



EXTRAORDINARY

**OFFICIAL GAZETTE
THE BAHAMAS**

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**ANTIQUITIES, MONUMENTS AND MUSEUM
(UNDERWATER CULTURAL HERITAGE)(AMENDMENT)
REGULATIONS, 2023**

Arrangement of Regulations

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OFFICE OF THE PRIME MINISTER

S.I. No. 5 of 2023

ANTIQUITIES, MONUMENTS AND MUSEUM ACT

(CHAPTER 51)

ANTIQUITIES, MONUMENTS AND MUSEUM
(UNDERWATER CULTURAL HERITAGE)(AMENDMENT)
REGULATIONS, 2023

The Minister, in exercise of the powers conferred by section 37 of the Antiquities, Monuments and Museum Act (Ch.51) makes the following regulations

1. Citation.

These Regulations, which amends the Antiquities, Monuments and Museum (Underwater Cultural Heritage) Regulations, 2012,(*S.I. No. 23 of 2012*) may be cited as the Antiquities, Monuments and Museum (Underwater Cultural Heritage)(Amendment) Regulations, 2023.

2. Amendment of regulation 2 of the principal Regulations.

Regulation 2 of the principal Regulations is amended in paragraph (1) by the insertion, in the appropriate alphabetical order of the following new definition—

““**shipwreck**” means the remains of a ship, boat or other vessel and its anchors, cargo, gear, hull, rigging, sails, spars, superstructure and any other equipment or contents of the vessel or any portion thereof.”.

3. Amendment of regulation 3 of the principal Regulations.

Regulation 3 of the principal Regulations is amended —

- (a) by the deletion of the second appearing “(2) and substitution of “(4)”;
- (b) by the insertion immediately after paragraph (4) of the following new paragraph—

“(5) An exploration licence or a recovery licence may include such conditions as the Minister considers appropriate including but not limited to permitting students on the ship or national interest.”.

4. Amendment of regulation 4 of the principal Regulations.

Regulation 4 of the principal Regulations is amended by the insertion immediately after paragraph (2) of the following new paragraph —

- “(3) Notwithstanding paragraph (1), the Minister shall not issue more than four licences at any one time unless the Minister considers it appropriate after consultation with the Antiquities Monuments and Museum Corporation.”.

5. Insertion of new regulation 4A into the principal Regulations.

The principal Regulations are amended by the insertion immediately after regulation 4 of the following new paragraph—

“4A. Maximum number of licences issued to a person.

- (1) The Minister shall not issue more than two licences per person or entity at any one time.
- (2) Notwithstanding paragraph (1), the Minister shall not issue more than one exploration licence per person or entity at any one time or more than one recovery licence per person or entity at any one time.”.

6. Amendment of regulation 5 of the principal Regulations.

Paragraph (1) of regulation 5 of the principal Regulations is repealed and replaced as follows—

- “(1) Notwithstanding section 13(3) of the Act, a licence shall be granted for a maximum period of three years.”.

7. Amendment of regulation 6 of the principal Regulations.

Regulation 6 of the principal Regulations is deleted and substituted as follows —

“6. Licence area.

- (1) The maximum size of the area for which an exploration licence may be granted, shall be twenty five square nautical miles.
- (2) Notwithstanding subsection (1), the Minister may issue an exploration licence for an area exceeding twenty five square nautical miles on the recommendation of the Antiquities Monuments and Museum Corporation.
- (3) The maximum size of the area for which a recovery licence may be granted, shall be limited to the size required to encompass the archaeological remains from which recovery is licensed which shall be expressed by specific coordinates.

- (4) Every area which is subject to an exploration licence or a recovery licence shall include at its perimeter a buffer zone of ten nautical miles.”.

8. Repeal and replacement of First Schedule to the principal Regulations.

The First Schedule to the principal Regulations is repealed and replaced as follows—

“FIRST SCHEDULE

FORM 1

(regulations 3 and 12)

APPLICATION FOR EXPLORATION AND RECOVERY LICENCES

Application No.....

To: The Minister responsible for Antiquities, Monuments and Museum

Name:.....

Address:.....

Telephone number:.....

Date of Birth:.....

Nationality:.....

Passport No.:.....

Occupation:.....

Address where correspondence and notices in writing from the Minister may be served on you:.....

.....

If applying as a representative/member attach evidence of the organization's consent/authorization to you submitting the application.

Describe the area for which a licence is requested. Use decimal degrees of longitude and latitude to describe corners of a polygon. Exclude any area of land.

What is the size of the requested licence area in nautical square miles? [Attach a copy of a nautical chart with the application area boundaries clearly marked (in red) and listing longitude and latitude of corners or center].

List the number(s) and effective dates of any previous or current licences or permits issued by the Government of The Bahamas for survey or recovery of shipwreck remains. Provide details of the results of the exploration under any previous exploration licence or provide the details of any artifacts recovered under any previous recovery licence.

List the number(s) and effective dates of any previous or current licences or permits issued by any other government for survey or recovery of shipwreck remains along with contact information for the relevant government administrator. Provide details of the results of the exploration under any previous exploration licence or provide the details of any artifacts recovered under any previous recovery licence.

Who is the project archaeologist?

[Attach 1. A resume of the project archaeologist.

2. A letter of commitment from the project archaeologist stating willingness to participate in the project and carry out the necessary responsibilities under the licence, the Act, regulations and guidelines.]

Describe the applicant's experience, ability and plans to comply with safety and security requirements.

Describe the applicant's experience, ability and plans to collect and supply data and records.

Provide a detailed estimate of the projected expenses for the proposed activities.

Describe the applicant's financial ability to conduct the proposed activity to completion.

Describe the research design and methodology for the proposed activity prepared by the project archaeologist.

Describe the plan for the conservation and/or stabilization, analysis, and curation of all the underwater cultural heritage recovered, including records resulting from the licensed activities. Describe conservation facilities if appropriate including whether there is access to a laboratory approved for the purpose of conserving artifacts.

Provide evidence that the laboratory is approved by the Antiquities Monuments and Museum Corporation.

List name, date of birth, place of birth and National Insurance numbers of all Bahamians proposed to be involved in the project.

Name and Date of Birth	Place of Birth	National Insurance Number

[continue on separate sheet if necessary]

List name, date of birth, passport number and nationality of all non-Bahamians proposed to be involved in the project.

Name and Date of Birth	Place of Birth	Passport Number and Nationality

[continue on a separate sheet if necessary]

Has any of the project personnel been convicted of a crime? Yes /No

If yes, describe below.

List the name, registration number and country of registration of all vessels proposed to be used in the project. Provide photos of the inside and outside of every vessel.

For applications involving exploration for or recovery of underwater cultural heritage, describe the results of previous remote sensing surveys and supply such results as remote sensing output, photographs, video and other information to demonstrate the nature and distribution of shipwreck remains.

State the proposed date of commencement of the proposed operations.

Estimated duration in 8 working-hour days.

Will a report concerning the proposed operations be published? Yes/No. If yes give details.

I.....the applicant agree to facilitate and permit an inspection of any ship to be used in the proposed exploration or recovery by the Antiquities Monuments and Museum Corporation or its agent for the purpose of processing this application and I agree to pay for all costs incurred to complete such inspection.

I.....the applicant agree to facilitate and permit an inspection of any laboratory to be used in the proposed exploration or recovery by the Antiquities Monuments and Museum Corporation or its agent for the purpose of processing this application and I agree to pay for all costs incurred to complete such inspection.

Ithe applicant certify that to the best of my knowledge and belief the information supplied by me herein is correct. In the event that I am granted a licence I acknowledge that as a licensee I will be personally in charge of the [state proposed operations] and accept full responsibility for the manner in which the [state proposed operations] is conducted and agree that any act or omission committed or performed by any participant in the [state proposed operations] shall be deemed to have been committed or performed by myself as licensee.

Dated this day of , 20 .

Signature of Applicant

Note: An applicant is required to enclose with this application—

- (a) the prescribed application fee;
- (b) the prescribed performance bond;
- (c) a plan in duplicate showing the location, boundaries and general features of the area in respect of which the permit is sought, and the particular site, if any, of the proposed operations;
- (d) a photograph or photographs sufficient to identify and describe the area under application to the satisfaction of the Minister; and
- (e) photographs of every ship to be used proposed operations.

FORM 2
EXPLORATION LICENCE
Licence No.

This Licence is granted under section 13 of the Antiquities, Monuments and Museum Act (*Ch. 51*) to:

(insert name and address)

.....

to survey for underwater cultural heritage within the area of:

(insert area description using longitude and latitude of corners or center(s) in decimal degrees)

.....

.....

as shown in the attached nautical chart and edged in red

from the day of 20 to the day of 20 .

(insert dates the period of the licence not exceeding 3 years).

Pursuant to section 13(7) of the Act, this Licence incorporates and is subject to the Antiquities, Monuments and Museum (Underwater Cultural Heritage) Regulations and to the conditions, if any set out below:

.....
.....

Signed
Minister responsible for Antiquities,
Monuments and Museums

Dated.....

I,.....(name of licensee).....hereby certify my agreement to the terms and conditions of this Licence:

Signed
(name of licensee)

NOTES:

This Licence may be renewed upon application to the Minister a minimum of ninety days prior to the date upon which it is due to expire.

The Licensee is advised to become familiar with the provisions of the Act and the relevant regulations.

FORM 3
RECOVERY LICENCE
Licence No.

This Licence is granted under section 13 of the Antiquities, Monuments and Museum Act (*Ch. 51*) to:

(insert name and address)

.....

to recover underwater cultural heritage within the area of:

(insert area description using longitude and latitude of corners or center(s) in decimal degrees)

.....
.....

as shown in the attached nautical chart and edged in red,

from the day of 20 to the day of 20 .

(insert period of licence not exceeding 3 years),

PURSUANT to section 13(7) of the Act, this Licence incorporates and is subject to the Antiquities, Monuments and Museum (Underwater Cultural Heritage) Regulations and to the conditions, if any set out below:

.....
.....

Signed

Minister responsible for Antiquities,
Monuments and Museums

Dated.....

I,.....(name of licensee).....hereby certify my agreement to the terms and conditions of this Licence:

Signed

(name of licensee)

NOTES:

This Licence may be renewed upon application to the Minister, a minimum of ninety days prior to the date upon which it is due to expire.

The Licensee is advised to become familiar with the provisions of the Act and the relevant regulations.”.

9. Repeal and replacement of Second Schedule to the principal Regulations.

The Second Schedule to the principal Regulations is repealed and replaced as follows—

SECOND SCHEDULE

(regulation 14)

FEEs

Application fee (non-refundable).....	\$1,000.00
Application fee (renewal) (non-refundable) ..	\$1,000.00
Exploration Licence fee (payable upon grant of application)	\$100,000.00
Recovery Licence fee (payable upon grant of application)	\$250,000.00
Performance Bond	\$100,000.00

Made this 8th day of February, 2023

Signed

PHILIP DAVIS

Minister responsible for Antiquities, Monuments and Museum