

Fisheries Bill [HL]

Written evidence submitted by The Joint Nautical Archaeology Policy Committee (JNAPC) (FB13)

Dear Sir/Madam

The Joint Nautical Archaeology Policy Committee (JNAPC) wishes to endorse the submission made by the Honor Frost Foundation Steering Committee on Underwater Cultural Heritage (HFF-SCUCH) which we attach.
[1]

The JNAPC is a member of the HFF-SCUCH and was also involved in the preparation of this response.

The JNAPC was formed in 1988 from individuals and representatives of institutions who wished to raise awareness of Britain's underwater cultural heritage and to persuade government that underwater sites of historic importance should receive no less protection than those on land.

Full details of the JNAPC can be found at www.jnapc.org.uk

Please acknowledge safe receipt of this submission.

Yours faithfully

R A Yorke

Chairman

Joint Nautical Archaeology Policy Committee

September 2020

[1] See written submission from Honor Frost Foundation Steering Committee on Underwater Cultural Heritage, published as FB09: <https://publications.parliament.uk/pa/cm5801/cmpublic/Fisheries/memo/FB09.htm>.

Stephanie Peacock

Shadow Minister (Environment, Food and Rural Affairs)

I, and no doubt my hon. Friend the Member for [Plymouth, Sutton](#) and Devonport, are pleased to see that features of archaeological or historic interest are included in the definition of the marine and aquatic environment in the Bill. Amendments 139 to 142 would give the [Secretary of State](#) and relevant Ministers the explicit authority to regulate in that regard in the areas surrounding archaeological and historic features to ensure that they are preserved.

I am sure that we agree on the importance of protecting our historic marine environment, including our heritage assets on the seabed. They are part of our history, and many are monuments to lives lost in treacherous circumstances. As we create a new legal framework for our future as an independent coastal nation, it is important that we are clear about our commitment to the protection of those important parts of our history and archaeology.

The intention of the [amendment](#) is not to limit or harm the fishing industry, but to ensure that our maritime heritage is preserved, not harmed, by fishing or aquaculture activities, by giving the [Secretary of State](#) the power to make regulations in that regard. I understand that the Government receive advice from [Historic England](#) about the historic environment in English waters, so they must be aware of the importance of protecting and preserving our marine archaeology. The amendments would be a step in the right direction, to ensure that the Secretary of State will be able to regulate effectively to protect features of archaeological and historical interest. I hope that the Government will support them.

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(Citation: Fisheries Bill [Lords] Deb, 15 September 2020, c144)



Luke Pollard

Shadow Secretary of State for Environment, Food and Rural Affairs

I am grateful to the [Minister](#) for listening, and agreeing to the amendments that were tabled, effectively, by Labour, in the previous iteration of the Bill, for protection of marine archaeology. Today, through these amendments, we are making the case for additional powers for the Government to ensure that marine archaeology is protected. I urge the Minister to adopt them in the good spirit in which they have been tabled.

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(Citation: Fisheries Bill [Lords] Deb, 15 September 2020, c145)



Victoria Prentis

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs

* I thank the hon. Members for [Barnsley East](#) and for [Plymouth, Sutton](#) and Devonport. The issue is an important one, but we do not feel that the additional powers in the [amendment](#) are needed. I want to reassure Members that, while it is not explicit in [clause](#) 38 or schedule 8, the provisions are already wide enough to include making regulations to protect these features.

Regulations can be made under clause 38 and schedule 8 for a conservation purpose, including

* *"the purpose of protecting the marine and aquatic environment from the effects of fishing or aquaculture, or of related activities".*

The marine and aquatic environment in the context of the Bill is defined in clause 51 as including

* *"features of archaeological or historic interest", which means that clause 38 may be used to amend or introduce legislation to protect those sites individually or collectively. With those assurances I hope the hon. Lady will withdraw the amendment.*

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Fisheries Bill 2019-21; Public Bill Committee

Written Evidence from
Honor Frost Foundation (HFF)
Steering Committee on Underwater Cultural Heritage
10 September 2020

Summary

Fishing is perhaps the oldest of all human activities at sea. It is hard to envision the future of the UK's fishing sector without conjuring up images of its vital past. However, new measures are required to avoid inadvertent damage to our sea-going legacy whilst making the most of maritime heritage for the present and future.

We support existing clauses of the Bill that encompass features of archaeological or historic interest within the scope of the marine and aquatic environment, enabling financial assistance and conditions on sea fishing licences to enable their conservation.

We suggest an amendment to clause 1(2)(a) in respect of the sustainability objective to ensure consistency with the definition of marine and aquatic environment in clause 51.

We suggest amendments to clause 38(4); Schedule 8 para. 1(4); Schedule 8 para. 6(4); and Schedule 8 para. 11(4) to ensure that fishing-related activities can be regulated to conserve features of archaeological or historic interest. This will address a gap in current heritage legislation and ensure consistency with existing provisions relating to the inshore waters of Scotland and Northern Ireland.

Background

1. Michael Gove's Foreword to the White Paper, *Sustainable Fisheries for Future Generations*, acknowledged that 'Our seas and oceans are an integral part of our history'¹. The physical consequences of this history frame the distinctive character and identity of so many of our historic ports and fishing communities around the coast. Indeed, it is hard to envision the future of the UK's fishing sector – or of any UK marine sector – without conjuring up images of this vital past.
2. Fishing is perhaps the oldest of all human activities at sea. Today's fishing and its prospects for the future lie on a continuum of development that stretches back millennia. The history of the relationship between people and fisheries is fundamental to ensuring a sector that is sustainable in economic, social and environmental terms. The history of fishing underpins many of our coastal communities. The losses they have sustained – both in peace and war – are still represented on the seabed by hundreds of fishing boat wrecks. Important for

¹ <https://www.gov.uk/government/consultations/fisheries-white-paper-sustainable-fisheries-for-future-generations/sustainable-fisheries-for-future-generations-consultation-document>.

commemoration as well as their heritage value, shipwrecks also provide valuable habitat for commercial fish species today².

3. Maritime heritage sites attract thousands of visitors and contribute millions of pounds to coastal economies. A sense of history pervades many people's enjoyment of the coast, where heritage provides an important tangible setting within which wellbeing and other social benefits accrue. For all that has been achieved in the maritime heritage sector, the potential for further gains is greater still³. Realising this potential requires that all marine sectors – including fishing – do not inadvertently damage our sea-going legacy, and that we instead take steps to make the most of maritime heritage for our present and future.

Support for existing clauses

4. We strongly support the Bill's inclusion of features of archaeological or historic interest within the definition of the marine and aquatic environment in clause 51.
5. As a consequence of this definition, financial assistance can be made for purposes including the conservation of features of archaeological or historic interest by the Secretary of State (clause 35), by Scottish Ministers (Schedule 6 para. 1(1)(a)), by Welsh Ministers (Schedule 6 para. 2(1)(a)) and by the Northern Ireland Department (Schedule 6 para. 3(1)(a)). We strongly support the inclusion of features of archaeological or historic interest within the provisions on financial assistance.
6. Also as a consequence of this definition, sea fish licensing authorities can attach conditions to licences for the purposes of conserving or enhancing features of archaeological or historic interest (Sched. 3 clause 1(2)(d)). Again, we strongly support the provision for conserving or enhancing features of archaeological or historic interest through conditions on sea fishing licenses.

Ensuring features of archaeological or historic interest are included within the scope of the sustainability objective

7. We welcome the inclusion of the 'sustainability objective' in the fisheries objectives set out in clause 1(1) and note the importance of these objectives to fisheries statements and management plans. However, it is not entirely clear that 'environmentally sustainable' in clause 1(2)(a) encompasses 'the marine and aquatic environment' as defined in clause 51. For the avoidance of doubt, we suggest that clause 1(2)(a) is amended to 'not compromise the sustainability of the marine and aquatic environment' in place of 'not compromise environmental sustainability'.

Regulations to conserve features of archaeological or historic interest

8. Authorities in Scotland and Northern Ireland already have powers to make regulations for conserving features of archaeological or historic interest in their inshore waters by virtue of s. 2A(3)(a) of the Inshore Fishing (Scotland) Act 1984 and s. 124(2A)(a) of the Fisheries Act

² <https://honorfrostfoundation.org/wp-content/uploads/2019/07/BRIJ5800-Multiwreck-A4-Report-WEB-0419-UPDATE.pdf>.

³ https://honorfrostfoundation.org/wp-content/uploads/2019/06/HFF-Report_Social-Economic-Value-of-Marine-and-Maritime-Cultural-Heritage.pdf.

(Northern Ireland) 1966. The current Bill provides an important opportunity to make equivalent provision for features of archaeological or historic interest in the inshore waters of England and Wales, and in the offshore waters of each home country.

9. We note that the Bill provides powers to make regulations for conservation purposes for the Secretary of State (clause 38(1)(b)), Scottish Ministers (Schedule 8 para. 1(1)(b)), Welsh Ministers (Schedule 8 para. 6(1)(b)) and the Northern Ireland Department (Schedule 8 para. 11(1)(b)). ‘Conservation purposes’ include protecting the marine and aquatic environment from the effects of fishing or aquaculture, which encompasses features of archaeological or historic interest by virtue of the definition in clause 51.
 10. However, the scope of regulations is restricted to provisions set out in sub-paragraph 4 of these clauses and paragraphs. For the avoidance of doubt, we suggest that amendments are made to expressly include ‘fishing-related activities in the vicinity of a feature of archaeological or historic interest’ among the provisions about which regulations can be made in clause 38(4); Schedule 8 para. 1(4); Schedule 8 para. 6(4); and Schedule 8 para. 11(4).
 11. Please note that heritage protection legislation – such as the Protection of Wrecks Act 1973 and the Ancient Monuments and Archaeological Areas Act 1979 – cannot be used to restrict fishing activity on even our most significant historic shipwrecks. While many fishermen are diligent in seeking to avoid impacting their gear on wrecks, such impacts are known to occur and have been used previously to argue for more general restrictions on certain types of fishing activity. Making these amendments to enable conservation of localised features of archaeological or historic interest – as in the inshore waters of Scotland and Northern Ireland – would be far more targeted as an instrument in those cases where there is a demonstrable need. Fishing could continue beyond the immediate environs of the specific feature.
 12. Any queries regarding this evidence can be addressed to info@honorfrostfoundation.org.
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About the Honor Frost Foundation

13. The Honor Frost Foundation’s mission is to promote the advancement and research, including publication, of marine and maritime archaeology with particular but not exclusive focus on the Eastern Mediterranean with an emphasis on Lebanon, Syria and Cyprus.
14. The Foundation also seeks to foster and promote the protection of underwater cultural heritage (UCH).
15. The Foundation was founded in 2011 with a legacy from the pioneering underwater archaeologist Honor Frost. For further information please see <http://honorfrostfoundation.org/>.