

Summary: Wreck Identification and Salvage Law in Scotland

This document summarizes guidance on correcting wreck identification and understanding salvage and ownership rules for historic wrecks in Scottish waters.

1. Correcting a Misidentified Wreck

To correct a wreck's identity (e.g., the wreck of Redacted being actually the 'Oldfield Grange'), contact the authority maintaining the record—usually Canmore (Historic Environment Scotland). Provide the Canmore ID, your evidence (site data, measurements, archival research, images), and a clear explanation. Email: canmore@hes.scot.

2. Evidence Required

Submit credible evidence such as dive surveys, site plans, photos, archival loss reports, and positional comparisons with historical records.

3. The Role of the Receiver of Wreck (Merchant Shipping Act 1995)

Anyone recovering wreck material must report it to the Receiver of Wreck within 28 days. The Receiver identifies ownership, may award salvage payments, and ensures unclaimed wrecks vest in the Crown. Reporting applies to all finds, including old wreck cargo.

4. Salvors and Ownership

A 'salvor in possession' is a person or company granted exclusive control over a wreck by the Admiralty Court for active salvage. Ownership of the wreck remains with the legal owner or the Crown. The owner may be the salvor in possession if they are conducting recovery operations, but ownership alone does not automatically confer salvor status.

5. Historic Wrecks (Scotland)

Historic wrecks are managed under the Marine (Scotland) Act 2010 and the Protection of Wrecks Act 1973. They are protected as cultural heritage. The concept of 'salvor in possession' is replaced by 'licensed custodianship' or 'site stewardship.' Recovery or disturbance requires a Marine Licence issued by Marine Scotland (MS-LOT) on advice from Historic Environment Scotland (HES).

6. Licensed Custodian vs. Salvor in Possession

Licensed custodianship focuses on archaeological research and conservation, not profit. The licence grants limited, often exclusive, access for research, but not ownership. Interference without a licence is an offence. Salvors in possession, by contrast, are recognized for property recovery and rewarded financially under Admiralty Law.

7. Recovering Cargo from Old Wrecks

Under the Merchant Shipping Act 1995, all recovered wreck or cargo must be reported. Ownership remains with the original owner or insurer; if unclaimed, it passes to the Crown. Salvage awards may be granted, but historic wrecks require heritage approval for any recovery. Finds are usually deposited in museums rather than retained by finders.

8. Summary Table

• Commercial wrecks: governed by Admiralty law; salvage for reward. • Historic wrecks: governed by heritage law; preservation priority. • Ownership: remains with original owner or Crown. • Reporting: mandatory to Receiver of Wreck. • Licensing: required for any recovery or disturbance.

9. Contacts

• Historic Environment Scotland (Canmore): canmore@hes.scot • Receiver of Wreck (Maritime & Coastguard Agency): ReceiverOfWreck@mcga.gov.uk • Marine Scotland Licensing Operations Team (MS-LOT): ms.marinelicensing@gov.scot

This summary is intended for informational and research purposes and does not constitute legal advice.