

2009 No. 3380

DEFENCE

The Protection of Military Remains Act 1986 (Designation of Vessels and Controlled Sites) Order 2009

Made - - - - - *15th December 2009*

Coming into force - - - - - *1st February 2010*

The vessels specified in schedule 1 appear to the Secretary of State for Defence (“the Secretary of State”) to fall within section 1(2)(a) and (3) of the Protection of Military Remains Act 1986(a) (“the Act”).

The areas specified in schedule 2 appear to the Secretary of State to fall within section 1(2)(b) and (4) of the Act.

The Secretary of State accordingly makes the following Order in exercise of the powers conferred by section 1(2) of the Act—

Citation and 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 2009 and shall come into force on 1st February 2010.

(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.

Designated vessels

2. Each of the vessels specified in Schedule 1 to this Order is designated as a vessel to which the Act applies.

Designated controlled sites

3. Each of the areas specified in Schedule 2 to this Order is designated as a controlled site.

Revocation

4. The Protection of Military Remains Act 1986 (Designation of Vessels and Controlled Sites) Order 2008(b) is revoked.

15th December 2009

Kevan Jones
Parliamentary Under Secretary of State
Ministry of Defence

SCHEDULES

SCHEDULE 1

Article 2

Designated vessels

	<i>Name of vessel</i>	<i>Date of sinking (on or about)</i>
(a)	Atlantic Conveyor	25th May 1982
(b)	HMS Acheron	17th December 1940
(c)	HMS Amphion	6th August 1914
(d)	HMS Ardent	31st May 1916
(e)	HMS Black Prince	31st May 1916
(f)	HMS Blackwood	15th June 1944
(g)	HMS Boadicea	13th June 1944
(h)	HMS Bullen	6th December 1944
(i)	HMS Calgarian	1st March 1918
(j)	HMS Curacao	2nd October 1942
(k)	HMS Defence	31st May 1916
(l)	HMS Delight	29th July 1940
(m)	HMS Duke of Albany	26th August 1916
(n)	HMS Exmoor	25th February 1941
(o)	HMS Fisgard II	17th September 1914
(p)	HMS Fitzroy	27th May 1942
(q)	HMS Fortune	31st May 1916
(r)	HMS Gloucester	22nd May 1941
(s)	HMS Ghurka	8th February 1917
(t)	HMS Hood	24th May 1941
(u)	HMS Indefatigable	31st May 1916
(v)	HMS Invincible	31st May 1916
(w)	HMS K4	31st January 1918
(x)	HMS K17	31st January 1918
(y)	HMT Kurd	10th July 1945
(z)	HMS L24	10th January 1924
(aa)	HMS Loyalty	22nd August 1944
(bb)	HMS M1	12th November 1925
(cc)	HMS M2	26th January 1932
(dd)	SS Mendi	21st February 1917
(ee)	HMS Mourne	15th June 1944
(ff)	HMS Nestor	31st May 1916
(gg)	HMS Nomad	31st May 1916
(hh)	HMS Pathfinder	5th September 1914
(ii)	HMS Penylan	3rd December 1942

(jj)	HMS Prince of Wales	10th December 1941
(kk)	HMS Queen Mary	31st May 1916
(ll)	HMS Repulse	10th December 1941
(mm)	HMS Shark	31st May 1916
(nn)	HMS Sheffield	9th May 1982
(oo)	RFA Sir Galahad	25th June 1982
(pp)	HMS Sparrowhawk	31st May 1916
(qq)	SS Storaas	3rd November 1943
(rr)	HMS Swordfish	7th November 1940
(ss)	HMS Tipperary	31st May 1916
(tt)	HMS Turbulent	31st May 1916
(uu)	HMS Umpire	19th July 1941
(vv)	HMS Vandal	24th February 1943
(ww)	HMS Vervain	20th February 1945
(xx)	HMS Vortigern	15th March 1942
(yy)	HMS Warrior	31st May 1916
(zz)	HMS Warwick	20th February 1944
(aaa)	the U-12	5th October 1939
(bbb)	the U714	14th March 1945
(ccc)	the UB-65	14th July 1918

SCHEDULE 2

Article 3

Designated controlled sites

	<i>Remains of vessel concerned</i>	<i>Area designated as controlled site</i>	<i>Latitude of relevant point</i>	<i>Longitude of relevant point</i>
(a)	HMS Bulwark	Area situated within 100 metres from the relevant point	51°25.392' N.	00°39.172' E.
(b)	HMS Natal	Area situated within 100 metres from the relevant point	57°41.244' N.	04°05.310' W.
(c)	HMS A7	Area situated within 200 metres from the relevant point	50°18.518' N.	04°17.984' W.
(d)	HMS Dasher	Area situated within 200 metres from the relevant point	55°37.747' N.	05°00.953' W.
(e)	HMS Royal Oak	Area situated within 200 metres from the relevant point	58°55.848' N.	02°59.001' W.

(f)	HMS Vanguard	Area situated within 200 metres from the relevant point	58°51.400' N.	03°06.405' W.
(g)	UB-81	Area situated within 250 metres from the relevant point	50°29.442' N.	00°58.351' W.
(h)	HMS H5	Area situated within 300 metres from the relevant point	53°05.483' N.	04°41.975' W.
(i)	HMS Hampshire	Area situated within 300 metres from the relevant point	59°07.065' N.	03°23.843' W.
(j)	HMS Affray	Area situated within 400 metres from the relevant point	49°50.023' N.	02°34.533' W.
(k)	HMS Formidable	Area situated within 400 metres from the relevant point	50°13.179' N.	03°04.071' W.
(l)	HMS Exmouth	Area situated within 750 metres from the relevant point	58°18.467' N.	02°28.938' W.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates:

- vessels to which the Protection of Military Remains Act 1986 (“the Act”) applies; and
- areas containing the remains of a number of vessels as ‘controlled sites’ under the Act.

Article 2 provides for (and schedule 1 lists) the vessels designated as vessels to which the Act applies. The list includes the following vessels, which are designated for the first time under the Act: HMS Calgarian, HMS Fisgard II, HMT Kurd, HMS Pathfinder, HMS Duke of Albany, HMS Fitzroy, SS Mendi, HMS Mourne and HMS Vervain.

Article 3 provides for (and schedule 2 lists) the areas designated as controlled sites under the Act.

Article 4 revokes the previous Order. This Order replaces and consolidates all previous Orders.

A place is a ‘protected place’ under the Act if it comprises the remains of a vessel designated under article 2 and is on the sea bed or in the immediate vicinity of where the remains were left. An area designated as a ‘controlled site’ does not extend around a place any more than is

necessary for the purpose of protecting or preserving the remains of a vessel or on account of the difficulty of identifying that place. Section 2 of the Act provides for offences in relation to remains of vessels within ‘protected places’ and ‘controlled sites’; and prohibits excavations and operations carried out on ‘protected places’ and ‘controlled sites’. Section 4 of the Act makes provision for the granting of licences to carry out activities which would otherwise be prohibited under section 2.

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STATUTORY INSTRUMENTS

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