

UK Safeguarding of Underwater Cultural Heritage

Factual Background¹

Briefing Paper for
BA/HFF Steering Committee on Underwater Cultural Heritage

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INTRODUCTION

This account of the management of underwater cultural heritage (UCH) in the UK has been structured according to its functions rather than according to departmental responsibilities or the principal pieces of legislation. The intention is to arrive at a plain description of the situation that is not shaped by the sometimes idiosyncratic way in which the system has developed. This functional account may also facilitate comparison with systems in other countries, or indeed form a template that might be used to describe the management of UCH elsewhere. The account can also be related to the articles of the 2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage.

The first section outlines the overall structure of the management of UCH in the UK and is followed by a brief history of its development since the late 1960s. The paper then addresses the following 'functions':

- Overall Approach
- Zones
- Authorities and Organisations
- Ownership of UCH
- Inventories
- Reporting
- Control of Activities that have UCH as their Primary Object
- Activities Incidentally Affecting UCH
- Investigation and Analysis
- Material Conservation
- Deposition / Archiving
- Publication
- Public Awareness
- Education and Training
- Illicit Trade
- Enforcement
- Co-operation with other Countries
- UCH Controls applicable to current UK State Vessels and Aircraft

As the intention of the paper is to present a brief overarching description, the document focuses on the key strands of management. The account is broad brush: not every detail is

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described. In order to present a simple narrative, relevant documents are named in the text rather than by references, notes or bibliography. A list of acronyms is appended.

OVERALL STRUCTURE OF THE MANAGEMENT OF UCH IN THE UK

As with cultural heritage on land, the management of UCH in the UK is devolved to the home countries: England; Scotland; Wales and Northern Ireland. Administrative responsibility, legislation and approach can all be different from one home country to the next. Despite some commonalities, the management of UCH in each home country can increasingly be considered independently in its own right.

In general terms, the UK has a minimalistic approach to managing cultural heritage, including UCH. Cultural heritage is subject to private rather than state ownership (though the state owns a great deal of UCH) and there are very few restrictions of a general nature on peoples' freedom to carry out archaeological activities, subject to private ownership and control of access. In contrast to many countries, there is no blanket requirement for a licence or permit in order to carry out archaeological excavations; there is no blanket protection or state ownership of individual heritage assets; and there is no blanket requirement to report all forms of archaeological discovery.

Reflecting this minimal approach, the principal forms of heritage legislation are concerned with regulating specific forms of activity on specific sites that have been identified or 'designated' in secondary legislation and statutory lists or schedules. People's actions on the discovery of some specific forms of archaeological material are also regulated.

Although UK heritage legislation is relatively circumscribed, cultural heritage also features strongly in planning law and other approaches to land-use management. Planning law has broad application to activities that are not concerned with cultural heritage in the first instance but which may affect cultural heritage nonetheless. The emergence of a planning-based approach to cultural heritage on land has spread increasingly to UCH, where it has been formalised through marine legislation and policy.

The UK has ratified a number of conventions that contain provisions on cultural heritage and its management, including UCH. They include the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970; the World Heritage Convention 1972; the UN Convention on the Law of the Sea 1982; the European Convention on the Protection of the Archaeological Heritage (revised) 1992; and the European Landscape Convention 2000. The provisions of these conventions are binding on the UK's system of managing UCH.

HISTORY

The management of UCH first became a concern in the UK in the late 1960s with the increasing availability of SCUBA equipment, which resulted in high-profile damage to several historic warships. Existing laws on ownership and especially salvage were seen to be encouraging such damage. Whilst a longer-term solution in the form of changes to the Merchant Shipping Act were being considered, the Protection of Wrecks Act (PWA) 1973 was introduced as a stop-gap. Although modelled on terrestrial heritage legislation, the PWA 1973 was administered initially as a form of regulated salvage, with much of the onus resting on a named Licensee and their team. Archaeological requirements were placed on the Licensee in the form of conditions. Some major and successful investigations were regulated this way; other licenced work was less satisfactory. The selection of sites to be designated

was reactive. Administered by the authorities responsible for wrecks and maritime affairs rather than cultural heritage, the PWA 1973 regime had only limited archaeological expertise available to it until the mid-1980s. At this point, the first significant resources were applied to employ archaeologists to monitor Licensees' work on site and to carry out fieldwork to assess wrecks that might warrant designation.

Lobbying in the late 1980s led to major changes in 1992, including the transfer of responsibility for UCH to cultural heritage authorities, the resourcing of national inventories of UCH, and public funding to support archaeological training of the public (concentrating on recreational divers). As responsibility for cultural heritage on land was already devolved, it was at this stage that responsibility for UCH became a devolved matter. Whilst in Scotland, Wales and Northern Ireland, responsibility for UCH was given to the heritage agencies, in England responsibility remained with the Government Department rather than the heritage agency.

Approaches to cultural heritage that were based on the application of planning law by local authorities emerged in the UK through the 1980s, including the introduction of local inventories (Sites and Monuments Records (SMRs); later Historic Environment Records (HERs)). First steps towards dealing with UCH on similar lines – including the development of marine SMRs by some local authorities – were taken in the mid-1980s, becoming stronger through the 1990s. The extension of these approaches was hampered both by the lack of a comprehensive marine planning system, and by the limits of local authority jurisdiction beyond low water.

In England, English Heritage's remit was also limited to low water, so although it took an increasing interest in cultural heritage at the coast and further offshore, it was only able to take a direct role following amendments to legislation in 2002. In the meantime, consideration of UCH in advance of marine development was becoming increasingly established in at least some sectors in response to Environmental Impact Assessment (EIA) regulations, prompting an expansion in resources, technical capabilities and employment. This was enhanced by the availability of significant support from the Aggregate Levy Sustainability Fund (ALSF) in 2002-2011. A series of major strategic projects helped to raise the profile of UCH in the wider archaeological community and amongst other marine scientists.

Major changes affecting the whole of the UK accompanied the Marine and Coastal Access Act (MCAA) 2009, which introduced a hierarchical system of marine planning and a comprehensive approach to the licensing of marine activities, both of which make explicit reference to the management of UCH. In addition, sections on nature conservation (marine protected areas) and the management of inshore fisheries also include provisions on UCH. The implementation of the MCAA 2009 varies between the home countries and is accompanied by equivalent provisions in the other 'Marine Acts': the Marine (Scotland) Act 2010; and the Marine Act (Northern Ireland) 2013. Notwithstanding, the overall effect of the Marine Acts collectively is that in each home country the management of UCH has become much more firmly embedded in marine management as a whole.

The introduction of the Marine (Scotland) Act 2010 also introduced a further key change. This statute included wholly new provisions for protecting UCH by way of Historic Marine Protected Areas (HMPAs). These extend and supersede the protection previously obtained through the PWA 1973. HMPAs are also expected to supersede some of the innovative use of scheduling of UCH in Scotland under the Ancient Monuments and Archaeological Areas Act (AMAA) 1979. Elsewhere in the UK, the PWA 1973 continues to be the predominant means

of protecting UCH despite its limitations; use of the AMAA 1979 for UCH (or, in Northern Ireland, the broadly similar Historic Monuments and Archaeological Objects Order (HMAO) 1995) is not widespread.

Although much has changed in the management of UCH in the UK since the late 1960s, UCH continues to be subject to maritime approaches towards reporting, salvage and ownership that contrast with cultural heritage on land. The prospect of damage to the wrecks of historic warships continues to be a concern.

OVERALL APPROACH

Definitions

In policy, cultural heritage in the UK is encompassed by the term 'the historic environment', which is used expressly with respect to UCH as well as cultural heritage on land. The term 'heritage asset' is used to refer to specific elements of the historic environment.

Historic environment is defined in the UK Marine Policy Statement (UK MPS - which has statutory application throughout the UK) as 'all aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged'. This is a very broad, encompassing definition that is consistent with definitions used in international law, including the Valletta Convention (*European Convention on the Protection of the Archaeological Heritage* (revised) 1992 and the 2001 *UNESCO Convention on the Protection of the Underwater Cultural Heritage*).

Heritage Asset is defined in the UK MPS as 'those elements of the historic environment – buildings, monuments, sites or landscapes – that have been positively identified as holding a degree of significance meriting consideration'. Again, this is a broad definition that is not constrained other than that a heritage asset must hold a degree of significance, i.e. value to this or future generations because of its heritage interest. The meaning of heritage asset expressly includes buildings, monuments etc. that have not been designated, as well as those that have.

Each form of statutory heritage protection has its own definition. The definition in the PWA 1973 is limited to 'vessels lying wrecked on the seabed', which means it is incapable of being applied to other forms of UCH. The definition in the AMAA 1979 is broader, encompassing a wide range of monument types as well as vessels; but in England and Wales the AMAA 1979 cannot be applied to 'sites without structures' such as flint scatters, either at sea or on land. HMPAs, being a much more recent innovation, have a more comprehensive definition of 'marine historic asset' that includes vessels, vehicles and aircraft, buildings and structures, caves and excavations, deposits and artefacts, and 'any other thing which ... evidences previous human activity'. In Scotland, the introduction of a broader definition for HMPAs has been accompanied by a broadening of the definition of 'monument' under the AMAA 1979 through the Historic Environment (Amendment) (Scotland) Act 2011 so that 'any other thing ... or group of things' – including artefact scatters – can be designated.

The Protection of Military Remains Act 1986 offers a degree of protection over UCH, including UCH beyond the Territorial Sea, even though its purpose is not heritage protection as such. It encompasses aircraft that have crashed while in military service, and vessels that have sunk or stranded while in military service. Whilst all crashed military aircraft are automatically protected, vessels are only eligible for designation as a 'protected place' if they sank on or after 4 August 1914, and for designation as a 'controlled site' if less than 200

years has elapsed since their sinking. For vessels, 'in military service' had generally been interpreted to mean commissioned warships, but it has been established in the courts that some forms of merchant shipping are also to be regarded as eligible.

Another key definition is 'wreck' for the purposes of the Merchant Shipping Act 1995. 'Wreck' encompasses various forms of material found in the sea, the common element being that they have originated from a ship or aircraft. In consequence, the mechanism that the MSA 1995 provides for reporting and dealing with discoveries does not apply to prehistoric artefacts or to material that has eroded from the coast.

Policies and Principles

UK-wide policy with respect to UCH is set out in the UK MPS:

The view shared by the UK Administrations is that heritage assets should be enjoyed for the quality of life they bring to this and future generations, and that they should be conserved through marine planning in a manner appropriate and proportionate to their significance. Opportunities should be taken to contribute to our knowledge and understanding of our past by capturing evidence from the historic environment and making this publicly available, particularly if a heritage asset is to be lost.

Supporting policies can be found in statements from each of the four home countries, from land-based policies, and from sector-specific policies such as National Policy Statements for infrastructure. In support of the UK MPS, each home country is developing subsidiary (national or regional) marine plans that include policies on UCH. Like the UK MPS, the national/regional marine plans have statutory force with respect to decision-making by public authorities.

The policies that are set out in the UK MPS are broadly consistent with international norms, including 'a general presumption in favour of the conservation of designated heritage assets within an appropriate setting'. The UK MPS goes on to state that 'where the loss of the whole or a material part of a heritage asset's significance is justified, the marine plan authority should identify and require suitable mitigating actions to record and advance understanding of the significance of the heritage asset before it is lost'.

ZONES

Inland Waters

In the UK, inland waters (non-tidal rivers, canals, lakes, reservoirs etc.) are treated as land for the purposes of UCH, so land-based forms of management generally apply. Important investigations have taken place in inland waters of crannogs in Scotland and Wales, for example. Nonetheless, management tends to focus on the elements of heritage assets that are above or adjacent to inland waters, rather than elements that are underwater.

Internal Waters

Internal Waters are tidal waters on the landward side of the baseline from which the Territorial Sea is measured. They include the tidal reaches of rivers; waters within ports and harbours; estuaries and bays that are 'closed' by a baseline cutting across their mouth; and the extensive marine areas behind straight baselines drawn around coasts that are heavily indented or fringed by islands. Although they have a different status in international law, UK legislation usually refers to Internal Waters and the Territorial Sea together, as 'tidal waters'.

Hence the main heritage management provisions relating to the Territorial Sea apply also to Internal Waters.

It should be noted that the tidal reaches of many rivers extend far inland, so places that appear to be a long way from the sea may need to take account of – for example – the PWA 1973, the MSA 1995 and the Marine Acts.

Territorial Sea

The Territorial Sea extends from the baseline to a distance of 12 nautical miles (nm - c. 13.8 miles / 22.2 km) offshore. The baseline is normally low water mark except where there is some form of straight baseline across an estuary etc. Under the MCAA 2009, the Territorial Sea and Internal Waters ('tidal waters') are encompassed by the Inshore Region of the UK Marine Area. That is to say, references in marine planning to 'inshore' extend to the outer limit of the Territorial Sea.

The Territorial Sea is the principal frame of reference for UK underwater heritage management. Consistent with international law, the main forms of statutory protection (PWA 1973; AMAA 1979; HMAO 1995; HMPAs) apply only to the limit of the Territorial Sea. The national heritage inventories have extended only to the Territorial Sea (though Scotland is now extending its inventory to the Continental Shelf – see below). The Territorial Sea is also the principal limit of English Heritage's statutory role. There are also differences with respect to wreck under the MSA 1995; the obligation to report only applies to wreck found within the Territorial Sea or brought within it; and Crown ownership of unclaimed wreck only applies to the wreck found within the Territorial Sea.

Continental Shelf

In principle, the Continental Shelf as a legal zone extends from the outer limit of the Territorial Sea to 200 nm (230 miles / 370 km) from the baselines, and even further in some specific geographical circumstances. However, the UK Continental Shelf is constrained by the equal claims of its neighbours so it is effectively defined by a series of agreed median lines with Continental states, the Faroe Islands and the Republic of Ireland. Only to the west of the Outer Hebrides does the UKCS border the International Seabed Area.

International law does not allow states to exert direct control over UCH on the Continental Shelf; coastal state rights on the Continental Shelf are generally limited to natural resources and their exploitation. However, coastal states may exert a degree of control over UCH on their Continental Shelf indirectly, by requiring that exploration and exploitation of natural resources takes UCH into account.

Accordingly, the principal concern in respect of the management of UCH on the UK Continental Shelf (UKCS) is in regulating marine activities that may have an effect on UCH. Obligations under European law to carry out Environmental Impact Assessment and Strategic Environmental Assessment, both of which encompass cultural heritage within the scope of 'environment', have been the main mechanisms through which investigation of UCH on the UKCS has been required. Consents to exploit natural resources such as marine aggregates on the UKCS have been subject to conditions relating to archaeology for over a decade, but the provision for UCH has varied between different marine sectors.

The combination of environmental assessment and conditions on consent have also given rise to voluntary obligations relating to UCH on the UKCS, such as the Marine Aggregate

Industry Protocol for Reporting Finds of Archaeological Interest (MAI Protocol) and the Offshore Renewables Protocol for Archaeological Discoveries (ORPAD). Such protocols may be invoked by legally-enforceable conditions on consent, but they are also applied voluntarily in some circumstances.

The MCAA 2009 introduced a major overhaul of the regulation of the UKCS, which it refers to as the Offshore Regions of the UK Marine Area. Both the new marine licensing regime and marine planning apply to the whole of the UK Marine Area. The Continental Shelf is, therefore, the principal frame of reference for considering the effects on UCH of the exploration and exploitation of natural resources beyond the Territorial Sea.

As UK management of UCH has been dominated by statutory protection, the remit of the heritage agencies has traditionally focussed on the Territorial Sea, as have the national heritage inventories. In consequence, the basis on which the heritage agencies can advise on UCH on the UKCS is less well-founded and the national heritage inventories hold very few records. The limitations on UCH data and advice on the UKCS are not necessarily understood in other Government departments and agencies.

Other maritime zones

The UK has recently declared an Exclusive Economic Zone (EEZ – 12-200nm) under provisions made in the MCAA 2009. The UK EEZ was declared under the Exclusive Economic Zone Order 2013, which came into force on 31 March 2014. The implications for the management of UCH of the UK's declaration of an EEZ are not yet known.

The UK does not claim a Contiguous Zone (12-24nm). Nonetheless, it is worth noting that there is a degree of provision in international law for countries to regulate the removal of UCH from the seabed in Contiguous Zones.

UK Jurisdiction on the High Seas, in the Area and within the jurisdiction of other coastal states

The High Seas are the waters beyond the Territorial Sea, or beyond the EEZ if one has been declared. The International Seabed Area (or simply 'the Area') is the seabed beyond the Continental Shelf of any coastal state. As not all countries claim an EEZ and the boundary of the Continental Shelf may extend beyond 200 nm, then the High Seas and the Area do not share a common boundary.

States can assert jurisdiction over UCH beyond their territorial sea by virtue of the nationality of present-day individuals and vessels. That is to say, UK laws can extend to UK nationals and to UK-flagged vessels even though they are on the High Seas or within the territorial jurisdiction of other countries. However, such laws cannot generally be enforced until the individual or vessel comes back within UK territory. It is on this basis that the Protection of Military Remains Act 1986 achieves a degree of protection in respect of UK nationals and vessels outside the Territorial Sea.

The application of UK laws to UK nationals and vessels is not limited to UCH in which the UK has a cultural or historical interest. In the case of the Dealing in Cultural Objects (Offences) Act 2003, for example, it is an offence to deal dishonestly in cultural objects (including UCH) that have been 'tainted' by illegal removal or excavation irrespective of the place where the object was removed or excavated and irrespective of whether dealing takes place in the UK or elsewhere.

Sovereign immunity applies to warships and state vessels in non-commercial use. Sovereign immunity is a doctrine whereby no other state can assert jurisdiction over the vessel. Sovereign immune vessels cannot be boarded (except with the agreement of the commanding officer), arrested, seized etc. and personnel on board remain under the exclusive control of the sovereign state. The UK position is that where a vessel is sovereign immune, that status is not lost by it sinking or through the passage of time. The UK considers that wrecks have sovereign immunity even if they lie within the Territorial Sea of another state. The UK's position on the sovereign immunity of wrecks – which is shared with some other states – has been a point of contention.

The UK has participated in several specific bilateral and multilateral agreements with other states in respect of UCH. The scope of such agreements is set out in the agreement itself; provisions within a treaty for the management of UCH may be much more detailed and specific than the provisions of either domestic or general international law.

Aside from public law, it should be noted that the UK Government (and UK individuals and organisations) may own UCH in High Seas / The Area and within the jurisdiction of other states. Generally speaking, even where other countries assert state ownership over UCH in their territory, the rights of existing, identifiable owners are maintained. Ownership by the UK Government or UK nationals etc. would not preclude the regulation of UCH by coastal states, but it may have a bearing on the recovery and deposition of UCH insofar as UK ownership is acknowledged.

British Crown Dependencies and British Overseas Territories

The British Crown Dependencies (Isle of Man; Jersey; Guernsey) have their own jurisdiction over UCH in their respective Territorial Seas. The maritime territory of the Isle of Man extends only to its Territorial Sea, which is surrounded by the UK Continental Shelf. Guernsey has a 3 nm Territorial Sea whereas Jersey's is 12 nm (except where constrained by median lines with France). Both Jersey and Guernsey exert a degree of maritime control beyond their Territorial Seas. These areas do not form part of the UKCS, but in the case of Guernsey the area beyond the Territorial Sea adjacent to the UKCS is subject to marine planning administered by the MMO.

Like the Crown Dependencies, the 14 British Overseas Territories have their own jurisdiction over UCH in their respective Territorial Seas. They also assert control beyond the Territorial Sea by virtue of Continental Shelf and/or EEZ rights. As some of the Overseas Territories are oceanic islands, their territorial claims beyond the Territorial Sea can be very extensive.

As the management of UCH in British Crown Dependencies and British Overseas Territories is subject to their own jurisdiction, no further details are included here.

Citizens of the British Crown Dependencies and British Overseas Territories are British nationals. The UK is the flag state for ships registered in British Crown Dependencies and British Overseas Territories ('British Ships'), but the UK's duties, obligations and responsibilities as flag state are devolved to the Dependencies and Territories.

It is worth noting that the British Crown Dependencies are free to conclude treaties independently of the UK, whereas the foreign affairs of British Overseas Territories are handled by the FCO. The UK's position on the 2001 UNESCO Convention has, therefore, a wider relevance than the UK's direct remit.

AUTHORITIES AND ORGANISATIONS

Cultural heritage – including UCH – is a matter devolved to each of the home countries. In England, English Heritage (EH) is the Government’s statutory adviser on the historic environment. Historic Scotland (HS) is charged with safeguarding the nation’s historic environment and promoting its understanding and enjoyment on behalf of Scottish Ministers. Cadw is the Welsh Government’s historic environment service. The Department of the Environment, Northern Ireland (DOENI) takes the lead in advising on, and in implementing, the Government's environmental policy and strategy in Northern Ireland.

There is no UK-wide agency or government forum with respect to UCH, other than the bilateral and sometimes multilateral communications of officers in each heritage agency. Government departments with UK-wide concerns appear to look to DCMS to provide advice on UCH, with DCMS looking to EH for advice.

Responsibilities for marine management are also devolved, hence the implementation of marine planning and licensing relating to UCH is administered by the Marine Management Organisation (MMO) in England, Marine Scotland, Natural Resources Wales and the Marine Division of DOENI in Northern Ireland. Whereas in England and Scotland, the MMO and Marine Scotland are responsible for licensing in both Inshore and Offshore Regions, licencing in the Offshore Regions of Wales and Northern Ireland is administered by the MMO; Natural Resources Wales and the Marine Division of DOENI are responsible only for licensing in their respective Inshore Regions:

| | Marine Planning: Inshore and Offshore | Marine Licensing: Inshore Region | Marine Licensing: Offshore Region |
|------------------|--|-------------------------------------|--------------------------------------|
| England | MMO | MMO | MMO |
| Scotland | Marine Scotland | Marine Scotland | Marine Scotland |
| Wales | Natural Resources Wales | Natural Resources Wales | MMO |
| Northern Ireland | Marine Division, DOENI | Marine Division, DOENI | MMO |

The marine planning and licensing agencies in each country obtain advice from the national heritage agencies. Generally, the marine agencies do not maintain any archaeological advice internally; it is all sourced externally. An interesting and encouraging development in DOENI, however, is that the Marine Division has recently established its own heritage management post.

In England and Wales, major infrastructure projects known as Nationally Significant Infrastructure Projects are subject to a different form of consent. Applications are examined by the Planning Inspectorate (PINS) and decisions are made by the Secretary of State responsible for the sector to which the project relates (e.g. in the Department for Transport (DFT) for ports; Department for Energy and Climate Change (DECC) for offshore wind farms). Consents relating to oil and gas are administered by DECC throughout the UK Marine Area.

Beyond their regulatory role, a wide range of other government departments, agencies and other public bodies have responsibilities for policies or carry out activities that have a bearing on UCH. Departments and agencies with a direct role in the management of UCH include the following:

The Maritime and Coastguard Agency of the Department for Transport (DfT) administers the parts of the Merchant Shipping Act 1995 relating to wreck and salvage across the whole UK, encompassing UCH.

The DfT also administers the UK Government's interests in the wrecks of vessels subject to war risk insurance in both World Wars. The DfT has extensive records of wartime merchant and fishing vessel losses.

The Ministry of Defence (MOD) has several points of contact with UCH:

- The MOD Joint Casualty and Compassionate Centre (JCCC) administers the protection of all military air crash sites through the Protection of Military Remains Act 1986, including air crash sites at sea.
- The protection of specific wrecks of vessels lost in military service under the Protection of Military Remains Act 1986 is administered by MOD Navy Command.
- MOD Navy Command also administers sunken military vessels, including those that are still owned by the MOD and those beyond the UK Territorial Sea that are regarded as having sovereign immunity.
- MOD administers and investigates potentially polluting wrecks – which includes wrecks that may be UCH – through the Salvage and Marine Operations team of the Defence Equipment and Support organisation.
- MOD administers the Defence Training Estate – which included coastal and marine areas – through the Defence Infrastructure Organisation.
- MOD administers a series of museums with important marine-related collections and archives, including the National Museum of the Royal Navy, the Fleet Air Arm Museum, the Royal Marines Museum and the Royal Navy Submarine Museum.
- MOD administers the UK Hydrographic Office, which maintains a huge inventory of wrecked ships and aircraft, and holds an important archive of historic charts and surveys.

In England, the Department for Food, Environment and Rural Affairs (Defra) is responsible for sustainable use of the marine environment, including marine planning, marine licensing, fisheries management and the MMO, all of which have a bearing on the safeguarding of UCH. Planning on land – which includes marine areas landward of the baseline – is the responsibility of the Department for Communities and Local Government (DCLG).

The Crown Estate is a non-ministerial department of HM Treasury that manages property owned by the Crown, which includes much of the foreshore and seabed of the Territorial Sea plus the rights to the natural resources of the UK Continental Shelf (other than hydrocarbons). The Crown Estate has a major role in leasing areas of the seabed for a range of activities, and is also a partner in the development of offshore wind schemes. The Crown Estate has undertaken a series of initiatives to improve the sustainability of marine development with respect to the historic environment, including support for protocols for reporting archaeological discoveries, and projects funded under its Marine Stewardship Fund. Non-wreck material such as prehistoric artefacts found at sea are regarded as being owned by the Crown by virtue of Crown ownership of seabed resources.

Local authorities – advised by Local Government Archaeological Officers (LGAOs) – have played a key role in managing UCH locally through land-based planning, the inclusion of UCH in HERS, and other local initiatives. As the local authority boundary is usually low water mark, then all coastal local authorities have a degree of responsibility over intertidal cultural

heritage; and some local authorities include extensive areas of fully sub-tidal waters by virtue of boundaries across estuaries, for example. In Scotland, some marine activities – specifically marine aquaculture – also fall within the scope of land-based planning. Many marine activities and developments have implications for the coast even if their major elements are at sea, and both the UK MPS and national planning documents (including the National Planning Policy Framework (NPPF) in England), require engagement between marine and land-based planning and licensing in the coastal zone. LGAO initiatives in the management of UCH have been very important in some cases: the continuing role of the North East Maritime Archaeology Forum (NEMAF) being an important example. However, the level of LGAO engagement with UCH has been variable between local authorities and through time. The Association of Local Government Archaeological Officers (ALGAO) has a Maritime Committee that keeps abreast of UCH from a local authority perspective.

OWNERSHIP

As noted above, there is no general provision for public ownership of archaeological material by virtue of its archaeological character. Most classes of archaeological material are owned privately. Notwithstanding, a great deal of UCH is in public ownership because the original items were in public ownership (such as warships) or public ownership was acquired (e.g. shipwrecks on which war risk insurance was paid out; crashed enemy aircraft and their equipment, which are regarded as captured enemy property). Prehistoric artefacts found at sea are considered to be Crown property by virtue of Crown ownership of the rights to the natural resources of the seabed in which they are embedded.

The Crown can gain ownership of UCH under the Merchant Shipping Act 1995 by virtue of it being unclaimed wreck. This right is generally used to establish legal title in order to facilitate transfer of ownership to a museum or other organisation, or to the salvor; it is not generally used to acquire UCH for the UK Government.

In England, Wales and Northern Ireland, the Crown also owns UCH that is ‘treasure’ within the meaning of the Treasure Act 1996. The Treasure Act includes discoveries in rivers and lakes, and also discoveries on the foreshore (above low water) unless the discovery is ‘wreck’ for the purposes of the Merchant Shipping Act 1995.

In Scotland, portable antiquities that are not otherwise owned are regarded as treasure trove and are the property of the Crown. Treasure trove includes anything that is portable and was humanly-made or modified over 100 years before its discovery. In Scotland, treasure trove does not have to contain precious metals. The system applies to inland waters and to tidal waters down to mean low tide, hence encompassing some forms of UCH.

Other than unclaimed wreck, treasure, and treasure trove in Scotland, ownership of UCH is subject to private law.

Salvage law applies to UCH in the UK both in public law (through the Merchant Shipping Act 1995) and in private law. The recovery and return to its owners of material lost or discarded at sea is encouraged by salvage law; salvors gain a proprietary right (a lien) in the material until they receive the reward to which they are entitled. Salvors in the course of salvage operations can obtain court injunctions against other salvors who might interfere in their operations, if they can establish to the satisfaction of the court that they are ‘in possession’. The proprietary rights of salvors in possession must be taken into account in public decision-making about actions that might affect those rights, such as statutory designation under heritage legislation.

INVENTORIES

Most of the national inventories of UCH are integrated within the overall (land-based) cultural heritage inventories of the home countries, as follows:

| | |
|---|--|
| English Heritage | National Record of the Historic Environment (NRHE) |
| Royal Commission on the Ancient and Historical Monuments of Wales (RCAHMW) | Coflein |
| Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS) | Canmore |

In contrast, DOENI operates a series of discrete databases, including a Maritime Archaeology Record.

With respect to UCH, the national inventories include records of actual wrecks and of documented losses (known as casualties) of both ships and aircraft. They also include findspots (stray finds recovered by fishermen or from aggregate dredging, for example) and fishermen's fasteners, which are features on the seabed that might prove to be UCH but whose actual character is not known. In general terms, the records of casualties are more numerous than actual wrecks. Many actual wrecks have not been identified by period or name; where wrecks have been identified their dates of loss are predominantly within WWI or WWII though they may have been built considerably earlier. Records of known wrecks dating earlier than the mid-nineteenth century are relatively rare.

A key weakness of the national inventories of UCH is that they generally extend only to the limit of the Territorial Sea (though, as noted above, steps have recently been taken to extend Canmore to the Continental Shelf off Scotland). Other than off Scotland there is no systematic coverage of UCH on the Continental Shelf. One consequence is that decision-making for marine planning and licensing on the Continental Shelf – which are required to take UCH into account – is in many cases taking place in the absence of evidence. Other marine functions on the Continental Shelf – such as the development of a network of marine protected areas for nature conservation purposes – are also taking place with an inadequate foundation where there is no supporting national inventory, despite the UK's domestic legal requirements in respect of UCH.

As well as including some UCH from inland waters, most local authority inventories (HERs) covering the coast will hold records from intertidal areas, reflecting the considerable effort addressed to coastal archaeology in all four home countries over the last decade or so. The inclusion of fully marine records within coastal HERs is more variable. Some local authorities have maintained a pioneering role in recording UCH in their HERs. Others local authorities have not gone down this route because there is no clear expectation that HERS should extend below low water and resources are already stretched.

Some inventories are not directed at UCH but contain data relevant to its management. The most important of these is the UKHO wreck index, which can be accessed through a variety of commercial data providers. The UKHO wreck index has the advantage of very regular updates as a result of survey activity, and coverage that encompasses the whole of the Continental Shelf. Nonetheless the UKHO wreck index has certain weaknesses from a heritage perspective and is best used in combination with national and local inventories rather than as an alternative.

REPORTING

Reporting within the UK Marine Area

The UK has a well-established UK-wide statutory system for reporting UCH, but it only covers UCH that is wreck. This system – as it is rooted in salvage law – also incentivises the removal and recovery of UCH as soon as it is discovered, rather than encouraging the reporting of material whilst it is left in situ.

The systems for reporting treasure (England, Scotland and Northern Ireland) and treasure trove (Scotland) apply only to low water; and in the case of treasure the statutory system is confined to precious metal objects and associated items.

As well as the application of the Treasure Act 1996, Northern Ireland has a provision requiring the reporting of archaeological objects through the Historic Monuments Archaeological Objects (Northern Ireland) Order (HMAO) 1995.

The Portable Antiquities Scheme (PAS) is a large voluntary scheme for reporting archaeological finds that applies in England and Wales. It encompasses all forms of archaeological object, generally focussing on material dating earlier than 1650. PAS has almost 40 locally-based Finds Liaison Officers. Although discoveries of UCH from the foreshore are likely to be reported to PAS it is not clear whether UCH from fully sub-tidal areas has been reported in this way.

There are three separate protocols for reporting marine finds for specific industries, as follows:

- Marine Aggregate Industry Protocol for Reporting Finds of Archaeological Interest (MAI Protocol);
- Offshore Renewables Protocol for Archaeological Discoveries (ORPAD);
- Fishing Industry Protocol for Archaeological Discoveries (FIPAD).

The MAI Protocol and ORPAD are semi-voluntary insofar as they are non-statutory and are dependent on their respective industry's engagement with the schemes. However, they can also be invoked by conditions on consent, rendering them legally enforceable.

In addition to the industry-wide schemes there have been numerous scheme-specific protocols for reporting discoveries in the course of development work, which are generally attached to mitigation requirements that are enforceable through a condition on consent. Some scheme-specific protocols have generated large numbers of significant finds.

As both industry-wide and scheme specific protocols are generally related to on-going works for which there are licence conditions in place, they have been successful in some cases in alerting archaeologists to the presence of material that is still in situ and which has been investigated and managed accordingly. The capacity to investigate discoveries reported as a result of statutory requirements such as the MSA 1995 is much more limited.

Reporting outside the UK Marine Area: the Area and other countries' jurisdiction

As noted above, the land-based recording schemes extend principally to the low water mark and their potential application to more distant zones does not arise.

The provisions on reporting of the Merchant Shipping Act 1995 encompass all wreck found in the Territorial Sea and wreck found outside the Territorial Sea but brought within it. This means that there is a degree of control over UCH on the Continental Shelf and beyond, especially for discoveries by vessels that return to UK ports or travel through the UK Territorial Sea on passage. Control over discoveries is only partial however, insofar as there is no obligation to report material that is found on the UKCS but taken to other waters.

Wreck found in The Area or in the waters of other states would also have to be reported under the Merchant Shipping Act 1995 if brought within the UK Territorial Sea, which makes the potential application of this scheme very wide. The UN Convention on the Law of the Sea, 1982, which the UK has ratified, requires that all objects of an archaeological and historical nature found in the Area shall be preserved or disposed of for the benefit of mankind as a whole.

Even though finders are obliged to report discoveries from beyond 12 nm if brought within, it should be noted that the Crown's claim to unclaimed wreck is limited to the Territorial Sea.

The marine industry-based protocols are predominantly concerned with activities that extend to the UK Continental Shelf, so their application is quite extensive as a matter of course. In the case of the MAI Protocol there have been several cases where reports have been received of material recovered on the UKCS but landed on the Continent. There have also been reports of material recovered from the Continental Shelves of other countries, showing how the influence of a protocol can spread.

CONTROL OF ACTIVITIES THAT HAVE UCH AS THEIR PRIMARY OBJECT

The 2001 UNESCO Convention refers to 'activities directed at UCH', defined as activities that have UCH as their primary object and which may physically disturb or otherwise damage UCH. The UK regimes do not generally make an initial distinction between intrusive and non-intrusive activities; hence, activities that have UCH as their primary object may be controlled in the UK even if there is little risk of disturbance or damage. In this respect, UK control is often more pervasive than required by the 2001 Convention.

Asset-based controls

The UK predominantly controls activities directed at UCH by regulating specific designated assets. Where an asset is designated, specified activities may not take place unless they are licensed; the licence will often include conditions that must also be met. The specified activities are only restricted if they take place on a designated site; that is to say, if the UCH has not been designated then there will be no particular restrictions on activities.

The main forms of asset-based controls for heritage purposes are as follows:

| Form of protection | Statute | Application | Activities that are controlled |
|---------------------------|------------------------|----------------------------------|--|
| Restricted Areas | Part I of the PWA 1973 | England; Wales; Northern Ireland | Tampering with, damaging or removing; diving or salvage; deposition. |
| Scheduled Monuments | AMAA 1979 | England; Scotland; Wales | Works resulting in demolition, destruction or damage; removing, repairing, altering, addition; flooding and tipping. |
| Scheduled Monuments | HMAO 1995 | Northern Ireland; | Works resulting in demolition, destruction, disturbance or damage; |

| | | | |
|---------------------------------|----------------------------|----------|--|
| | | | removing, repairing, altering, addition; flooding and tipping. |
| Historic Marine Protected Areas | Marine (Scotland) Act 2010 | Scotland | Works or activities that damage, interfere or have a significant impact; removing, altering or disturbing; activities prohibited, restricted or regulated under a marine conservation order. |

In addition, the Protection of Military Remains Act 1986 can be used to control activities on two forms of designated UCH – protected areas and controlled sites – though the purpose is to safeguard military remains rather than UCH.

The PMRA 1986 can also be used to control activities on sites of aircraft that have crashed in military service. In these cases, however, the restriction is automatic; no specific designation is required. The control is still asset-based insofar as the controls apply only to military aircraft crash sites.

Part II of the PWA 1973 can be used to prohibit activities on wrecks that have been designated, but the purpose is to protect dangerous wrecks rather than UCH.

Activity-based controls

Activity-based controls – controls that apply to a class of activity wherever it occurs – are not widely used in managing UCH in the UK. However, some examples are worth noting:

- The PMRA 1986 includes a prohibition on unauthorised excavation in any place in the UK or in UK waters for the purposes of discovering whether the place comprises any remains of an aircraft or vessel which has crashed, sunk or been stranded while in military service. This is effectively a blanket control on intrusive activity directed at the discovery of military aircraft and vessels irrespective of designation.
- In Northern Ireland, the HMAO 1995 makes it an offence to excavate for the purpose of searching generally for archaeological objects, or of searching for, exposing or examining any particular structure or thing of archaeological interest, other than in accordance with the conditions of a licence. Again, this is a blanket control on intrusive activity directed at cultural heritage wherever it occurs.

The provisions on marine licensing in the Marine Acts are also a form of activity-based control, drawing on previous controls that applied through the Coast Protection Act (CPA) 1949 and the Food and Environment Protection Act (FEPA) 1985. Although not concerned principally with archaeological activities, the Marine Acts are framed in such a way that intrusive activities directed at UCH now require a licence wherever they occur by virtue of their effects on the seabed. Specifically, the Marine Acts require that a licence be obtained for any form of dredging and for the removal of any substance or object from the seabed using a vessel, marine platform etc. Almost all forms of intrusive activity directed at UCH would fall within the definition of dredging or of removing substances/objects using vessels, hence intrusive activity directed at UCH requires a licence. The licensing provisions of the Marine Acts apply throughout the Territorial Sea and UKCS.

ACTIVITIES INCIDENTALLY AFFECTING UCH

Regulated activities

As noted above, the Marine Acts require that a licence be obtained before carrying out a very wide range of marine activities. The obligation to abide by the UK Marine Policy Statement and marine plans, which include provisions on UCH, is such that licensing decisions need to take into account the possible effects of the proposed activity on the historic environment. This obligation is reinforced in the case of major schemes by the requirements of the EIA Directive. As a result, there is a comprehensive mechanism in place to address the implications of most activities incidentally affecting UCH.

Further provision has been made through a number of industry-based initiatives, including the JNAPC *Code of Practice for Seabed Development* and guidance notes for marine aggregates, offshore wind and (shortly) wave and tidal energy.

The MAI Protocol and ORPAD also fall into this category by offering practicable means to mitigate the adverse effects of activities that may incidentally affect UCH.

Unregulated activities

There are several marine activities that may have serious incidental implications for UCH but which are not currently regulated in such a way that these potential effects are mitigated.

Fishing using gear that is towed or deposited and recovered from the seabed has been known to snag and damage UCH; several wrecks that are now designated were first found as snags, and fishermen have recovered material in their gear from a wide range of periods all around the UK. Fishing is quite highly regulated, but regulations that might be used to mitigate effects on UCH have yet to be implemented. A range of options for addressing the potential effects of commercial fishing on UCH are currently being considered. In the meantime, the Fishing Industry Protocol for Archaeological Discoveries (FIPAD) has been introduced as a pilot project off Sussex to facilitate the reporting of discoveries by fishermen.

Another form of activity that may have incidental effects on UCH is anchoring. The effects of anchoring are likely to be very localised and are probably best addressed through asset-based controls such as designation, or by synergies with controls on anchoring aimed at reducing impacts on features of nature conservation interest.

Recreational diving to visit undesignated wrecks is unregulated so long as there is no disturbance or damage to UCH. If there is any recovery of wreck then the activity falls under the MSA 1995 and a marine licence may be required under the Marine Acts. A great deal of effort has been directed to engaging recreational divers in archaeology since the early 1990s.

INVESTIGATION AND ANALYSIS

The capacity to carry out archaeological investigations in direct support of the functions of management in the UK continues to be relatively sparse. In-house capabilities are limited; none of the heritage agencies is able to field a complete diving team or marine geophysical survey team, for example, from its own staff. Such capabilities are usually obtained by contracting-out to external suppliers.

The only consistent focus for field investigations directed by the heritage agencies has been fieldwork in support of the Protection of Wrecks Act 1973. This work is contracted-out to

external suppliers. Although the remit of these contracts is becoming broader, the emphasis is still on designation.

Extensive work on designated sites (and on a few other projects) is generally carried out by small groups acting voluntarily. In some cases these investigations are carried out or supported by organisations that can bring their own resources to bear – more often in kind than in cash – or can apply for grants. Well-funded investigations are rare.

The heritage agencies fund investigative and analytical projects in various circumstances. Sometimes the funding is considerable, as was the case during the period of the ALSF. Major field investigations have been undertaken on this basis, though the prospect of funding on a similar scale in future would appear to be remote.

As in land archaeology, most investigations of UCH are now development-led. This has many positive aspects, but also means that investigations are driven by the exigencies of development rather than heritage management or research requirements. Development-led investigations tend to be desk-based, geophysical and/or geotechnical. Development-led investigations that involve direct observation by diving archaeologists, or intrusive works, are relatively rare.

Notwithstanding, the overall volume of investigation directed at UCH in the UK is much greater than it was in the mid-1990s. It is also broader and overlaps with other sub-disciplines such as coastal archaeology. Consequently, there is a relatively large cadre of practicing archaeologists – both professional and avocational – that have at least a degree of involvement in investigating UCH. As well as expanding, the investigation of UCH in the UK has also undergone some major technological and methodological improvements; the UCH sector in the UK is, as a result, quite vibrant.

MATERIAL CONSERVATION

The UK has an extensive network of materials conservation facilities capable of dealing with UCH, including major specialist facilities such as those of Mary Rose Archaeological Services and York Archaeological Trust. Several museums, local authorities and universities can provide facilities, research and professional training to support material conservation of UCH. As a result, the UK has both the facilities and expertise to address the material conservation needs of UCH.

Securing the resources necessary to carry out material conservation is a different matter. Where the need for material conservation of UCH is prompted by incidental activities such as development, then the developer may be expected or required to fund conservation, at least to a point where the material is sufficiently stable to enable deposition of the archive. Although there are examples where this has occurred, practice is not firmly established. In some cases conservation needs arising from development have been addressed through collaboration with university teaching and research programmes.

Conservation requirements that have been prompted by natural processes (such as seabed erosion) or by research projects have depended on either ad hoc arrangements or applications for major funding. In general terms, planned investigations that are likely to generate material that needs conservation will have made some provision in advance in order to meet licence conditions and /or professional standards and guidance. It is no longer the case that planned investigations in the UK are resulting in the recovery of large amounts of UCH that requires conservation without any provision having been made.

Material conservation in support of unanticipated recoveries of UCH arising from reporting provisions is more problematic. Where the report has arisen from the implementation of a development-related protocol then the developer might be expected to fund the necessary conservation, bearing in mind that if these costs become onerous then the effect on future reporting may be detrimental. Finds reported by the public or by fishermen are likely to require public support, which is not always assured. Encouraging people to report what they find without then helping to save their discoveries from deterioration is a difficult message for public authorities to convey.

The UK does not have a strong track-record in providing for in situ conservation of UCH. Some research has been carried out in this area with the support of English Heritage (on the wreck of the *Colossus*, for example) and Historic Scotland (e.g. Duart Point wreck) but in most cases in situ conservation is passive; natural processes have been allowed to continue with little more than periodic monitoring and/or remedial recording and recovery of material that becomes exposed.

DEPOSITION / ARCHIVING

The principles of preparing and depositing archives arising from the investigation of UCH are well-established in the UK. Progress is also being made in addressing the challenges of archiving large volumes of digital data such as digital photographs and the results of geophysical surveys. However, archiving practice with respect to UCH is severely hampered by the overall crisis in the archiving of archaeological investigations in the UK, exacerbated by the lack of depositories for archives that have been generated offshore.

There are some important positive examples of UCH projects being archived in accordance with best practice (e.g. Princes Channel Wreck (Museum of London); London Gateway (Southend Museums)). Archiving of large digital datasets has also been achieved in connection with the ALSF with the support of the Marine Environmental Data and Information Network (MEDIN). The general outlook is, however, not very good, and has been the subject of a number of specific reports.

PUBLICATION

The UK has good facilities for the publication of the results of UCH projects, with a well-established system of county, period and thematic journals willing to publish papers relating to marine archaeology. The *International Journal of Nautical Archaeology* and the *Journal of Maritime Archaeology* are also both based in the UK. Books and monographs relating to UCH – including conference proceedings – are published by various houses.

Professional practice on publication is reasonably good. There is an expectation that the developer's responsibility for development-led investigations should include publication of significant results, and this is supported by guidance and sometimes by conditions on consent; but practice is still variable. Strategic and research-led investigations are also resulting in publication. The backlog of earlier licensed investigations of designated sites is being addressed too, if slowly. Although the UK's publication record on UCH could always be better, the overall picture continues to improve.

One aspect of publication that has grown significantly with respect to UCH is the 'grey literature' of project reports submitted to clients and curatorial authorities but not formally published. Project reports arising from heritage-agency funded investigations are routinely

published online. In particular, many of the reports of ALSF projects concerned with UCH are available through the Archaeological Data Service (ADS). Grey literature relating to current marine development-led work is also becoming available through the ADS 'Grey Literature Library' though there is a backlog in respect of earlier work. As individual results reported in grey literature tend to be disparate, there is an underlying need for synthesis of the overall conclusions that might be drawn about methodologies and the distribution and significance of UCH arising from development-led investigations.

PUBLIC AWARENESS

Increasing public awareness of UCH is quite well supported in the UK although, as ever, more could be done if resources were made available. There is a strong tradition of public engagement in UCH in the UK, fostered and extended by organisations such as the Nautical Archaeology Society (NAS). Several other archaeological organisations have made public awareness a specific focus of their work. Funding has been made available by the heritage agencies and others to enable wide-reaching public awareness projects to take place.

EDUCATION AND TRAINING

The UK makes extensive provision for education and training relating to UCH ranging from introductory course for members of the public to university-based masters and PhD programmes. UK provision for education and training has been set out in an accompanying paper by Danielle Newman.

ILLICIT TRADE

Since 2002, the UK has been a party to the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. The UK is also bound by the 1993 European Directive on the return of cultural objects unlawfully removed from the territory of a Member State. The Dealing in Cultural Objects (Offences) Act 2003 and the Return of Cultural Objects Regulations 1994 give effect to these obligations. The UK provisions arising from both UNESCO and the European Directive encompass objects from underwater, as does DCMS guidance. It is not known whether there has been any casework in the UK relating to illicit trade in UCH.

ENFORCEMENT

Enforcement in respect of offences relating to UCH is carried out from time-to-time by police forces, heritage agencies, the Receiver of Wreck and other authorities acting collaboratively. Although prosecutions for offences with respect to UCH are rare, there have been instances where convictions have been secured.

In recent years, heritage crime has been a specific focus of attention. A Memorandum of Understanding on heritage crime has been agreed between English Heritage, the Crown Prosecution Service, the Association of Chief Police Officers and participating local authorities.

Conditions relating to UCH in consents for marine development can also be enforced, though it is not known whether there are any instances where this has been the case.

CO-OPERATION WITH OTHER COUNTRIES

Although there is extensive co-operation between marine archaeologists in the UK and other countries, it appears to be predominantly private, informal or project-specific, rather than being conducted through UK Government. Government co-operation appears to be limited principally to occasional negotiation of bi-lateral agreements with other states about the treatment of specific wrecks in which the UK has interests, and about wrecks in UK waters in which other governments have interests (such as Dutch East India Company wrecks; and the remains of German High Seas Fleet in Scapa Flow, Orkney).

UCH CONTROLS APPLICABLE TO CURRENT UK STATE VESSELS AND AIRCRAFT

Statutory provisions in respect of UCH may not apply to military personnel or to UK state vessels (e.g. operational warships) and aircraft. However, the MOD has general policies with respect to sustainable development to the effect that 'Defence must realise the positive and minimise the negative impacts that Defence activities can have on the environment, people and the economy in the UK and overseas'. In effect, military personnel can be expected to abide by laws relating to UCH and to the policies of the UK Government set out in the UK MPS.

CONCLUSION

This paper has presented an overview of the factual background to UK safeguarding of UCH. UK provision for UCH is extensive and relatively comprehensive, even if it is not as fully developed as it might be. The functional approach that has been adopted to this overview should facilitate comparison with the requirement of the 2001 UNESCO Convention. It also provides an initial template that could be applied to other countries to help establish what provision they have already or might wish to make in future.

APPENDIX I: ACRONYMS USED IN THE TEXT

| | |
|--------------|---|
| ADS | Archaeological Data Service |
| ALGAO | Association of Local Government Archaeological Officers |
| ALSF | Aggregate Levy Sustainability Fund |
| AMAA 1979 | Ancient Monuments and Archaeological Areas Act 1979 |
| CPA 1949 | Coast Protection Act 1949 |
| DCMS | Department for Culture, Media and Sport |
| DCLG | Department for Communities and Local Government |
| DECC | Department for Energy and Climate Change |
| DfT | Department for Transport |
| DOENI | Department of the Environment, Northern Ireland |
| EEZ | Exclusive Economic Zone |
| EEZO 2013 | Exclusive Economic Zone Order 2013 |
| EH | English Heritage |
| FCO | Foreign and Commonwealth Office |
| FEPA 1985 | Food and Environment Protection Act 1985 |
| FIPAD | Fishing Industry Protocol for Offshore Discoveries |
| HEAS 2011EE | Historic Environment (Amendment) (Scotland) Act 2011 |
| HERs | Historic Environment Records |
| HMAO 1995 | Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995 |
| HMPAs | Historic Marine Protected Areas |
| HS | Historic Scotland |
| JNAPC | Joint Nautical Archaeology Policy Committee |
| LGAOs | Local Government Archaeological Officers |
| LOSC | United Nations Convention on the Law of the Sea 1982 |
| MAI Protocol | Marine Aggregate Industry Protocol for Reporting Finds of Archaeological Interest |
| MCAA 2009 | Marine and Coastal Access Act 2009 |
| MA(NI) 2013 | Marine Act (Northern Ireland) 2013 |
| MEDIN | Marine Environmental Data and Information Network |
| MMO | Marine Management Organisation |
| MOD | Ministry of Defence |
| MSA 1995 | Merchant Shipping Act 1995 |
| M(S)A 2010 | Marine (Scotland) Act 2010 |
| NAS | Nautical Archaeology Society |
| NEMAF | North East Maritime Archaeology Forum |
| nm | Nautical Miles |
| NPPF | National Planning Policy Framework |
| NRHE | National Record of the Historic Environment |
| NSIPs | Nationally Significant Infrastructure Projects |
| ORPAD | Offshore Renewables Protocol for Archaeological Discoveries |
| PAS | Portable Antiquities Scheme |
| PINS | Planning Inspectorate |
| PWA 1973 | Protection of Wrecks Act 1973 |
| RCAHMS | Royal Commission on the Ancient and Historical Monuments of Scotland |
| RCAHMW | Royal Commission on the Ancient and Historical Monuments of Wales |
| SCUBA | Self-Contained Underwater Breathing Apparatus |
| SMRs | Sites and Monuments Records |

| | |
|--------|--|
| UCH | underwater cultural heritage |
| UK MPS | UK Marine Policy Statement |
| UKCS | UK Continental Shelf |
| UKHO | UK Hydrographic Office |
| UNESCO | United Nations Educational, Scientific and Cultural Organisation |