(i)b the UK has undertaken to apply procedures to ensure that appropriate methodology is applied to archaeological excavations and prospecting, and under Article 3(ii) that excavations and other potentially destructive techniques should only be carried out only by qualified persons.

At the avocational and recreational diver level this could be achieved by recognition, financial support and development of the Nautical Archaeology Society’s (NAS) Training scheme, which could be further developed with a nation-wide network of local co-ordinators and trainers. The recent IFA survey on training needs, undertaken on behalf of English Heritage, identifies the shortage of training opportunities and the need for extra resources to be applied to this activity, notwithstanding the acknowledged achievements of the NAS Training scheme. At the graduate and post-graduate level further support is required within the higher education system. At a national level a basic awareness of both the presence and importance of historic wrecks and submerged landscapes needs to be introduced into the primary and secondary education systems.

To comply with these provisions the UK will need to establish a statement of approved practice and qualifications for different archaeological activity. Codes of Practice produced by the heritage agencies would also help to promote high standards.

Professional conservator-restorers in Britain are accredited through a nationally recognised accreditation scheme, which is also accepted in Europe through the European Confederation of Conservator-Restorer Organisations (ECCO). Reference to listed accredited archaeological conservators will help to ensure high standards of professional practice which will serve to protect both the heritage and the public.

'High standards' are in the interest of everyone involved in marine archaeology or investigation and should either be encouraged or insisted upon according to the project. No intrusive work should be allowed on a protected site without demonstrable competence to do so, and the obtaining of the relevant consents that are required. Intrusive work on non-protected sites should only receive either financial or technical support (e.g. geophysical surveys or the loan of such equipment) if the research design is effective and the personnel have sufficient competence. However, in order to close the loop, the ability to obtain these competences should be made, free of charge or at reduced costs to sufficient of the personnel involved, as part of the existing education remit of the Government and heritage agencies.

Question 16

What should be the scope of voluntary codes of practice?

The JNAPC agrees that a Code of Practice should be produced by the heritage agencies and it is understood that a draft code is currently in preparation by the heritage agencies concerning adherence to the Valletta Convention.

Codes of Practice should start with a Statement of Principles based on Valletta from the heritage agencies and work down to specific interest groups, along the lines of the Code of Practice for Seabed Developers produced by the JNAPC. It is unlikely that one code will suit all applications.

We recommend that Codes be developed with the relevant stakeholders and in partnership with the diving organisations. In order to avoid duplication of effort and overload for sea-users, we also recommend that Codes should be closely integrated with existing and proposed Codes of Practice for nature conservation.

The scope of these Codes should cover any activity directed at the archaeological heritage as defined by the Valletta Convention (Article 1) and incorporate the requirements of the Annex to the UNESCO Convention on the Protection of the Underwater Cultural Heritage.

Specifically a Code should encompass:

- Best practice on discovery of marine historic assets or archaeological heritage.
- Best practice when visiting archaeological heritage
- Best practice when investigating the archaeological heritage in line with high standards discussed above.
- Best practice for recording, conserving, publishing and making public any information relating to the archaeological heritage.

Question 17

How should the heritage agencies and the National Monuments Records for the home countries seek to promote publication and archiving of marine historic assets?

The JNAPC welcomes the Government's proposal that the heritage agencies and the NMR's should promote publication and archiving of information relating to marine historic assets, both of the results of their own activities and of the activities of others that they supports or regulate.

Through their lead roles for local Historic Environment Records the heritage agencies should seek to promote and publish guidelines on good archiving practice and dissemination while leading by example. This could be accomplished both electronically and through the publishing media. In addition the computerised National Monument Records and Archaeological Data Services (ADS) could be used to hold data and make it available to the general public. Grants should be made available for the input of archive data and for the re-formatting of data that has been collected using a different system. A procedure for ensuring quality assurance would also need to be developed to verify the accuracy of any information being added to the central database by non-professional users.

There is a very considerable backlog of publication for sites licensed over the last thirty years by the Government under the Protection of Wrecks Act 1973 which needs to be addressed with great urgency while the original licensees are still available to contribute their information. The Government should provide substantially enhanced resources to facilitate the conservation and recording of artefacts and the publication of this important information before it is lost.

We commend the CBA's review of user needs in archaeological publication as promoting a variety of suitable means of publication, making best use of both hard copy and digital formats
(see <http://www.britarch.ac.uk/pubs/puns/index.html>).

We would also note that English Heritage's *Management of Archaeological Projects* (2nd ed) provides a well-established framework for the management of archaeological projects through to publication and archiving which provides an important basis for ensuring proper assessment of all the tasks involved in

bringing a complex archaeological project to a satisfactory state of completion with results in the public domain.

The role of museums is a further vital element in ensuring both that finds and archives are retained for future study, and that results of marine archaeology are disseminated. While by no means all marine archaeology is as spectacular as the Mary Rose, it is often of considerable interest and frequently entails special arrangements for conservation and display. With growing interest in marine archaeology there is a need for relevant museums to be adequately resourced to deal with this material.

Question 18

How could heritage agencies build upon and support the role of professional and avocational marine archaeologists and recreational divers?

The JNAPC welcomes the Government's proposal that all heritage agencies should build on and support the role of recreational divers in safeguarding marine historic assets.

As noted above the recent IFA survey on training needs, undertaken on behalf of English Heritage, identifies the shortage of training opportunities for professional and avocational marine archaeologists and recreational divers. It also identifies the need for additional resources to be made available and the JNAPC believes the best way for the heritage agencies to support the sector will be to work more closely with the organisations already supplying these services.

There is a need for more formal training courses in order to develop capacity at professional and avocational levels and there should be a wider geographical spread for the training throughout the UK.

Heritage agencies should continue a close working relationship with the agencies and organizations representing professional and avocational marine archaeologists and recreational divers to develop confidence in the system that has been building up over recent years to safeguard further marine historic assets. With respect to recreational divers a key element of this would be to recognize the role of the recreational diver in this field. Historically, they have been the first to receive adverse press whenever something goes wrong, even though they are not the worst offenders in the wider array of stakeholder groups, and on balance contribute significantly to further the protection of the marine historic environment.

For example the heritage agencies should increase their support for such initiatives as the NAS Diving With a Purpose scheme, the Adopt-a-Wreck programme, and the Respect our Wrecks initiative, all of which have proved extremely successful. Similarly publishing interesting site information online, or by other means, would help to educate avocational archaeologists and divers, and broaden involvement, particularly from the latter group.

A key element in the development and changes to the safeguards in place for the marine historic environment would be to ensure that any publicity material clearly supports the idea of public access to sites where possible. This brings a message of partnership with the key stakeholders and will encourage support, interest and involvement.

Question 19

Would the introduction of an obligation to report the discovery, disturbance or recovery of all marine assets – similar to the current obligation to report the recovery of ‘wreck’ – be a useful improvement?

Who would be the appropriate agency for people to report to?

To whom should the information then be passed?

Should there be a co-ordinated network of agencies and who might be best placed to co-ordinate?

Are there any other mechanisms which would improve reporting?

Obligation to report the discovery of all marine assets

The JNAPC agrees with the Government that it is important that new discoveries are brought to the attention of people with the necessary expertise and capacity to ensure appropriate treatment. We therefore believe that an obligation to report discovery would be an essential improvement to the system.

Arguably there is already an obligation to report the ‘finding’ of wreck, as opposed to its recovery, under the Merchant Shipping Act 1995, although the language is not precise and some legal commentators have questioned this interpretation. Additionally, the obligation only extends to material that constitutes legal ‘wreck’, as opposed to all forms of marine cultural heritage. It would therefore be appropriate to clarify the obligation to report discovery and at the same time to extend the requirement to report ‘non-wreck’ historic assets such as prehistoric artefacts.

Under Article 2(iii) of the Valletta Convention the UK is obliged to ensure that “the country’s legal system provides for the mandatory reporting of chance discovery of elements of the archaeological heritage and the making available of them for examination”. Clearly, the present provision in the Merchant Shipping Act 1995 does not satisfy this obligation, since it is not clear that discovery, as opposed to taking possession, requires reporting and the 1995 Act only applies to wreck and not all forms of marine historic assets. Consequently, in order to comply fully with the Valletta Convention the UK would be required to introduce an obligation to report the discovery of all forms of marine cultural heritage.

The advantage of reporting discoveries is that it would immediately provide involvement to the discoverer, be they divers, beachcombers or fishermen and many would appreciate interest being taken in their discovery. Involvement increases interest in the historic environment and promotes a

greater desire to report. Such reporting increases all our knowledge of the historic environment.

From a practical viewpoint the aim of this obligation is to report new finds and it clearly would not be necessary for divers, fishermen or developers to report existing known sites. The JNAPC therefore proposes that in consultation with stakeholders such as the heritage agencies, developers, fishermen and the diving organisations, the local Historic Environment Records should urgently build up comprehensive records of known marine historic assets. There would then be no obligation to report items of MHA on these records. This approach is also consistent with the Government's wish to improve the record of underwater sites (paragraphs 82-84) as discussed above in answer to question 14. These HER's records of MHA would also satisfy the Government's obligation under Article 2(i) of the Valletta Convention to maintain of an inventory of 'archaeological heritage'.

Unless there is an obligation in future to report finds, marine cultural heritage would be worse off than cultural heritage on land where there is already a statutory duty to report 'treasure'. Similarly in Northern Ireland there is already a requirement to report all archaeological objects including MHA. If the future legislation is to cover the whole of the UK, as proposed, it should follow the example of Northern Ireland since they are unlikely to agree to be part of any new legislation if their own existing protection is reduced by there being no requirement to report.

The JNAPC foresees that there may be some comment from certain established interest groups on the practicality of reporting finds. We believe, however, that the developing responsibility and culture among sea users and divers has progressed to the point where the majority will accept this as sensible and reasonable. However, given the need to build up local Historic Environment Records it might be reasonable to introduce the obligation to report over a period of 3 to 5 years.

It is worth commenting on the parallel provided by the DCMS/HLF Portable Antiquities Scheme for the reporting of terrestrial finds and Treasure, and the situation in Scotland and Northern Ireland where all archaeological objects must be reported. It is clear from the published figures for reporting of portable antiquities and Treasure in England and Wales that the number of finds reported under the PAS scheme correlates closely with the amount of Treasure reported, and that this is strongest where a finds liaison process has been especially long-established (as in Norfolk and Suffolk). Experience with the Treasure Act and Portable Antiquities Scheme in England and Wales suggests that the *opportunity* to report locally and receive feedback, coupled with a reasonable opportunity to retain finds, are important factors in encouraging reporting.

This issue is also closely related to the Dealing in Tainted Objects Act. This now makes it more in the interest of finders to be able to demonstrate by way of a certificate or receipt that any object has been duly reported and therefore has not been acquired in breach of heritage legislation.

Obligation to report the disturbance and recovery of all marine assets

In paragraph 96 the Consultation Document states, *“In particular, it is important that disturbance and recovery be reported, as both can have catastrophic consequences.”* The JNAPC endorses this view and believes it is very important that there should be an obligation to report both disturbance and recovery.

Reporting of recovery of ‘wreck’ is currently required under the Merchant Shipping Act 1995 and the extension of this obligation to all marine historic assets is important and logical.

In the JNAPC’s report “The Valletta Convention & Heritage Law at Sea” (March 2003) it was proposed that a general obligation to report disturbance be introduced since considerable damage can occur to wreck site before it is brought to the attention of the Receiver of Wreck and archaeologists. This report was widely consulted on and the diving associations BSAC, PADI and SAA endorsed this particular recommendation.

In summary, the JNAPC therefore recommends that there should be an obligation to report:

- All discoveries of marine historic assets irrespective of whether disturbance or recovery occurs.
- Any disturbance to marine historic assets irrespective of whether recovery occurs.
- All recoveries of marine historic assets from below the High Water Mark.

Who would be the appropriate agency for people to report to?

If the historic assets were on land it would be logical to report them to one of the heritage agencies. Also the aim for the future is to make the reporting regimes on land and underwater as seamless as possible. It could be said therefore that the heritage agencies would be the most appropriate agency for people to report to.

However for marine historic assets there are two major differences, the need to separate modern wreck recoveries from historic wreck, and the need to establish ownership as this is not as clear-cut as for land finds. Both these tasks are currently undertaken by the Receiver of Wreck, an office of the Maritime & Coastguard Agency (“MCA”) of the Department for Transport (“DfT”). Furthermore the relevant legislation and the remit of the Receiver of Wreck is UK wide whereas there are four separate heritage agencies.

There is also a question of infrastructure. The MCA is now the first port of call for reporting maritime incidents. These range from distress at sea and navigational safety to environmental pollution. The MCA then acts as the co-ordinating body, routing the report to the appropriate agency or organisation.

The MCA has also invested considerable resources in public education campaigns promoting awareness amongst sea and foreshore users of the cultural value of historic wreck, the requirement to report its possession and 'best practice' towards it by the initial finder. In doing this it has worked closely with the diving organisations, the MoD, NAS, JNAPC and latterly English Heritage. The ROW also has use of the MCA's existing infrastructure, including its coastal vessels, for increasing awareness and enforcement on the spot. To the public, especially seabed developers, diving and trawling communities, the MCA, in the office of Receiver of Wreck, is the 'first stop shop' in reporting the discovery of cultural material and has built trust with these communities. Additionally, the MCA has established strong links with the archaeological community, museums, the diving and trawling communities. On balance the RoW has the infrastructure in place that the heritage agencies do not currently possess. However, more resources will be required to develop the reporting system, which should be integrated with NMR's and the Portable Antiquities Scheme.

The JNAPC therefore recommends that in present circumstances the Receiver of Wreck should be the portal for reporting marine historic assets and that it should then channel information to the appropriate heritage agencies as required, subject to the following:

- The Receiver of Wreck is governed by DfT policy and there is currently no statutory duty for it to deal specifically with historic assets. There would need to be a formal link, or management agreement, so that the RoW could provide this service to the heritage agencies on an outsourced basis. Satisfactory quality assurance regarding data could be built into this arrangement.
- The ROW might consider a change of name to reflect its wider remit for all marine historic assets such as 'Receiver of Wreck and Marine Heritage'.
- There should be an integrated Portable Antiquities Scheme when the scheme's long term funding has been secured. It would be beneficial for finders to be able to report finds locally to a Finds Liaison Officer, who could then notify the RoW, and this would provide seamless reporting of historic assets.
- All marine finds should be assessed by a professional archaeological conservator as part of the reporting procedure.

Are there any other mechanisms which would improve reporting?

The continued application of the salvage regime to marine historic assets is inappropriate and the incentive of the salvage award should be removed other than for exceptional cases. However, the concept of some payment does provide an 'incentive to honesty'. This incentive could be supplied, notwithstanding the removal of marine historic assets from the salvage regime, by providing a system of discretionary awards for reporting significant discoveries. Such awards would preferably not be based upon the market value of the find but could be based upon the cultural and archaeological

significance of the find. Furthermore, such awards need not always be financial. They could consist of, say, 'good citizenship awards', which acknowledge the responsible conduct of finders in reporting their discovery of cultural material in accordance with the proposed Code of Practice. This system has been adopted by other common law jurisdictions e.g. Australia, and has been very successful.

Question 20

Should marine historic assets be held by the person who has recovered them, under instruction from an appropriate agency?

Which agency should be responsible for overseeing this process and for administering the mechanisms for identifying owners?

Whether the finder is the most appropriate person to hold the material will vary depending upon individual circumstances such as the finder's resources, their willingness to co-operate, and the immediate conservation needs of the material. Presently the decision in relation to wreck will normally be taken after consultation with the appropriate heritage agency and the material must be held to the order of the Receiver of Wreck. This includes compliance with any conditions stipulated by the Receiver, and MCA officials do on appropriate occasions inspect the conditions under which the material is being held.

The Receiver presently has no budget for the conservation of historic material and is therefore dependent upon the generosity of the finder or a museum to bear the cost of immediate conservation and storage. Objects should be examined as soon as possible after recovery and suitable treatment and storage afforded. If the finder is not deemed to have looked after material appropriately there is the possibility that the eventual owner may sue them or other parties for damages to property. Accredited conservators have professional indemnity intended to provide cover in the event of damage to objects.

Some financial resource will be required from Government and heritage agencies in future for storing and immediate conservation of recovered marine historic assets. With the more responsible attitude to the recovery of MHA anticipated in future, we would expect that such situations would be limited mainly to planned recoveries of artefacts of special importance.

Since the JNAPC has recommended above that all recoveries be reported to the Receiver of Wreck, we also propose that any recovered marine historic assets be held to the order of the Receiver, who would have the power to place the material in the most suitable location, subject to conditions. The decision by the Receiver would be taken after consultation with appropriate persons, heritage agencies, museums and professional conservators.

Question 21

How could the tension between salvage and historic shipwrecks be best addressed?

How could this public interest be reconciled with the concept of ‘salvor in possession’?

Should the UK exercise its right not to apply the 1989 Salvage Convention to maritime cultural property, which would allow it to remove the current incentive of the salvage award? What are the advantages and disadvantages of excepting marine historic assets from the law of salvage, taking into account the other measures proposed here?

The tension between salvage and historic shipwrecks

The JNAPC agrees that the Government should now address the tension that exists between salvage and historic shipwrecks. It is inappropriate that what is effectively 19th century salvage law should control the destiny of underwater cultural heritage in the 21st century (The Merchant Shipping Act 1995 derives much of its relevant clauses from the Merchant Shipping Act 1894).

The Merchant Shipping Act 1995, through its incorporation of the International Convention on Salvage 1989 into United Kingdom law, effected a welcome modernisation of salvage law³. However, this modernisation related principally to commercial salvage. ‘Voluntary’ salvage, where the salvor does not act under a contractual obligation, the normal case in marine archaeology, retained most of its essential 19th century characteristics. Furthermore, the concepts of a derelict and of salvor in possession, created by 18th and 19th century case law, remained unaffected by this statutory reform. Consequently it is these concepts and the traditional elements of salvage that shape much of the legal structure surrounding historic wreck.

Continued reliance upon the salvage regime to govern the investigation and recovery of historic wreck has manifest disadvantages.

- It encourages recoveries, not discoveries.
- This difficulty is compounded by the fact that, prior to designation under the Protection of Wreck Act 1973, public access cannot be controlled, except by civil action initiated by a salvor in possession.
- Any recovery can be made regardless of good archaeological practice.
- Any recovery can be made regardless of the absence of conservation funds, thereby placing the recovered artefacts in jeopardy as the cost of conservation almost invariably exceeds the market value of artefacts.
- It leaves the initiative for recoveries with the salvor but also allows that person to acquire substantive legal (possessory) rights in the site as salvor in possession.
- The continued use of the salvage regime may equate wreck diving with recoveries, especially amongst the public.

³ The Convention is incorporated by s. 224 and the text of the Convention is contained in Schedule 11 to the Act.

Few would deny that reform is long overdue. The tension between salvage and historic shipwrecks should be addressed by the removal of marine historic assets from the ambit of the salvage regime.

The public interest and the concept of ‘salvor in possession’

The tension between salvage and historic shipwrecks has already been reduced over recent years by education and involvement. Public interest in marine archaeology has grown rapidly and the use of the concept of salvor in possession has much diminished. This trend is continuing through education by the JNAPC, the diving organisations (BSAC, PADI, SAA), the MCA, the NAS, English Heritage, Historic Scotland, Cadw and DOENI. Involvement has also been fostered by the Hampshire & Wight Trust for Maritime Archaeology, NAS Training and NAS Scotland. The Receiver of Wreck has done much to reduce tension by creating trust with divers.

The JNAPC believes that the public interest is already in favour of protecting the marine cultural heritage rather than seeing it exploited by salvage and salvor in possession.

Exercise of the UK’s right not to apply the 1989 Salvage Convention to maritime cultural property and removing incentive of the salvage award

The UK is entitled to remove marine cultural heritage from the ambit of the salvage regime under the reservation it entered under Article 30 of the International Convention on Salvage. The JNAPC recommends that the UK exercise its right not to apply the 1989 Salvage Convention to marine cultural property.

This inappropriateness of the salvage regime to protect archaeological interests is compounded by the retention of the concepts of derelict and salvor in possession, both of which have their origins in the case law of previous centuries. A derelict is a vessel abandoned at sea by the master and crew, without hope of recovery⁴. The vessel is abandoned not in the sense that legal title (ownership) to it is lost, but purely in the sense that it is no longer in the physical possession nor under the control of the owner or crew⁵. The concept originated as long ago as the 13th Century. Along with the concept of derelict went that of salvor in possession. The first persons boarding and taking possession of a derelict as salvors acquire the status of salvor in possession. In short a salvor in possession has a legal right to entire and exclusive possession and control of a derelict. During the 20th Century, the courts simply extended both the concept of a derelict and of salvor in possession to embrace the remains of sunken vessels, which are worked upon by divers. Thus a diver may acquire a possessory right which is enforceable against the world, including the Crown, and which may be said to be analogous to a proprietary right in the site. This has had profound implications for marine archaeology, with the Crown being constrained in what it can achieve by designating wrecks under the Protection of Wrecks Act 1973

⁴ The Aquila 1 C. ROB. 38 (1798) per Sir W Scott at 40.

⁵ H.M.S. Thetis 3 HAGG. 223 (1835) per Sir John Nicholl at 235, cited with approval in The Tubantia [1924] P 78 per Sir Henry Duke (President) at 87.

and even having to pay compensation in one case to the diver for such designation.

In summary, the Government needs to address the tension between salvage and historic shipwrecks with the following reforms:

- As discussed in questions 1 and 3 above, there would be a definition of marine historic assets that encompassed all forms of underwater cultural heritage, not just wreck. This would be as inclusive as possible and would include 'any deposit that has been formed by human activity, or that reflects the effects of human activity on the environment'. It would be appropriate to use the lapse of 50 years as the default definition for marine historic assets but this could be extended to any marine cultural material less than 50 years old which was of historical, archaeological or artistic importance or potential. The definition would automatically include any remains which can presently be designated under the Protection of Wrecks Act 1973 or the Protection of Military Remains Act 1986, or be scheduled under the Ancient Monuments and Archaeological Areas Act 1979.
- The United Kingdom, under its reservation entered under Article 30 International Convention on Salvage 1989, would remove historic wreck from the ambit of the salvage regime.
- The right of any person to enter into possession of historic wreck as a salvor would be removed. Consequently, it would not be possible to become a salvor in possession of any wreck other than 'modern' wreck i.e. non-historic wreck.
- An express provision would be made which states that the law of finds does not apply to the recoveries of marine historic assets. This would prevent title vesting in a finder where any recovered marine historic asset remains unclaimed by an owner or successor in title.
- Where any recovered marine historic asset does remain unclaimed by an owner or successor in title, express provision should be made for title to vest in the Crown, but with the provision – as with Treasure – to disclaim it and return it to the finder if no owner or successor in title comes forward.
- A mechanism would need to be provided to allow a time period within which an owner might claim his or her property subsequent to recovery.

In addition the following provisions should be adopted in a new regulatory regime:

- The discovery, disturbance or recovery of any object of marine historic asset, not just wreck, would be reportable, thereby securing compliance of the UK with the Valletta Convention.

- The reporting of discovery, disturbance and recovery of all forms of marine historic assets would be mandatory though such activity would be lawful if the asset is not designated.
- The disturbance or recovery of any form of protected or listed marine historic asset (i.e. whether wreck or non-wreck) would be prohibited except when licensed under an approved research design and subject to suitable conditions.
- Future legislation should be consistent with the UNESCO Convention on the Protection of the Underwater Cultural Heritage.

Such a regime would mirror more closely that envisaged in English Heritage's initial policy document 'Taking to the Water'. Against this must be balanced the fact until such times as a marine historic asset, including historic wreck, is protected by listing, it would be liable to uncontrolled disturbance and recovery, although not salvage.

General Comment

Overall resource impact on proposals

All the proposals advanced by the Consultation Document and endorsed by the JNAPC will have significant resource implications for the management of the marine cultural heritage, and particularly for the heritage agencies and the Maritime & Coastguard Agency. Additional resources will undeniably be required to ensure that the protection of the marine cultural heritage becomes at least equivalent to that presently enjoyed by terrestrial cultural heritage.

However, against this requirement for additional resources must be balanced the recognition that traditionally the protection of the marine cultural heritage has received virtually little or no funding in comparison to its terrestrial counterpart. The required increase in funding will therefore only serve to mitigate this historical imbalance of resources.

Joint Nautical Archaeology Policy Committee

29th July 2004