



# National Heritage Act 2002

## 2002 CHAPTER 14

### *Underwater archaeology*

#### **3 Exercise of certain ministerial functions**

- (1) This section applies to any administrative function exercisable by the Secretary of State (whether by virtue of an enactment or otherwise) in relation to any ancient monument which is in, on or under the seabed within the seaward limits of the United Kingdom territorial waters.
- (2) If the Secretary of State directs the Historic Buildings and Monuments Commission for England (established by section 32 of the National Heritage Act 1983) to exercise functions to which this section applies and which are specified in the direction, in relation to any ancient monument or class of ancient monument so specified, the Commission shall exercise them on his behalf in such manner as he may from time to time direct.
- (3) In this section “ancient monument” means any structure, work, site (including any site comprising, or comprising the remains of, any vehicle, vessel, aircraft or other movable structure or part thereof) or area which in the opinion of the Secretary of State is, or may be, of historic, architectural, traditional, artistic or archaeological interest.
- (4) This section does not apply to—
  - (a) a function of making regulations or other instruments of a legislative character;
  - (b) a function to which section 34 of the National Heritage Act 1983 (c. 47) (power to authorise Commission to exercise certain functions of management exercisable by the Secretary of State in respect of England) applies.
- (5) In relation to any matter as respects which the Commission act by virtue of a direction under this section, the Commission shall enjoy the same privileges, immunities and exemptions as those enjoyed in relation to that matter by the Secretary of State.
- (6) Paragraph 2(1) of Schedule 3 to the National Heritage Act 1983 (Commission not to be regarded as servant or agent of the Crown) is subject to subsection (5).

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**Changes to legislation:** National Heritage Act 2002, Section 3 is up to date with all changes known to be in force on or before 04 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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- (7) Any direction given under this section shall be in writing.
- (8) Any power conferred by this section to give a direction shall include a power to vary or revoke the direction.
- (9) The Commission shall comply with any direction given under this section.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(2)(b) word repealed by [S.I. 2015/2006 \(N.I.\) art. 81\(1\)\(a\)](#)
- s. 1(2)(d) and word inserted by [S.I. 2015/2006 \(N.I.\) art. 81\(1\)\(b\)](#)
- s. 2(8)(a)(b) substituted by [S.I. 2015/2006 \(N.I.\) art. 80\(2\)](#)
- s. 17(1) words substituted by [S.I. 2015/2006 \(N.I.\) art. 80\(3\)](#)
- s. 19(4)(za) inserted by [S.I. 2015/2006 \(N.I.\) art. 81\(2\)](#)

**Commencement Orders yet to be applied to the National Heritage Act 2002**

Commencement Orders bringing legislation that affects this Act into force:

- [S.I. 2005/3255 art. 2](#) commences (2004 c. 33)