



Protection of Military Remains Act 1986

1986 CHAPTER 35

2 Offences in relation to remains and prohibited operations.

- (1) Subject to the following provisions of this section and to section 3 below, a person shall be guilty of an offence—
- (a) if he contravenes subsection (2) below in relation to any remains of an aircraft or vessel which are comprised in a place which is part of a controlled site;
 - (b) if, believing or having reasonable grounds for suspecting that any place comprises any remains of an aircraft or vessel which has crashed, sunk or been stranded while in military service, he contravenes that subsection in relation to any remains by virtue of which that place is a protected place;
 - (c) if he knowingly takes part in, or causes or permits any other person to take part in, the carrying out of any excavation or diving or salvage operation which is prohibited by subsection (3) below; or
 - (d) if he knowingly uses, or causes or permits any other person to use, any equipment in connection with the carrying out of any such excavation or operation.
- (2) A person contravenes this subsection in relation to any remains—
- (a) if he tampers with, damages, moves, removes or unearths the remains;
 - (b) if he enters any hatch or other opening in any of the remains which enclose any part of the interior of an aircraft or vessel; or
 - (c) if he causes or permits any other person to do anything falling within paragraph (a) or (b) above.
- (3) An excavation or diving or salvage operation is prohibited by this subsection—
- (a) if it is carried out at a controlled site for the purpose of investigating or recording details of any remains of an aircraft or vessel which are comprised in a place which is part of that site; or
 - (b) if it is carried out for the purpose of doing something that constitutes, or is likely to involve, a contravention of subsection (2) above in relation to any remains of an aircraft or vessel which are comprised in a protected place or in a place which is part of such a site; or

Changes to legislation: There are currently no known outstanding effects for the Protection of Military Remains Act 1986, Section 2. (See end of Document for details)

- (c) in the case of an excavation, if it is carried out for the purpose of discovering whether any place in the United Kingdom or United Kingdom waters comprises any remains of an aircraft or vessel which has crashed, sunk or been stranded while in military service.
- (4) In proceedings against any person for an offence under this section, it shall be a defence for that person to show that what he did or, as the case may be, what he caused or permitted to be done was done under and in accordance with a licence under section 4 below.
- (5) In proceedings against any person for an offence under this section in respect of anything done at or in relation to a place which is not part of a controlled site it shall be a defence for that person to show that he believed on reasonable grounds that the circumstances were such that (if those had been the circumstances) the place would not have been a protected place.
- (6) In proceedings against any person for an offence under this section it shall be a defence for that person to show that what he did or, as the case may be, what he caused or permitted to be done was urgently necessary in the interests of safety or health or to prevent or avoid serious damage to property.
- (7) A person who is guilty of an offence under this section shall be liable—
- (a) on a summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine.
- (8) Nothing in this section shall be construed as restricting any power to carry out works which is conferred by or under any enactment.
- (9) References in this section to any remains which are comprised in a protected place or to any remains which are comprised in a place which is part of a controlled site include references to remains other than those by virtue of which that place is a protected place or, as the case may be, to remains other than those in respect of which that site was or could have been designated.

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