



MINISTRY OF DEFENCE



Service Personnel
& Veterans Agency

**CRASHED MILITARY AIRCRAFT OF
HISTORICAL INTEREST**

LICENSING OF EXCAVATIONS IN THE UK

NOTES FOR GUIDANCE OF RECOVERY GROUPS

Issued by:

Service Personnel & Veterans Agency

**Joint Casualty & Compassionate Centre
(SO3 Historic Casualty Casework)**

**Building 182
Innsworth Station
GLOUCESTER
GL3 1HW**

Revised May 2008

CRASHED MILITARY AIRCRAFT OF HISTORICAL INTEREST- LICENSING OF EXCAVATIONS IN THE UK NOTES FOR GUIDANCE OF RECOVERY GROUPS

(These Notes were last revised in May 08. This version supersedes all previous editions)

Protection of Military Remains Act 1986

1. The remains of all aircraft which crashed whilst in military service, whether on land or at sea, are protected to the extent laid down by the Protection of Military Remains Act 1986. It is an offence under this Act to tamper with, damage, move or unearth any remains which come within the scope of the Act unless the Secretary of State has issued a Licence authorising such things to be done, and they are done in accordance with the conditions of the Licence. Aircraft remains which come within the Act include:

- a. The remains of aircraft which have been in the military service of any country and which lie in UK territorial waters; and
- b. The remains of all aircraft which have been in UK military service lying in international waters.

Ownership of Aircraft and Equipment

2. **Crashed UK military aircraft and their equipment remain the property of the Crown until such time as the Ministry of Defence decides to dispose of them.** All crashed enemy aircraft and their equipment, lying within the United Kingdom, are regarded as captured enemy property which has been surrendered to the Crown. Crashed United States military aircraft and their equipment remain the property of the United States Government, but the Ministry of Defence acts on behalf of the US authorities. Applications to recover American aircraft should therefore be made to Joint Casualty & Compassionate Centre (SO3 Historic Casualty Casework) in the normal way described below.

Applications for and the Issue of Licences

3. Any individual or group wishing to recover the wreckage of a crashed military aircraft must approach the Ministry of Defence to obtain a Licence (see form of application at page 8) to do so. Licences will be granted to a named individual (not to a group of individuals), who may ask other people to assist, but who themselves must be present during the entire excavation. A Licence will be issued for one year only and will authorise activity within a defined area. It should be noted that the Ministry of Defence is not prepared to grant, indefinitely, sole rights of recovery to any individual to excavate a particular site, but, other than in exceptional circumstances, only a single licence will be granted to work in a specified area at any one time. Therefore licence holders will need to apply for a new licence if they wish to continue working on an excavation into a second year and their application will be considered (on its merits) alongside those of any other applicants seeking to work at the site. Information concerning the issue of Licences should be directed to:

Service Personnel & Veterans Agency
Joint Casualty & Compassionate Centre (SO3 Historic Casualty Casework)
Room 14, Building 182
Innsworth Station
GLOUCESTER GL3 1HW

Telephone: 01452 712 612 extensions 6303/7330

4. A Licence will not be issued to anyone under the age of eighteen.

Preliminary Explorations

5. When the wreckage is situated on land, the Ministry of Defence will not issue a Licence for preliminary explorations in order to establish the identity of aircraft.

6. Where wreckage is located in the sea, there would be no objection to individuals diving around the wreck for identification purposes, providing it was not tampered with or disturbed in any way.

Entry on to Land

7. In all cases the permission of landowners and occupiers must be obtained before any recovery project is undertaken. In the case of Crown Land permission must be obtained from the appropriate Government Department. Once permission has been granted, full liaison should be maintained with the landowner or occupier in order to ensure the minimum of inconvenience and damage to property. The landowner's name and address must be stated in the space provided on the application form and the individual/group should provide proof (see landowner's certificate at page 9) that permission has been obtained. **A Licence will not be issued unless the landowner's permission to enter the land has been given on the appropriate form.**

National Parks and Areas of Outstanding Natural Beauty

8. Where aircraft recovery takes place within the boundaries of a National Park or an area designated as being one of outstanding natural beauty (both of which, in the main, comprise of land which is privately owned), the greatest of care and consideration should be taken to ensure that the site is left in a tidy condition. In all cases the landowner's consent must be obtained before entry is made to a site (see paragraph 7). National Park authorities have a statutory duty to preserve and enhance the natural beauty of the areas under their control, and recovery groups are reminded that they must abide by any regulations issued to this effect. Special rules pertain to Special Sites of Scientific Interest (SSSIs) where additional statutory conditions must be fulfilled before permission for excavation can be given.

Requirements of Local Council / Sites & Monuments Records Officer

9. The Ministry of Defence licences aviation archaeology under the Protection of Military Remains Act 1986. Applicants should be aware that local Councils may have their own requirements in respect of archaeological activity within their area. In particular, Council officials (the Sites and Monuments Records Officers or Historic Environment Records Officer), may ask you to provide them with a project design, or project outline for the work you intend to carry out; depending on the wider historical significance of the location. The Council can also ask you to submit a report to them at the end of the excavation, detailing the results of the dig and the location of any historical artefacts found.

10. On issuing a licence, the MOD will advise if it has been informed of any such requirements and where appropriate will provide a point of contact in the Council. **However, it remains incumbent on the applicant/licensee to ensure they check and comply with any relevant Council bylaws and requirements prior to commencing work allowed under the terms of the Licence.**

Wreckage Lying in Coastal Waters

11. An individual/group wishing to recover aircraft lying in coastal waters are advised that, in accordance with the Merchant Shipping Act 1995, anything recovered must be reported to the Receiver of Wreck (see the address on page 7). This also applies in the case of aircraft wreckage which is trawled accidentally, whether or not the owner of the vessel wishes to keep the property. The Receiver of Wreck will notify Joint Casualty & Compassionate Centre (SO3 Historic Casualty Casework) of the find. The Ministry of Defence would normally be prepared to gift in lieu of a salvage claim of expenses (e.g. loss of fishing time). On receipt of a letter from the salvager, arrangements may usually be made for a letter transferring ownership of the property to be issued; a copy of which would be sent to the Receiver of Wreck for information.

Risks and Safety Precautions

12. The recovery of crashed aircraft is a hazardous occupation. Recovery operations should not commence until all adequate safety precautions have been taken. Recovery operations often require the use of mechanical excavators, the incorrect use of which can be very dangerous. Without the proper use of shoring, excavations can become unstable, and injury or even death could be caused by their collapse. In addition, ordnance (ranging from bombs to small arms ammunition) remaining in a crash site can become unstable, and injury or death can be caused by their spontaneous reaction to exposure to the air. It is often not only the individual or recovery group who are at risk. The discovery, and possible mishandling of explosives, may not only endanger the lives of those immediately concerned in the recovery operation but may also seriously affect members of the public who are in no way involved. You are reminded that some recovery operations have resulted in nearby houses being evacuated and roads/railway lines in the vicinity being closed.

Legal Responsibilities

13. **The MOD accepts no liability for any loss or injury suffered by persons involved in the recovery of crashed aircraft. Those involved should be aware that they could incur liability to others and are advised to take out the appropriate insurance.**

Human Remains

14. In many cases crews will have escaped from aircraft before they crashed but there is still a possibility of human remains being found. On receipt of an application to recover a crashed aircraft, the Ministry of Defence will endeavour to determine if there is a possibility of human remains being found in the wreckage. **If it is known or suspected that there might be human remains at the site, a licence will not be issued.**

15. **If, despite these precautions, human remains are discovered, all authorisations granted by the Licence are automatically suspended** and the discovery must be reported immediately to the Ministry of Defence (Telephone: 01452 712612 extensions 6303 or 7330 during office hours (or 01452 519951 during

weekends/evenings) and the local police, and, through them, the local Coroner. Recovery activities must be suspended until an officer of the Ministry of Defence permits it to continue. This is a condition of the Licence. **On no account are the remains to be touched, and they should be treated with due respect at all times. The feelings of relatives of the deceased aircrew cannot be emphasised too strongly. Licensees are reminded that the presumed identity of aircrew should not be divulged to anyone in advance of an inquest except the police, Coroner, or Ministry of Defence.** The Ministry of Defence will take all the necessary steps to trace and notify the next-of-kin or other relatives, and in no circumstances is a recovery group to act in this respect. Any breach of these conditions will normally lead to revocation of the Licence (paragraph 23 also refers).

Unexploded Ordnance

16. The granting of a Licence must not be taken as an indication that unexploded ordnance is unlikely to be found. It should be noted that if unexploded ordnance / pyrotechnics are discovered, all authorisations granted by the Licence are automatically suspended and the police must be informed immediately. All work must cease until an officer from the Ministry of Defence says it can recommence. This is a condition of the Licence. On no account should an individual/group interfere with suspected live ordnance; etc. The police, on being advised of the presence of unexploded ordnance by a recovery group, will contact the Joint Service EOD Operations Centre (JSEODOC). The JSEODOC will then task a Royal Air Force or Royal Engineers team as required. An individual/group should not contact the JSEODOC for routine enquiries. Any such enquiries should be made direct to Joint Casualty & Compassionate Centre (SO3 Historic Casualty Casework) Telephone: 01452 712612 extensions 6303/7330.

Firearms, Ammunition and Explosives

17. The possession of firearms, ammunition and/or explosives is subject to strict control under the Firearms Act 1968 (as amended) and the Explosives Act 1875, and any person having unauthorised possession of them is committing a criminal offence. The finding of firearms, ammunition and/or explosives must be notified to the police immediately. The police may take possession of the weapons/explosives/ammunition until appropriate authority to retain them has been given. Licensees wishing to retain weapons covered by section 1 of the Firearms Act 1968 (as amended) must first obtain a firearm certificate from their local police. Any individual/group wishing to retain a prohibited weapon as defined in section 5 of the Act, that is any firearm designed or adapted for continuous firing (e.g. a machine gun) or for the discharge of any noxious liquid or gas, and any ammunition containing, designed or adapted to contain such noxious substances, must approach the appropriate Home Office Department for authority to do so. The Ministry of Defence will only relinquish its rights to weapons; etc. when the necessary authority has been obtained.

Observers / Ministry of Defence Representation at Excavation

18. The Ministry of Defence reserves the right to deploy its representatives to witness any excavation approved under Protection of Military Remains Act 1986.

Items Recovered

19. As a condition of the Licence the Ministry of Defence requires to have details of what items have been recovered. A report (see pages 10 and 11) is to be rendered when the excavation is completed. This is necessary so that the Ministry of Defence can take

decisions on the disposition of the items. On receipt of the report the Ministry of Defence will, if the terms of the Licence have been complied with, normally indicate that the individual to whom the licence has been granted can regard the items specified in the report as his or her own property. However, **Licensees should note that the MOD may retain title or gift the items elsewhere in its sole discretion**, if it deems it appropriate to fulfil the remit of the Protection of the Military Remains Act 1986. No financial or other compensation will be payable by MOD in this or any other circumstances. It is therefore in the interests of the individual to give as much detail as possible with respect to the items recovered. **Until such time as ownership has been legally transferred, the items remain the property of the Crown.** A "NIL RETURN" is required if, for some reason, the excavation does not take place, or nothing is recovered from the site.

Personal Property

20. Recovered items of personal property (e.g. wallets, rings, watches; etc) recovered from the wreckage remain the property of the individual, and must be surrendered to the Ministry of Defence (Joint Casualty & Compassionate Centre (SO3 Historic Casualty Casework)), who will endeavour to return such items to the crewmember or his family. Title to such property cannot be transferred.

Books, Documents and Papers

21. Any official books, documents and papers found during an excavation must be surrendered to the Ministry of Defence (Joint Casualty & Compassionate Centre (SO3 Historic Casualty Casework)). Title to such property cannot be transferred.

Adverse Publicity

22. The Ministry of Defence is concerned that neither the Armed Services nor the Department should become involved in any adverse publicity as the result of any recovery activities. Licensees are requested to take all possible steps to prevent such an occurrence.

23. In the event of human remains being recovered, if the licensee/individual/group is approached by the press for information concerning the identity of the crew, they should be advised to contact the Ministry of Defence Press Office, Main Building, Whitehall, London SW1A 2HB (Telephone: 0207 218 9000), who will provide a press statement. **On no account should the licensee/individual/group divulge the possible identity of the crew** (paragraph 15 also refers).

Accidental Discovery

24. Individuals may be approached by, for example, farmers who have accidentally discovered remains of crashed aircraft in the course of their work. In such cases, individuals should be advised to contact the Ministry of Defence (Joint Casualty & Compassionate Centre (SO3 Historic Casualty Casework)) immediately. It is an offence under the Act for such remains to be moved or further tampered with without a Licence.

Reports, Applications and Enquiries

25. Reports of items recovered, applications and enquiries concerning recovery operations should be addressed to:

Joint Casualty & Compassionate Centre (SO3 Historic Casualty Casework)
Room 14, Building 182
Innsworth Station
GLOUCESTER GL3 1HW

Telephone: 01452 712612 extensions 6303/7330.

Source of Information

26. A list of addresses that may help enthusiasts in aviation archaeology to obtain information concerning crashed military aircraft, including restoration, can be found on page 7.

27. Alternatively, certain records are held at local police and fire stations, public libraries, local museums; etc.

Reminder

28. Failure to follow the guidance given in this booklet could result in a recovery becoming an unlawful interference with a protected site, as defined in the Protection of Military Remains Act 1986, and could lead to civil or criminal proceedings. Particular attention is drawn to paragraph 1 concerning the Protection of Military Remains Act, paragraphs 12 and 13 regarding risks, safety precautions and legal responsibilities, paragraphs 14 and 15 concerning human remains, and paragraphs 16 and 17 regarding firearms, ammunition and explosives.

Forms

29. Copies of the Application for Issue of Licences (paragraph 3), Certificates of Permission from Landowners (paragraph 7) and Report of Items Recovered (paragraph 19) are enclosed in this booklet, and may be photocopied for future use. Additional copies may be obtained on application to the address at paragraph 25.

A Licence cannot be issued unless both the fully completed forms at pages 8 and 9 of this booklet (or supplied direct by the JCCC), plus a copy of the relevant part of the Ordnance Survey map with the crash site marked, are forwarded to the address at paragraph 25.

Air Historical Branch (RAF)
Building 824
RAF Northolt
West End Road
Ruislip
Middlesex
HA4 6NG

The National Archives
Kew
Richmond
Surrey
TW9 4DU

Chairman
British Aviation Preservation Council
Imperial War Museum
Duxford Airfield
Cambridgeshire
CB2 4QR

Propshop Ltd
Building 66
Imperial War Museum
Duxford Airfield
Cambridgeshire
CB2 4QR

The Blenheim Society
Imperial War Museum
Duxford Airfield
Cambridgeshire
CB2 4QR

Handley Page 57 Rescue
61 Lawers Crescent
Polmont
Stirlingshire
FK2 0RQ

Secretary
British Aviation Archaeological Council
Spring View
Crackley Lane
Kenilworth
Warwickshire
CV8 2JS

Receiver of Wreck
Coastguard Headquarters
Spring Place
105 Commercial Road
Southampton
SO15 1EG

The Scots at War Trust
c/o Institute for Advanced Studies in the Humanities
The University of Edinburgh
Hope Park Square
Edinburgh
EH8 9NW

Royal Air Force Museum
Hendon
London
NW9 5LL

**Application for a Licence to Recover a Crashed Military Aircraft
In accordance with
The Protection of Military Remains Act 1986**

Applicant's Details:

Name: Representing Group (if any):

Address:
.....
.....

Telephone:

Aircraft Type *	Nationality *	Aircraft Serial No. *
Squadron/Unit	Date of Crash *	Name(s) of Pilot/Crew

Location of Aircraft: (Place name).....

Map Reference (using OS 1:50,000 Series):

Sheet No:..... **Grid Reference:**(2 letters).....(6 figures)

Landowner's Details: * (To be quoted in all applications).

Name:

Address:

..... **Telephone:**

Certificate:

1. I am aware of and agree to comply with the Protection of Military Remains Act 1986 and have read and will comply with the instructions in the publication "*Notes for the Guidance of Recovery Groups*", in particular the advice contained in paragraphs 12(Risks and Safety Precautions), 13 (Legal Responsibilities) and 14-15 (Discovery of Human Remains).

2. I acknowledge the desirability of persons undertaking recovery operations to be adequately insured.

3. I have obtained the landowner's authority and have enclosed the appropriate form, fully completed and signed by the landowner.

4. I am over 18 years of age.

5. I enclose a copy of the relevant part of the Ordnance Survey map with the crash site marked.

Signed:.....

Dated:.....

Please tick here if you require further application forms:

Return completed form to: Service Personnel & Veterans Agency, Joint Casualty & Compassionate Centre (SO3 Historic Casualty Casework), Innsworth Station, Gloucester. GL3 1HW. All information supplied will be treated in the strictest confidence and will not be supplied to individuals/groups outside the MOD.

**Ministry of Defence
 Authority of Landowner to Excavate Crashed Aircraft Site
 In accordance with
 The Protection of Military Remains Act 1986**

Details of Landowner:

Details of Potential Licensee

Name:
 Address:

 Telephone:

Aircraft Type *	Nationality *	Aircraft Serial No. *
Squadron/Unit	Date of Crash *	Name(s) of Pilot/Crew

Location of Aircraft

(Location using Ordnance Survey 1:50,000 Series) *

Sheet No:..... **Grid Reference:** (2 letters) (6 figures)

* To be quoted on all certificates of permission from landowners.

Certificate by Landowner.

1. I certify that I am the owner of the land on which the aircraft detailed above is currently lying.
2. I have no objections to the potential licensee, named above, entering my land to excavate the whole or part of the aircraft detailed above.
3. I am aware of, and agree to comply with, the provisions of the Protection of Military Remains Act 1986.

Signed:

Dated:

Please tick here if you require further landowner's authority forms:

To be returned to Service Personnel & Veterans Agency, Joint Casualty & Compassionate Centre (SO3 Historic Casualty Casework), Innsworth Station, Gloucester. GL3 1HW. All information supplied will be treated in the strictest confidence and will not be supplied to individuals/groups outside the Ministry of Defence.

Ministry of Defence
Report of Items Removed under Licence from Aircraft crash Site
In accordance with
The Protection of Military Remains Act 1986

Licensee's Name:

Address: **Representing Group (if any):**

Telephone:

Licence No	Aircraft Type	Nationality	Aircraft Serial No
Squadron/Unit	Date of Crash	Date of Recovery	Location (Grid Reference)

If nothing was found the Crash Site OR nothing was removed from the Crash Site write "NIL RETURN " in the box opposite.

Items Recovered and Removed as follows:

ITEMS	Qty	REMARKS

(Carry details forward to Continuation Sheet if required)

Signed:.....

Dated:

To be returned to Service Personnel & Veterans Agency, Joint Casualty & Compassionate Centre (SO3 Historic Casualty Casework), Innsworth Station, Gloucester. GL3 1HW

Ministry of Defence
Report of Items Removed under Licence from Aircraft crash Site
In accordance with
The Protection of Military Remains Act 1986
(Continuation Sheet)

ITEMS	Qty	REMARKS

Sheet No of