

ST HELENA

REVISED EDITION OF THE LAWS, 2017

RECREATION & CULTURE

**PROTECTION OF WRECKS AND MARINE ARCHAEOLOGICAL  
HERITAGE ORDINANCE, 2014<sup>1</sup>**

*Ordinance 7 of 2014  
In force 27 August 2014*

*Amended by Ordinance 14 of 2021*

*No subsidiary legislation to 1 November 2017*

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**PROTECTION OF WRECKS AND MARINE ARCHAEOLOGICAL  
HERITAGE ORDINANCE, 2014**

ARRANGEMENT OF SECTIONS

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AN ORDINANCE to protect the marine archaeological heritage of St Helena, including sites of wrecks, from interference by unauthorised persons; and for connected purposes.

**Short title and commencement**

1. This Ordinance may be cited as the Protection of Wrecks and Marine Archaeological Heritage Ordinance, 2014, and comes into force on 27 August 2014.

**Interpretation**

2. For purposes of this Ordinance—  
“**bait fishing**” means fishing for bait fish, including species of *Decapterus* and *Scomber japonicus*;  
“**certified diver**” means a person with an internationally recognised scuba diving qualification;  
“**heritage sector of St Helena**” comprises the St Helena Government, St Helena Museum, St Helena National Trust, the Heritage Society and any other recognised heritage body on St Helena;

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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 11 October 2021.

**“permanent anchor point”** means a rope and marker buoy which has been fixed to ~~the~~ a wreck, or attached to a block on the seabed near the wreck, in a specific position;

**“protected artefact”** means—

- (a) any object made by a human being, especially but not restricted to those objects generally regarded by the heritage sector of St Helena as being of cultural or historical interest;
- (b) any environmental object that has been altered or refashioned by human beings (referred to as ‘ecofacts’ and includes, but is not limited to, perforated cowrie shells used as beads or perforated bird bones used as whistles or flutes;
- (c) any natural object, unaltered by human beings but not native to the area, that has acquired cultural value by virtue of having been transported to the area by human beings.

**“protected wreck”** means a wreck listed in the Schedule;

**“restricted area”** means an area referred to in section 3;

**“site of a wreck”** means an area which once contained a wreck but from which the wreck is now lost to erosion or some other destructive force;

**“St Helena resident diver”** means a certified diver who is lawfully on St Helena and who has been, or intends to remain, lawfully on the island for a period longer than 6 months;

**“territorial sea”** means the territorial sea of St Helena as determined in the St Helena and Dependencies (Territorial Sea) Order 1989;

### **Determination of sites of historic wrecks**

**3. (1)** The site of any protected wreck listed in the Schedule is a restricted area for purposes of this Ordinance.

**(2)** The Governor in Council may amend the Schedule by order to add a wreck or site of a wreck in the territorial sea based on historical or archaeological importance of the wreck, or of any artefact or object contained or formerly contained in a wreck which is lying on the sea bed or near the wreck and which should be protected from unauthorised interference.

**(3)** The restricted area around any protected wreck is an area having a radius of 100 metres centred on the position specified in the Schedule, but does not include any area above the high water mark.

### **Restrictions on wrecks, areas of marine archaeological interest and protected artefacts**

**4. (1)** It is an offence for a person, without written authority granted by the Chief Environmental Officer, to—

- (a) penetrate any protected wreck, or tamper with, damage or remove any part of a protected wreck, or any object formerly contained in such wreck;
- (b) deposit anything within a restricted area so as to fall to the sea bed which would, if it were to fall on the site of a wreck (whether it so falls or not), wholly or partly obliterate the site or obstruct access to it, or damage any part of the wreck;
- (c) pump sand in any area of the seabed or water within a restricted area;
- (d) anchor any vessel within a restricted area otherwise than at a permanent anchor point, subject to any further restrictions under the Ports Ordinance, 2016;
- (e) conduct any spearfishing or fishing activities (other than bait fishing) within a restricted area;
- (f) scuba dive within a restricted area unless such person is a St Helena resident diver

or is accompanied by a St Helena resident diver.

Penalty: A fine of £20,000 or imprisonment for 5 years, or both.

(2) It is an offence for a person, without written authority granted by the Chief Environmental Officer, to tamper with, damage or remove any protected artefact within the territorial sea.

Penalty: A fine of £20,000 or imprisonment for 5 years, or both.

(3) Nothing is to be regarded as constituting an offence under subsection (1) or (2) if it is done by a person—

- (a) in the course of any action taken for the sole purpose of dealing with an emergency of any description;
- (b) in exercising, or ensuring the exercise of, functions conferred by or under any legislation; or
- (c) out of necessity due to stress of weather or navigational hazards where immediate action is required to avoid imminent danger.

### **Enforcement powers**

**4A.<sup>2</sup>** The Chief Fisheries Officer and fisheries protection officers appointed under section 5 of the Fisheries Ordinance, 2021, may exercise any of the powers of an enforcement officer under that Ordinance for the purpose of enforcing the provisions of this Ordinance.

### **Regulations**

**5.** (1) The Governor in Council may make regulations for carrying into effect the provisions of this Ordinance.

(2) Regulations under subsection (1) may—

- (a) make provision for scuttling of vessels or shipwrecks for the purpose of creating artificial reefs having regard to the potential tourism benefit but subject to implementing steps to avoid damage to sensitive marine habitats; and
- (b) prescribe provisions which require any person, who is convicted of an offence under this Ordinance which has resulted in any damage or pollution of the environment, to take measures to clean up or rehabilitate the environment.

## **SCHEDULE**

(Section 3(1))

### **PROTECTED WRECKS**

<u>Name of Wreck</u>	<u>Location</u>
Papanui	15°55.350 S and 005°43.200 W
Spangereid	15°55.380 S and 005°43.220 W
Darkdale	15°55.086 S and 005°43.394 W

<sup>2</sup> Section 4A inserted by Ord. 14 of 2021

Witte Leeuw (White Lion)	15°55.048 S and 005°43.205 W
Bedgellet	15°56.735 S and 005°45.281 W
Frontier and Portzic	15°56.224 S and 005°44.640 W
Atlantic Rose	15°55.764 S and 005°43.832 W

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