

Protecting wrecks: the next 50 years

For the 50th anniversary of the Protection of Wrecks Act (1973), Historic England has funded a range of projects exploring the Act's legacy. As part of this, ClfA has been funded to work with leading maritime archaeology experts from the University of Plymouth and MSDS Marine to investigate the potential merits of updating the Protection of Wrecks Act (the '73 Act) so that it might remain relevant for the next 50 years.

To do this, ClfA hosted a seminar in November which was introduced by the Arts and Heritage Minister Lord Stephen Parkinson and attended by over 50 expert stakeholders, including archaeologists, recreational divers, protected wreck licensees, museums, government policymakers and the Royal Navy. While the focus of the funding was on England's 57 protected wrecks and the operations of the Act in English waters, representatives from Northern Ireland, Wales and Scotland also took part.

Issues, challenges and solutions

The '73 Act was innovative when it was first passed, but it was only ever considered to be a stop-gap legislative solution. Fifty years on, the landscape for the protection of sites has changed. There are now multiple routes to statutory protection, including the scheduling of marine sites under the Ancient Monuments and Archaeological Areas Act (the '79 Act), and in Scotland since 2010, the designation of Historic Marine Protected Areas. These

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systems have various strengths and weaknesses and different UK governments have used each to extend protection to sites over the years – often with no single option providing the perfect solution.

One unique strength of the '73 Act is its system of licensees, who act as stewards of sites, undertaking work to monitor, survey or investigate them. These licensees put their personal resources towards the work and have developed into a vital, highly skilled, community interest group on the frontline of research and protection for some of the most important maritime heritage assets. Historic England, the Nautical Archaeology Society, and Protected Wrecks Association support licensees to increase archaeological knowledge and public benefit. However, the '73 Act restricts access to people other than licensee teams who may wish to dive wrecks, potentially limiting public engagement with and enjoyment of sites, although heritage agencies have sought to address this through the creation of dive trails on robust sites. There are also real limits to the voluntary capacity and resources of licensee teams to capitalise on opportunities.

Alison James, MCIfA (MSDS Marine) and Christopher Dobbs, MCIfA, entertain Lord Stephen Parkinson. Credit: Mark James



The '73 Act also lacks 'teeth' in its legislative protection. For instance, it is only an offence to cause damage to sites under specific circumstances, and there are onerous requirements to prove damage has occurred, with few realistic options to do this. Fines are also derisive. Unlike the '79 Act, which has seen some high-profile convictions, there have been almost no meaningful convictions under the '73 Act. All of this combines to reduce the effectiveness of the deterrent to those acting with ill intent or simply irresponsibly around protected sites.

Innovative new technologies may provide ways to improve protection. For instance, satellite monitoring can now be provided for wreck locations, and sites can be forensically marked to help catch those causing harm or threatening sites.

There are also questions about whether current marine protections are suitable for dealing with processes of natural decay. It is arguable that preservation in situ for marine heritage assets is not a viable philosophy when the primary threat to many sites are things like natural erosion, ship worm and climate change. Further, the system of applying for permission to intervene to recover artefacts at risk is too slow and cumbersome.

Some of these issues could be addressed by a rethink of legislative provisions. There is also the ever-present issue of funding, with most solutions costing money and for which a strong case must be made to government.

ClfA will now collate discussions and undertake further consultation necessary to formulate a report and recommendations which will be presented to government. These recommendations will consider the potential for simple improvements, as well as longer term legislative reform, reflecting on key



Lord Stephen Parkinson, UK government's Arts and Heritage Minister, introduces the seminar. Credit: Mark James

issues like improving protection, delivering public benefit and ensuring effective operation. ClfA's hope is that the project will produce some clear advocacy asks which the Institute can pursue, with its allies in the maritime heritage world, in the coming years. Following the seminar, there is a sense of optimism at the coming together of audiences to discuss these issues in an open and collaborative environment.



You can watch the seminar recording on ClfA's YouTube channel (scan the QR code).

Rob Lennox

Rob is ClfA's Policy and Advocacy Manager and has been leading the *Protecting wrecks: the next 50 years* project. Rob has capsized various small watercraft and generally accepts that he isn't cut out for life on the water. Nonetheless, he supports ClfA's accredited professionals and Marine Archaeology Special Interest Group to deliver against ClfA's maritime advocacy objectives and represents ClfA as an observer on the Joint Nautical Archaeology Policy Committee.

