

Common Enforcement Manual for Heritage Crime at Sea

Project Report and Supporting Information



Figure 1 Cannon recovered from a wreck site, then seized by the Receiver of Wreck after failure to report them.

Prepared for Historic England



**UNIVERSITY OF
PLYMOUTH**
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A Common Enforcement Manual for Heritage Crime at Sea – Project Report and Supporting Information

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Dedication

This work is dedicated to Ronald Howell, South West Maritime Archaeology Group, who pioneered site security protocols for Underwater Heritage Assets. He lit the path for others to follow.

1.0 Introduction

1.0.1 The creation of a Common Enforcement Manual (CEM) resulted primarily from the recommendations of a previous project, (Project 7146 Enhancing Protection of Underwater Heritage Assets). Several organisations involved in the previous project indicated that a CEM would be of assistance in framing their ability to contribute to enforcement in respect of marine heritage assets in the English region. The CEM will provide a means to close any knowledge gaps amongst officers and volunteers through providing its availability in an operational setting and offering a comprehensive and concise information resource. The CEM provides easy access to the substance of the regulatory framework in England and a bespoke operational protocol for observation, investigation, interdiction (if permissible) and communication with and between relevant organisations. It will be available on-board, enabling access in sea areas where access to online heritage resources is not available. This will enable improved interagency working to enhance the protection of underwater cultural heritage at a marginal cost so as to generate sustainable added value to government in an effort to protect a valuable and threatened national resource.¹

2.0 Aims and objectives

- 2.0.1 The project aim is to produce a cost effective, accessible CEM, giving value to government, which will assist non-specialist agencies with a marine presence in respect of the enforcement of laws protecting marine heritage assets within the Inshore English Region. The material will also contain information and guidance as to the value of marine heritage assets in cultural and financial terms to assist with a rationale for enforcement.
- 2.0.2 **Objective 1** - To collate, cross-reference and document the existing legislative framework for the protection of marine heritage assets across the range of legislative provisions which are of potential application to marine heritage assets within the Inshore English Region.
- 2.0.3 **Objective 2** - To collate and document the standard operating procedures (SOP) in use by agencies with a marine presence within the Inshore English Region.
- 2.0.4 **Objective 3** - To create plain English explanations of the law and procedures to inform and to develop reporting and evidence gathering protocols to be utilised by these agencies alongside their SOP to facilitate enforcement in the Inshore English Region.
- 2.0.5 **Objective 4** - To create the materials for a searchable, layered web-based resource which will contain the legislative frameworks and SOP referred to above. The web-based resource, to be hosted on Historic England's existing web platform and which can augment and specifically link to Historic England's GIS Listing Data.
- 2.0.6 **Objective 5** - To produce all of the information in downloadable PDF format to overcome potential difficulties of network access at sea.

¹ Value here of course is both financial and quantifiable as well as cultural, which is less straightforward to quantify as its loss to future generations would be immeasurable

3.0 Collation of existing legislative framework (Objective 1)

3.0.1 The law governing underwater heritage assets (UHA) is disparate and spread across a number of legislative measures, supplemented by policy guidance. This section brings that material together and identifies linkages between the legislative schemes that, taken together, form the framework enabling evidence acquisition, intervention and enforcement. Given the nature of the Common Enforcement Manual as a practical guide to assist law enforcers, the material presented below is necessarily summarised. A more detailed examination of the provisions is available in Chapter 3 of Historic England’s 2019 publication: *Enhancing Protection of Underwater Heritage Assets*.² The value to the nation placed upon UHA has recently been recognised in the National Strategy for Maritime Security, which notes:

‘Government also has a responsibility to protect our underwater cultural heritage, with over 5500 sites of cultural significance globally. We will focus on in-situ preservation alongside safety and environmental management. This involves a number of government departments and agencies who focus on protecting military remains, cultural heritage and preventing illegal salvage activity of our historic and sensitive underwater sites’.³

3.0.2 Given the cross-departmental focus of the Strategy, it to be hoped that effective responses may be continued and augmented over time. A short review of generic enforcement powers is included here as well as an overview of specific legislation.

3.1 Generic Enforcement Powers

3.1.1 The Police are the principal enforcement body for heritage offences, and a suite of offences that are not specifically heritage related but may be aggravated by the fact that there is a recovered or damaged heritage component to them.

3.1.2 In respect of maritime enforcement powers, the Policing and Crime Act 2017 (PACA) has extended the powers of the police in relation to maritime enforcement. Essentially, this equates to an augmentation of police powers to investigate offences committed on vessels operating at sea. The basic territorial extent of the powers is confined to 12nm, broadly mapping onto the definition of English Inshore Marine Plan Area. Part 4 of the PACA applies primarily to England and Wales’ waters but does enable the exercise of maritime enforcement powers following hot pursuit of vessels into Scottish waters (essentially the Scottish Inshore Region). Where the site in question is on the boundary of HE’s responsibility then it is advised that colleagues in the adjacent territorial area should also be contacted.

3.1.3 Section 84(1) PACA grants the police so called “maritime enforcement powers” for the purposes of “preventing, detecting, investigating or prosecuting offences under the law of England and Wales” in a maritime context. This means that for certain, specified, categories of

² Lowther, J., Gall, S. Bean, E. and Williams, M. (2018) *Enhancing Protection of Underwater Heritage Assets*. (Historic England Project Number 7146), available online at <https://historicengland.org.uk/images-books/publications/enhancing-protection-underwater-heritage-assets/> (last accessed February 2025).

³ National Strategy for Maritime Security CP724, 2022, DFT, London. Available from <https://www.gov.uk/government/publications/national-maritime-security-strategy> (last accessed February 2025).

ship, enhanced powers are available to the police. The ships are defined in the following categories:

- a UK ship in territorial, foreign or international waters;
- a foreign ship in England and Wales waters, and international waters;
- a ship registered in a relevant territory (defined in s.85(1));
- or a ship without nationality (defined in s.85(1)).

3.1.4 The Marine Policy Statement creates an obligation on all public authorities which may have an enforcement function the UK Marine Area to take due consideration of all heritage assets, regardless of whether they are scheduled/designated. **In the context of the CEM, this means that while Part 4 PACA primarily applies to the police, s.84(3) extends the definition of law enforcement officers to include other officers, including Border Force, MOD Police, port constables and other Secretary of State designated persons/organisations.**

3.1.5 The maritime enforcement powers are elaborated in ss.88-90. They include the powers to stop, board, divert and detain; the power to search for evidence and obtain information; and the powers of arrest and seizure. In each case, the trigger threshold to use the powers is that the law enforcement officer has reasonable grounds to suspect an offence is being or has been committed on a ship; that the ship was otherwise involved in the commission of a crime; or that there is evidence of the commission of an offence on a ship. For searches, the officer may search the ship, persons on the ship and anything found on the ship – which may include the cargo.

3.1.6 A limit on the jurisdictional exercise of the powers is provided in s.85. So far as is material to UK territorial waters, an authorisation must be granted by the Secretary of State for the Home Office before the enforcement powers may be applied to foreign flagged vessels. In the English Inshore Region, that authorisation can be given in those circumstances where the Flag State has asked the UK to intervene, or has authorised the UK to Act, or that the UN Convention on the Law of the Sea⁴ permits an intervention.⁵

3.1.7 Offences relating to UHA arising under the Protection of Wrecks Act 1973, the Ancient Monuments and Archaeological Areas Act 1979, the Protection of Military Remains Act 1986, the Marine and Coastal Access Act 2009 and the Merchant Shipping Act, 1995 would all fall within the definition of a relevant offence enabling an enforcement response.

3.1.8 In addition, s.93 creates offences should a person obstruct the Police or fails to comply with a requirement in the performance of their functions under Part 4 PACA. The offence provides for the power of arrest without warrant according in s.93(3) PACA.

3.2 The Protection of Wrecks Act 1973

3.2.1 The Protection of Wrecks Act 1973 (PWA) authorises the Secretary of State (DDCMS) to designate as a restricted area the site of a vessel of historical, archaeological or artistic importance⁶ lying wrecked in or on the seabed.⁷ The definition is not elaborated further in the

⁴ United Nations Convention on the Law of the Sea, 1982, 1833 U.N.T.S. 397

⁵ Policing and Crime Act 2017, s.85(3).

⁶ Section 1(1)(b) PWA.

⁷ Section 1(1) PWA.

PWA, although non-statutory guidance has been issued.⁸ Designated vessels range from dates around 500 BC to the middle of the 20th Century.⁹ The use of the term ‘vessel’ restricts the application of the legislation. It is not defined in the PWA, whereas the Merchant Shipping Act 1995, examined further in 3.0.6 below, defines the term as ‘... including any ship or boat or any other description of vessel used in navigation’.¹⁰

- 3.2.2 The purpose of the PWA is to protect the restricted area itself from unauthorised interference and not merely the vessel or its contents. It is an offence, within a restricted area, to tamper with, damage or remove any object or part of the vessel or to carry out any diving or salvage operation.¹¹ Operations carried out in the area are subject to a requirement to obtain a licence, granted by the Secretary of State. The licence will usually incorporate conditions or restrictions, applied to persons considered competent and properly equipped, for the carrying out of salvage operations in a manner appropriate to the importance of the wreck or associated objects.¹²
- 3.2.3 A diving contractor is engaged by Historic England on behalf of DDCMS to scope both potential future areas for designation and to visit existing sites for the purpose of monitoring their condition and the activities of the licensee, if any.¹³ Where a licence is granted, it will be subject to conditions or restrictions, appropriate to each individual site. In 2015, following amendments to the licensing process the term ‘Principal Licensee’ was introduced. The principal licensee is the main licence holder and, usually, these conditions will normally require that all divers are listed in a schedule kept by the principal licensee and that activities are restricted to those authorised on the licence. Essentially, present policy reflects that only certain limited activities on the site will be authorised, short of excavation and recovery.
- 3.2.4 A breach of any condition or restriction contained in the licence is treated as having been done without the authority of the licence and thus making it a criminal offence.¹⁴

Overlaps and cross-referencing

- 3.2.5 In addition to a PWA licence, other consents may be required, such as licences for marine licensable activities governed by the Marine and Coastal Access Act 2009, which should be obtained from the Marine Management Organisation. Further, where recovery is authorised, any recoveries of wreck must be reported to the Receiver of Wreck under the terms of the Merchant Shipping Act 1995.¹⁵

⁸ ‘Ships and Boats: Prehistory to Present Selection Guide’, Historic England, (2017), available from <https://historicengland.org.uk/images-books/publications/dsg-ships-boats> (last accessed February 2025).

⁹ Ibid.

¹⁰ Section 255(1) Merchant Shipping Act 1995.

¹¹ Section 1(3) PWA.

¹² Section 1(5) PWA.

¹³ Since 2022, this work is carried out under a Framework Agreement for Archaeological Services in relation to Marine Protection. The current contractors to Historic England under the framework are MSDS Marine, Wessex Archaeology and Maritime Archaeology Ltd.

¹⁴ Section 1(6) PWA.

¹⁵ A licence from the Crown Estate may also be required, in all cases outlined here, although this is a civil matter, and the detail is thus beyond the scope of this project.

3.3 The Ancient Monuments & Archaeological Areas Act 1979

- 3.3.1 The Ancient Monuments & Archaeological Areas Act 1979 (AMAAA) has both terrestrial and marine application. The AMAAA works by the *scheduling of monuments*.¹⁶ The definition of a 'Monument'¹⁷ encompasses, inter alia, buildings, structures or work, cave or excavation, vehicle, vessel, aircraft or other movable structure.¹⁸ The AMAAA is far more flexible in its possible application than the PWA. It can apply to flooded landscapes such as quarries, cave dwellings and fish traps, as well as aircraft and vehicles. To date all of the marine designations are of vehicles and vessels.
- 3.3.2 To be scheduled, the monument must be of 'national importance', although the term is not defined. Once scheduled, it is an offence to, inter alia, demolish, destroy, alter or repair a monument without 'scheduled monument consent', to damage a monument or use a metal detector therein without written consent.¹⁹ A valid consent operates as a defence, although in practice such consent is rarely given, except for rescue excavations. It is the practice of the heritage agencies to pursue a policy of preservation *in situ*. This principle is now enshrined as a cornerstone of the Valletta Convention and UK policy on marine archaeology.²⁰
- 3.3.3 The AMAAA, unlike the PWA, does not restrict public access to the site in itself. In a marine context, diving upon maritime scheduled monuments is permitted, on a 'look but do not touch' basis. On land, the scheduled status does not create an absolute public right of access to monuments in public ownership: it may be regulated or negated.²¹ Theoretically, this applies to the marine context; however, there is arguably a public right to swim in tidal waters, unless specifically prohibited. It would be likely that, if it were tested, the courts would equate swimming with underwater diving. This would mean potentially that the public enjoy a right to access scheduled monuments in tidal waters, unless specifically otherwise prohibited. In addition, no underwater scheduled monuments are currently in the ownership or guardianship of the relevant Secretary of State and the power to regulate or prohibit access cannot be utilised unless and until this occurs. Given this limitation, enforcement would be restricted not to excluding access but preventing damage (etc.) and unauthorised recoveries.

Overlaps and cross-referencing

- 3.3.4 If a scheduled monument or metal detector consent were to be given, the requirement for other consents may apply. As above, there may be the requirement for a marine licence as required by the Marine and Coastal Access Act 2009; and any object recovered and falling within the definition of wreck must be reported to the Receiver of Wreck according to the scheme of the Merchant Shipping Act 1995.

¹⁶ Under s.53 a monument situated in, on or under the seabed within the seaward limits of UK territorial waters may be scheduled.

¹⁷ Which may or may not be 'ancient'. There is no age limit applied.

¹⁸ Section 62(7) AMAAA.

¹⁹ Sections 2(1), 28(1) & 42(1); consent may be granted subject to conditions s.2(4) AMAAA.

²⁰ *European Convention on the Protection of the Archaeological Heritage (revised)* ETS no. 143; <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2017-10-31/HCWS208/> (last accessed February 2025).

²¹ Section 19(1), (2)(a)(b), (3) AMAAA.

3.4 The Protection of Military Remains Act 1986

- 3.4.1 The primary objective of Protection of Military Remains Act 1986 (PMRA) is to prevent disturbance of military remains, irrespective of the presence of human remains or the cause of the loss. It is wide-ranging and the Act's drafting is notoriously difficult to interpret as a result. It has the potential to control many archaeological excavations. The regulatory framework of the PMRA works upon the concepts of '*Protected Places*', '*Controlled Sites*' and the prohibition of certain excavations.²² A full list of both designated sites is included in the CEM.
- 3.4.2 *Protected Places* are the remains of any aircraft that crashed in military service or of any vessel *designated* (by name, not location) which sunk or stranded in military service after 4th August 1914 (commencement of First World War). Although the vessels, as opposed to aircraft, which are automatically Protected Places, need to be specifically designated by name, the location of each vessel need not be known, since it is the presence of the remains and their designation that makes the place protected and not knowledge of the location. It is an offence to conduct unlicensed diving or salvage operations to tamper with, damage, remove or unearth any remains or enter any hatch or other opening, if the diver believes or has reasonable grounds for suspecting that a place is comprised of the remains of a military aircraft or designated vessel.²³ Thus diving upon such remains is permitted, provided no tampering or removal of objects etc. occurs.²⁴
- 3.4.3 *Controlled Sites* are *designated areas of seabed* comprising the remains of a military aircraft or a vessel sunk or stranded in military service less than two hundred years ago.²⁵ It is an offence within a controlled site to tamper with, damage, move or unearth any remains, enter any hatch or opening or conduct diving, salvage or excavation operations for the purposes of investigating or recording the remains, unless authorised by licence.²⁶ Since unauthorised investigation is prohibited, it would seem that any unlicensed diving is prohibited on these sites.²⁷
- 3.4.4 Finally, the PMRA appears to prohibit any excavation in the United Kingdom if undertaken to discover whether the place comprises the remains of a military aircraft or vessel of any nationality, whenever the casualty took place, i.e. regardless of age.²⁸ The provision is wide in scope and appears to prohibit the archaeological investigation of any possible military wreck. It is likely to be difficult to satisfy an evidentiary bar, as a diver would need to confirm that the purpose was to ascertain whether it was a military loss.
- 3.4.5 In terms of enforcement, legal ambiguities exist, particularly in relation to *Controlled Sites*. These are:

²² The Act applies to both United Kingdom and international waters, but foreign vessels may only be designated within UK waters.

²³ Section 2(1) PMRA. It is also provided in ss.2(1)(c-d) that a person may not cause or knowingly permit another to do any of the prohibited activities.

²⁴ Potentially, dropping datum lines etc. might equate to tampering within the meaning of the PMRA.

²⁵ Section 1 PMRA.

²⁶ Section 2(3)(a) PMRA.

²⁷ The issue has not been litigated to date but would turn upon whether the court interpreted 'investigation' to include mere visual inspection without physical contact.

²⁸ Section 2(3)(c) PMRA.

- That in relation to those operations which are prohibited in *Controlled Sites*, such as ‘...diving or salvage operation...’ there is an issue in that ‘diving operation’ is neither defined by the PMRA nor by any other primary legislation and therefore carries its normal grammatical meaning. That is clear enough when applied to a person using diving apparatus. However, what is less clear is whether it would also include the use of a Remotely Operated Vehicle (ROV) simply to locate a wreck and inspect it.
- That in respect of *Controlled Sites*, an issue arises from the fact that diving or salvage operations are prohibited ‘...for the purpose of investigating or recording details of any remains...’.²⁹ The term ‘investigating’ has been taken literally to mean simply visually examining a wreck,³⁰ which amounts to an effective prohibition of all diving operations within a *Controlled Site* without the authority of a licence. Certainly, the MOD has publicly adopted such an interpretation.³¹ However, while this interpretation has merit, it is arguable that ‘investigation’, for the purpose of the PMRA, envisages activity that amounts to more than merely diving to examine visually military remains within a *Controlled Site*. Given that the objective of the legislation is to protect military remains from unauthorised interference, a purposive interpretation would be that diving operations are only prohibited if they are intended to, or are likely to, result in physical interference or entry into a wreck. Such an interpretation would then permit a purely visual examination, whether by a diver or by a Remotely Operated Vehicle (ROV), without the necessity for a licence.

Overlaps and cross-referencing

3.4.6 As above, there may be the requirement for a marine licence as required by the Marine and Coastal Access Act 2009; and any object recovered and falling within the definition of wreck must be reported to the Receiver of Wreck according to the scheme of the Merchant Shipping Act 1995.

3.5 Marine and Coastal Access Act 2009

3.5.1 The Marine and Coastal Access Act 2009 (MACCA) Part 4 provides that a marine licence be obtained for marine licensable activities. A person must have a marine licence granted by the Marine Management Organisation (MMO) before undertaking a number of activities set out in MACAA. The licensing regime imposes significant restraints upon the freedom to remove objects from the seabed, including the freedom of salvors to conduct salvage without prior authorisation. The impact is such that, in many circumstances UHA are protected from unauthorised disturbance and recovery without the necessity for designation or scheduling under the PWA, AMAAA or PMRA. However not all disturbance and/or recovery in respect of UHA will require a marine licence, although large scale disturbance or recovery is almost certainly likely to require one.

3.5.2 Marine licensing functions by imposing a requirement for a marine licence for the carrying out of a ‘licensable marine activity’.³² Where a marine licence is granted the authorised activity

²⁹ Section 2(3)(a) PMRA.

³⁰ See ‘*Legal Protection of the Underwater Cultural Heritage*’ Dromgoole, S. (ed.) Kluwer Law International (1999) chp.12. Contextually, this would be the grammatical meaning.

³¹ Military Maritime Graves and the Protection of Military Remains Act 1986: Consultation Document, 2001, MOD, London. An archive copy may be accessed at <http://www.inapc.org.uk/PMRA%201986%20-%20Consultation%20Report%20by%20MoD%202001.pdf> (last accessed February 2025).

³² Section 65(1) MACAA.

must be carried out in accordance with the licence. Thirteen licensable marine activities are stated in MACAA,³³ with those relevant to the protection of UHA being:

- To deposit any substance or object within the UK marine licensing area,³⁴ either in the sea or on or under the sea bed, from any vehicle, vessel, aircraft or marine structure, or any container floating in the sea;
- To deposit any substance or object anywhere in the sea or on or under the sea bed from a British vessel, British aircraft or British marine structure, or a container floating in the sea, if the deposit is controlled from a British vessel, British aircraft or British marine structure;
- To use a vehicle, vessel, aircraft, marine structure or floating container³⁵ to remove any substance or object from the sea bed within the UK marine licensing area;
- To carry out any form of dredging within the UK marine licensing area (whether or not involving the removal of any material from the sea or sea bed).³⁶

3.5.3 These criteria are extremely wide and encompass many routine activities, so to mitigate the regulatory burden three Statutory Orders provide approximately forty exemptions, removing the need for a marine licence if the operator is in conformity with any conditions imposed by these exemptions.³⁷ Licensable activities posing a low risk to the marine environment may be subject to a system of self-servicing for marine licences.³⁸

3.5.4 In relation to UHA, self-service activities includes any removal of *'discrete minor objects of archaeological or historic interest from the seabed'*, described in the associated application.³⁹ *'Minor objects'* are defined as discrete debris. *'Archaeological or historic interest'* is broadly defined to include *'...all traces of human existence having a cultural, historical or archaeological character such as sites...artefacts and human remains, together with their archaeological and natural context...vessels, aircraft, other vehicles or any part thereof, their cargo or other contents, together with their archaeological and natural context...objects of prehistoric character'*.⁴⁰

3.5.5 Guidance from the MMO removes the need for a licence to use a lifting bag to remove an object from the seabed where the object does not require a total lifting capacity greater than 100KG and the object to be removed has not been on the seabed for longer than 12 months. The guidance appears to suggest that it is for the applicant to establish this period on the seabed or otherwise to obtain a marine licence.

³³ Section 66(1) MACAA.

³⁴ The UK marine licensing area encompasses the UK marine area, i.e. the UK territorial sea, EEZ and Continental Shelf, with the exception of the Scottish Inshore Region; s.42(1), s.66(4) MACAA.

³⁵ A floating container would include any buoyancy device, such as a diver's 'lifting bag', which when inflated provides positive buoyancy to lift objects underwater – although see the exemption

³⁶ Dredging is defined as *including* the use of any device to move any material (whether or not suspended in water) from one part of the sea or sea bed to another part; s.66(2)(a) MACAA.

³⁷ Marine Licensing (Exempted Activities) Order 2011 (S.I. 408/2011); Marine Licensing (Exempted Activities) (Amendment) Order 2013 (S.I. 526/2013); and The Marine Licensing (Exempted Activities) (Amendment) Order 2019 (S.I. 2019/893).

³⁸ <https://www.gov.uk/government/publications/self-service-marine-licensing> (last accessed February 2025).

³⁹ <https://www.gov.uk/government/publications/self-service-marine-licensing/self-service-activities-table> (last accessed February 2025).

⁴⁰ Ibid.

Overlaps and cross-referencing

3.5.6 Unless falling within one of the exempt categories, or subject to guidance provided by the MMO, operations otherwise permitted by consent/authorisation under the PWA, AMAAA, PMRA may require a marine licence. In addition, activities relating to salvage and recoveries, outlined in the next section on the Merchant Shipping Act 1995, may well constitute licensable activities.

3.6 Salvage and the Merchant Shipping Act 1995

3.6.1 A 'salvage operation' is defined as 'any act or activity undertaken to assist a vessel or any other property in danger...'⁴¹. The term 'property' appears to be extremely wide, although legal opinion is that, at its widest, it only encompasses maritime or aviation property and is thus aligned with the definition of 'wreck' under the Merchant Shipping Act 1995 (MSA).⁴² The UK incorporated the International Convention on Salvage 1989 (ICS) into its law by the MSA.⁴³ Most maritime archaeology is undertaken without a commercial salvage contract, and so the commercial salvage regime does not apply. Salvage relating to UHA is almost invariably voluntary salvage (*ex contractu*), often undertaken by recreational divers or avocational archaeologists who are recreational divers. That said, voluntary salvage by commercial concerns can occur, usually associated with recovery of metal cargoes or gold or silver bullion and/or coins.

3.6.2 Since there is no requirement for a contractual nexus in cases of voluntary salvage, any person may initiate salvage of another's property, indeed an owner cannot unreasonably refuse such a service.⁴⁴ Such freedom is however constrained by the operation of the legislation protecting UHA and imposing the requirement for a marine licence for recovery of objects from the seabed other than by hand. These legislative provisions are explained below.

3.6.3 Under s.236(1) MSA a person who takes possession of wreck in UK waters or brings it into those waters must give notice to the Receiver of Wreck (ROW).⁴⁵ That person, a salvor in law, will usually be entitled to a salvage award and the function of the ROW, an official of the Maritime and Coastguard Agency, is to reunite owner with their recovered property, subject to the payment of any salvage claimed. There is no statutory time limit for such reporting, though an administrative time limit of 28 days is adhered to by the ROW. It is an offence, without

⁴¹ International Convention on Salvage 1989, Article 1(a), Treaty Series No. 93 (1996), HMSO. In force in UK law by virtue of Schedule 11, Article 1 of the Merchant Shipping Act 1995.

⁴² Defined as "includes *jetsam, flotsam, lagan and derelict found in or on the shores of the sea or any tidal water.*" (s.255(1) MSA). In *Sir Henry Constable's Case* (1601) 5 Co. Rep. 106a *Jetsam* was defined as goods cast into the sea to lighten an endangered ship, the ship later sinking; *Flotsam* as goods left floating after a ship sinks and *Lagan* as goods cast into the sea with a buoy attached to mark their location for later recovery. A *derelict* is a vessel abandoned at sea by the master and crew, without hope of recovery (*The Aquila* 1 C. ROB. 38 (1798) per Sir W Scott at 40). Sunken vessels resting on or in the seabed, or their remains, will be a Derelict in law. The term 'wreck' also encompasses the both the remains of vessels, their equipment, cargo and apparel. Aircraft come within the meaning of 'wreck' for the purposes of the Merchant Shipping Act 1995 by virtue of the Aircraft (Wreck and Salvage) Order 1938 (S.R.&O 1938 No.136) and s.51 Civil Aviation Act 1949.

⁴³ The Convention is incorporated by s.224 MSA and the text reproduced in Schedule 11.

⁴⁴ ICS, Article 19.

⁴⁵ Such reporting is effected by submission of a form known as a 'Droit'.

reasonable excuse, not to report the taking of possession of wreck⁴⁶ and such failure has led to successful prosecutions for recoveries of UHA.

- 3.6.4 By its nature, most historic wreck remains unclaimed, and it is in respect of such unclaimed wreck that effective changes in the administrative policy relating to the disposal of historic wreck have been introduced by the ROW. If no owner claims title to wreck within a statutory period of one year then the Crown is entitled to the unclaimed wreck,⁴⁷ unless the Crown has granted the right to such unclaimed wreck to a person.⁴⁸ The ROW obtains a market valuation and may then dispose of the property as thought appropriate; the salvage award being paid by the person or institution that acquires the material upon the basis of the valuation, together with any expenses of the ROW.⁴⁹ Where no institution wishes to acquire the unclaimed wreck it may be returned to the salvor in lieu of salvage.

Overlaps and cross-referencing

- 3.6.5 Recovery of UHA in the form of wreck, whether formally protected by PWA, AMAAA or PMRA would need to be declared to the ROW. A marine licence may also be required for recovery operations.

⁴⁶ Section 236(2) MSA.

⁴⁷ Sections 241 & 242 MSA.

⁴⁸ The Crown has granted the right of unclaimed wreck washed ashore to persons, often to those holding manorial titles to the foreshore.

⁴⁹ Where wreck is disposed of to a publicly accessible collection the Receiver's fees are waived but any expenses incurred by the Receiver must be paid, since the Maritime and Coastguard Agency has no funding for conservation etc. and must recoup these costs.

4.0 Standard Operating Procedures (Objective 2)

- 4.0.1 Objective 2 of the CEM for Heritage Crime at Sea is to collate and document existing standard operating procedures (SOPs) in use by agencies with a marine presence within the Inshore English Region.
- 4.0.2 This is necessary to understand any procedures already in place across the relevant agencies in relation to marine heritage crime (MHC) and where there are none. A Memorandum of Understanding on the Prevention, Investigation, Enforcement and Prosecution of Heritage Crime (2023) is already in place between Historic England (HE), the Association of Chief Police Officers (ACPO), the Crown Prosecution Service (CPS) and some terrestrial authorities but this does not include most of the agencies with jurisdiction or a presence at sea.⁵⁰
- 4.0.3 Guidance for dealing with incidents of heritage crime exists and is freely available on the HE website, however much of this does not relate directly to marine incidents and in any event may not be accessible to agencies' assets at sea due to network limitations. For the purposes of this project, agencies were asked about their 'in-house' SOPs and guidance relating specifically to marine heritage crime and their processes relating to current operating procedures.

4.1 Agencies Involved

- 4.1.1 The following agencies and organisations were contacted to see if they had existing SOPs:
- Marine Management Organisation (MMO)
 - Police (including marine units and Ministry of Defence Police)
 - Maritime and Coastguard Agency (MCA) (including Coastguard, Enforcement Unit and Receiver of Wreck ROW)
 - Border Force
 - King's Harbour Masters (KHM)
 - Association of Inshore Fisheries and Conservation Authorities (AIFCA)⁵¹
 - National Coastwatch Institution (NCI)
- 4.1.2 As there are multiple territorial police marine units around the coast, each part of a different regional forces, information was gathered from these by PC Julian Fry, Devon & Cornwall Police, who is the National Tactical Lead for Maritime and Coastal Heritage and Cultural Crime and he was also able to provide information from a terrestrial perspective. The Ministry of Defence Police (MDP) would not normally act as first responders in the event of MHC, including potential offences on wrecks designated under the Protection of Military Remains Act 1986 (PMRA).⁵² The MDP would take the lead in any investigation following a potential PMRA offence but would

⁵⁰ A Memorandum of Understanding on the Prevention, Investigation, Enforcement and Prosecution of Heritage and Cultural Crime and Anti-Social Behaviour, Historic England (2023) available from <https://historicengland.org.uk/content/docs/legal/memorandum-understanding-eng-pdf/> (last accessed February 2025).

⁵¹ AIFCA is the co-ordinating body for the ten Inshore Fisheries and Conservation Authorities (IFCAs) in England

⁵² Personal communication with PC Julian Fry 25/04/22.

not normally act as a first responder. The King’s Harbour Masters (KHM) would contact MDP in the event of any potential offence within their jurisdiction.⁵³

- 4.1.3 There are several departments within the MCA that each have different operational procedures and fulfil different roles and therefore SOPs were requested separately from representatives from HM Coastguard (HMCG), the MCA Enforcement Unit and the Receiver of Wreck (ROW).
- 4.1.4 Border Force carry out tasked response rather than a monitoring and surveillance role and therefore only have informal procedures in place in terms of sharing intelligence relating to MHC however, Border Force vessels would react as instructed by the relevant agency where other operational requirements allowed.⁵⁴
- 4.1.5 The National Coastwatch Institution (NCI) is a voluntary agency, which monitors the coastline in certain areas for the purpose of safety and they provide this information to the coastguard. Notwithstanding NCI’s focus on maritime safety, they are in a prime position to monitor activities at sea within sight of their shore-based stations and have already done so, for example, Prawle Point NCI and the Salcombe Cannon Site and Moor Sand site.⁵⁵
- 4.1.6 An IFCA’s role is centred on fisheries and conservation management. However, IFCA’s have a maritime presence through their patrol craft and in the event of observing or responding to marine heritage crime an IFCA’s contribution would largely be that of collecting evidence and information.⁵⁶
- 4.1.7 A summary of the standard operating procedures gathered from each organisation is shown below.

Table of Standard Operating Procedures

Organisation	Area	SOPs for Marine Heritage Crime	Contacts
MMO	Shore /Sea	No formal SOPs for MHC. MMO have a dedicated Intelligence Unit for the receipt and dissemination of intelligence.	Report intelligence on MHC through MMO JMISC ⁵⁷ representative via 5x5x5. ⁵⁸
Police	Shore /Sea	No formal SOPs for MHC but there is an MOU in place with HE. Terrestrial police will usually be the first responders to an incident of MHC. Marine Policing Manual (2010) provides an overview of legislation related to MHC.	MCA Enforcement, HE, MDP.

⁵³ Personal communication with QHM (now KHM) Portsmouth 16/03/2022.

⁵⁴ Personal communication with Border Force 01/04/2022.

⁵⁵ Respectively: <https://historicengland.org.uk/listing/the-list/list-entry/1000074>, and <https://historicengland.org.uk/listing/the-list/list-entry/1000050>

⁵⁶ Personal communication with AIFCA 13/05/2022.

⁵⁷ NMIC is the National Maritime Information Centre, part of the Joint Maritime Security Centre (JMISC).

⁵⁸ 5x5x5 is the standard Intelligence Report form used by most enforcement agencies.

ROW	Shore	Inform HE if a Protection of Wrecks Act 1973 (PWA) offence or Navy Command if PMRA. ROW does not have a responsibility for heritage other than government policy. ⁵⁹	MCA Enforcement, HE, Navy Command, Police.
H M Coastguard	Shore	The Coastguard receive intelligence from those at sea and provide this to JMSC, ROW or MCA Enforcement. There are standard SOPs for MHC related offences on their CIP system including information gathering, and information on protected and non-protected wrecks. Inform ROW of any MHC incidents including PWA and PMRA. ⁶⁰	JMSC, ROW, MCA Enforcement.
MCA Enforcement	Shore	Marine Enforcement Manual, which outlines how they will react according to legislation including evidence gathering, and communication with other agencies. This is largely aimed at offences relating to safety and seafarers but a small section applies to MSA wreck offences. ⁶¹	Police, ROW, HMCG. Intelligence is shared via 5x5x5 and through JMSC. ⁶²
Border Force	Sea	No formal SOPs for MHC. Mainly reactive rather than monitoring/surveillance.	Report suspicious activity via 5x5x5 through JMSC and in the past, ROW.
KHM	Shore /Sea	Report any potential offences within jurisdiction to MDP.	MDP, Police, HMCG and ROW.
AIFCA / IFCAs	Shore /Sea	Collect information and evidence (in connection to potential Marine & Coastal Access Act 2009 (MCAA) offences). Report any intelligence to relevant agency.	Police, MMO, MDP, HMCG and ROW
NCI	Shore	Inform coastguard of any potential MHC or wreck offences. ⁶³	HMCG, Police.

⁵⁹ Personal communication with ROW 10/05/2022.

⁶⁰ Personal communication with HM Coastguard 16/03/2022.

⁶¹ Information as outlined in the MCA Marine Enforcement Manual (2020).

⁶² Personal communication with MCA Enforcement Unit 24/03/2022.

⁶³ Personal communication with NCI 08/03/2022.

- 4.1.8 The MMO have standard procedures for dealing with potential offences under MCAA and a dedicated team for handling intelligence. There is established communication with Historic England however, this is through Historic England’s role as consultees for Marine Licensing applications and this is carried out through the MMO licensing team rather than through the dedicated MMO enforcement team. In the past there was a list of contacts for other agencies however, this has not been updated for some time and individuals have moved on. This supports the requirement for Single Points of Contact (SPOCs) when it comes to managing intelligence and evidence relation to potential MHC.⁶⁴
- 4.1.9 Most incidents of MHC are likely to be reported to the police via their call handlers who are aware of the nature of heritage crime but there are currently no instructions relating directly to marine heritage crime. The database used by control rooms provides access to Heritage Crime Liaison Officers in the area who can support the local teams to attend the scene and advise. The main instructions currently available to police marine units are provided in the Marine Policing Manual (2010) which provides an overview of the legislation but no guidance on which evidence to gather or who to contact.⁶⁵
- 4.1.10 The Ministry of Defence police operate within KHM limits but are not likely to be first responders to incidents of MHC, even on PMRA sites. They would normally take a lead once an investigation was deemed necessary and therefore the territorial police would be first responders to attend the scene of a potential MHC before handing over to MDP.⁶⁶
- 4.1.11 The Receiver of Wreck collects certain standard information regarding potential Merchant Shipping Act 1995 (MSA) offences. In the event of a potential offence under MSA they would seek assistance either from the MCA Enforcement Unit or from the relevant police force. Any information on PWA, Ancient Monuments and Archaeological Areas Act 1979 (AMAA) or PMRA offences would be passed to HE and/or Navy Command.⁶⁷
- 4.1.12 HM Coastguard have standard operating procedures in place for dealing with potential MHC incidents which are outlined on their Coastguard Information Portal (CIP) system, which can be accessed by all coastguards on duty. The HMCG SOPs cover “protected” and “non-protected” wrecks but do not specifically mention sites scheduled under AMAA or Sovereign Immune wrecks.⁶⁸ The instructions include the requirement to request details of licensees for incidents of diving on PWA wrecks. If unlicensed divers are discovered, details are recorded on the coastguard log as an incident and the Receiver of Wreck is informed.⁶⁹
- 4.1.13 The MCA Enforcement Unit have a dedicated Marine Enforcement Manual, which sets out how they will investigate potential offences, although these mainly refer to seafarer certification, safety and surveying. The MCA Enforcement Unit would not normally be first responders to an

⁶⁴ Personal communication with MMO 10/05/2022.

⁶⁵ Personal communication with PC Julian Fry 25/04/22.

⁶⁶ Personal communication with PC Julian Fry 25/04/22.

⁶⁷ Personal communication with ROW 10/05/2022.

⁶⁸ Wrecks of State owned or operated vessels used for non – commercial purposes at the time of sinking are entitled to Sovereign Immunity from salvage unless the Flag State consents. Typically, such wrecks will be those of warships. See MAS Schd. 11 Art. 4(1)

⁶⁹ Personal communication with HM Coastguard 16/03/2022.

incident but may take a leading role in investigating and prosecuting any MSA offences relating to wreck material if requested by ROW.⁷⁰

- 4.1.14 Border Force will react to MHC and will attend the scene where possible in cases where they are tasked, usually through JMSC. Intelligence is collected on a standard 3x5x2 form (11.1) and this is provided to the relevant agency or JMSC. In the past they have had communications with ROW directly, but this has not been possible recently. Border Force have access to intelligence relating to Persons of Interest or Vessels of Interest through JMSC when made available.⁷¹
- 4.1.15 The main role of the King's Harbour Masters in England is to manage the safe movement of maritime traffic and to protect the ports of Portsmouth and Plymouth. Being a harbour authority, they are aware of any designated sites within or in close proximity to their jurisdiction, however there is currently no specific MHC guidance other than the legislation.⁷²
- 4.1.16 AIFCA / IFCA's do not currently have specific SOPs relating to MHC as their role is not heritage related. However, they acknowledged that they are in a useful position to collect information to support investigations. Any information collected in relation to MCAA offences is usually situation specific. Officers are not necessarily aware of designated or scheduled sites in their areas unless these have been flagged up due to previous issues or concerns.⁷³

The NCI's main reporting line for anything of concern is HM Coastguard who then make the decision on which other agencies to task or contact depending on the situation. A number of NCI stations are aware of designated or scheduled sites in their area and any unauthorised activity would be reported to HMCG or, in the event of vandalism or destructive behaviour, the police may be called on 999 in addition to notifying HMCG.⁷⁴

⁷⁰ Personal communication with MCA Enforcement Unit 24/03/2022.

⁷¹ Personal communication with Border Force 01/04/2022.

⁷² Personal communication with QHM (now KHM) Portsmouth 16/03/2022.

⁷³ Personal communication with AIFCA 13/05/2022.

⁷⁴ Personal communication with NCI 08/03/2022.

5.0 Plain English explanations of the legislation and procedures (Objective 3)

- 5.0.1 The specific legislation applicable to UHA is summarised within the CEM and is linked throughout it. The essential purposes, key terminology, offences/defences of each legislative measure are provided, along with a number of awareness points to provide context and to facilitate understanding. The intention is to provide a quick and concise guide to the legislation, without being overly legalistic, that offers a useful ‘ready-reckoner’ for officers at sea. The materials are accessible in the CEM then by clicking through to the legislative measure that is being contemplated. In addition, given that follow-up work would most likely take place on shore, all of the statutory material is hyperlinked to *legislation.gov.uk* so as to enable a more comprehensive appreciation of the legal framework should it be necessary.

6.0 Materials and resources – (Objective 4)

6.1 Landing page

6.1.1 Landing page design



Figure 2: CEM landing page

6.1.2 The landing page needs to be visually simple, easy to use and accessible. This is the first page that the operators will see when they access the CEM. It needs to be in a format that is logical to all agencies using simple overarching descriptions of potential marine heritage crime events.

6.1.3 Figure 2 shows the landing page. The action “buttons” are blue and upon choosing which activity is taking place, selecting the most relevant button will link to the next phase of the process.

6.1.4 The landing page also has quick links to summarised versions of the legislation, forms such as the Receiver of Wreck report form and contact details for relevant agencies.

6.2 Process

6.2.1 The process sections navigate the user through the different actions and legislation that apply. All of the processes are set out using the same colour coding and shapes as shown in Figure 3 Key to the process options. A key has been produced to ensure that the processes and steps are consistent visually and are colour coded for quick access. The key is included with the main content of the CEM for reference.

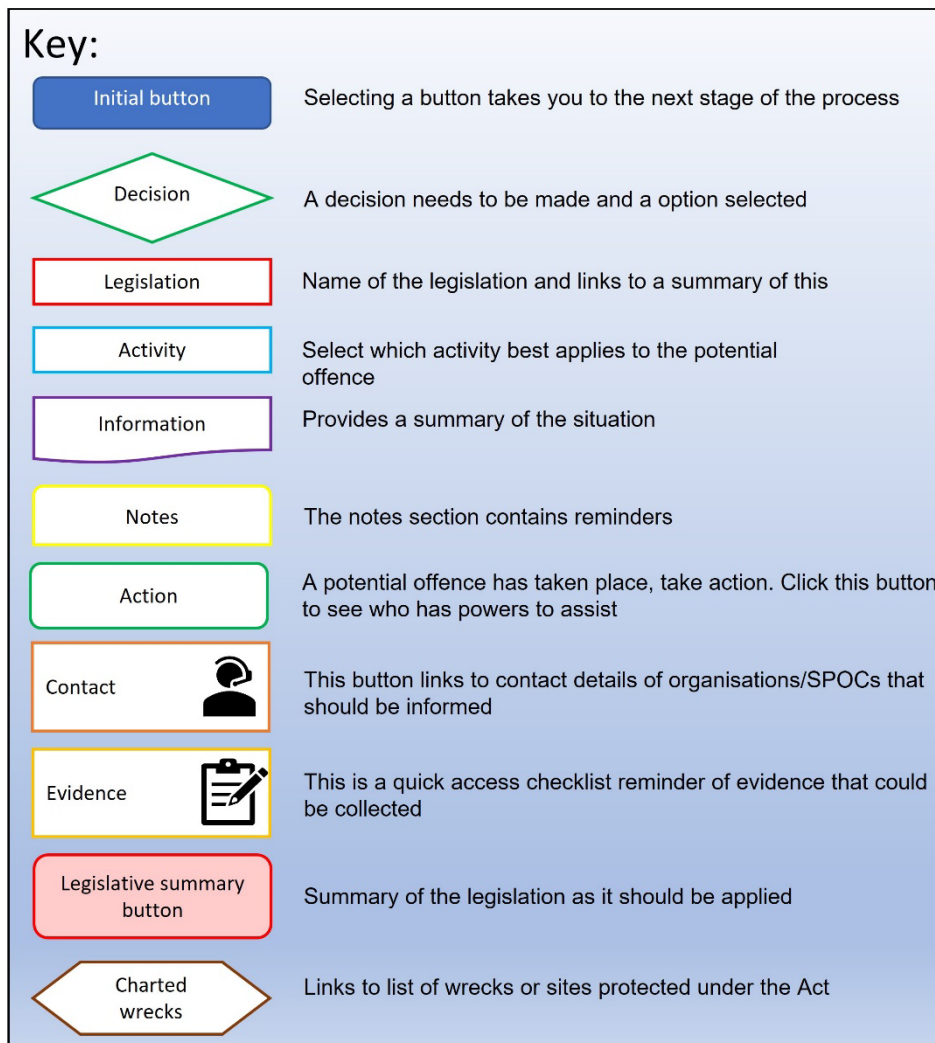


Figure 3 Key to the process options

- 6.2.2 The “Initial button” on the landing page is selected depending on the situation encountered or the information required. This then takes the user to the next stage of the process.
- 6.2.3 The decision buttons require the user to answer a yes/no or activity question to proceed to the next stage of the process.
- 6.2.4 The legislation button specifies the particular legislation that applies to the site.
- 6.2.5 The activity relates to what is taking place on the scene. For example, is a boat present over a site or are divers active? This helps to take the user to the section of the legislation that might apply.
- 6.2.6 The information section provides a background summary on the situation.
- 6.2.7 In some cases, additional notes or prompts are required and these are outlined in the notes field.
- 6.2.8 The “Action” button links to the powers section of the CEM, outlining who has powers to respond.

- 6.2.9 The contact section states which authorities should be contacted in each instance and links to the contact details of these.
- 6.2.10 The evidence section very briefly outlines the basic level of evidence that could be collected. The level of evidence that can be collected depends on which authority is present and which statutory powers they have, therefore the most basic level that can be recorded is listed.
- 6.2.11 At the end of each process, a legislative summary button links to the summary relating to that particular Act.
- 6.2.12 The charted wrecks button applies to any protected site and takes the user to a list of protected sites and their locations if known. In the downloadable content, this list will need to be maintained and updated periodically as new protected sites are added. The agencies with access to the CEM downloadable content will need to be advised each time a new version is available for download so that the content remains current. In the web-based resource version of the CEM this button could link to Historic England's listing data and could potentially link to electronic charts or the operating systems of the agencies involved.

6.3 Example - Activity on or near a protected site

- 6.3.1 This activity can be governed by four separate pieces of legislation within the English region, including the Protection of Wrecks Act 1973, The Ancient Monuments and Archaeological Areas Act 1979, the Protection of Military Remains Act 1986 and for vessels and aircraft that were State owned or operated for non-commercial purposes, Sovereign Immunity. The first decision requires the user to find out which legislation the site is designated under. This information will appear on the electronic charts they have available to them.
- 6.3.2 Once the relevant legislation has been selected, the user will be taken through a set of processes to guide them to which actions should be taken if necessary.

6.4 Example - Ancient Monuments and Archaeological Areas Act (AMAA) – Step 1 – Diving is taking place on site

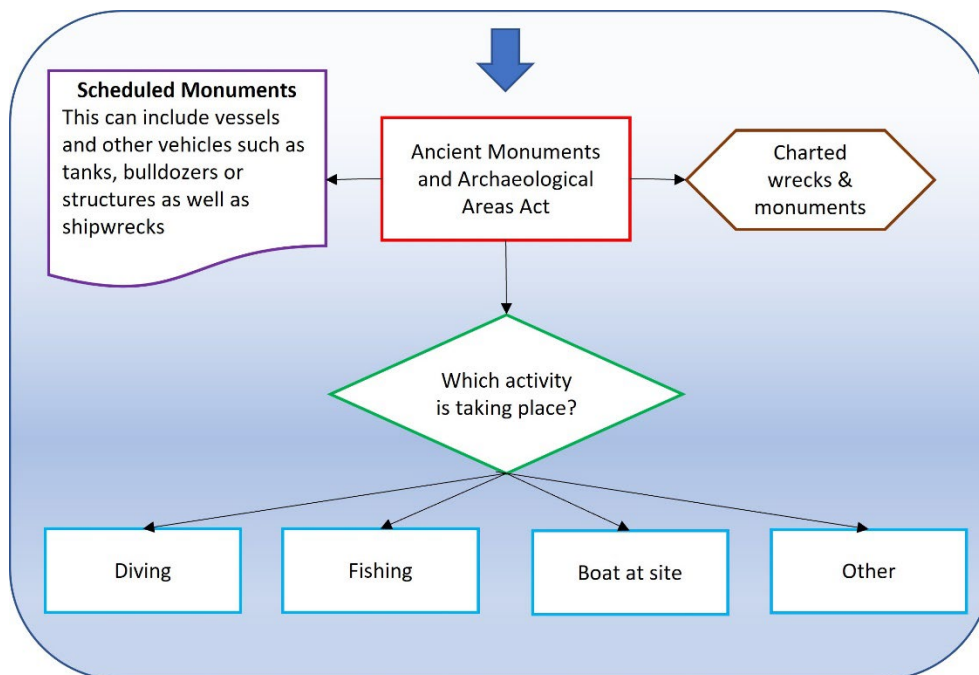


Figure 4 Example of step 1 of a process - Ancient Monuments and Archaeological Areas Act

- 6.4.1 Figure 4 is an example of step one of the process, which adds background to the Act and asks the user to select which activity is taking place on site.
- 6.4.2 If required, the user can select the Chartered wrecks & Monuments button to access a list of sites protected under this legislation.
- 6.4.3 After selecting an activity by clicking on it, the user is directed to the next stage. In this example we will assume that diving is taking place on the site of a scheduled monument.
- 6.4.4 Step two of the process (Figure 5) provides basic information on what can and cannot take place on a site protected under the Ancient Monuments and Archaeological Areas Act. If action is required clicking the “Action” button takes the user to the powers section outlining which action can be taken and by whom in this situation. The continued process suggests the types of evidence that can be collected by anyone on scene and also informs the user who should be contacted. The contact details are linked to the organisations listed in the contacts box. If required, for reference purposes there is also a button linking to the summary of the particular Act that applies, in the case of this example, the Ancient Monuments and Archaeological Areas Act.

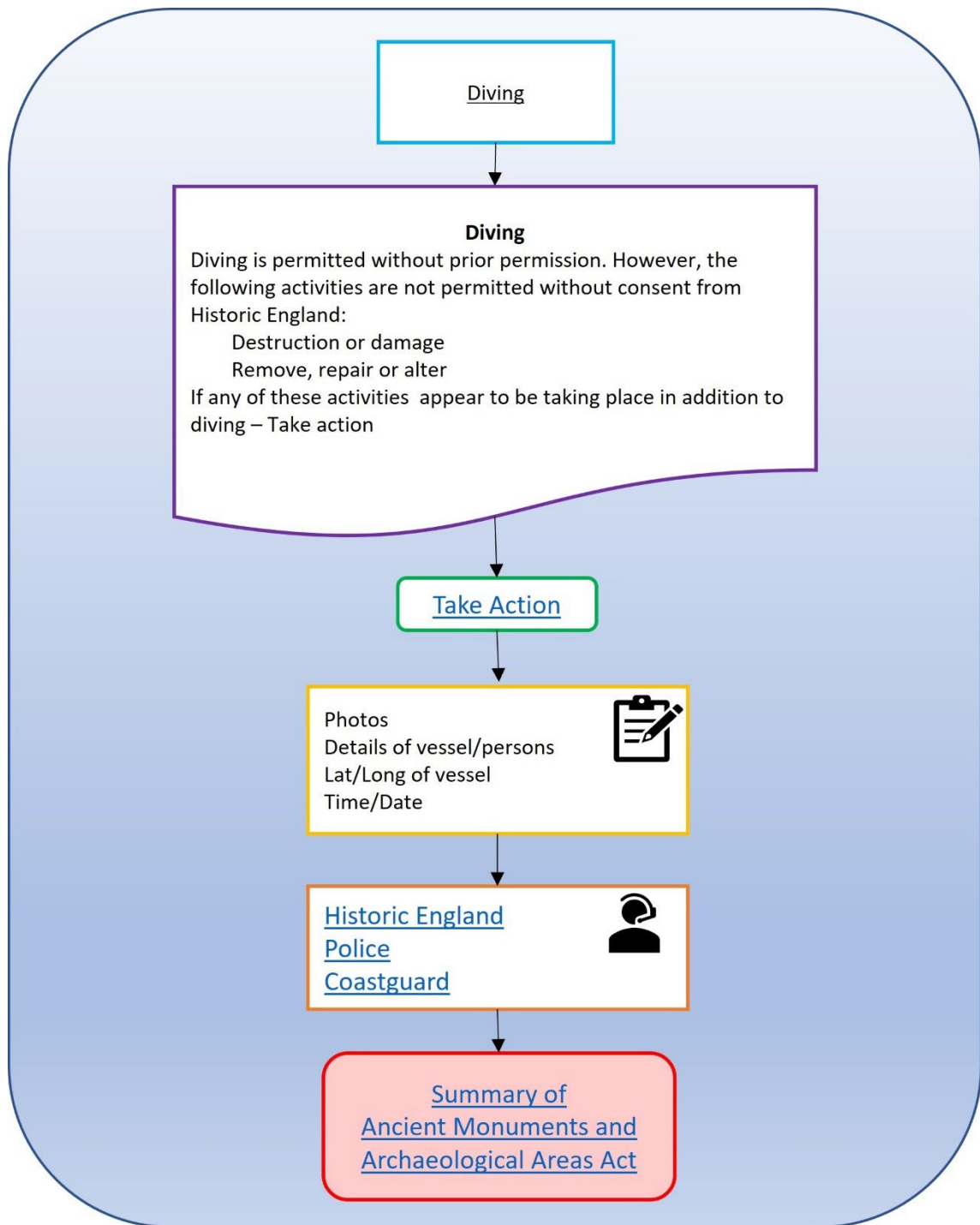


Figure 5 Example of step 2 of a process - Ancient Monuments and Archaeological Areas Act

6.5 Forms

- 6.5.1 This section contains information about useful forms, including a copy of the Report of Wreck and Salvage Form, and the type of information recorded in the standard intelligence 3x5x2 form.

6.6 Contacts

- 6.6.1 A full list of contact details for organisations that might have an involvement in preventing and detecting marine heritage crime has been included.
- 6.6.2 Those organisations that are involved in administering or overseeing the enforcement of marine heritage crimes in England are linked into the processes in the main content of the CEM.
- 6.6.3 Where possible, phone numbers have been included so that this resource can be best utilised at sea where there may be no access to internet but there are also links to emails and websites where applicable. This will need to be updated periodically (see recommendations).

6.7 Glossary

- 6.7.1 This Annex to the CEM contains a very brief list of terms and definitions relating to marine heritage crime.

6.8 Designated & Scheduled sites by area (England)

- 6.8.1 In order for the CEM to be effective at sea where there may be no internet access, a list of those sites currently protected in England has been compiled, with a date stamp indicating when the list was correct. This will need to be updated periodically as new sites are designated (see recommendations).
- 6.8.2 The sites are set out in areas. Each agency and organisation works with different boundaries and jurisdictions so for ease of use, the areas have been divided into North East, South East, South Central, South West and North West England. Within these regions the protected sites are listed as per the legislation that protects them. Those with further information available online, are hyperlinked, such as those listed on the National Heritage List for England.
- 6.8.3 The format describing locations such as latitude and longitude and grid references has been standardised and details on the extent of the exclusion zones have been provided.
- 6.8.4 Currently, only sites protected under the Protection of Wrecks Act are included in nautical charts. In the future, Scheduled Monuments and Controlled Sites protected under the Protection of Military Remains Act could be included (see recommendations).

7.0 Web-based resource

- 7.0.1 The CEM is set out in such a way that it can easily be adapted as a web-based resource as required by objective 4.

8.0 Downloadable resource (Objective 5)

- 8.0.1 The content of the CEM has been structured in such a way that it can be used in a downloadable format such as a PDF or e-leaflet or can be adapted to be used as a web-based resource. Links are used within the document that will work in a downloadable format taking the user through to the next stage of the process as outlined in 5.0 above.
- 8.0.2 It will need to be made clear that the downloadable version of the CEM should be updated regularly. This could be done by releasing an updated version on a specific date each year and making those that have access to it are aware of each update and the requirement to download the latest version. This will also help maintain cross-organisational awareness of the CEM.

9.0 Recommendations

- 9.0.1 When compiling the contact information for the CEM, it became apparent that there was no way of contacting Historic England out of hours in the event of a potential marine heritage crime. The current procedure is to contact the police out of hours but, in many cases, the police themselves may require advice from Historic England in order to deal with incidents that are more complex. It is recommended that Historic England set up a Single Point of Contact (SPOC) that can be available outside of normal office hours. This could be a dedicated generic “marine heritage crime” email address that can be monitored or a telephone number that can be contacted or could be a dedicated contact in the police who is trained to advise on marine heritage crime.
- 9.0.2 Whilst producing the content for the CEM, various Historic England documents available via the Historic England website were referenced and it was noted that the advice on fishing, especially in terms of the deposition of nets and anchors on designated sites needs clarifying. The act of depositing the nets or anchors is not prohibited *per se* unless this leads to damage to the site. It is submitted that, as in all criminal offences, the totality of the offence must be proved beyond reasonable doubt. This means that the extent and nature of the damage caused by the anchoring/ netting / potting/ trawling would need to be proved beyond reasonable doubt. This is a high evidentiary bar in the context of the marine environment and the acts of anchoring / netting/ potting / trawling *per se* would not meet this evidentiary bar. Historic England needs to clarify its legal advice in this matter.
- 9.0.3 Border Force and MMO highlighted the need to raise awareness of MHC within their organisations. The implementation of the CEM may help to raise awareness of marine heritage crime. Both organisations were keen to do so and fully support the implementation of the CEM for use within their agencies. In addition to this, it is recommended that an introductory workshop or seminar, repeatable periodically for continuity purposes, be organised for those agencies that might be involved in preventing, detecting or enforcing marine heritage crime
- 9.0.4 Several organisations asked if there would be training available to support the knowledge provided in the CEM. Specifically, there was a request for training advising how to recognise MHC including warning signs and how to identify objects relating to MHC. It is recommended that a supporting training package be produced to support the roll-out of the CEM and, regular training events thereafter as and when necessary. The training could be supported by user guide style e-leaflet provided to individuals who have undergone training.
- 9.0.5 Currently, there is no formal arrangement for the production, revision and distribution of a list of persons or vessels of interest suspected of potential or previous marine heritage crimes. The organisation responsible for this would need to have the appropriate training and security clearance for handling this type of intelligence. In the past, this information was provided to NMIC via HM Coastguard where it was held for reference purposes. It is recommended that a formal arrangement be made between Historic England and for example, the police, to maintain the availability of this information.
- 9.0.6 The contact list provided in the CEM will need maintaining and where require updating. It is suggested that this be carried out on an annual basis.

- 9.0.7 Protected sites are added regularly in England by both Historic England and the Ministry of Defence. Therefore, it will be necessary to update the list of designated sites listed in the CEM periodically.
- 9.0.8 At present only sites protected under the Protection of Wrecks Act are published in nautical charts. It is recommended that this be extended to include Scheduled Monuments and to consider encouraging the Ministry of Defence to include Controlled Sites protected under the Protection of Military Remains Act. This will make it easier for members of the public in the marine environment and those protecting sites to recognise them.
- 9.0.9 It is recommended that the downloadable and web-based CEM only be available to those with an active role in protecting marine heritage as several organisations have a preference for their more specific operational contact details to have a more limited distribution.

10.0 Acknowledgements

10.0.1 The authors wish to acknowledge the following individuals and organisations for their support and assistance in developing the CEM:

Individuals

- Hefin Meara, Historic England
- PC Julian Fry, Devon and Cornwall Police
- Andrew Vidamour, Border Force
- Andrew Newlands, MMO
- Graham Caldwell, Receiver of Wreck
- Robert Clarke, AIFCA
- Ryan Hobbs and Neil Cunningham, MCA
- Mike Smith, NCI

Organisations

- Marine Management Organisation
- Maritime and Coastguard Agency
- Border Force
- National Coastwatch Institution
- Association of Inshore Fisheries and Conservation Authorities
- Ministry of Defence
- Police
- Queen's (Now King's) Harbour Masters, Plymouth and Portsmouth

11.0 Appendices

11.1 Intelligence Forms

- 11.1.1 The 3x5x2 is the form is used by law enforcement agencies in the UK as part of the National Intelligence Model.
- 11.1.2 The reports are completed with the intelligence received using graded evaluations about the source, the intelligence itself and how that intelligence should be handled. The confidence of the intelligence can then be assessed and the source evaluated. Prior to the use of the 3x5x2 the 5x5x5 system was used. This is a standardised system of reporting.
- 11.1.3 Guidance should be sought on full completion of a 3x5x2 intelligence form but an overview of the grading used is outlined in the table below:

Table 1: Overview of 3x5x2 intelligence grading (college.police.uk)⁷⁵

Source	Intelligence	Handling
1- Reliable	1- Known directly	1- Lawful sharing permitted
2- Untested	2- Known indirectly but corroborated	2- Lawful sharing permitted with conditions
3- Not reliable	3- Known indirectly	
	4- Not known	
	5- Suspected to be false	

11.2 Select Bibliography/Further Reading⁷⁶

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