EXPLANATORY MEMORANDUM TO

THE PROTECTION OF WRECKS (DESIGNATION) (ENGLAND) ORDER 2007

2007 No. 61

1. This explanatory memorandum has been prepared by the Department for Culture, Media and Sport and is laid before Parliament by Command of Her Majesty.

2. Description

This Order designates the *Rooswijk* wreck site as a restricted area under the Protection of Wrecks Act 1973.

3. Matters of special interest to the Joint Committee on Statutory Instruments

None

4. Legislative Background

4.1 Section 1(1) of the Protection of Wrecks Act 1973 provides that where the Secretary of State is satisfied that there is a vessel wrecked on or in the seabed and that the site ought to be protected from unauthorised interference on account of the archaeological, historical or artistic importance of the vessel, or any objects contained or formerly contained in it which may be lying on the seabed in or near the wreck, she may by Order designate an area around the site as a restricted area. Under section 1(3) it is a criminal offence for a person to interfere with a designated wreck site, except under the authority of a licence issued by the Secretary of State.

4.2 Section 1(4) requires the Secretary of State to consult with such persons as she considers appropriate before making a designation order unless she is satisfied that the order should be made as a matter of immediate urgency. The Secretary of State has carried out the necessary consultation.

4.3 The Committee should also be aware that the Secretary of State has exercised her powers under section 3 of the National Heritage Act 2002, to direct English Heritage to exercise administrative functions under the 1973 Act on her behalf, in relation to wrecks situated within UK territorial waters adjacent to England. The Secretary of State is advised by a non-statutory advisory committee, the Advisory Committee on Historic Wreck Sites (ACHWS), on whether wreck sites should be designated.

5. Extent

This instrument applies to England.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy Background

7.1 Underwater cultural heritage is a devolved subject area, for which DCMS has responsibility in England. There are 58 designated wreck sites around the UK coastline. Wreck sites are normally designated by order on a individual basis, but details of all the designated sites are listed in Mariner Notices and Admiralty Charts issued by the UK Hydrographic Office as well as being published on the Receiver of Wreck website.

7.2 The Order to which this Memorandum relates designates the *Rooswijk* wreck site as a restricted area. The site was discovered in 2004 and lies on the eastern edge of the Goodwin Sands, 12.3Km (7.6 miles) southeast of Ramsgate in Kent. Following an assessment of the site by the Department's diving contractor (Wessex Archaeology) in June 2006, English Heritage consider the archaeological remains to be those of the *Rooswijk*, an armed merchant vessel of the Dutch East India Company that sank in a storm in December 1739.

7.3 The site is understood to be of archaeological and historical importance. It represents evidence for the practice of large-scale overseas commerce between Holland and Asia during the 18th century. At present the wreck is largely buried, with surviving artefacts and structural elements at risk from natural movements of the sands. Should these lead to the uncovering of the site, uncontrolled salvage and damage could occur while it remains undesignated.

8. Impact

A Regulatory Impact Assessment has not been prepared for this instrument, as it has no significant impact on business, charities or voluntary bodies

9. Contact

John Tallantyre at the Department for Culture, Media and Sport. Tel: 020 7211 2373 or e-mail: John.Tallantyre@culture.gsi.gov.uk can answer any queries regarding the instrument.