STATUTORY INSTRUMENTS

2006 No. 2616

DEFENCE

The Protection of Military Remains Act 1986 (Designation of Vessels and Controlled Sites) Order 2006

Made - - - -	*21st September 2006*
Coming into force - -	*1st November 2006*

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 vessels known as—

(i) the U-12,

(ii) the UB-65, and

(iii) the UB-81

all of 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; and

(d) that the Crown Estate Commissioners, in whom is vested the areas that contain the places comprising the remains of, or of a substantial part of, HMS Royal Oak and UB-81, 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(**a**) ("the Act"), 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 2006 and shall come into force on 1st November 2006.

(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.

(**a**) 1986 c.35.

Designating Vessels

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

(a) the vessel known as HMS Acheron, which sank on or about 17th December 1940;

(b) the vessel known as HMS Ardent, which sank on or about 31st May 1916;

(c) the vessel known as HMS Black Prince, which sank on or about 31st May 1916;

(d) the vessel known as HMS Blackwood, which sank on or about 15th June 1944;

(e) the vessel known as HMS Boadicea, which sank on or about 13th June 1944;

(f) the vessel known as HMS Bullen, which sank on or about 6th December 1944;

(g) the vessel known as HMS Defence, which sank on or about 31st May 1916;

(h) the vessel known as HMS Exmoor, which sank on or about 25th February 1941;

(i) the vessel known as HMS Fortune, which sank on or about 31st May 1916;

(j) the vessel known as HMS Gloucester, which sank on or about 22nd May 1941;

(k) the vessel known as HMS Hood, which sank on or about 24th May 1941;

(l) the vessel known as HMS Indefatigable, which sank on or about 31st May 1916;

(m) the vessel known as HMS Invincible, which sank on or about 31st May 1916;

(n) the vessel known as HMS K4, which sank on or about 31st January 1918;

(o) the vessel known as HMS K17, which sank on or about 31st January 1918;

(p) the vessel known as HMS M1, which sank on or about 12th November 1925;

(q) the vessel known as HMS M2, which sank on or after 26th January 1932;

(r) the vessel known as HMS Nestor, which sank on or about 31st May 1916;

(s) the vessel known as HMS Nomad, which sank on or about 31st May 1916;

(t) the vessel known as HMS Prince of Wales, which sank on or about 10th December 1941;

(u) the vessel known as HMS Queen Mary, which sank on or about 31st May 1916;

(v) the vessel known as HMS Repulse, which sank on or about 10th December 1941;

(w) the vessel known as HMS Shark, which sank on or about 31st May 1916;

(x) the vessel known as HMS Sheffield , which sank on or about 9th May 1982;

(y) the vessel known as RFA Sir Galahad, which sank on or about 25th June 1982;

(z) the vessel known as HMS Sparrowhawk, which sank on or about 31st May 1916;

(aa) the vessel known as HMS Swordfish, which sank on or after 7th November 1940;

(bb) the vessel known as HMS Tipperary, which sank on or about 31st May 1916;

(cc) the vessel known as HMS Turbulent, which sank on or about 31st May 1916;

(dd) the vessel known as HMS Umpire, which sank on or about 19th July 1941;

(ee) the vessel known as HMS Vandal, which sank on or after 24th February 1943;

(ff) the vessel known as HMS Vortigern, which sank on or about 15th March 1942;

(gg) the vessel known as HMS Warrior, which sank on or about 31st May 1916;

(hh) the vessel known as HMS Warwick, which sank on or about 20th February 1944;

(ii) the vessel known as the U-12, which sank on or about 5th October 1939; and

(jj) the vessel known as UB-65, which sank on or about 14th July 1918.

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 250 metres of the point at Latitude 50° 29.442’ North, Longitude 00° 58.351’ West;

(d) 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’ West;

(e) 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; and

(f) the area within a distance of 750 metres of the point at Latitude 58° 18.467’ North, Longitude 02° 28.938’ West.

Revocation

4. The following Orders are revoked—

(a) the Protection of Military Remains Act 1986 (Designation of Vessels and Controlled Sites) Order 2002(**a**); and

(b) the Protection of Military Remains Act 1986 (Designation of Vessels and Controlled Sites) (Amendment) Order(**b**) 2003.

Signed

Derek Twigg
Parliamentary Under Secretary of State
Ministry of Defence

Date 21st September 2006

(**a**) S.I. 2002/1761.
(**b**) S.I. 2003/405.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which replaces and consolidates previous Orders, designates various vessels, listed in article 2, as vessels to which the Protection of Military Remains Act 1986 ("the Act") applies. 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), 2(6) and 3 of the Act, a person who, believing or having reasonable grounds for suspecting that a place comprises any remains of a vessel which has sunk or been stranded while in military service, tampers 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 also creates a number of additional offences in relation to protected places.

In addition, this Order designates the places containing the remains of HMS A7 (see article 3(b)(i)), HMS Affray (see article 3(e)(i)), HMS Bulwark (see article 3(a)(i)), HMS Dasher (see article 3(b)(ii)), HMS Exmouth (see article 3(f)), HMS Formidable (see article 3(e)(ii)), HMS H5 (see article 3(d)(i)), HMS Hampshire (see article 3(d)(ii)), HMS Natal (see article 3(a)(ii)), HMS Royal Oak (see article 3(b)(iii)), HMS Vanguard (see article 3(b)(iv)) and UB-81 (see article 3(c)) as controlled sites within the meaning of the Act. The place containing the remains of UB-81 is designated for the first time as a controlled site. Subject to sections 2(6) and 3 of the Act, a person who tampers with any 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 also creates a number of additional offences in relation to controlled sites.

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