

# The Protection of Wrecks under the National Monuments Acts 1930-2014

The National Monuments Service Wreck Viewer displays data relating to wrecks and is made available here for the information of interested parties. It is important to note that the wreck viewer displays only wrecks whose locations are known; there are a large number of wrecks recorded in the Wreck Inventory of Ireland Database (WIID) that do not have precise locations. Records for these can be downloaded from the “Wreck Data Download” link on the banner/header of the wreck viewer. The database also includes records of the wrecks of aircraft where these have come to our attention.

The inclusion of wrecks on this website does not constitute a statement in regard to any legal protection which may apply in any particular case. It is intended that this data will be of assistance to all marine environment researchers and stakeholders and those interested in or charged with protecting underwater cultural heritage, including anyone planning development in the marine, lacustrine or riverine environments.

## LEGISLATION

There is robust legislation in place to protect wrecks and archaeological objects in Ireland’s territorial waters, in the intertidal zone and within the inland waterways. Section 3 of the National Monuments (Amendment) Act 1987 is the primary piece of legislation for the protection of wrecks over 100 years old and archaeological objects underwater irrespective of age. Wrecks that are less than 100 years old and archaeological objects or the potential location of such a wreck or archaeological object can also be protected under Section 3 of the 1987 (Amendment) Act; An underwater heritage order can be placed on a wreck or object if considered to be of sufficient historical, archaeological or artistic importance to merit such protection. In 1995 the wreck of RMS *Lusitania*, torpedoed in 1915 by German submarine *U-20* off the Cork coast, was protected under the relevant provisions of the Act, though it was less than 100 years old at the time.

## DIVING, SURVEY & SALVAGE

Section 3 (4) of the 1987 Act provides that a person shall not dive on, damage, or generally interfere with, any wreck which is more than one hundred years old or an archaeological object which is lying on, in or under the sea bed or on or in land covered by water except in accordance with a licence issued by the Minister for Culture, Heritage and the Gaeltacht under Section 3 (5) of the Act. A licence is also needed under the same provisions of the Act to survey a wreck or archaeological object from a wreck site that is over 100 years old or one that is protected by underwater heritage order. Therefore a licence is required to dive, interfere with or survey any protected wreck site or for deliberate searches for underwater archaeological objects. The Minister may, at her discretion, grant or refuse to grant a licence and may make a licence subject to such conditions as she thinks fit and which are specified in the licence. Application forms for dive/survey licenses can be downloaded from <https://www.archaeology.ie/publications-forms-legislation/forms> or by requesting an

application form from the Licensing Section, National Monuments Service, Department of Culture, Heritage & the Gaeltacht, Custom House, Dublin 1.

### **OBLIGATIONS IN RELATION TO THE DISCOVERY OF A WRECK OR ARCHAEOLOGICAL OBJECT**

Section 3 (6) of the 1987 Act (as amended) also provides that a person finding a wreck over 100 years old must within four days make a report of the find to either the Minister for Culture, Heritage and the Gaeltacht or the Garda Síochána. Section 3 (6) of the 1987 Act (as amended) also provides that a person finding an archaeological object which is lying on, in or under the sea bed or on or in land covered by water must within four days make a report of the find to the Director of the National Museum of Ireland. As clarified in a recent High Court judgement in relation to the wreck of the *Lusitania* (Judge Herbert, 2005), a wreck can equally be considered to be an archaeological object within the meaning of the act.

### **MERCHANT SHIPPING (SALVAGE AND WRECK) ACT 1993**

It is a statutory obligation under the Merchant Shipping (Salvage and Wreck) Act 1993 that all material, including objects, recovered from any wreck or wreck material, including objects, from the sea shall be declared to the relevant Receiver of Wreck. The Receiver will then make enquiries with a view to establishing the ownership of the wreck or wreck-related material. In the absence of a known owner, the Director of the National Museum of Ireland can claim salvaged wreck material on behalf of the State.

### **ARCHAEOLOGICAL EXCAVATION AND/ OR THE USE OF DETECTION DEVICES**

Archaeological excavation and/or the use of detection devices such as metal detectors to search for archaeological objects on archaeological sites including protected wrecks is regulated under Section 26 of the 1930 National Monuments Act and Section 2 of the 1987 National Monuments (Amendment) Act. Application forms for excavation licenses and forms for consent to use a detection device or metal detector can be downloaded from <https://www.archaeology.ie/publications-forms-legislation/forms> or by requesting an application form from the Licensing Section, National Monuments Service, Department of Culture, Heritage & the Gaeltacht, Custom House, Dublin 1. Consents for the use of hand held metal detectors on protected wreck sites or for the purpose of searching for archaeological objects are only issued when they form part of a defined archaeological research project or are required for an archaeological impact assessment for planning-related cases. Applications for excavation licenses and consents for use of detection devices are assessed by designated officers within the National Monuments Service.