



## ASCENSION

### REVISED EDITION OF THE LAWS, 2017

#### RECREATION AND TOURISM

#### **PROTECTION OF WRECKS (ASCENSION) ORDINANCE, 2009<sup>1</sup>**

*Ordinance A2 of 2009*

*In force 22 June 2009*

*No amendments to 1 November 2017*

*No subsidiary legislation to 1 November 2017*

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#### **PROTECTION OF WRECKS (ASCENSION) ORDINANCE, 2009**

##### ARRANGEMENT OF SECTIONS

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AN ORDINANCE to secure the protection of wrecks in territorial waters and the sites of such wrecks, from interference by unauthorised persons; and for connected or incidental matters.

##### **Short title**

**1.** This Ordinance may be cited as the Protection of Wrecks (Ascension) Ordinance, 2009.

##### **Interpretation**

**2.** In this Ordinance—  
“**Ascension waters**” means any part of the sea within the seaward limits of the territorial waters of Ascension and includes any part of a river within the ebb and flow of ordinary spring tides;

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<sup>1</sup> Under section 10 of the Revised Edition of the Laws Ordinance, 1999 this text is authoritative and is the sole authentic edition in respect of the law contained in it as at 1 November 2017.

“**restricted area**” means an area designated under section 3(1) as a restricted area;  
 “**sea**” includes any estuary or arm of the sea; and reference to the sea bed includes any area submerged at high water of ordinary spring tides.

### **Protection of sites of historic wrecks**

**3. (1)** If the Governor is satisfied with respect to any site in Ascension waters that—

- (a) it is, or may prove to be, the site of a vessel lying wrecked on or in the sea bed; and
- (b) on account of the historical, archaeological or artistic importance of the vessel, or of any objects contained or formerly contained in it which may be lying on the sea bed in or near the wreck, the site ought to be protected from unauthorised interference,

the Governor may by order designate an area round the site as a restricted area.

**(2)** An order under this section must identify the site where the vessel lies or formerly lay, or is supposed to lie or have lain, and—

- (a) the restricted area is all within such distance of the site (so identified) as is specified in the Order, but excluding any area above high water mark of ordinary spring tides; and
- (b) the distance specified for the purposes of paragraph (a) is whatever the Governor thinks appropriate to ensure protection for the wreck.

**(3)** Subject to section 5, it is an offence for a person, in a restricted area, to do any of the following things otherwise than under the authority of a licence granted by the Governor—

- (a) tamper with, damage or remove any part of a vessel lying wrecked on or in the sea bed, or any object formerly contained in such a vessel;
- (b) carry out diving or salvage operations directed to the exploration of any wreck or to removing objects from it or from the sea bed, or use equipment constructed or adapted for any purpose of diving or salvage operations; or
- (c) deposit, so as to fall and lie abandoned on the sea bed, anything which, if it were to fall on the site of a wreck (whether it so falls or not), would wholly or partly obliterate the site, or obstruct access to it, or damage any part of the wreck.

Penalty: A fine of £1,000.

**(3A)** A person who causes or permits any of the things mentioned in subsection (3) to be done by others in a restricted area, otherwise than under the authority of such a licence, commits an offence.

Penalty: A fine of £1,000.

**(4)** Before making an order under this section, the Governor must consult with such persons as he or she considers appropriate, having regard to the purposes of the order: but this consultation may be dispensed with if the Governor is satisfied that the case is one in which an order should be made as a matter of immediate urgency.

**(5)** A licence granted by the Governor for the purposes of subsection (3) must be in writing and—

- (a) must be granted only to persons who appear to the Governor either—

- (i) to be competent, and properly equipped, to carry out salvage operations in a manner appropriate to the historical, archaeological or artistic importance of any wreck which may be lying in the area, and of any objects contained or formerly contained in a wreck; or
  - (ii) to have any other legitimate reason for doing in the area that which can only be done under the authority of a licence;
- (b) may be granted subject to conditions or restrictions; and  
 (ba) may be varied or revoked by the Governor at any time after giving not less than one week's notice to the licensee.

**(5A)** Anything done contrary to any condition or restriction of a licence is to be treated for purposes of subsection (3) as done otherwise than under the authority of the licence.

**(6)** If a person ('A') is authorised by a licence granted under this section to carry out diving or salvage operations, it is, subject to section 5, an offence for any other person to obstruct A person, or cause or permit A to be obstructed, in doing anything which is authorised by the licence.  
 Penalty: A fine of £1,000.

### **Prohibition on approaching dangerous wrecks**

**4. (1)** If the Governor is satisfied with respect to a vessel lying wrecked in Ascension waters that—

- (a) because of anything contained in it, the vessel is in a condition which makes it a potential danger to life or property; and
  - (b) on that account it ought to be protected from unauthorised interference,
- the Governor may by order designate an area round the vessel as a prohibited area.

**(2)** An order under this section must identify the vessel and the place where it is lying and—

- (a) the prohibited area is all within such distance of the vessel as is specified by the order, excluding any area above high water mark of ordinary spring tides; and
- (b) the distance specified for the purposes of paragraph (a) is whatever the Governor thinks appropriate to ensure that unauthorised persons are kept away from the vessel.

**(3)** Subject to section 5, it is an offence for a person, without authority in writing granted by the Governor, to enter a prohibited area, whether on the surface or under water.  
 Penalty: A fine of £1,000.

### **Exceptions**

**5.** Nothing is to be regarded as constituting an offence under this Ordinance if it is done by a person—

- (a) in the course of any action taken by the person for the sole purpose of dealing with an emergency of any description;
- (b) in exercising, or seeing to the exercise of, functions conferred on the person by or under an enactment; or
- (c) out of necessity due to stress of weather or navigational hazards.

### **Penalties**

**6.** *Omitted*

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