

EXPLANATORY MEMORANDUM TO
THE PROTECTION OF WRECKS (DESIGNATION) (ENGLAND) (NO.1) ORDER
2006

2006 No. 1178

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 redesignates the Bartholomew Ledges 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 The site around the Bartholomew Ledges wreck meets these criteria and is currently designated by the Protection of Wrecks (Designation No.4 Order) 1980 and the Protection of Wrecks (Designation No.4 Order 1980) (Amendment) Order 1983. This Order revokes the existing orders and replaces it with a new designation order that sets out the coordinates of the site and the size of the restricted area following the provision of more accurate information.

4.3 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.

4.4 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. There are over 50 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 redesignates the Bartholomew Ledges wreck site as a restricted area. Recent archaeological investigations carried out by the Department's contractors (Wessex Archaeology), have shown that the position of this wreck has altered. This can be attributed to either natural phenomena, or that the area of protection needs to be increased as the structure and/or related material falls across a wider area than was originally thought.

7.3 Once the new coordinates had been determined, this redesignation 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. 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 this wreck.

7.4 The site is understood to continue to be one of archaeological and historical importance. The wreck was a late 16th century armed ship carrying medieval bronze bell fragments and lead ingots of Spanish type, and may be the *San Bartholome* that was lost in 1597. The site was found in 1976 and many tons of bell metal and lead were removed from the site before designation in 1980. Although the wreck would have been of greater archaeological importance before many of its remains were salvaged, there may still be important archaeological evidence buried on site, and it is felt that de-designating the site could send the wrong message to local divers who are becoming increasingly aware of the value of managing historic wreck sites.

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

Lizzie West at the Department for Culture, Media and Sport. Tel: 020 7211 2376 or e-mail: Lizzie.West@culture.gsi.gov.uk can answer any queries regarding the instrument.