

PROTECTING WRECKS: THE NEXT 50 YEARS

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*Reflections on the benefit and use of the
Protection of Wrecks Act 1973 and the enhancement
of maritime heritage protection in England*

*Outcome of the
cross-sector discussions
held as part of the
events to mark the
50th anniversary
of the Act*



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THE PROTECTION OF WRECKS ACT 1973

Protecting wrecks: 1973

In 1973, the Protection of Wrecks Act was an innovative response to the novel problem of the increasing vulnerability of some of the UK's most valuable known underwater heritage assets.

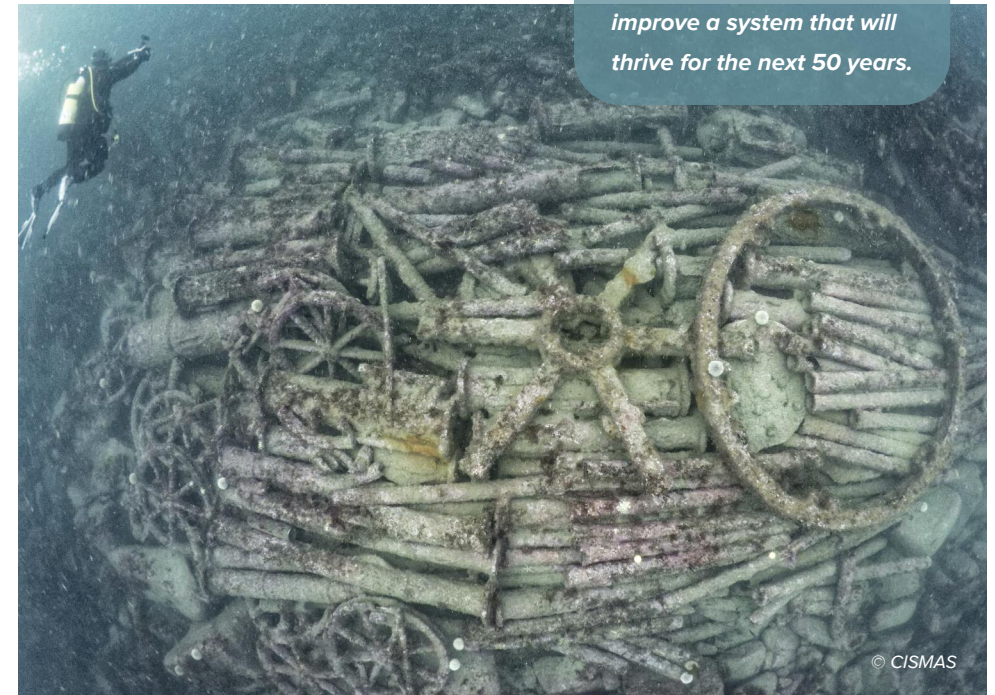
The Act – originating as a Private Member's Bill – was intended to be a temporary solution. It has served a vital function in the protection of some of the UK's most important historic wrecks.

However, the Act is showing its age. It is now component of a wider context for marine heritage protection. Its use now sits alongside different available routes to designation (e.g. via Scheduled monument legislation) and is affected by contemporary challenges of marine archaeological management and increasingly complex demands on marine space.

Protected Wrecks represent a heritage resource that should be maintained for future generations as well as an opportunity as part of the 'blue economy'. This document outlines sector goals to

- help build on the strong networks and existing public benefits delivered by marine heritage management operations,
- strengthen protections for important assets.

We have an opportunity to improve a system that will thrive for the next 50 years.

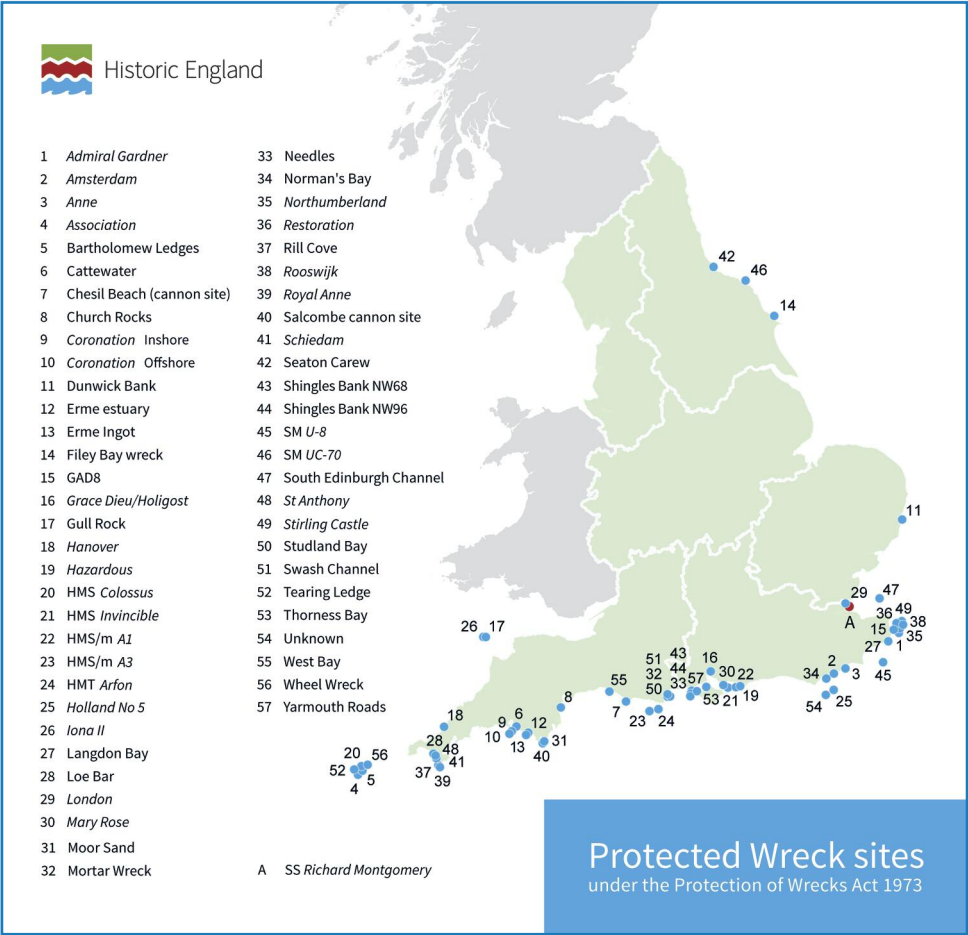


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This booklet was created following the 50th anniversary of the Act in 2023 and draws on views from Protected Wreck Licensees, avocational divers, archaeologists, academics, and expert representatives of independent heritage organisations, marine charities, Government and the Navy. The original project was funded by Historic England.

The full project report can be found using the QR code:





There are currently 57 wrecks in English waters which are protected under the 1973 Act. These sites join others which are scheduled under the *Ancient Monuments and Archaeological Areas Act 1979*, and others which are afforded protected under the *Protection of Military Remains Act 1986*. Some heritage assets are also located within *Marine Protected Areas*, and are material considerations within marine planning and licensing, and subject to provisions of the *Marine and Coastal Access Act 2009*.

Developing existing strengths

The *Protection of Wrecks Act* has enabled the development of strong networks and methods of operation. Chiefly, this is a result of the work of licensees who are the keystones for the unique system of protection, investigation, and engagement that occurs around Protected Wrecks.

Volunteer 'Licensees' lead authorised teams to monitor designated sites, and undertake archaeological investigation, facilitating public access and interpretation of these sites.

Across 50 years of operation, these volunteers and their teams, alongside archaeological professionals and academic researchers, have ensured that many Protected Wrecks have played a part in developing local community identity, stimulating coastal economies, and contributing massively to our knowledge and understanding of maritime heritage.



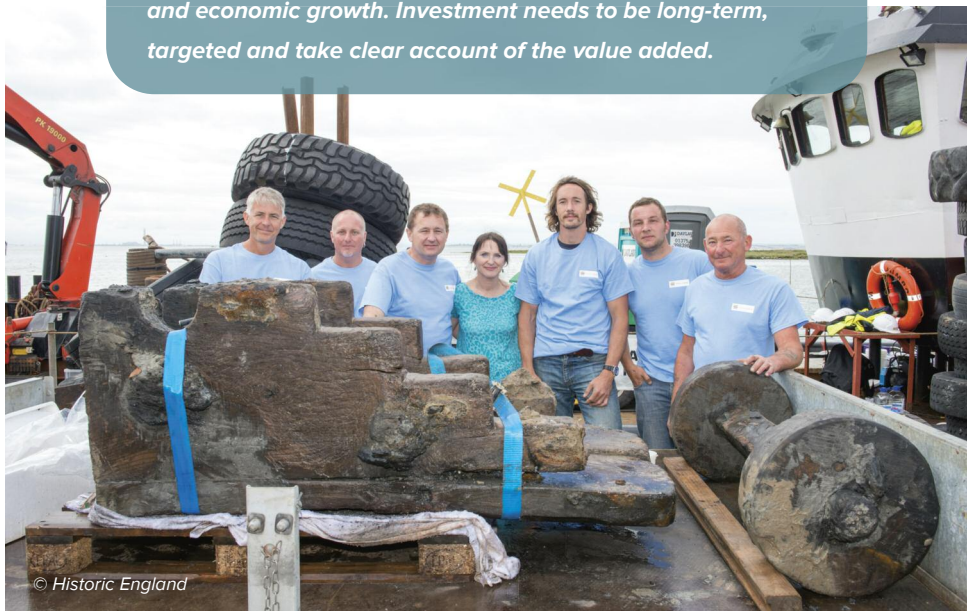
Supporting Licensees and active community participation

It is estimated that Licensees provide 10,000 hours per year of their time, as well as personal resources in the form of the use of private vessels and equipment. This force multiplier for public investment enables a huge amount of volunteer heritage engagement and helps to protect sites.

Licensees and their teams provide

- informal monitoring of activity on sites
- regular monitoring of site condition (e.g. natural erosion)
- archaeological investigation and citizen science
- skills and training for avocational divers and archaeologists
- community engagement activities and economic opportunities

Government and its lead heritage agency, Historic England, should be encouraged to continue to invest in Licensee-led research and community engagement, seeking to strategically expand its reach as a focal point of local heritage engagement and economic growth. Investment needs to be long-term, targeted and take clear account of the value added.



Delivering for coastal communities

Maritime archaeology offers opportunities to coastal communities to meet sustainable development goals, enhance wellbeing and a sense of place for local residents, as well as generate contributions to the local economy. Enlisting enthusiastic volunteers provides opportunities for upskilling, including digital, creating opportunity and potential employment.

Example: The #Rooswijk1740 project

This international heritage project spurred Ramsgate towards its levelling-up vision, contributing to sustainable tourism goals and capturing the imagination of local communities, bringing a sense of economic and cultural wellbeing to the town. The project was calculated as having brought over £100k in additional tourist revenue to the town over the course of the project.

Government should support the use of maritime heritage to deliver economic growth and social opportunities for coastal communities, for example by

- facilitating the promotion of wreck sites
- safely encouraging physical access through the Licensees system
- developing ways for non-divers to experience sites, via exhibitions and online tools like virtual 'dive trails'
- enhancing well-being opportunities



FUNDING KNOWLEDGE GAIN

The UK's maritime heritage is among the richest in the world. There are known to be over 37,000 ship wrecks in English waters. Sites designated under the *Protection of Wrecks Act* span the ages, from bronze-age trading vessels to major warships, submarines and First World War adapted fishing vessels.

A wealth of archaeological research has been carried out over the past 50 years. The UK has also developed a world-class marine archaeology industry, which exports its skills across the globe.

But gaps remain in our knowledge, and the list of designated sites is not representative and is limited. Historic England funds research to fill these gaps, but there is a significant issue in what it would ideally fund and what it is able to – especially with a changing climate accelerating natural process of degradation on many sites.

Additionally, funding for archaeological works to help secure or record vulnerable sites in English waters can be challenging. A broader approach to recognising opportunities and encouraging funding from different sources, from Government, to Lottery and private and philanthropic sources is needed. Despite significant investment from Historic England in some high profile projects, Government's discretionary funds are limited, and the UK has in some cases been unable to match foreign government funding for vital work in UK waters.

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UK Government should consider a review of the funding landscape and investment in maritime heritage. Developing a better understanding of the resourcing needed to ensure a stable platform for UK maritime heritage is not lost as a result of natural degradation of sites and would support the maintenance of a globally recognised maritime archaeology sector.

BEYOND THE ACT

Wider improvements to marine heritage management

The 1973 Act and its operations sit within a wider context of marine pressures and policies. Improving marine protection for the next 50 years will require a holistic approach to addressing legislation, policy, regulation, and the management of stakeholders in marine activity.

The maritime archaeology sector and Historic England are already delivering within the current framework. For example by working to implement a common enforcement Manual to facilitate an intelligence-led multi-agency approach to investigation and intervention in heritage crimes offshore, and evaluation of the effectiveness of the 'forensic marking' of designated sites as a deterrent to illicit activity.

However, this work, and the wider environment for maritime cultural heritage protection would be supported if Government delivered the following actions, which are supported by the organisations signatory to this document:

The organisations signatory to this document support

- *ratification of the UNESCO 2001 Convention on the Protection of Underwater Cultural Heritage*
- *exploration of the value of remote electronic monitoring on designated sites to improve protection*
- *Consideration and resources to better integrate heritage protection into Marine Protected Areas, similar to those adopted in Scotland*



LEGISLATIVE RECOMMENDATIONS

Recommended legislative changes to the 1973 Act

Following discussion with experts and stakeholders, limitations with the Act have been identified and the following legislative reforms have been agreed by organisations signatory to this document to be beneficial. These recommendations would broaden the scope of what can be protected, create new – more applicable – offences, and improve the potential for enforcement.

A wider refresh of the Act could also provide greater clarity over duties to conserve, promote understanding and ensure appropriate access to designated sites.



These reforms sit alongside a wider package of improvements to the management of maritime heritage. We welcome discussions with MPs who would be willing to champion goals to help us deliver these improvements.

RECOMMENDATIONS

Improving effectiveness ...

The Act should encompass a broader spectrum of heritage assets and regulate operations likely to cause damage from occurring within defined areas around sites, to make the Act's protections more effective.

... Supporting enforceability

Difficulties in enforcing offences under the Act arise first in proving damage, and second in satisfying the criminal standard of proof 'beyond reasonable doubt' that a particular offender was responsible. Given the constraints of the marine environment, both can be incredibly difficult to prove, as well as being costly and time-consuming for a regulator.

There has only ever been a tiny number of successful prosecutions brought under the Act.

Recommendations summary

- 1 Amend the Act to include an offence of undertaking activities 'likely to' cause damage in the immediate area around a protected site
- 2 Create a power to seize equipment used in the commission of any offence
- 3 Extend the Act's scope so that designation can apply to aircraft and vehicles
- 4 Apply the Regulatory Enforcement and Sanctions Act 2008 to underwater heritage assets, making the offences easier to sustain

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1 Amend the Act to include an offence of undertaking activities 'likely to' cause damage in the immediate area around a protected site

Prohibiting certain *potentially harmful activities*, rather than their outcome in the areas immediately surrounding protected sites would remove some of the difficulty in proving damage. This would support the ongoing development of operational good practice in the fishing industry and provide a clear legal provision for protected heritage sites.

2 Create a power to seize equipment used in the commission of any offence

Such powers are already used in respect of fisheries offences outlined in the Marine and Coastal Access Act and would improve deterrents if similar were applied to Protected Wrecks.

3 Extend the Act's scope so that designation can apply to aircraft and vehicles

This would simplify disparate provision for vehicle types, and close gaps for other 'wreck' assets currently excluded.



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4 Applying the regulatory enforcement and sanctions Act 2008 to underwater heritage assets, making the offences easier to sustain

This would allow the application to protected wrecks of a suite of civil sanctions (including monetary penalties, stop notices, enforcement undertakings, etc) to which the civil standard of proof is applied (that of a balance of probabilities). This would make offences easier to sustain, avoiding the 'all or nothing' contest of a criminal prosecution.



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CONCLUSIONS

There is significant scope to leverage greater value from the UK's submerged heritage assets, given their richness and the public's enduring interest in Britain's maritime histories.

Marine environmental law has been recast to respond to evolving pressures. Marine heritage law should do the same. We believe that refreshing the legal framework would improve regulation and better reflect current realities of activities offshore. This would enable our maritime heritage to deliver even more positive benefit for communities, building on what it has delivered in the last 50 years, and preparing our heritage to face dynamic change in our seas over the next 50.



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We welcome discussions with MPs who would be willing to engage with us to champion goals to help us protect our shared underwater past.



Read the full project report using the QR code:

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