

EXPLANATORY MEMORANDUM

The Protection of Wrecks (Designation) (England) Order 2004 No. 2395

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

2.1 This Order redesignates the sites of the following wrecks as restricted areas under the Protection of Wrecks Act 1973: the Stirling Castle, Restoration, Northumberland, Admiral Gardner, Dunwich Bank, and the A1 Submarine.

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

3.1 None.

4. Legislative Background

4.1 Under the Protection of Wrecks Act 1973 where the Secretary of State is satisfied that there is a vessel wrecked on or in the seabed and that the site should be protected from unauthorised interference on account of the archaeological, historical or artistic importance of the vessel she may by order designate the site around the wreck as a restricted area.

4.2 The sites around the Stirling Castle, Restoration, Northumberland, Admiral Gardner, Dunwich Bank and the A1 Submarine meet this criterion and are currently designated. This Order amends the coordinates of those sites and the size of the restricted area following the provision of more accurate information.

5. Extent

5.1 This instrument applies to England.

6. European Convention on Human Rights

The Secretary of State Tessa Jowell has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of The Protection of Wrecks (Designation) (England) Order 2004 are compatible with the Convention rights.

7. Policy background

7.1 The designation of the Stirling Castle, Restoration, Northumberland, Admiral Gardner, Dunwich Bank, A1 Submarine comes under the Protection of Wrecks Act 1973. It is part of the Department's remit to designate and thereby protect historic shipwreck sites that have historical importance. These ships have been

previously recognised to demonstrate one or more of these criterion and have previously been designated.

7.2 However, recent archaeological investigations carried out by the Department's contractors Wessex Archaeology, have shown that the positions of these wrecks have altered. This can be attributed to either natural phenomena, or that their area of protection needs to be increased as their structure and/ or related material fall across a wider area than was originally thought.

7.3 Once the new coordinates had been determined these redesignations were 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. As all respondents were in agreement with the consultation's proposals, this order can now be laid before Parliament to ensure the continued protection of these wrecks.

8. Impact

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

9. Contact

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