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STATUTORY INSTRUMENTS

2002 No. 1761

DEFENCE

The Protection of Military Remains Act 1986 (Designation of Vessels and Controlled Sites) Order 2002

Made - - - - - *9th July 2002*

Coming into force - - - *30th September 2002*

Whereas it appears to the Secretary of State for Defence (“the Secretary of State”—

- (a) that each vessel identified in article 2 of this Order sank on or after 4th August 1914 while in military service;
- (b) that the remains of the vessel known as the U-12, which sank while in service with the armed forces of a country outside the United Kingdom, are in United Kingdom waters;
- (c) that each area designated as a controlled site by this Order—
 - (i) contains a place comprising the remains of, or of a substantial part of, a vessel which sank less than two hundred years ago while in military service; and
 - (ii) extends no further around that place than appears to the Secretary of State to be appropriate for the purpose of protecting or preserving those remains or on account of identifying that place;
- (d) that the Crown Estate Commissioners, in whom is vested the area that contains the place comprising the remains of, or of a substantial part of, HMS Royal Oak, do not object to the terms of this Order which affect them,

Now, therefore, the Secretary of State, in exercise of the powers conferred by section 1(2) of the Protection of Military Remains Act 1986(1) (“the Act”), hereby makes the following Order—

Citation, commencement and interpretation

- 1.—(1) This Order may be cited as the Protection of Military Remains Act 1986 (Designation of Vessels and Controlled Sites) Order 2002 and shall come into force on 30th September 2002.
- (2) In this Order any reference to a point is a reference to a point given by co-ordinates based on the World Geodetic System 1984.

Designating vessels

2. Each of the following vessels is designated as a vessel to which the Act applies—

(1) **1986 c. 35.** The power to designate any land as, or as part of, a controlled site is exercisable in relation to Crown land as it is exercisable in relation to other land: see section 1(7). The terms “controlled site” and “remains” are defined in section 9(1). Section 9(2) states when a vessel is to be regarded as having been in military service.

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- (a) the vessel known as the U-12, which sank on or about 5th October 1939;
- (b) the vessel known as HMS Gloucester, which sank on or about 22nd May 1941;
- (c) the vessel known as HMS Hood, which sank on or about 24th May 1941;
- (d) the vessel known as HMS Prince of Wales, which sank on or about 10th December 1941;
- (e) the vessel known as HMS Repulse, which sank on or about 10th December 1941; and
- (f) the vessel known as RFA Sir Galahad, which sank on or about 25th June 1982.

Designating controlled sites

3. Each of the following areas is designated as a controlled site—
 - (a) the area within a distance of 100 metres of the point at—
 - (i) Latitude 51° 25.392' North, Longitude 00° 39.172' East, and
 - (ii) Latitude 57° 41.244' North, Longitude 04° 05.310' West;
 - (b) the area within a distance of 200 metres of the point at—
 - (i) Latitude 50° 18.518' North, Longitude 04° 17.984' West,
 - (ii) Latitude 55° 37.747' North, Longitude 05° 00.953' West,
 - (iii) Latitude 58° 55.848' North, Longitude 02° 59.001' West, and
 - (iv) Latitude 58° 51.400' North, Longitude 03° 06.405' West;
 - (c) the area within a distance of 300 metres of the point at—
 - (i) Latitude 53° 05.483' North, Longitude 04° 41.975' West, and
 - (ii) Latitude 59° 07.065' North, Longitude 03° 23.843' East;
 - (d) the area within a distance of 400 metres of the point at—
 - (i) Latitude 49° 50.023' North, Longitude 02° 34.533' West, and
 - (ii) Latitude 50° 13.179' North, Longitude 03° 04.071' West;
 - (e) the area within a distance of 750 metres of the point at Latitude 58° 18.467' North, Longitude 02° 28.938' West.

Signed by authority of the Secretary of State for Defence

9th July 2002

Under Secretary of State for Defence

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates various vessels as vessels to which the Protection of Military Remains Act 1986 (“the Act”) applies: see article 2. This means that the places containing the remains of those vessels are protected places within the meaning of the Act. Subject to sections 2(5) and (6) and 3 of the Act, a person who, believing or having reasonable grounds for suspecting that a place comprises the remains of a vessel, interferes with remains by virtue of which that place is a protected place, commits an offence unless he has a licence: see sections 2 and 4 of the Act. Section 2 creates a number of other offences in relation to protected places as well.

In addition, this Order designates the places containing the remains of HMS A7 (see article 3(b)(i)), HMS Affray (see article 3(d)(i)), HMS Bulwark (see article 3(a)(i)), HMS Dasher (see article 3(b)(ii)), HMS Exmouth (see article 3(e)), HMS Formidable (see article 3(d)(ii)), HMS H5 (see article 3(c)(i)), HMS Hampshire (see article 3(c)(ii)), HMS Natal (see article 3(a)(ii)), HMS Royal Oak (see article 3(b)(iii)) and HMS Vanguard (see article 3(b)(iv)) as controlled sites within the meaning of the Act. Subject to sections 2(6) and 3 of the Act, a person who interferes with the remains of a vessel in a place which is part of a controlled site commits an offence unless he has a licence; see sections 2 and 4 of the Act. Section 2 creates a number of other offences in relation to controlled sites as well.