



# Protection of Military Remains Act 1986

## 1986 CHAPTER 35

### **1 Application of Act.**

- (1) This Act applies to any aircraft which has crashed (whether before or after the passing of this Act) while in military service.
- (2) Subject to the following provisions of this section, the Secretary of State may by order made by statutory instrument—
  - (a) designate as a vessel to which this Act applies any vessel which appears to him to have sunk or been stranded (whether before or after the passing of this Act) while in military service;
  - (b) designate as a controlled site any area (whether in the United Kingdom, in United Kingdom waters or in international waters) which appears to him to contain a place comprising the remains of, or of a substantial part of, an aircraft to which this Act applies or a vessel which has so sunk or been stranded;

and the power of the Secretary of State to designate a vessel as a vessel to which this Act applies shall be exercisable irrespective of whether the situation of the remains of the vessel is known.

- (3) The Secretary of State shall not designate a vessel as a vessel to which this Act applies unless it appears to him—
  - (a) that the vessel sank or was stranded on or after the 4th August 1914; and
  - (b) in the case of a vessel which sank or was stranded while in service with, or while being used for the purposes of, any of the armed forces of a country or territory outside the United Kingdom, that remains of the vessel are in United Kingdom waters.
- (4) The Secretary of State shall not designate any area as a controlled site in respect of any remains of an aircraft or vessel which has crashed, sunk or been stranded unless it appears to him—
  - (a) that less than two hundred years have elapsed since the crash, sinking or stranding;

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*Changes to legislation: There are currently no known outstanding effects for the Protection of Military Remains Act 1986, Section 1. (See end of Document for details)*

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- (b) that the owners and occupiers of such land in the United Kingdom as is to be designated as, or as part of, that site do not object to the terms of the designating order which affect them; and
  - (c) where the aircraft or vessel crashed, sank or was stranded while in service with, or while being used for the purposes of, any of the armed forces of a country or territory outside the United Kingdom, that the remains are in the United Kingdom or in the United Kingdom waters.
- (5) An area designated as a controlled site shall not extend further around any place appearing to the Secretary of State to comprise remains of an aircraft or vessel which has crashed, sunk or been stranded while in military service than appears to him appropriate for the purpose of protecting or preserving those remains or on account of the difficulty of identifying that place; and no controlled site shall have a boundary in international waters any two points on which are more than two nautical miles apart.
- (6) For the purposes of this Act a place (whether in the United Kingdom, in United Kingdom waters or in international waters) is a protected place if—
  - (a) it comprises the remains of, or of a substantial part of, an aircraft, or vessel to which this Act applies; and
  - (b) it is on or in the sea bed or is the place, or in the immediate vicinity of the place, where the remains were left by the crash, sinking or stranding of that aircraft or vessel;but no place in international waters shall be a protected place by virtue of its comprising remains of an aircraft or vessel which has crashed, sunk or been stranded while in service with, or while being used for the purposes of, any of the armed forces of a country or territory outside the United Kingdom.
- (7) The power to designate any land as, or as part of, a controlled site shall be exercisable in relation to Crown land as it is exercisable in relation to other land.
- (8) The Secretary of State may by order made by statutory instrument substitute references to a later date for the reference in subsection (3)(a) above to 4th August 1914 or for any reference to a date which is inserted by an order under this subsection; and a statutory instrument containing an order under this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**Changes to legislation:**

There are currently no known outstanding effects for the Protection of Military Remains Act 1986, Section 1.