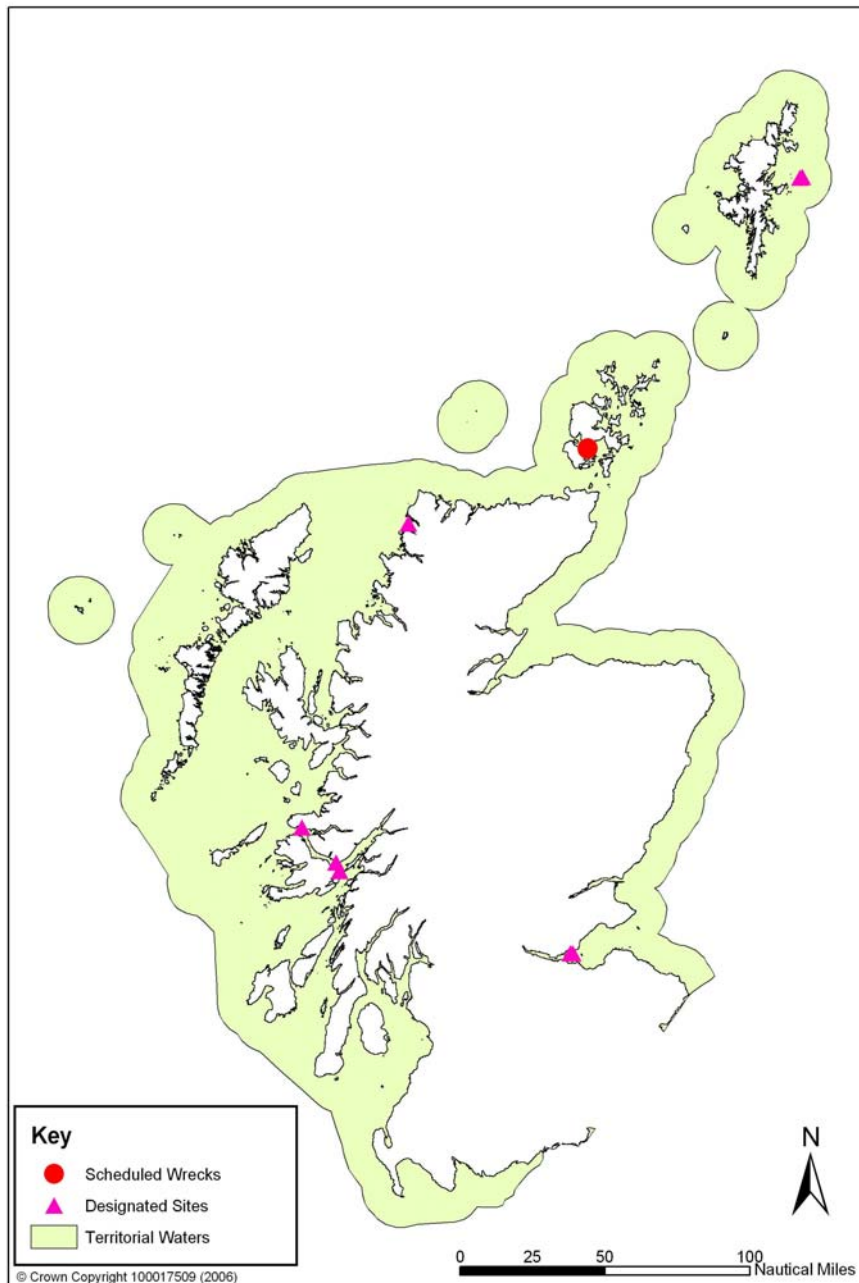


# DESIGNATED WRECK SITES

## Guidance Notes for Divers and Archaeologists on the Protection of Wrecks Act 1973



15 September 2008

**Historic Scotland safeguards the nation's built heritage and promotes its understanding and enjoyment.**

Historic Scotland – Protected Historic Wreck Sites  
Guidance notes for divers and archaeologists

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# Historic Scotland – Protected Historic Wreck Sites

## Guidance notes for divers and archaeologists

### **1. Background**

- 1.1. This guidance note is designed to provide helpful advice for divers and archaeologists, who have an important part to play in identifying, conserving and recording historic wreck sites located off Scotland.
- 1.2. The note covers historic wreck sites that are, or may in the future be, protected under the Protection of Wrecks Act 1973 (known as Designated Wreck Sites):
  - Section 2-5 provide background information on how protected status is applied.
  - Section 6 describes how a licensing regime controls certain activities.
  - Section 7 provides relevant background information for those who are or intend to work on Designated Wreck Sites.
  - Section 8 is designed to answer ‘Frequently Asked Questions’.
  - The appendices provide further information and resources to assist readers.

### **2. Introduction**

- 2.1. Historic Scotland carries out the responsibilities of Scottish Ministers for the historic environment to the limit of Scotland’s territorial waters (12 nautical miles offshore). It is Historic Scotland policy that, as far as possible, the nation’s underwater heritage should be managed, protected and investigated as carefully and thoroughly as its terrestrial equivalent. Accordingly, Historic Scotland is committed to developing a protection regime effective in securing the long-term future of Scotland’s most important historic wreck sites.
- 2.2. In certain circumstances, this can be achieved by designation of a historic wreck as a ‘Designated Wreck Site’ under section 1 of the Protection of Wrecks Act 1973 (‘the 1973 Act’).
- 2.3. There are currently 58 sites Designated Wreck Sites including eight in Scotland’s territorial waters, a small number compared to the hundreds of thousands of wrecks thought to be on the seabed.
- 2.4. Designated Wreck Sites provide a valuable source of evidence about mankind’s historic relationship with the sea. Around the coast of the UK this resource is extremely diverse, including the scattered remains of a Bronze-age cargo through to the first Royal Navy submarine designed and built in Britain that sank in 1911 and survives almost intact on the seabed. In Scotland, protected sites include 17<sup>th</sup>-century warships and an early aircraft carrier. In common with all aspects of the historic environment, Designated Wreck Sites represent a fragile resource which is non-renewable, and they need to be treated with particular respect..

### **3. The Protection of Wrecks Act 1973**

- 3.1. The Protection of Wrecks Act 1973 ('the 1973 Act') gives powers to Scottish Ministers to declare historic wrecks and the sites of wrecks in Scotland's territorial waters, as protected areas.
- 3.2. Designated Wreck Sites are identified as being those likely to contain the remains of a vessel, or its contents, which are of historical, artistic or archaeological importance, measured against a set of non-statutory significance criteria.
- 3.3. A 'Statutory Instrument' identifies the location of the site and also the extent of the restricted area used to protect the site. Protected Wreck warning notices sometimes indicate a Designated Wreck Site close to the shore. Some are warning signs while others are public information notices giving a brief explanation of why the wreck is important. All Designated Wreck Sites are listed in the annual Admiralty Notices to Mariners and are marked on appropriate UK Hydrographic Office charts.
- 3.4. The 1973 Act does not ban diving. What it does is control activities by a licensing regime (see section 6), so that these important wrecks are not put at risk from undisciplined activities or investigation.
- 3.5. It is a criminal offence to do any of the following in a designated area without a licence granted by Scottish Ministers:
  - tamper with, damage or remove any part of a vessel lying wrecked on or in the seabed or any object formerly contained in such a vessel;
  - carry out diving or salvage operations directed to the exploration of any wreck or to removing objects from it or from the seabed, or use of equipment constructed or adapted for any purpose of diving or salvage operations. This includes deployment of remotely operated vehicles;
  - deposit anything including anchors and fishing gear which, if it were to fall on the site, would obliterate, obstruct access to, or damage any part of the site; and
  - to cause or permit any of the above activities to be carried out by others, without a licence, in a restricted area.
- 3.5.1. Where a person is authorised by a licence, it is an offence for any other person to obstruct them, or cause or permit them to be obstructed, in doing anything which is authorised by the licence.
- 3.5.2. Bathing, angling and navigation are permitted within a restricted area provided there is no likelihood of, or intention to, damage the wreck or obstruct work on it. Anchoring on the site is only permitted for licensed activities or in cases of

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maritime distress.

### **4. The Advisory Committee on Historic Wreck Sites**

- 4.1. A UK-wide Advisory Committee on Historic Wreck Sites (ACHWS) exists to provide advice to Government on matters in relation to the 1973 Act. When an application is made for a wreck to be designated, or for certain activities to be undertaken on a Designated Wreck Site, the ACHWS makes recommendations to Historic Scotland.
- 4.2. The ACHWS meets three times a year and is made up of a cross-section of people who have an expert knowledge of matters that relate to the research and management of historic wrecks. Members serve in an unpaid capacity (see Appendix 1 for membership information).
- 4.3. After the passing of the National Heritage Act 2002, English Heritage assumed responsibility for providing the secretariat support for the meetings of the ACHWS and the Annual Licensees Meeting. The Head of Maritime Archaeology for English Heritage also acts as Committee Co-ordinator of the ACHWS.
- 4.4. An ACHWS Annual Report is published each year listing the licences that have been issued and providing updates on any work that has taken place on Designated Wreck Sites under those licences. A digital copy of this report is sent to licensees.



**Figure 1: The archaeological services contractor over the Designated Wreck Site at Duart Point, Mull.**

## **5. Contract for archaeological services in support of the 1973 Act**

- 5.1. Since 1986, given an absence of any capability within Government, it has been usual practice for the Secretary of State for the Department of Culture, Media and Sport or DCMS (and its departmental predecessors) to enter into a pan-UK contract for archaeological services in support of the 1973 Act.
- 5.2. The current contractor for supplying archaeological services in support of the 1973 Act is Wessex Archaeology, <http://www.wessexarch.co.uk>. The contract is now managed on behalf of DCMS, the Devolved Administrations and the Home Country heritage agencies, by English Heritage's Head of Maritime Archaeology,
- 5.3. The objectives of the contract include:
- providing advice on the designation of wrecks under the 1973 Act;
  - facilitating management and understanding through fieldwork;
  - liaising between heritage agencies and licensees;
  - assisting licensees in achieving high standards of work; and
  - maintaining and disseminating information about Designated Wreck Sites.
- 5.4. To fulfil these objectives the contractor:
- is required to advise on the archaeological diving expertise of applicants for licences;
  - is required to provide advice and liaison, and monitor licensed fieldwork and post-fieldwork activities;
  - is expected to visit a specified number of licensees each year;
  - is expected to attend all meetings of the Advisory Committee on Historic Wreck Sites (ACHWS);
  - is expected to attend, on request, meetings of the informal Protection of Wrecks Act advisory group co-ordinated by the English Heritage Head of Maritime Archaeology, which comprises representatives of the four heritage agencies, DCMS and ACHWS; and is expected to contribute to an ACHWS Annual Report (which is publicly available).

## **6. The licensing regime**

### **6.1. Introduction**

- 6.1.1. A licensing regime controls certain activities on Designated Wreck Sites. This provides an important mechanism for safeguarding some of the most significant historic wrecks in Scottish waters.

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### Guidance notes for divers and archaeologists

- 6.1.2. Anyone can apply to Historic Scotland for a licence (See Appendix 2) but a licence will only be issued if it will be of benefit to the care, understanding or public appreciation of the site.
- 6.1.3. Licences do not confer ownership or salvage rights. On some Designated Wreck Sites more than one licence may be issued in a year, but these are conditional on individual licensees co-operating with each other, and the programme of work being integrated and mutually beneficial.
- 6.1.4. The investigation of Designated Wreck Sites can be separated into non-intrusive and intrusive activities. Non-intrusive activities include tourist visits, photography, drawing, and some certain geophysical survey methods. Intrusive investigations can range from full-scale excavation to less dramatic interventions such as recovering exposed artefacts, probing the seabed or taking samples of wood or sediment.
- 6.1.5. All intrusive investigations are destructive to a greater or lesser extent. Every time a part of a site is dismantled by excavation, the original information in that area will no longer survive in its original form. Application of sound archaeological practice will ensure preservation by record but this is only of use if documentary records are detailed, well ordered and stored in a suitable archive where other people can have access to them in the future. Sound practice is also required if material is to be recovered from the seabed because intrusive investigations pose serious conservation implications.
- 6.1.6. Assuming favourable preservation conditions, buried sites can last almost indefinitely if left undisturbed. A site which is destroyed by excavation is irreplaceable. There are a finite number of historic wrecks on the seabed and excavation of every one would diminish the cultural resource for future generations. It is therefore important to consider whether excavation is necessary, or whether investigation should wait for some time in the future when new techniques may allow a site to be more fully investigated without disturbance. Intrusive investigations are also more demanding in terms of finance, time, commitment, expertise, conservation and publication. Therefore, Historic Scotland examines applications for intrusive work on Designated Wreck Sites very carefully and takes advice from ACHWS, before issuing a licence.
- 6.1.7. Historic Scotland issues licences on the understanding that resulting information will be made available to others. This can be achieved in a variety of ways including short reports in a newsletter, published conference proceedings, full articles in an academic journal, separate stand-alone publications, and popular accounts.

## 6.2. Types of licence

- 6.2.1. There are four main types of licence: Visitor, Survey, Surface Recovery and Excavation.

### *Visitors*

- 6.2.2. The Visitor Licence is used where an applicant's primary motive is to visit a Designated Wreck Site in a non-investigative capacity. Applications may relate to:

- a one-off visit by a group of divers to a Designated Wreck Site.
- permission to administer a visitor scheme on a Designated Wreck Site. Applicants may be local stakeholders (e.g., marine tourism operators or training organisations) who wish to provide opportunities for sustainable access to historic wreck sites. Visits can only be made when the Licensee or a Nominated Deputy is on site to supervise activities.

- 6.2.3. Applicants are asked to summarise proposals for visits and are required to provide contact details for two referees. However, the Visitor Licence does not require access to a high level of archaeological expertise and so there is no requirement to have a Nominated Archaeologist. Advice on operation of a Visitor Licence will be provided by Historic Scotland, if necessary.

### *Survey*

- 6.2.4. A Survey Licence covers a wide variety of non-intrusive site investigations, such as: photography and video, remote sensing surveys using towed sensors, measuring distances between objects, compiling site plans, recording seabed topography, measuring and drawing objects on the seabed, and even recording the distribution of plants and animals on the site. Although this type of work is a fundamental part of archaeological fieldwork, the skills required are often straightforward ones that divers can learn from courses run by the Nautical Archaeology Society (NAS).

- 6.2.5. Survey work should not harm or disturb wreck sites. If a licensed team makes a mistake no damage should have been done and the task can be readily attempted over again. For this reason a Nominated Archaeologist is not normally required. However, sensitive sites where divers could do accidental damage to exposed fragile remains are more at risk (for example with inadequate buoyancy control or use of fins), and it may be necessary to nominate an appropriately experienced archaeologist to provide advice and guidance as a Nominated Archaeologist.

- 6.2.6. During survey work unexpected and interesting finds may be noticed. These should not be recovered without a Surface Recovery or Excavation Licence. If you consider there is a security problem and a risk of theft, natural materials

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can be used to camouflage unexpected finds. On well-organised projects, such finds rarely need to be recovered immediately. If there is likely to be a genuine risk, a protocol to deal with such situations should be arranged before any diving takes place. Licensees should discuss this with their Nominated Archaeologist if there is one, or Historic Scotland.



**Figure 2: Investigating the site information board before a dive on the Visitor Scheme at the Duart Point Designated Wreck Site, Mull**

#### *Surface Recovery*

- 6.2.7. A Surface Recovery licence limits the recovery of archaeological material to items exposed on the seabed that can be removed without significant disturbance of any underlying archaeological material or sediments.
- 6.2.8. Applicants should take note that there are serious conservation implications when recovering archaeological material from under the sea. Please read "dealing with finds" (section 7.2). A Surface Recovery licence can be granted in emergency, for instance if material is at imminent risk of disappearance or destruction. However, in most cases a Surface Recovery licence will not normally be granted without a strong case being made in advance, that recovery of surface artefacts is an appropriate way forward. To support an application for a Surface Recovery licence, the applicant should:
  - provide a project design indicating the reasons and methodology for recovery, providing detail on conservation measures in place to receive the material, and;
  - provide evidence of an agreement-in-principle that a museum is willing to house the collection of the recovered material (subject to the investigations of the Receiver of Wreck).

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- 6.2.9. You need a Nominated Archaeologist to help devise the team's strategy and ensure its implementation, and to assist with analysis and interpretation of items recovered from the site. In some cases it may not be necessary for the Nominated Archaeologist to visit the site, but it is always beneficial and the Nominated Archaeologist must be consulted prior to any recovery taking place.

#### *Excavation*

- 6.2.10. Any activity that is likely to involve more serious disturbance of the site will require an Excavation Licence. This includes the collection of samples for research or analysis (e.g. wood samples for tree-ring dating) as well as large-scale removal of sediments to expose features, structure, finds and deposits.
- 6.2.11. Applicants should take note that there are serious conservation implications when recovering archaeological material from the seabed. Please read "dealing with finds" (section 7.2). As a result, an Excavation Licence will not normally be granted without a satisfactory project design, submitted to Historic Scotland along with evidence of an agreement in principle that a museum is willing to house the collection of the recovered material (subject to the investigations of the Receiver of Wreck).
- 6.2.12. In most cases the compilation of a project design, on site direction of excavation or sampling activities, and the analysis and interpretation of results would have to be under the total control of an archaeologist with the appropriate competency. In most cases, this role will be fulfilled by the Nominated Archaeologist, but this constitutes a significant commitment of time and energy on their part.

### **6.3. Roles in the licensing process**

- 6.3.1. Licensing procedure confers roles and responsibilities on various individuals.

#### *The Licensee*

- 6.3.2. The Licensee is the named individual on the licence. The duties of the Licensee will vary depending on the type of licence and the conditions placed upon it, but all Licensees are expected to:
- take the lead in communicating with the Nominated Archaeologist (where there is one named on the licence) and Historic Scotland;
  - make sure fieldwork is done safely, by competent people and in accordance with HSE requirements;
  - submit a report to Historic Scotland on activities associated with the licence;
  - comply with other conditions of their licence.

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#### Communication

- 6.3.3. It is the Licensee's responsibility to maintain regular contact with the Nominated Archaeologist (if one exists). With a Survey licence it might only be by telephone, but it is essential that a dialogue is maintained so that difficulties can be discussed and the progress of the work monitored. With a Surface Recovery licence, it is a condition of the licence that the Licensee consults the Nominated Archaeologist prior to the recovery of any material from the site.
- 6.3.4. It is also important for the Licensee to maintain communication with team members so that everyone involved in a project is kept informed.
- 6.3.5. Licensees and their archaeologists will be invited to attend annual meetings with other Licensees, the heritage agencies, the archaeological contractor and members of the ACHWS. These meetings provide a valuable opportunity to discuss views about work on Designated Wreck Sites, and also to make contact with other Licensees and their Nominated Archaeologists. If the Licensee or Nominated Archaeologists cannot attend an appropriate member of their team should endeavour to represent them.

#### Management of a Designated Wreck Site and licensed field work

- 6.3.6. The Licensee has a responsibility to ensure that all licensed diving activities on a designated site are undertaken in a manner that is both safe and appropriate (See section 7.6 on diver safety).
- 6.3.7. It is recommended that the Licensee makes contact with staff in local Police and Coastguard stations and, where appropriate, local harbour offices. Historic Scotland can advise on contact details. It is recommended that the Licensee notifies the relevant HM Coastguard station on a daily basis, prior to commencement of activities and on departure from the site. This will enable HM Coastguard to identify unauthorised presence on the site and to deal with it in the appropriate manner. Pro-active communication of this sort raises the likelihood of effective enforcement when it is needed.
- 6.3.8. The Licensee should monitor the effect their activities have on the stability of the site, and must advise and take advice from Historic Scotland, if necessary.
- 6.3.9. After the excitement of fieldwork it may be tempting to abandon excavation or survey equipment on the site. If a Licensee intends to leave such material on the seabed it should be for as short a period as possible. The overall archaeological strategy should include plans for returning the site towards its pre-disturbance state unless there is a good argument for physical obstacles being used for the purposes of site stabilisation.

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#### Submitting reports

- 6.3.10. It is a condition of all licences that a report is submitted to Historic Scotland. The purpose of the report is to keep Historic Scotland and the ACHWS informed about what is happening on Designated Wreck Sites. Licences will not be renewed if a Licensee fails to submit a report.

#### Publication and archiving

- 6.3.11. Promoting the results of fieldwork to the wider world is an important stage in the archaeological process which can be as rewarding as the fieldwork itself. You do not have to be a formally trained archaeologist to have something published about your site; clearly written, well-informed and illustrated work stands a good chance of being published. Specialist newsletters, academic journals and monographs, and newspaper articles are the most commonly used media for written dissemination. However, dissemination by website, public lecture and display is also recommended. If you are unsure about how and where to disseminate your work, Historic Scotland's Inspectorate will be happy to advise you.
- 6.3.12. It is a condition of Survey, Surface Recovery and Excavation licences for Scottish sites that the Licensee submits a brief report to be submitted to *Discovery and Excavation in Scotland* by 1 October in the appropriate year. Information on this publication can be obtained from Archaeology Scotland (previously the Council for Scottish Archaeology). See Appendix 1 for contact information.
- 6.3.13. It is a condition of Survey, Surface Recovery and Excavation licences for Scottish sites that the Licensee submits a copy of the report to the Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS) and that all archive material is deposited with RCAHMS on conclusion of the work. See Appendix 1 for contact information.

#### *The Nominated Deputy (applicable only to Visitor Licences to operate a Visitor Scheme)*

- 6.3.14. A Licensee operating a Visitor Scheme in possession of a Visitor Licence, may not always be in a position to supervise dives on a Designated Wreck Site. In submitting an application for a Visitor Licence (to operate a Visitor Scheme), the Licensee can appoint a Nominated Deputy. This person is named on the licence, and is responsible for supervising the activities of visitors on site in the absence of but acting under the instructions of the Licensee, who retains overall responsibility.

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*Referees*

- 6.3.15. Two referees are required for Licensees, Nominated Deputies and Nominated Archaeologists. Referees should be reputable people who have appropriate knowledge of you and your activities. They are needed to confirm that you are who you say you are, and that you have the appropriate experience or qualifications you say you have. In this way Historic Scotland can advise Scottish Ministers that applicants are sufficiently competent to fulfil the responsibilities allotted to them.
- 6.3.16. To avoid unnecessary administration, references will only be asked for when a new person applies for a licence, or when an existing Licensee applies for licence that entails more intrusive work than their previous licences.
- 6.3.17. It is not appropriate to include referees as Named Divers on your application. You should also avoid naming members of the heritage agencies, ACHWS or the contractor for archaeological services as referees.
- 6.3.18. Applicants should not name any individual as a referee without asking them first.

*The Nominated Archaeologist (Some survey licences; all Surface Recovery and Excavation licences)*

- 6.3.19. The role of the Nominated Archaeologist is to provide expert advice to the Licensee so that licensed work is carried out in accordance with best practice.
- 6.3.20. Nominated Archaeologists will be required to fulfil an advisory and/or directorial role depending upon the type of licence and the experience of the licensed team.
- 6.3.21. It is the Licensee's responsibility to maintain regular contact with the Nominated Archaeologist, not the other way round. However, the proposed levels of contact, which depend on the nature of the work, should be set out in the project design and levels of contact should be specified in the Licensee's report.

*Nominated Archaeologists working in an advisory capacity*

- 6.3.22. In most instances where the licensed activity is non-intrusive the Nominated Archaeologist may not need to take any formal responsibility for the archaeological work, but he/she would need to advise the team on their work. In many cases this could be done by telephone or letter, although on-site visits and face to face discussions are recommended.
- 6.3.23. Where archaeological material is exposed on the surface of the seabed, recovery should not take place before the Nominated Archaeologist has agreed the rationale and methodology, and the plan for post-recovery stabilisation,

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artefact conservation, recording and deposition of finds with a museum. Therefore, the Nominated Archaeologist will need to be more closely involved. An on-site presence is recommended during the recovery phase.

6.3.24. Once fieldwork is complete, it is recommended that the Nominated Archaeologist provides input into reporting and interpretation of the results of field work. He/she would be expected to be involved in the production of the reports.

#### Nominated Archaeologists directing work

6.3.25. In addition to fulfilling the roles identified above, where an Excavation Licence is issued, the Nominated Archaeologist will need to take total control of the archaeological side of the project and must develop a close working relationship with the Licensee and the whole team. He/ she should be:

- experienced and confident enough to argue the archaeological case wherever necessary;
- on site for most of the time disturbance is taking place.

6.3.26. This does not mean that Nominated Archaeologists need vast experience of underwater excavations, although that always helps. What is primarily required is the ability to transfer the basic archaeological procedures used on land to the underwater environment and to communicate this need to the project team.

6.3.27. Sometimes the Nominated Archaeologist will have less diving experience than the Licensee and so safety and non-archaeological operational activities may be best left to the Licensee. However, if the Nominated Archaeologist has any concerns over safety or diving procedures, they should be expressed to the Licensee. Nominated Archaeologists effectively have the authority to stop work on sites if they have serious concerns.

#### Qualifications of a Nominated Archaeologist

6.3.28. A Nominated Archaeologist should be competent to provide archaeological input appropriate for the type of licence. Nominated Archaeologists would be expected to comply with established criteria such as those identified by the Institute of Field Archaeologists (IFA). Recognised academic qualifications, combined with vocational training and certified experience, would indicate the appropriate level of competency a person had reached in archaeology. This does not exclude an amateur archaeologist without formal qualifications from being a Nominated Archaeologist, but he/she has to demonstrate a greater level of practical archaeological experience, including work under the direction of an accredited archaeologist in the maritime archaeological field and also experience of managing others.

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6.3.29. Nominated Archaeologists should acquire sound knowledge of the following:

- the Protection of Wrecks Act 1973;
- the Protection of Military Remains Act 1986;
- the Ancient Monuments and Archaeological Areas Act 1979;
- the Merchant Shipping Act 1995 and the role of the Receiver of Wreck;
- other potential consent or remit issues that may apply to the particular site, including seabed ownership, port or harbour authorities, and seabed consents;
- the roles of local authority archaeologists in Scotland and their representative body ALGAO UK;
- local authority historic environment records and the database of the Royal Commission on the Ancient and Historic Monuments of Scotland;
- underwater archaeological ethics and techniques (Dean 1988; Dean, Ferrari et al. 1995).

#### **6.4. Information to support your application**

6.4.1. Before any activities take place on a Designated Wreck Site, Historic Scotland's Inspectorate needs to know what is intended and why. Applicants should therefore provide supporting information which explains the rationale behind an application. The amount of information that is required depends on the licence being applied for.

##### *Detail of proposed visits (Visitor Licence only)*

6.4.2. Applicants for a Visitor Licence should provide a brief summary of how they intend to manage visits. The required information should make clear the purpose of the visit, what briefings will be provided to visitors, and how the prospective Licensee will manage the activities of visitors on site.

##### *Project Design (new Survey Licences, all Surface Recovery and Excavation Licences)*

6.4.3. Applicants for new Survey Licences (i.e., where no licence has previously been granted), and all Surface Recovery and Excavation Licences should submit a Project Design with an application.

6.4.4. Constructing a Project Design may be a little daunting and applicants should consult the Nominated Archaeologist (if one exists) to assist in this process. More detailed guidance on Project Designs is provided in Appendix 5. In brief, a Project Design should consider the following elements:

- background information about the site; and
- a clear statement of the research aim and objectives; and

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- a statement on methodology; and
- a statement of resources available and timetable of planned operations.

6.4.5. Recovered artefacts will require conservation and appropriate facilities, and resources must be sourced prior to field work. So a written agreement from the organisation or individuals concerned must accompany the application.

#### **6.5. Licence conditions**

6.5.1. Licences include standard conditions but individual licences can have specific conditions tailored to suit the environment and condition of the site, the experience of the applicant and the nature of the planned work. Historic Scotland's standard conditions are listed in Appendix 3. Conditions cover matters relating to :

- named divers ;
- stipulation of licensed activities on the site;
- the responsibilities of the Licensee (See 6..3);
- the responsibilities of the Nominated Archaeologist (See 6..3);
- operational safety (See 7.6);
- reporting of results (See 6.6 and Appendix 4);
- revocation of a licence if any of the general or specific conditions are not complied with.

#### **6.6. Licensee reports**

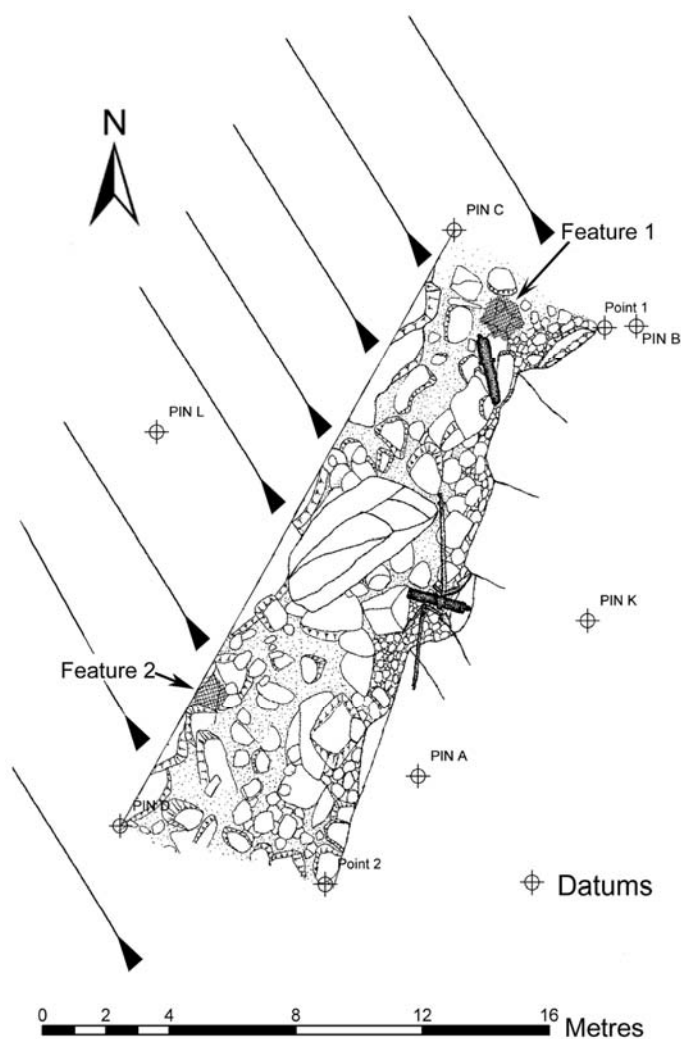
6.6.1. The Licensee's annual report should be sent to Historic Scotland's Inspectorate by the due date on the licence. A reminder letter is normally sent out in September or early October.

6.6.2. The report should be as objective as possible, factual, to the point, and preferably typed. Wherever possible a digital copy of the report should also be submitted. All reports must be countersigned by the Nominated Archaeologist where there is one. It should contain information that will be useful to Historic Scotland and ACHWS but it should not contain any discussion or comment of a personal nature that the Licensee would not wish to be part of a publicly accessible site archive.

6.6.3. The level of information will vary depending on the Licence. For example, a report for a Visitor Licence might comprise a list of names and dates of diving visitors, a short summary on the success of the season, and identification of any site management issues. A Survey or Excavation Licence report following detailed work will be much more detailed (a guide to a suggested format is set out in Appendix 4).

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- 6.6.4. A copy of the report should be deposited with RCAHMS. Where copyright remains with the Licensee and except where confidentiality is justified, the Licensee will be expected to grant a non-exclusive licence authorising the use of the report, and any material within it, for non-commercial purposes including teaching, research and private study. In any case where confidentiality is required, this should be made clear in the report along with the reasons for such a requirement.



**Figure 3: Iron guns, anchors and pottery were discovered by RAF Lossiemouth SubAqua Club at the foot of an exposed sea cliff south of Kinlochberrie, Sutherland. This Designated Wreck Site may be the wreck of a Spanish vessel of late 16<sup>th</sup>- or early 17<sup>th</sup>- century date.**

## **7. Additional information**

### **7.1. Archiving site records**

- 7.1.1. It is important to manage and control the records relating to the site and its objects carefully and to ensure that records are made available in a publicly accessible archive. This is one of the basic activities that underlie good archaeological practice yet it is one of those most often neglected by those investigating historic wreck sites. As Designated Wreck Sites are especially important, it has to be a requirement that adequate standards are attained in all work carried out under licence on these sites.
- 7.1.2. Original drawings, photographs and measurements, together with details of research and geophysical survey data, form an essential part of the site archive. It is important to keep all information about the site in one place, and store it in an orderly way. The archive must be accessible to the Nominated Archaeologist and, ideally, all team members. At the end of the project a copy of the archive must be offered to a suitable public repository with a view to it being made publicly available.
- 7.1.3. The national repository in Scotland is the RCAHMS (See Appendix 1), responsible for the survey and recording of the historic environment (including all underwater structures and wrecks within Scotland's Territorial Waters). In addition, many local authorities in Scotland have historic environment records in their own right (See Appendix 1 for ALGAO UK).
- 7.1.4. It is essential that the copyright and rights of reproduction of the archive is established, and any special conditions attached to material made clear at the time of deposition with RCAHMS. Where copyright is retained by the Licensee in respect of any information relating to the site, the Licensee will normally be expected to authorise the use of that information by others for non-commercial purposes including teaching, research and private study.

### **7.2. Handling finds**

- 7.2.1. Surface recovery and excavation operations can generate large quantities of archaeological material and this raises a number of important issues. Robinson (1998) provides detailed guidance but in brief:
- any material recovered must be reported using a *droit* form to the Receiver of Wreck to clarify questions of ownership and appropriate treatment under the Merchant Shipping Act 1995 (see below);
  - an eventual home for the recovered items needs to be considered;
  - the long term preservation of recovered objects needs to be arranged;

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- the necessary conservation facilities need to be organised in advance of any licence application involving artefact recovery;
- the expertise of a recognised conservation laboratory or an accredited individual conservator will need to be arranged and confirmed by them in writing;
- any object recovered from an archaeological site must be properly recorded. Its location on the site should be noted and, as a minimum, the object drawn or photographed *in situ*. As soon as possible after recovery it should be drawn and photographed again, and it may need subsequent recording after various conservation stages;
- an individual number should be allocated to each find and a record kept of any relevant data, including past and current locations; cross references to site plans, drawings and photographs; any cleaning or other conservation treatment received. Any other relevant information should also be noted.

### **7.3. Sampling of sediments, materials, objects, etc.**

7.3.1. The taking of samples, including wood for dating or sediments for analysis, needs to be detailed in the Licence application and the following points should be addressed:

- the reason for sampling;
- the size and number of samples required;
- the level of disturbance involved;
- sampling procedure;
- the nature of the analysis proposed;
- details of the institution or individuals who have agreed to carry out the analysis together with their written acknowledgement;
- the possible impact of the disturbance on the site or its surrounding environment.

7.3.2. If samples are retained with a view to passing to a museum, these should be in a condition in which they can be curated.

### **7.4. Site ownership**

7.4.1. Some historic shipwrecks have an identifiable owner. However the title of personal effects of people on board will usually be with the beneficiaries of each individual's estate, and cargos may also have separate, identifiable owners. Under the Merchant Shipping Act 1995, ownership is usually vested in the Crown if the original owners cannot be traced.

### **7.5. Ownership and disposal of finds**

7.5.1. Recovered finds are subject to the controls of the Merchant Shipping Act 1995

## Historic Scotland – Protected Historic Wreck Sites

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(chapter 21 part 9, sections 224-250) The Receiver of Wreck has a policy of trying to keep historic material together and offering it to registered museums but there is no guarantee that an appropriate museum will have the resources to acquire and conserve material from a wreck site. Therefore it is a condition of any Surface Recovery or Excavation Licence, that conservation and long-term curation of any recovered material is dealt with in the project design.

- 7.5.2. In recognition of the national importance of Designated Wreck Sites, Historic Scotland will not consider funding applications for projects on these sites unless licensees waive their rights to a salvage award under the Merchant Shipping Act 1995 in favour of an appropriate museum.
- 7.5.3. The IFA Code of Conduct (IFA 1997) sets out agreed professional guidance on dispersal of material recovered during archaeological work.

#### **7.6. Diving and fieldwork safety**

- 7.6.1. The Licensee has a responsibility to ensure that all licensed diving activities on a Designated Wreck Site are undertaken in a manner that is both safe and appropriate. General advice on diving safety is available from the British Diving Safety Group (BDSG). See Appendix 1 for contact information.
- 7.6.2. It is a condition of all licences that diving must be carried out to an accepted Code of Practice. Recreational diving organisations such as the Scottish Sub-Aqua Club (SSAC), the British Sub-Aqua Club (BSAC), Professional Association of Diving Instructors (PADI), and the Sub-Aqua Association (SAA) have published guidance on safe diving practices, while BSAC Technical Services and the SAA National Diving Officer provide guidance on Risk Assessment for diving. This specific guidance aims to place emphasis on the prevention of incidents while promoting safe diving practices to all divers.
- 7.6.3. All diving should adhere to the Combined Diving Associations' Respect our Wrecks initiative by following the *Code of Practice for Wreck Divers*.
- 7.6.4. For vessel safety, the Combined Diving Associations have produced *Guidelines for the Safe Operation of Member Club Dive Boats* and the BDSG have published *Advice to Divers Chartering Dive Boats*. However, it must be remembered that Small Vessels operating commercially under the British Flag or in British Territorial Waters must comply with the Merchant Shipping Regulations or an appropriate MCA Code of Practice.
- 7.6.5. It is also advised that team members who work on vessels in territorial waters take the RYA Small Craft Basic Sea Survival course or STCW95 Sea Survival Training and be familiar with appropriate emergence radio procedures.

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#### *Diving at work*

- 7.6.6. The Health and Safety at Work Act 1974 forms the basis for much of the legislation covering health and safety at work. The main set of regulations that apply to diving are the Diving at Work Regulations 1997. These regulations cover all dives when one or more divers are at work and seek to minimise the hazards and risks associated with diving.
- 7.6.7. Guidance offered by the Health and Safety Commission's (HSC) Diving at Work Regulations 1997 defines a diver as a person at work who dives. This phrase covers divers who dive as part of their duties as an employee but diving does not have to be the main activity of the employee.
- 7.6.8. All divers at work must hold an approved diving qualification suitable for the work they intend to do. A list of current approved qualifications can be obtained from the Health and Safety Executive (HSE); employed divers without an HSE approved qualification will not be considered competent to dive as a nominated member of a dive team.
- 7.6.9. The Health and Safety Commission has produced a set of five Approved Codes of Practice (ACOPs), one for each of the different sectors of the commercial diving industry. The ACOPs give advice on meeting the requirements of the Diving at Work Regulations 1997.
- 7.6.10. The Recreational ACOP makes provisions for situations where paid divers are diving with recreational divers (who are not being paid), and projects on Designated Wreck Sites in Scotland (e.g. Kinlochbervie) have involved investigations by recreational divers alongside divers at work.
- 7.6.11. Further information on diving at work is available from the HSE (appendix 1).



**Figure 4: The investigations at the Designated Wreck Site at Kinlochbervie involved both divers at work and recreational divers.**

## 7.7. Funding

- 7.7.1. The UK heritage agencies Historic Scotland, CADW, Department of the Environment Northern Ireland (DoENI) and English Heritage have responsibility and funds to carry out work on Designated Wreck sites. Such funds are not likely to be substantial and will be disbursed according to merit and the organisation's priorities. Advice on Historic Scotland's Archaeology Programme can be obtained from the Archaeology Programme and Grants Advice (APAGA) team of Historic Scotland's Inspectorate (Appendix 1).
- 7.7.2. In so far as is consistent with the Merchant Shipping Act 1995, the sale of antiquities from a Designated Wreck Site should not be considered as a potential source of project funding. If a wreck is sufficiently important to designate, then the finds should be kept together in a publicly accessible place for the benefit of the wider public, and present and future generations. A Licence would not be issued simply to allow the recovery of objects for dispersal by sale.

## 7.8. Training

- 7.8.1. Appropriate training may be necessary for successful licence applications, depending on the nature of the proposed project. Vocational qualifications and relevant experience are, in most cases, sufficient for a Licensee and members of a licensed diving team.
- 7.8.2. The Nautical Archaeology Society (NAS) organises courses in nautical and underwater archaeology all over the UK. Details of the courses can be obtained from the [NAS Training Office](#) (Appendix 1).
- 7.8.3. Consideration might also be given to joining the Institute of Field Archaeologists (IFA). The IFA is the professional organisation for archaeologists in the United Kingdom and it promotes professional standards and ethics for conserving, managing, understanding and promoting enjoyment of heritage. Membership is open to practising archaeologists in all fields. Contact details are given in Appendix 1.

## 7.9. Legislation and other consents

The following Acts are relevant to the marine historic environment in Scottish territorial waters.

### *Ancient Monuments and Archaeological Areas Act 1979*

- 7.9.1. The Ancient Monuments and Archaeological Areas Act 1979 ('the 1979 Act') gives powers to schedule monuments on the bed of Territorial seas and specifically mentions vehicles, vessels and aircraft in the definition of monuments in sections 61(7).

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- 7.9.2. When a monument is scheduled, prior written consent from Historic Scotland is required for works which might demolish, destroy, damage, remove, repair, alter or add to it.
- 7.9.3. *Conserving the Underwater Heritage* (Historic Scotland, 1999: 4) stated that the 1979 Act would be used where known wrecks or other underwater sites are established diver attractions providing local economic benefits, or where the 1973 Act would for other reasons be restrictive in a manner counter-productive to the long-term well-being of the site.
- 7.9.4. The scheduling in 2001 of seven wrecks of the German High Seas Fleet (Scapa Flow, Orkney) provides the only case study for application of the 1979 Act to protection of subtidal sites on the Scottish seabed (see cover image).

#### *The Merchant Shipping Act 1995*

- 7.9.5. The legal term ‘Wreck’ refers to the remains of a ship, aircraft or hovercraft, its cargo, tackle, furniture, armament and the personal possessions of those who travelled in her. All wreck material is subject to the provisions of the Merchant Shipping Act 1995. Material that did not come from a ship or was simply washed out to sea from the shore or from non-tidal waters is not regarded as wreck.
- 7.9.6. Artefacts recovered from Designated Wreck Sites constitute Wreck and they must be declared to the Receiver of Wreck who administers a system under the 1995 Act designed to:
- stop items of wreck being appropriated by people to whom they do not belong;
  - find any owners of recovered items of wreck, if possible, and return their property to them; and
  - ensure that law-abiding finders of such property receive a fair salvage award where appropriate.
- 7.9.7. If items of Wreck are recovered they must be reported to the Receiver of Wreck (address listed in Appendix 1). This applies to wreck found within UK territorial waters (i.e. within the 12-mile limit) or landed in the UK from outside UK waters. It should also be noted that some material may be dutiable, controlled or prohibited (alcohol for example) and, if so, will need to be declared to a Customs Officer.
- 7.9.8. Finding an object does not make it your property, even if it is found outside UK waters. Although some finds may appear to have little, if any, monetary value, it is for the Receiver of Wreck to decide what should happen to them, and all such finds should be reported as soon as possible. Finders who conceal items of wreck are liable to prosecution.

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- 7.9.9. In nearly all cases, the finder holds reported items of wreck on the Receiver's order while investigation is undertaken. However, the Receiver may decide that it is in the public interest to have dangerous or vulnerable items cared for elsewhere, for instance where conservation is required.
- 7.9.10. The term 'Salvor in Possession' has evolved through case law to help resolve disputes between salvors. Legal recovery of artefacts is likely to give entitlement to a salvage award, but not to rights of possession of a site.
- 7.9.11. The rights to items of wreck lie firstly with the owner. The Receiver of Wreck will seek archaeological advice as to the identity, age, and importance of historic finds. If no owner is found within a year, the Crown becomes the owner and this allows the item to be disposed of legally. The Receiver of Wreck has a duty to ensure that finders, who report as required and whose salvage service has had a useful result, receive an appropriate salvage payment. This is payable by the owner, or from the proceeds of sale (in the case of historic wreck, this sale will be to an appropriate museum or other public repository). In either case the finder may be given the item instead of receiving payment. The item is then theirs to do with as they think fit.
- 7.9.12. The Receiver of Wreck no longer charges a fee but will expect any costs incurred, such as storage, to be paid by the person claiming the property (the owner, the salvor or anyone else) or they will be deducted from the proceeds of sale.
- 7.9.13. The Receiver does not settle salvage disputes. If there is a dispute with the owner, or between competing salvors, the Receiver of Wreck will detain any finds until a dispute is settled. The Receiver of Wreck cannot award salvage rights to material remaining underwater as none may exist.

#### *The Protection of Military Remains Act 1986*

- 7.9.14. The 1986 Act is intended to protect wrecked military vessels and aircraft and any associated remains of personnel who lost their lives in them. It applies to all aircraft that have crashed and also to any ship of any nationality lost on military service in UK waters since 4 August 1914.
- 7.9.15. The 1986 Act allows wrecks to be designated either as Controlled Sites or as Protected Places. On Controlled Sites, all intrusive activity (including diving) is prohibited without a licence from MOD. Designation as a Protected Place allows a site to be visited on a 'look but don't touch' basis, though any intrusive activity would again require a licence from MOD. Queries regarding the Protection of Military Remains Act 1986 should be directed to the Ministry of Defence (Appendix 1)

## Historic Scotland – Protected Historic Wreck Sites

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#### *Other consents*

- 7.9.16. In addition, other consents may be required for intrusive investigations..
- 7.9.17. As a landowner (as opposed to a regulatory planning authority), Crown Estate grant leases, licences and consents for works and activities on the foreshore and underwater. See Appendix 1 for contact details.
- 7.9.18. Additional consent is likely to be necessary in the case of sites within the jurisdiction of a Port or Harbour Authority, and the appropriate authority should be consulted. Historic Scotland can advise on a case-by-case basis.
- 7.9.19. A consent under Section 34 of the Coast Protection Act 1949 is likely to be required where activities involve removal of sediment or deposits on the seabed that may prejudice navigational safety. Consents are issued on behalf of Scottish Ministers by the Ports and Harbours Branch of the Scottish Government. See Appendix 1 for contact information.
- 7.9.20. A licence under Part II of the Food & Environment Protection Act 1985 (FEPA) may be required where excavated materials are to be deposited on the seabed or inter-tidal area from a vessel (e.g. using dredging or pump equipment), and in cases where other materials or temporary structures, such as supporting frames or coffer dams are to be used during the works. This kind of licence will not normally be required where material is to be excavated by hand. The licensing authority on behalf of Scottish Ministers is Fisheries Research Services Marine Laboratory (FRS-ML). See Appendix 1 for contact details.

## 8. Frequently asked questions.

Question – How long does a licence last for?

Answer – Licences usually last for six months or one year, depending on the licence type. Historic Scotland does not issue licences for longer than one year because the Licensee's report provides a mechanism for monitoring the condition of an historic wreck site, and activity associated with it.

Question – I want to run a visitor scheme on a Designated Wreck Site but I am worried that the activities of a diver under my supervision might result in me losing my licence. What is the position on this?

Answer – This is possible in theory, but very unlikely in practice. On visitor schemes, Historic Scotland encourages licensees to provide a full briefing prior to any diving, so that all visitors are fully aware of the terms of a licence, and the importance of the historic wreck site. If divers have been made fully aware, then it would be unlikely for any adverse activity to occur.

Question – What are the penalties for interfering with a Designated Wreck Site without a licence?

Answer Section 3(4) of the 1973 Act states that a person guilty of an offence under section 1 or section 2 shall be liable on summary conviction to a fine of not more than £400, or on conviction on indictment to a fine. This was amended by the Magistrates Court Act 1980 section 32, which sets the fine (or prescribed sum) at £5,000.

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- Merchant Shipping Act, 1995, ISBN 0-10-542195-2. HMSO. London.
- Protection of Military Remains Act 1986, ISBN 0-10-543586-4. HMSO, London.
- Protection of Wrecks Act 1973, ISBN 0-10-543373X. HMSO, London.
- National Heritage Act 2002, ISBN 0-10-541402-6. HMSO, London
-

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**Appendix 1: Useful addresses**

Department of Culture Media and Sport  
(DCMS)

Architecture and Historic Environment

Department for Culture, Media and Sport

2-4 Cockspur St

London

Tel: 020 7211 2389

<http://www.culture.gov.uk>

English Heritage

Maritime Archaeology Team

Fort Cumberland

Eastney

Portsmouth

Hampshire

PO4 PLD

Tel: 02392 856735

Fax: 02392 856701

<http://www.english-heritage.org.uk>

Historic Scotland

Longmore House

Salisbury Place

Edinburgh EH9 1SH

Tel 0131 668 8770

Fax 0131 668 8765

Email: [hs.inspectorate@scotland.gsi.gov.uk](mailto:hs.inspectorate@scotland.gsi.gov.uk)

<http://www.historic-scotland.gov.uk>

Environment and Heritage Service

Department of the Environment (NI)

5-33 Hill Street

Belfast BT1 2LA

Tel: 028 90543 145

Fax: 028 90543 111

<http://www.ehsni.gov.uk>

Cadw Welsh Assembly Government

Plas Carew

Unit 5/7,

Cefn Coed Parc

Nantgarw,

Cardiff

CF15 7QQ

The Receiver of Wreck

Maritime and Coastguard Agency

Spring Place

105 Commercial Road

Southampton SO1 1EG

Tel: 023 8032 9474

Fax: 023 8032 9477

Historic Scotland – Protected Historic Wreck Sites  
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Tel : 01443 336000

Fax: 01443 336001

<http://www.cadw.wales.gov.uk>

Email: [row@mcga.gov.uk](mailto:row@mcga.gov.uk)

[www.mcga.gov.uk](http://www.mcga.gov.uk)

Ministry of Defence

Mr Peter MacDonald

Second Sea Lord Policy Secretariat:  
Parliamentary & Heritage Room  
207Victory Building

HMNB Portsmouth

PO1 3LS

<http://www.mod.uk/index.htm>

The Crown Estate

6 Bell's Brae

Edinburgh

EH4 3BJ

Tel:0131 260 6070

Fax: 0131 260 6090

<http://www.thecrownestate.co.uk>

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Royal Commission on the Ancient and  
Historical Monuments of Scotland

John Sinclair House,  
16 Bernard Terrace,  
Edinburgh,  
EH8 9NX  
Tel: 0131 662 1456  
Fax: 0131 662 1499/1477  
Email: [nmrs@rcahms.gov.uk](mailto:nmrs@rcahms.gov.uk)  
<http://www.rcahms.gov.uk>

Nautical Archaeology Society  
Fort Cumberland  
Fort Cumberland Road  
Eastney  
Portsmouth PO4 9LD  
Tel/Fax: 02392 818419  
Email: [nas@nasportsmouth.org.uk](mailto:nas@nasportsmouth.org.uk)  
[www.nasportsmouth.org.uk](http://www.nasportsmouth.org.uk)

The Institute of Field Archaeologists  
University of Reading

2 Earley Gate  
PO Box 239  
Reading  
Berks RG6 6AU  
Tel: 0118 931 6446  
Fax : 0118 931 6448  
Email: [Admin.ifa@virgin.net](mailto:Admin.ifa@virgin.net)  
<http://www.archaeologists.net>

Association of Local Government  
Archaeological Officers

Maritime Committee  
C/o Robin Daniels  
Tees Archaeology  
Sir William Gray House,  
Clarence Road,  
Hartlepool  
TS24 8BT  
Tel: 01429 523455/6  
Fax: 01429 523477  
<http://www.algao.org.uk/default.htm>

Health and Safety Executive  
OSD  
Rose Court  
2 Southwark Bridge Road

The British Diving Safety Group  
West Quay Road  
Poole  
BH15 1HZ

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London SE1 9HS  
Tel. 020 7717 6763  
Fax: 020 7717 6911  
<http://www.hse.gov.uk/pubns/diveindx.htm>

Freephone: 0800 328 0600  
Email: [info@bdsg.org](mailto:info@bdsg.org)  
<http://www.bdsg.org/index.htm>

FRS Marine Laboratory  
PO Box 101  
375 Victoria Road  
Aberdeen  
AB11 9DB  
Tel: 01224 876544  
Fax: 01224 295511  
<http://www.frs-scotland.gov.uk/>

Archaeology Scotland (previously the  
Council for Scottish  
Archaeology)  
Causewayside House  
160 Causewayside  
Edinburgh  
EH9 1PR  
Tel: 0131 668 4189  
<http://www.scottisharchaeology.org.uk>

Ports and Harbours,  
Scottish Government,  
Area 2G Dockside  
Victoria Quay,  
Edinburgh,  
EH6 6QQ  
Tel: 0131 244 7273  
Email: [Gordon.hastie@Scotland.gsi.gov.uk](mailto:Gordon.hastie@Scotland.gsi.gov.uk)  
<http://www.scotland.gov.uk/>

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**Appendix 2: ACHWS Committee members**

*Members (appointed for a fixed term, normally 3-5 years):*

Tom Hassall , Chair

Mrs Elizabeth Blackburn QC, Marine Law

Dr Lucy Blue, Maritime Archaeologist, University of Southampton

Professor Michael Collins, Inshore Oceanography

Robin Daniels, Local Authority Archaeologist

Duncan O' Donnell, QC

Rear Admiral Richard Hill, Naval Museums

Dr Colin Martin, Maritime Archaeologist

Dr David Caldwell, National Museums of Scotland

Ms Suzanne Pleydell, PADI

Ms Amanda Sutherland, Artefact Conservator

*Observers:*

English Heritage

Historic Scotland

DoE Northern Ireland

CADW

Contractor for Archaeological Services, Wessex Archaeology

Alison Kentuck, Receiver of Wreck

MoD

Crown Estate

The ACHWS produces annual reports the latest of which can be found at <http://www.culture.gov.uk> or on the English Heritage website at <http://www.english-heritage.org.uk> .

### **Appendix 3: Standard licence conditions for Designated Wreck Sites in Scottish territorial waters**

Listed below are the standard conditions which are placed on licences issued for Designated Wreck Sites in Scottish waters. Additional conditions may be placed on Licences as necessary. For example, Licensees on sites where multiple Licences exist may be asked to contact the other Licensee prior to making any dive trips to the site.

#### *VISITOR LICENCES*

- all diving operations within the restricted area are carried out in accordance with the application submitted to Historic Scotland dated [ ],
- during the carrying out of the said operations the Licensee, and all divers participating in such supervised dives on the site, do not tamper with or damage the said vessel and no objects whatsoever are recovered by them from the site,
- that dives will only be permitted when [the Licensee] or [the Nominated Deputy] is present at the site, and
- all diving is carried out according to an approved code of practice as indicated on the application submitted to Historic Scotland dated [ ]
- that the Licensee will authorise and remain responsible for the supervision at all times of all divers participating in dives on the site,
- that [the Licensee] submits a report on the dive programme, including details of all those persons who participated in the dives and also the safety aspects of the programme, to Historic Scotland no later than [ ].

#### *SURVEY LICENCES*

- the licensee submits a report on the progress of the said operations to Historic Scotland no later than \*\*\*\*\*;
- a copy of the archive of the project be deposited with the Royal Commission on the Ancient and Historic Monuments of Scotland;
- diving must be carried out to an approved code of practice as indicated on the application form; and
- necessary consents from other marine regulating bodies must be obtained; and
- during the carrying out of the said diving operations no objects are recovered; and

- any diving operations within the restricted area are carried out in accordance with the application submitted to Historic Scotland dated \*\*\*\*\*.

#### *SURFACE RECOVERY LICENCES*

- all diving operations within the restricted area are carried out in accordance with the application submitted to Historic Scotland dated [ ],
- during the carrying out of the said operation no objects are recovered from the site without prior consultation with the Nominated Archaeologist\*, except where removal is necessary for the preservation of an object,
- the Licensee ensures that any objects recovered are given immediate ‘first aid’ conservation treatment,
- the Licensee acts under the overall archaeological direction of [ ]\*,
- the Licensee submits a report, countersigned by the Nominated Archaeologist\* on the said operation to Historic Scotland no later than [ ];
- the Licensee submits a copy of the archive to the Royal Commission on the Ancient and Historic Monuments of Scotland and disposes of the material remains according to the project design submitted to Historic Scotland dated [ ]
- Any necessary consents from other marine regulating bodies must be obtained; and
- a summary report be prepared and submitted for publication to Discovery and Excavation in Scotland for [year].

#### *EXCAVATION LICENCES*

- all diving operations within the restricted area are carried out in accordance with the application submitted to Historic Scotland dated [ ],
- if the excavation threatens the stability of the site the Licensee should withdraw from the site,
- during the carrying out of the said operation no objects are recovered from the site without prior consultation with the Nominated Archaeologist\*, except where removal is necessary for the preservation of an object,
- any necessary consents from other marine regulating bodies must be obtained; and
- the Licensee ensures that any objects recovered are given immediate ‘first aid’ conservation treatment,

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- the Licensee acts under the overall archaeological direction of [ ]\*,
- the Licensee submits a report, countersigned by the Nominated Archaeologist\*, on the said operation to Historic Scotland no later than [ ],
- the Licensee submits a copy of the archive to the Royal Commission on the Ancient and Historic Monuments of Scotland and disposes of the material remains according to the project design submitted to Historic Scotland dated[ ]
- a summary report be prepared and submitted for publication to Discovery and Excavation in Scotland for [year].

\*\* If the Licensee is the Nominated Archaeologist this condition will be reworded appropriately

### Appendix 4: Project Design

Below is a suggested layout for a Project Design required for Survey, Surface Recovery or Excavation Licences. More detailed advice on Project Design specification can be found in Historic Scotland 2006, Archaeology Procedure Paper 2 *Project Design, Implementation & Archiving* by contacting Historic Scotland’s Inspectorate (See Appendix 1 for contact details).

Site Name:	
Type of Licence:	
Author(s):	
Project proposal:	This should be a synopsis of no more than 300 words summarising the proposal and demonstrating that there is a coherent rationale behind the work.
Site History	This should be a synopsis of no more than 250 words outlining the previous work undertaken on the site, and current knowledge about it.
Aim and objectives	The overall research question should be broken down into specific objectives. There may only be two or three objectives since it is important to be realistic about the timescale and resources available; however, even further survey work requires an appropriate aim and objectives. It should be noted that, for example, excavation is a method used to try and answer a research question rather than a research aim in itself.
Fieldwork methods	<p>This section should lay out the fieldwork methods proposed and should include site plans with survey areas /excavation trenches identified. Questions such as appropriate field recording systems should be addressed here. It is also very important that this section also includes details of site restitution after the fieldwork is complete.</p> <p>A method, such as excavation by airlift, can be quite general. So it is often useful, and with excavation projects in particular it is recommended, to break down each project objective into tasks. It might be useful to assign these tasks to particular team members – in which case a table might be the most appropriate format to</p>

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	present this element of the Fieldwork Methods.
Post-fieldwork methods	<p>This section should detail post or non-fieldwork activities such as library research, processing of survey data, and the proposed recording, processing or analysis of recovered material etc. A similar table could be used to identify tasks with particular team members.</p> <p>It may also be appropriate to include discussion or initial agreements about processing or analysis with other organisations, such as museums or universities, here.</p>
Project timetable	The project timetable addresses the project as a whole; it should account for all the tasks already identified and demonstrate how they can be achieved within the proposed timescale.
Archive	The material archive (where appropriate) should be addressed separately from the documentary archive. Issues of the provision for finds conservation, archaeological identification and appropriate deposition (i.e. provision for accession to a public museum, with as far as possible the material archive staying together), should be outlined. In the case of the documentary archive there should be discussion of data archiving, digital format and deposition of a full copy of the project archive with the appropriate public record, (in Scotland this is RCAHMS).
Publication	<p>If publication is intended, details should be outlined. With excavation proposals, publication of results is generally considered a necessary part of the project. With survey licences, it is often also recommended.</p> <p>If the involvement of television or other media is planned, the nature of that involvement and the intended results should be outlined.</p>
Other consents	Any other consent from Harbour Authorities or bodies such as the MCEU (see the Legislation and other Consents section of this document) that have been sought or discussed should be outlined in this section.
	Each team member should be listed in the Project Design along with

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Team members	a one sentence listing of their experience and qualifications. In the case of excavation licences this list must include the Nominated Archaeologist. It might be useful to list the diving members of the team separately from the non-diving members.
Health and safety statement	A brief Health and Safety Statement is also required. This should outline the Diving Code of Practice the project will work to as well as any other issues that may be appropriate to the project.

## Appendix 5: Licensee's Report

Below is a recommended layout for a Licensee's Report on Survey, Surface Recovery or Excavation Licences. The level of detail required for a Visitor Licence report will normally be much less, (but in the case of those Visitor Licences that are issued for site monitoring purposes please include those sections marked with an \*).

*\*Site name:*

*\*Type of licence:*

*\*Date issued:*

*\*Date report completed:*

*\*Author(s):*

*\*Summary:*

- Try to keep the summary to half a page or c.300 words. This should highlight the main points you want to get across.
- In particular, it should relate to the 'Aim and Objectives' of your Project Design or the 'Details of Intended Work' mapped out in the Licence Application, indicating how many of your goals have been achieved and any progress made (or outline the results of site monitoring visits) . You should describe any difficulties you have had, such as unusually bad weather. You should also mention any new results that have increased understanding of the site and any conclusions or hypotheses.
- Note that the licensee's summary may be reproduced in the ACHWS annual report.

*\*Fieldwork Activities:*

- This section should map out the fieldwork activities. You should begin with a brief summary of the tasks undertaken, their status or nearness to completion and any difficulties, methodological or weather related etc., along with any consequent solutions or changes made to the methods set out in the Licence Application. A list of all the team members associated with the season's work should follow, including all the divers' details i.e. number of dives, role in the project and their total time underwater. This is best indicated as a table. It is helpful if the total time spent underwater for the season, and the total number of divers involved, is clearly indicated.

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- Any help received from organisations and other people could be included in this section. Site restitution work should also be detailed in this section.
- In the case of site monitoring visits a brief table of visits is all that is required.

#### *Contact with the Nominated Archaeologist:*

- Licences requiring a Nominated Archaeologist should log all contact, including phone calls, letters, e-mails, meetings and visits. In the case of licences to recover surface artefacts, specific reference must be made to consultation with the Nominated Archaeologist about any recovered material. Excavation licences require the Nominated Archaeologist to be a member of the team and their diving input would also be indicated in the previous section on team activities.

#### *Artefact Recoveries:*

- Artefacts can only be recovered under the terms of an appropriate licence. All objects recovered from the seabed must be listed. Details of their conservation and archaeological identification should be included. All items recovered must be declared to the Receiver of Wreck. Illustrations of the more important finds (photographs or drawings) should be included at the back of the report but only if they represent important developments in the understanding of the wreck e.g. they help date or identify the shipwreck.

#### *Post-Fieldwork Activities:*

- This section should detail post or non-fieldwork activities such as library research, processing of survey data, conservation and recording of finds etc. Methods of recording or specifications of data processing (in the case of geophysical survey data) should be included and it is in this section that details of the project archive, including where applicable the data formats, along with provision for deposition, should be detailed.
- A similar table could be used to show how much time members of the team spent in these activities.

#### *Site Plan(s):*

- If survey or excavation has taken place you should include the latest site plan, neatly drawn (a sketch is not appropriate), and including the latest survey information.
- Site plans should have a title, date, an appropriate scale and a North arrow. Ideally they should be reduced to A4 so they can be easily copied for

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ACHWS meetings. The plan should represent a two dimensional view of the relationship of larger objects on the seabed such as cannon and anchors, or areas where items are exposed. Natural features such as banks, gullies, large rocks, or kelp beds should be included. If intrusive work is being carried out then the areas of disturbance must clearly be marked.

#### *\*Results and Conclusions:*

- This section should outline all the results and map out any conclusions drawn as a result of this period of fieldwork. If there has been an increased understanding of the site as a result of this work, it should be outlined along with any new, reasoned hypotheses concerning the archaeology of the site.

#### *\*Potential for Further Work:*

- If you feel there is opportunity for further work, there is opportunity to flag it in this section of the report. However, if you want a new licence or an existing one to be renewed you must complete a Licence Application Form and in most cases produce a Project Design. If a licence requires a Nominated Archaeologist they must also sign the form. If laboratory or conservation facilities are going to provide support, there must be written confirmation from them accompanying the application.

#### *\*Name of Licensee:*

(Printed)

(Signature)

\*Date:

#### *Name of Nominated Archaeologist:*

(Printed)

(Signature)

Date:

## **Appendix 6: Designation criteria**

The following non-statutory criteria are used for assessing the importance of wrecks or the sites of wrecks, and for considering whether designation as a restricted area under the terms of the Protection of Wrecks Act 1973 is appropriate. Wreck sites may comprise the remains of vessels, their accoutrements, armaments, cargo, and other associated objects or deposits, and restricted areas may include that area of the seabed around the wreck site considered appropriate by the Secretary of State to secure its protection. Wrecks or wreck sites may be considered to merit designation if they contribute or appear likely to contribute significantly to the understanding of the past on account of their historical, archaeological, or artistic importance. Such significance may be assessed on the basis of the following criteria (which are not presented in any order of ranking). The criteria should not be regarded as definitive, and wrecks or wreck sites need not satisfy all the criteria in order to qualify for designation. Rather the criteria are indicators which contribute to a wider judgement based on the individual circumstances of each case.

### *Period*

The historic interest of all types of wreck which characterise a category or period should be considered, and the selection of sites for protection should include wrecks which illustrate important aspects of our social, political economic, cultural, military, maritime and technological history. In identifying sites to be protected, regard will be had to the currency of any particular wreck type (the length of time over which any particular vessel type was constructed and used or any cargo type transported) and how representative it is (whether the vessel or cargo type was one of few or many types representative of that period).

### *Rarity*

There are some wreck categories which, in certain periods, are so scarce that all surviving examples which still retain some archaeological potential should be preserved. The age of a vessel is often closely linked to its rarity. The older a vessel is, for example, the fewer comparable vessels are likely to survive either in use or as wrecks, and the more likely it is to have historic interest. The loss of one example of a rare type of site is more significant than the loss of one example of a very numerous class of site. In general, however, a selection for protection must be made which portrays the typical and commonplace, as well as the rare. This process should take account of all aspects of the situation and distribution of a particular type of vessel or cargo, in a regional, national, or international context.

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### *Documentation*

The significance of a wreck may be enhanced by close historic association with documented and important historical events or people, or by the supporting evidence of contemporary records or representations. Historical records are generally only relevant to wrecks of recent date; although it is important to recognise that some types of more recent vessel, such as working vessels or vernacular craft, may not be served by any historical records. The probable range of contemporary records that might be expected for a particular type of vessel needs to be considered, so that the value of any known surviving records which relate to it can be assessed. Finally, the importance of a wreck site may also be enhanced by the existence of records of previous archaeological recording or survey work.

### *Group value*

The value of a single vessel or of its cargo may be greatly enhanced by its co-location with other similar vessels (for example at the site of a battle) or by its association with other contemporary features such as port facilities or defensive sites. Association with vessels of other periods (for example on long-standing navigation hazards) may also enhance the value of a site. In some cases it is preferable to protect the complete group of archaeological remains, rather than protect isolated features within the group.

### *Survival/condition*

The degree of survival of a wreck is a particularly important consideration. In general, early wrecks are less likely to survive well than later examples, and in assessing the survival of any site, it is important to consider the likely normal degree of survival of vessels of that date or type. Assessments of survival should consider the degree of intactness of a wreck, the likelihood of the preservation of constructional and technological detail, and the current condition of the remains.

### *Fragility/vulnerability*

Highly important archaeological evidence from some sites can be destroyed by the selective or uncontrolled removal of material, by unsympathetic treatment, by works or development, or by natural processes. Some vessel types are likely to be more fragile than others, and the presence of commercially valuable objects within a wreck may make it particularly vulnerable. Vulnerable sites of this type would particularly benefit from protective designation.

### *Diversity*

The importance of wrecked vessels can reflect the interest in their architectural design, decoration and craftsmanship, or their technological innovation or virtuosity, as well as their how representative they are. Consideration should be given both to the diversity of forms in which a particular vessel type may survive and to the diversity of

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surviving features. Some vessel types may be represented in the surviving record by a wide variety of building types and techniques which may be chronologically, regionally, or culturally conditioned. The sample of protected sites should reflect this wide variety of forms. In addition, some vessels may be identified as being of importance because they possess a combination of high quality surviving features or, occasionally, because they preserve a single important attribute.

#### *Potential*

On occasion, the nature of remains cannot be specified precisely but it still may be possible to document reasons anticipating their existence and importance and so to demonstrate the justification for identifying a site for protection. For example, each type of site may provide a slightly different range of contexts for the preservation of archaeological and palaeo-environmental evidence, and the environment of a site may provide strong indications of its likely level of survival. Sites may also be significant in terms of their potential to provide information on site formation and decay processes and the examination of physical, chemical and biological processes on cultural remains or through its potential for public education.