

Information Note

Commencement of Certain Provisions of the *Historic and Archaeological Heritage and Miscellaneous Provisions Act 2023* relating to the ownership of stolen or fraudulently obtained archaeological and historic objects.

Introduction and summary

On 10 October 2025, a further provision of [the Historic and Archaeological Heritage and Miscellaneous Provisions Act 2023](#) (the Act of 2023) came into operation.

In summary, this newly commenced section, section 131, deals with the passing of title to archaeological and historic objects obtained through dishonesty. This section ensures that, notwithstanding certain rules of law, fraudulent or dishonest dealing in archaeological objects, historic objects (including removed elements of monuments) cannot result in persons obtaining good title to such material.

Key elements of the provision

The general position under our legal system is that persons who obtain possession of goods through fraud or dishonesty do not obtain good title and neither do persons to whom they pass such goods. However, there are exceptions to this. Firstly, where goods are sold in “market overt” (in summary, a public open market). Secondly, where the person obtaining the goods through fraud or dishonesty obtained a voidable as opposed to void title, for example seller intended to part with the goods but was deceived (e.g. by being given a false cheque or electronic payment), but the fraudulent purchaser succeeded in selling the goods on to an unsuspecting third party before the seller got a chance to reclaim them. Both these exceptions will now no longer be applicable to archaeological or historic objects (as defined under HAHMP; this will also apply to removed parts of monuments protected under HAHMP, though these would likely in any event come within the scope of archaeological and historic objects).

1995 Rome UNIDROIT Convention and 1970 UNESCO Paris Convention

In its 1997 report on the 1995 Rome UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects, the Law Reform Commission indicated that it would assist with both the ratification of the Convention (and heritage protection generally) if the market overt rule and the rule on sale under voidable title were excluded from applying to cultural objects. Section 131 implements this recommended approach.

Other provisions of Part 4 of the Act of 2023 (within which section 131 sits) will, when commenced, enable the State to ratify both the 1995 Convention and the 1970 UNESCO Paris Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and

Transfer of Ownership of Cultural Property. The Department is working with the Department of Culture, Communications and Sport (CCS) to progress the commencement of these provisions. In the meantime, commencement of section 131 will be an important initial step. Definitions of “archaeological object” and “historic object” are set out in section 2 of the Act of 2023, which has already been commenced. HAHMP (commenced).

The legal changes brought about will operate as matters of law and be applied by the Courts in appropriate cases. No administrative or other implementing action is required on the part of Ministers or national cultural institutions.

The above is provided for information only, and is not a legal interpretation.

**National Monuments Service
Department of Housing, Local Government and Heritage
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