



Ministry of Defence Police

Freedom of Information Manager

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Our Ref: eCase: FOI 2019/08485
RFI:281/19

Date: 19 August 2019

Dear [REDACTED]

FREEDOM OF INFORMATION ACT 2000: MINISTRY OF DEFENCE POLICE: PROTECTION OF MILITARY REMAINS ACT.

We refer to your email dated 19 July 2019 to the Ministry of Defence Police which was acknowledged on 5 August 2019.

We are treating your email as a request for information in accordance with the Freedom of Information Act 2000 (FOIA 2000).

In your email you requested the following information:

“Recent changes in policy affecting the issuing of licences under the terms of the Protection of Military Remains Act (198) for the possible disturbance or intentional excavation of military aircraft crash sites in the UK have been justified by the JCCC by referring to the illegal disturbance of the partial remains of Acting Squadron Leader Daniel Edward Cremin, D.F.C. at Frythens Farm, St. Erth, Cornwall, by known individuals - an action which the JCCC in its guidance on the subject quite clearly states would make such individuals liable to prosecution under the Act.

As this incident was quite clearly illegal activity under the terms of the Protection of Military Remains Act (1986), the details of which being well documented and accurately recorded and in the public domain (see: Frythens Farm, St. Erth, Cornwall: archaeological excavation of a WW2 Spitfire crash site, Report No: 2017R051, published by The Cornwall Archaeological Unit). Could you please outline the rationale behind the MOD's decision not to take any legal action against the individual concerned please?”

A search for information has now been completed by the Ministry of Defence Police and I can confirm that we do hold information in scope of your request.

As a result of a scoping enquiry conducted by the Ministry of Defence Police into the case referred to in your request for information, it was determined that there was insufficient independent evidence to indicate that any criminal offence had been committed. The only evidence was an account that had been published on the internet.

If you have any queries regarding the content of this letter, please contact this office in the first instance.

If you wish to complain about the handling of your request, or the content of this response, you can request an independent internal review by contacting the Information Rights Compliance team, Ground Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.gov.uk).

Please note that any request for an internal review should be made within 40 working days of the date of this response.

If you remain dissatisfied following an internal review, you may raise your complaint directly to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not normally investigate your case until the MOD internal review process has been completed. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website at <https://ico.org.uk/>.

Yours sincerely

MDP Secretariat and Freedom of Information Office