

EXPLANATORY MEMORANDUM TO

The Protection of Wrecks (Designation) (England) (No. 2) Order 2007

2007 No. 721

1. This explanatory memorandum has been prepared by the Department for Culture, Media and Sport and is laid before Parliament by Command of Her Majesty.

2. Description

This Order designates the Wheel Wreck site as a restricted area under the Protection of Wrecks Act 1973.

3. Matters of special interest to the Joint Committee on Statutory Instruments

None

4. Legislative Background

4.1 Section 1(1) of the Protection of Wrecks Act 1973 provides that where the Secretary of State is satisfied that there is a vessel wrecked on or in the seabed and that the site ought to be protected from unauthorised interference on account of the archaeological, historical or artistic importance of the vessel, or any objects contained or formerly contained in it which may be lying on the seabed in or near the wreck, she may by Order designate an area around the site as a restricted area. Under section 1(3) it is a criminal offence for a person to interfere with a designated wreck site, except under the authority of a licence issued by the Secretary of State.

4.2 Section 1(4) requires the Secretary of State to consult with such persons as she considers appropriate before making a designation order unless she is satisfied that the order should be made as a matter of immediate urgency. The Secretary of State has carried out the necessary consultation.

4.3 The Committee should also be aware that the Secretary of State has exercised her powers under section 3 of the National Heritage Act 2002, to direct English Heritage to exercise administrative functions under the 1973 Act on her behalf, in relation to wrecks situated within UK territorial waters adjacent to England. The Secretary of State is advised by a non-statutory advisory committee, the Advisory Committee on Historic Wreck Sites (ACHWS), on whether wreck sites should be designated.

5. Extent

This instrument applies to England.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy Background

7.1 Underwater cultural heritage is a devolved subject area, for which DCMS has responsibility in England. This latest proposal will bring the number to 60 designated wreck sites around the UK coastline. Wreck sites are normally designated by order on an individual basis, but details of all the designated sites are listed in Mariner Notices and Admiralty Charts issued by the UK Hydrographic Office as well as being published on the Receiver of Wreck website.

7.2 The Order to which this Memorandum relates designates the 'Wheel Wreck' site as a restricted area. The site was first discovered in June 2005 and lies in the Crow Sound off Little Ganinick, Isles of Scilly. Following assessment in 2006, English Heritage believe that it consists of the remains of a cargo of Cornish mining equipment dating from the mid-19th Century and thus of archaeological and historical significance.

7.3 This designation was the subject of a consultation that was conducted by English Heritage on behalf of the Department, pursuant to section 1(4) of the Protection of Wrecks Act 1973. This consultation was circulated to interested stakeholders including maritime organisations and Government Departments for their comments. No respondents objected to the consultation proposals.

7.4 At present the cargo is largely exposed on the rocky sea bed, with surviving artefacts potentially at risk from any anchors deployed in the area as well as the attentions of divers unaware of the fragility of the remains. Therefore the site is vulnerable to damage while it remains undesignated.

8. Impact

A Regulatory Impact Assessment has not been prepared for this instrument, as it has no significant impact on business, charities or voluntary bodies

9. Contact

John Tallantyre at the Department for Culture, Media and Sport. Tel: 020 7211 2373 or e-mail: John.Tallantyre@culture.gsi.gov.uk can answer any queries regarding the instrument.