
STATUTORY INSTRUMENTS

2003 No. 2496

The Protection of Wrecks (RMS Titanic) Order 2003

Citation, commencement and application

1.—(1) This Order may be cited as the Protection of Wrecks (RMS Titanic) Order 2003.

(2) This Order shall come into force on the date, to be notified in the London, Edinburgh and Belfast Gazettes, on which the Agreement concerning the shipwrecked vessel RMS Titanic enters into force in respect of the United Kingdom.

(3) Articles 8 and 9 do not apply to Scotland.

Interpretation

2. In this Order—

“the Agreement” means the Agreement concerning the shipwrecked vessel RMS Titanic⁽¹⁾;

“artifacts” means the cargo of RMS Titanic and other contents, including those associated objects that are scattered in its vicinity and any portion of the hull; and

“relevant authorisation” means an authorisation granted by the appropriate authority of a State Party to the Agreement (other than the United Kingdom) in accordance with the provisions of that Agreement.

Designated area

3. For the purposes of this Order “the designated area” means the area within one kilometre of the point 41° 43–84'N 49° 57–23'W.

Restrictions as respects designated area

4.—(1) A person shall not in the designated area carry out any of the activities set out in paragraph (2), or cause or permit any other person to carry out any of those activities—

- (a) without a licence granted by the Secretary of State in accordance with the provisions of this Order,
- (b) contrary to any requirement, condition or restriction of such a licence, or
- (c) without, or contrary to any provision of, a relevant authorisation.

(2) The activities referred to in paragraph (1) are as follows—

- (a) entry into the hull sections of RMS Titanic, including entry using equipment constructed or adapted for any purpose of diving or salvage operations;
- (b) activities aimed at the artifacts from RMS Titanic found outside the hull of RMS Titanic (other than activities relating to the conservation or curation of artifacts).

Licences for projects in designated area

5.—(1) The Secretary of State may grant a licence to authorise a project to carry out the activities described in article 4(2).

(2) The Secretary of State shall grant a licence only in relation to a project which—

- (a) is justified by educational, scientific or cultural interests, including the need to protect the integrity of RMS Titanic and/or its artifacts from a significant threat, and
- (b) complies with the Rules Concerning Activities Aimed at the RMS Titanic and/or its Artifacts contained in the Schedule to this Order.

(3) The Secretary of State shall grant a licence only after he has provided copies of the application for the licence to the relevant national authorities of the other State Parties to the Agreement and taken into account any comments received from those authorities within 90 days following the provision of those copies.

(4) A licence granted under this article—

- (a) shall require the project to be carried out in accordance with the Rules Concerning Activities Aimed at the RMS Titanic and/or its Artifacts contained in the Schedule to this Order,
- (b) shall contain a condition that non-intrusive public access consistent with the Agreement shall not be precluded by the activities licensed, and
- (c) may contain such other conditions and restrictions as the Secretary of State considers appropriate.

(5) Subject to the same conditions as apply as respects the granting of a licence, the Secretary of State may vary a licence.

Offences

6.—(1) A person who contravenes article 4(1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum or on conviction on indictment to a fine.

(2) Any person who knowingly contravenes any requirement, condition or restriction of a licence granted under article 5 which relates to the conservation, curation or keeping together of artifacts, or relating to the provision of public access to artifacts, shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum or on conviction on indictment to a fine.

(3) Any person who knowingly contravenes any requirement, condition or restriction of a licence granted under article 5 which relates to the reporting of the results to the Secretary of State and the publication of the results shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum or on conviction on indictment to a fine.

Offences: further provisions

7.—(1) Where an offence under this Order which is committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) For this purpose “director”, in relation to any body corporate whose affairs are managed by its members, means any member of the body.

(3) Where an offence under this Order committed by a Scottish partnership or unincorporated association (other than a partnership) is proved to have been committed with the consent of or

connivance of, or to be attributable to neglect on the part of, a partner in the partnership or, as the case may be, a person concerned in the management and control of the association, he (as well as the partnership) shall be guilty of the offence and liable to be proceeded against and punished accordingly.

8.—(1) In any proceedings for an offence under this Order, a document signed by or on behalf of the Secretary of State stating whether or not a relevant authorisation has been granted, and (where such an authorisation has been granted) its terms, shall be admissible as evidence for the purposes of determining whether activities have been carried out without, or contrary to any provision of, such an authorisation.

(2) Nothing in paragraph (1) makes a document admissible as evidence in proceedings for an offence except in a case where and to the like extent to which oral evidence to the like effect would have been admissible in those proceedings.

(3) Nothing in paragraph (1) makes a document admissible as evidence in proceedings for an offence—

- (a) unless a copy of it has, not less than seven days before the hearing or trial, been served on the person charged with the offence, or
- (b) if that person, not later than three days before the hearing or trial or within such further time as the court may in special circumstances allow, serves a notice on the prosecutor requiring attendance at the trial of the person who signed the document.

(4) Where the proceedings mentioned in paragraph (1) are proceedings before a magistrates' court inquiring into an offence as examining justices this article shall have effect with the omission of—

- (a) paragraph (2), and
- (b) in paragraph (3), sub-paragraph (b) and the word “or” immediately preceding it.

9.—(1) A document required by article 8(3)(a) to be served on a person charged with an offence under this Order may be served on that person—

- (a) by delivering it to him;
- (b) by leaving it at his proper address; or
- (c) by sending it by post to him at his proper address.

(2) If the person charged with an offence is the master of a ship the document may be served—

- (a) where there is a master, by leaving it for him on board the ship with the person appearing to be in command or charge of the ship;
- (b) where there is no master, on—
 - (i) the managing owner of the ship; or
 - (ii) if there is no managing owner, on any agent of the owner; or
 - (iii) where no such agent is known or can be found, by fixing a copy of the document on the outside of the ship in a position in which it may reasonably be expected to be seen.

(3) A document required by article 8(3)(a) to be served on a person charged with an offence under this Order may—

- (a) in the case of a body corporate, be served on the secretary or clerk of that body;
- (b) in the case of a partnership, be served on a partner or person having the control or management of the partnership business.

(4) For the purposes of this article and of section 7 of the Interpretation Act 1978⁽²⁾ (service of documents by post) in its application to this article, the proper address of any person on whom a document under article 8(1) is to be served shall be his last known address, except that—

- (a) in the case of a body corporate or its secretary or clerk it shall be the address of the registered or principal office of that body;
- (b) in the case of a partnership or a person having the control or management of the partnership business, it shall be the principal office of the partnership;

and for the purposes of this paragraph the principal office of a company registered outside the United Kingdom or of a partnership carrying on business outside the United Kingdom shall be its principal office in the United Kingdom.

Enforcement powers

10.—(1) The powers conferred by this article are conferred in relation to any ship which is in United Kingdom waters and any United Kingdom ship which is in international waters.

(2) A person appointed by the Secretary of State to be an inspector under section 256(1) or (6) of the Merchant Shipping Act 1995⁽³⁾, and any commissioned naval officer, shall be a person authorised by the Secretary of State in accordance with this Order.

(3) A person so authorised by the Secretary of State may at any reasonable time board and search any ship if he has reason to suspect that this Order is not complied with, and may take possession of and detain anything found in the course of that search for so long as is necessary for all or any of the following purposes—

- (a) to examine it,
- (b) to ensure that it is not tampered with before his examination of it is completed,
- (c) to ensure that it is available for use as evidence in any proceedings for an offence under this Order.

Signed by authority of the Secretary of State for Transport

29th September 2003

David Jamieson
Parliamentary Under Secretary of State,
Department for Transport

(2) 1978 c. 30.

(3) 1995 c. 21.