

REVISED GENERAL SCHEME OF MONUMENTS AND ARCHAEOLOGICAL HERITAGE BILL

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SCHEDULES TO THE BILL

PART 1

PRELIMINARY AND GENERAL

Head 1: Short title and commencement

Provide that:

- (1) the enacted Bill may be cited as the Monuments and Archaeological Heritage Act 2021;
- (2) the enacted Bill shall come into operation on such day or days as the Minister may by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes and different provisions.

Head 2: Interpretation – general

Provide for definitions of terms used throughout the Bill, to include the following and such others as are necessary:

“archaeological excavation” means digging or excavating in or under any land (whether with or without removing the surface of the land) for the purpose of searching for, identifying, locating or exposing archaeological heritage, whether or not such heritage is known to be on, in or under that land;

“archaeological monitoring” means the monitoring, overseeing or supervising of any digging or excavating on, in or under any land (whether with or without removing the surface of the land) where—

- (a) the digging or excavating is not in connection with archaeological excavation or any other archaeological purpose, and
- (b) the monitoring, overseeing or supervising is for the purpose of identifying archaeological heritage which may be found or uncovered in the course of or as a result of such digging or excavating, whether or not such heritage is known to be on, in or under that land;

“archaeological object” means—

- (a) either—
 - (i) a chattel, or
 - (ii) a chattel situated at or removed from a relevant thing of a relevant interest or a monument,

that, by reason of the archaeological interest attaching to it or of its association with any historic event or person, has a cultural, monetary or scientific value greater than its intrinsic value,

- (b) a chattel collected in the course of the carrying out or undertaking of archaeological excavation, archaeological monitoring or the searching for archaeological objects lying exposed on the surface of land, or
- (c) an historic object having no known owner;

“Board” means the Board of the National Museum of Ireland;

“chattel” means a chattel of artificial or natural origin (including animal, human or plant remains) and whether or not it has been artificially altered;

“Commissioners” means the Commissioners of Public Works in Ireland;

“historic heritage” includes—

- (a) archaeological heritage, architectural heritage, landscapes, wrecks one hundred or more years old or otherwise of historic interest and historic objects, and
- (b) relevant things of a relevant interest that do not already fall within *paragraph (a)*;

“historic interest” includes association with, or being representative of, historic events, periods, persons, subjects or themes;

“Minister” means the Minister for Housing, Local Government and Heritage other than as defined otherwise in relation to certain functions relating to archaeological objects and related matters;

“monument” means –

- (a) a registered monument, or
- (b) a prescribed monument which is not a registered monument;

“relevant interest”, in relation to a relevant thing, means that the thing is of known or potential archaeological, architectural, artistic, historic or traditional interest (or any combination thereof);

“relevant thing” means any of the following things, whether situated on, in or under land and whether or not attached to the surface of the land or forming part of land and whether or not intentionally or originally in the sites where they respectively are:

- (a) any artificial structure, construction, deposit, feature or layer (including any building and any burial or interment);
- (b) any artificially altered structure, construction, deposit, feature or layer, whether or not natural in origin;
- (c) any wreck;
- (d) any ritual or ceremonial site;
- (e) any site where an historic event took place;
- (f) any site with legendary or mythological associations;
- (g) any feature, deposit or layer, whether or not natural in origin and whether or not artificially altered, containing or providing information or evidence relating to the past environment;

“works” means any act (whether new or habitual and including an act relating to archaeological excavation) of digging, ploughing, dumping (including dumping at sea or on, in or over land covered by water), planting, cutting (including cutting of vegetation), excavation, construction, demolition, deposition, burning (including burning of vegetation), extension, alteration (including any alteration which causes damage), repair, removal, renovation, refurbishment, renewal, or salvage (including marine or maritime salvage);

Explanatory note:

In line with standard practice, terms used throughout the Bill are defined at the outset.

Head 3: Performance of functions

Provide that:

(1) A person performing a function under the enacted Bill shall recognise and take due account of the following principles in performing that function:

- (a) that historic heritage is a non-renewable resource of great cultural and scientific importance which, in addition to its intrinsic value, provides evidence for the development of society and promotes public understanding and appreciation of all periods of the past;
- (b) that the first option to be considered should be the protection *in situ* of historic heritage and that there ought to be a presumption in favour of this option;
- (c) that any removal or alteration of historic heritage should be accompanied by all necessary and appropriate recording of such heritage;
- (d) that responsibility for the protection of historic heritage is, as a resource of benefit to all, shared by all and, accordingly, that those permitted to remove or interfere with such heritage should, in the normal course, bear the costs of any recording or protective work necessitated by, or associated with, such removal or interference.

(2) The Minister, the Commissioners of Public Works, the Board of the National Museum and each local authority, as relevant, and their officers, servants and agents, shall co-operate in the implementation of the enacted Bill.

Explanatory note:

The intention is to set out broad policy principles to guide bodies exercising functions under the Bill. This will assist such bodies in terms of implementation, provide support for them in the event of legal challenges to their decisions, and constitute a broad statement of national policy on the protection of the historic heritage.

Head 4: Application

Provide for the territorial extent of the Bill.

Explanatory note:

This Bill will apply to the State and its Territorial Seas and provide for specified applicability to maritime zones beyond the State insofar as necessary to give effect to the 2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage (see Head 57).

Head 5: Regulations

Provide that there is power for the Minister to make regulations in relation to matters referred to in the Bill as to be prescribed.

Head 6: Expenses and other financial matters

Provide that expenses incurred by bodies administering the Act will be met from moneys provided by the Oireachtas.

Head 7: Repeals

Provide for the repeal of the National Monuments Acts 1930 to 2014 and certain related Acts.

Explanatory note:

The Bill will replace all existing National Monuments Acts and certain related legislation.

PART 2
MONUMENTS

Head 8: Prescribed Monuments

Provide for:

- (1) the Minister to have power to prescribe classes of relevant things of archaeological interest (see *Head 2* for definitions of “relevant thing”), to be known as “prescribed monuments”;
- (2) a requirement to report finds of prescribed monuments;
- (3) wrecks one hundred or more years old to be deemed to be prescribed monuments.

Explanatory note:

The Minister will have power to prescribe classes of relevant things of archaeological interest as referred to in *Head 2*, to be known as prescribed monuments. Finds of prescribed monuments will be required to be reported to the Minister. Coupled with the regulation of works affecting prescribed monuments this will address a major gap in the current legislation which, other than in limited cases, affords no protection to newly discovered archaeological monuments no matter how important.

Existing provision requiring reports of finds of wrecks one hundred or more years old and affording legal protection to such wrecks will be integrated with the system applicable to prescribed monuments.

Head 9: Establishment of Register of Monuments

Provide for

- (1) the establishment of a Register of Monuments and procedure for the Minister to enter certain prescribed monuments and relevant things of relevant interest into the register;
- (2) the Register to be in such form as determined by the Minister, provided it is also available online;
- (3) entries may include areas surrounding monuments as reasonably necessary to protect them;
- (4) criteria to which the Minister will have regard to when deciding whether to make an entry in the Register, including level of interest, physical integrity, amenity value, likelihood of achieving preservation in-situ and extent to which the thing is protected under other legislation;
- (5) information or statements to be included in entries in the Register, including information on the type and the extent of the monument the entry relates to and cartographic information;
- (6) assignment of identifying numbers to entries in the Register;
- (7) amending or deleting particulars entered in the Register;
- (8) the promotion of public awareness of the Register.

Explanatory note:

The Register of Monuments will provide a legal mechanism for the formal designation of monuments under the Act, whether or not they come within one or more of the classes of prescribed monuments. It will replace the various overlapping systems of designating monuments under the existing National Monuments Acts.

Head 10: Procedures for entry in the Register of Monuments and related matters

Provide for

- (1) consultation with landowners, individually or by public notice as appropriate, before entries are made in the Register or existing entries are amended or deleted;
- (2) notice to landowners, individually or by public notice as appropriate, of the making, amendment or deletion of entries in the Register;
- (3) the Minister to have power to specify that a monument is subject to special protection in place of the default level of general protection, if the monument is of special or particular interest;
- (4) interim protection (general or special as appropriate) to apply to sites pending the final decision as to whether proposed entries or amendments proceed.

Explanatory Note:

These provisions establish the procedures for making entries in the Register of Monuments and for subsequent amendments and deletions to those entries. Provision is also made for an optional assignment of special protection to registered monuments in place of the default level of general protection.

Head 11: Level of protection applicable to prescribed and registered monuments

Provide for

- (1) the default level of protection for prescribed and registered monuments to be general protection;
- (2) the Minister (as set out in *Head 10*) to be able to assign special protection in place of the default level of general protection;
- (3) special protection to be deemed assigned to registered monuments in ownership or guardianship of the Minister or a local authority;

Explanatory note:

This sets out the level of protection assigned to monuments, the default being general protection (see following Head), and also provides the Minister the power to assign special protection to registered monuments.

Registered monuments that are owned by or in guardianship of the Minister or a local authority will be deemed to have special protection assigned to them. This is consistent with the functions of the Minister and local authorities under the Bill and ensures that the replacement of the existing legislation will not cause any loss of protection currently applicable (at present national monuments within the meaning of the National Monuments Act 1930 which are owned by or in the guardianship of the Minister or a local authority are subject to requirements for Ministerial consent for works to them).

Head 12: General protection

Provide that

- (1) works to a registered monument subject to general protection require a licence unless a 90 day notice period has elapsed and notice of the works has been given and acknowledged;
- (2) the 90 day notice procedure is not available where the works either require EIA or screening for EIA;
- (3) following receipt of notice of proposed works relating to a monument subject to general protection, the Minister will consider whether special protection should be assigned to that monument;
- (4) the Minister may impose appropriate conditions on notified work where a decision is made not to assign special protection to a monument .

Explanatory note:

This will set out the procedures applicable to proposed works to a monument subject to general protection. A person proposing such works may apply for a licence in the first instance or (unless the works are ones requiring EIA or screening for EIA) serve a 90 day notice period.

On receipt of the notice the Minister will consider whether the monument should be assigned special protection, which would mean that a licence would be mandatory. If the Minister decides not to assign special protection the works will be able to proceed without a licence but subject to conditions the Minister considers appropriate for the protection or recording of the monument.

These provisions will ensure that all prescribed and registered monuments are subject to protection without immediately imposing (except where EIA requirements are in question) a mandatory licensing requirement until a determination that special protection is merited has been made.

Where a person proposing works does not wish to wait for the 90 day notice period to elapse they may apply for a licence.

Head 13: Exemption of certain works to monuments with general protection

Provide for the Minister to be able to provide exemptions to the requirement for a licence for a monument subject to general protection where the works are regulated under another statutory system or where the works are non-damaging.

Explanatory note:

This will provide for certain exemptions to be made available, e.g. to ensure that established patterns of recurring agricultural work are not unreasonably disrupted or to minimize regulatory overlap.

Head 14: Special protection and relevant works

Provide that works may not be carried out to monuments to which special protection applies other than in accordance with a licence.

Explanatory note:

Where special protection has been assigned to a monument or is deemed assigned to it, a licence will be required in all cases for works to it.

Head 15: Exemption of certain works to monuments with special protection

Provide for the Minister to be able to prescribe exemptions from the requirements of *Head 14* in the case of non-damaging works.

Explanatory note:

It is considered appropriate to provide for the possibility of exemption of non-damaging classes of works even where a monument is assigned special protection.

Head 16: EIA

Provide that the following shall apply to works to monuments, being works which are subject to licence requirements under the enacted Bill:

(1) such works shall, in appropriate cases, be subject to screening for Environmental Impact Assessment or Environmental Impact Assessment (EIA), provided that one of the following circumstances apply to the works in question:

- (a) they are not the subject of an application for planning permission, or
- (b) they have been so subject and a requirement for EIA has been screened out during determination of the application for planning permission, or
- (c) a planning application has been made in respect of the works and a screening determination has not yet been made in relation to the application.

(2) the categories of works requiring screening for EIA and/or EIA shall be determined by reference to the relevant classes of development specified in regard to EIA under the Planning and Development Regulations 2001.

(3) without prejudice to the above, EIA shall be carried out in relation to the proposed demolition of a registered monument which is subject to special protection.

(4) the results of EIA shall be taken into account in licence decisions,

(5) all necessary procedures in regard to the above are established.

Explanatory note:

These provisions are required to ensure compliance with the Environmental Impact Assessment Directive.

Provision will also be made to avoid dual EIA requirements arising under planning law and the Bill.

Head 17: Exemption from EIA requirements in emergency circumstances

Provide for exemption from EIA requirements in emergency circumstances.

Explanatory note:

This will allow works to eliminate an imminent and significant threat to the health and safety of the public to proceed without EIA.

Head 18: Judicial review

Provide for procedures for judicial review of EIA decisions including cost protection provisions.

Explanatory note:

This ensures that the requirements of EU law regarding availability of access to review of decisions relating to EIA are complied with.

Head 19: Restriction on export of monuments

Provide that in relation to monuments subject to special or general protection:

- (1) such monuments, or part of such monuments, may not be exported other than in accordance with a license, and
- (2) parts of monuments continue to be subject to the same legal protection that applies to monuments in general.

Explanatory note:

Monuments subject to special or general protection, or parts of such monuments, shall not be exported unless in accordance with a license.

Where a part of a monument is removed from the monument, the same general or special protection will continue to apply to the part.

Head 20: Application of the Local Government (Sanitary Services) Act 1964

Provide that where dangerous build notices are served under the *Local Government (Sanitary Services) Act 1964* in relation to a monument, the Minister must be consulted and efforts made to protect the monument.

Explanatory note:

This will ensure that the implementation of dangerous buildings legislation takes account of the need to protect monuments so far as possible.

Head 21: Registration as burden affecting registered land

Provide that entries in the Register of Monuments may be registrable as a burden on the land in Land Registry folios.

Explanatory note:

Entries in the Register of Monuments will be able to be registered as burdens on title in Land Registry folios, so drawing attention to them.

Head 22: Transfer by public authority or local authority of registered monument

Provide that public or local authorities may not transfer ownership of a registered monument to a person other than the Minister without consulting the Minister.

Explanatory note:

This will ensure that registered monuments are not transferred from public ownership without heritage implications being considered.

Head 23: Acquisition of registered monument to become national monument

Provide that

- (1) the Minister may, after consultation with the Commissioners of Public Works, acquire (whether or not for valuable consideration), a registered monument, by agreement or compulsorily, where he or she is of the opinion that the monument is suitable to be a national monument, i.e. maintained by the Minister under provisions relating to the maintenance of registered monuments in her/his ownership;
- (2) that local authorities have analogous powers, exercisable with the consent of the Minister.

Explanatory note:

This provides for acquisition powers for the Minister and local authorities in relation to registered monuments suitable to be maintained as national monuments under the enacted Bill.

Head 24: Guardianship of registered monument so that it becomes a national monument

Provide that the Minister may, after consultation with the Commissioners of Public Works and the owner of the registered monument, appoint her/himself guardian of registered monument to which special protection applies or (at the request of or with the consent of the local authority) appoint a local authority to be guardian.

Explanatory note:

This provides for the Minister to be able to appoint him/herself or a local authority to be guardian of a registered monument to which special protection applies. This will mean that the registered monument becomes a national monument for the purposes of the Bill and is therefore maintained by Commissioners of Public Works or the local authority, but does not come into the ownership of the Minister or local authority.

Head 25: Maintenance and presentation of national monuments

Provide that

- (1) it shall be a duty of the Minister or a local authority, in so far as may be practicable, to maintain the archaeological, architectural, artistic, historic and traditional interest of a registered monument of which he/she/it is owner or guardian;
- (2) registered monuments to which (1) above applies shall be known as “national monuments”;
- (3) the Minister and local authorities have appropriate powers to protect national monuments, to present national monuments to the public, regulate entry to them and (where owned by the Minister or a local authority) to grant leases and licences in respect of them.

Explanatory note:

This sets out the functions of the Minister and local authorities regarding maintenance and presentation of registered monuments in their ownership or guardianship under the Bill (when enacted) and provides that such registered monuments are known as national monuments.

Head 26: Functions of Commissioners in respect of national monuments and bye-laws in respect of national monuments

Provide that

- (1) having regard to the Minister's policies and priorities, the day to day operation of registered monuments owned by or in the guardianship of the Minister shall be carried out by the Commissioners of Public Works;
- (2) the Commissioners may, with the approval of the Minister, make bye-laws for the protection, management or control of national monuments in their management and for the protection of members of the public at such monuments;
- (3) local authorities to have analogous bye-law making powers for registered monuments in their ownership or guardianship;
- (4) authorised officers may be appointed for the purposes of enforcing bye-laws and directions, and to issue fixed payment notices where there are reasonable grounds for believing an offence has been committed.

Explanatory note:

This provides for the Commissioners of Public Works to carry out the day to day operation of registered monuments in the ownership or guardianship of the Minister. It also provides for bye-law making powers in respect of national monuments and service of fixed payment notices in respect of contraventions of such bye-laws.

Head 27: Burial grounds

Provide for

- (1) subject to any existing private rights or rights acquired by the Minister under previous National Monuments Acts, conclusive title to be vested in local authorities to burial grounds of historic interest which were vested in statutory predecessors of local authorities under the Irish Church Act 1869 or the Public Health (Ireland) Act 1878;
- (2) subject to any existing private rights, enable the Minister to vest in a local authority title to burial grounds to which the Irish Church Act 1869 applied but which were not vested under that Act or the Public Health (Ireland) Act 1878 in statutory predecessors of local authorities.

Explanatory note:

While preserving any private property rights acquired (e.g. by adverse possession) this will ensure that local authorities have clear title under the enacted Bill, to the range of historically important burial grounds which were vested in their statutory predecessors under 19th century legislation and that these burial grounds, when entered in the Register of Monuments, become registered monuments in the ownership of a local authority. Provision is also made to enable the Minister to vest in local authorities similar burial grounds the status of which was not finally resolved under the 19th century legislation.

Head 28: Transitional provisions

Provide for appropriate provisions to ensure that relevant aspects of the National Monuments Acts 1930 to 2014 continue to operate in a given area pending the coming into effect of the new Register of Monuments for that area and that the existing portfolio of national monuments in the ownership or guardianship of the Minister or local authorities under the existing legislation are transferred appropriately into the new legislative framework.

Explanatory note:

This will provide for the continuation of protection, enable the Register to be introduced on a phased basis and allow the existing portfolio of national monuments in the ownership or guardianship of the Minister or local authorities under the existing National Monuments Acts 1930 to 2014 and related Acts to be transferred appropriately into the new legislative framework.

Head 29: Enforcement of easements and covenants

Provide that

- (1) the Minister, the Commissioners of Public Works or local authorities may enforce easements affording public access to national monuments;
- (2) where the Minister or a local authority attach covenants to the conveyance of an estate in a registered monument to another person then such covenants (for the protection of the monument and its amenities) shall be binding on that person and all successors in title.

Explanatory note:

This will ensure that easements (e.g. rights of way) which afford access to the registered monuments owned by or in the guardianship of the Minister or a local authority are clearly enforceable. It also ensures that in the event the Minister or a local authority conveyed an interest in any registered monument in their ownership such conveyance could be subject to clearly binding conditions regarding protection of the monument and its amenities.

PART 3

MEASURES TO ASSIST IN IMPLEMENTING 1972 CONVENTION CONCERNING PROTECTION OF WORLD CULTURAL AND NATURAL HERITAGE

Head 30: Measures to assist in implementing the 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage

Provide for

- (1) the Minister to be the designated authority for implementing Part 3 of the 1972 World Heritage Convention in the State;
- (2) the title “World Heritage Property” to have legal standing under Irish law;
- (3) the Minister to consult relevant parties before proposing sites for World Heritage Property status.

Explanatory note:

The 1972 Convention was ratified by Ireland in 1991 without the enactment of additional domestic implementing legislation. Part 3 of the Bill will give the term “World Heritage Property” a legal basis in Irish domestic law for the first time, thus strengthening the legal standing of the use of the term in county development plans as adopted by planning authorities; the adoption of development plan objectives being one of the principle means by which management plans for current World Heritage Properties in the State are implemented.

Provision is included to require the Minister to engage in appropriate public consultation before nominating any further World Heritage Properties. This will give statutory effect to current policy to ensure that further nominations take place based on a partnership approach with local communities.

PART 4

ARCHAEOLOGICAL OBJECTS

Head 31: State ownership of archaeological objects with no known owner, *etc.*

Provide that

- (1) without prejudice to any other rights of the State arising in relation to any archaeological object found before 21 November 1994, there shall be vested in the State the ownership of any archaeological object where such object has no known owner, and that landowners and finders do not count as known owners;
- (2) without prejudice to any other rights of the State to an archaeological object, the Board of the National Museum of Ireland may, in respect of an archaeological object found between 6 December 1922 and 21 November 1994, apply to the court for an order declaring the object to be in the ownership of the State.

Explanatory note:

Much of this Part is concerned with the re-enactment in revised form, removing a range of technical anomalies and gaps, of the current law on archaeological objects. A possible loophole in the current law giving the State the right to ownership of archaeological objects found with no known owner is removed here by making clear that owners of land on which such objects are found are not counted as “known owners” (this point was raised in a Law Reform Commission Report—LRC 55-1997). Express provision is also made to allow the State to obtain possession of archaeological objects found before the National Monuments (Amendment) Act 1994 came into force.

Head 32: Disapplication of Statute of Limitations 1957, etc.

Provide that

- (1) the Statute of Limitations 1957 shall not apply to an action for recovery by the State of an archaeological object (whether such action is made under the enacted Bill or another enactment), or extinguish a title of the State to, or any other interest of the State in, an archaeological object;
- (2) no rule of law relating to treasure trove shall apply to an archaeological object.

Explanatory note:

These provisions assist in giving effect to the legal principle set out in Head 31 and put it beyond any doubt that the law of treasure trove does not apply to archaeological objects found in the State.

Head 33: Acquisition of archaeological object by Minister

Provide for the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media:

- (1) after consultation with the Board of the National Museum of Ireland and with the consent of the Minister for Public Expenditure and Reform, the power to acquire for the State, by agreement or compulsorily, an archaeological object from the owner of the object,
- (2) to accept on behalf of the State, a gift or bequest of an archaeological object.

Explanatory note:

Where there is a known owner of an archaeological object, the State will be given the power to compulsorily acquire the object on payment of appropriate compensation.

Head 34: Disposal of archaeological objects

Provide that where the Board of the National Museum of Ireland is of the opinion that an archaeological object is not, or has ceased to be, of sufficient archaeological, historic, cultural or scientific interest to justify its continued retention by the State, the Board may consent to the disposal of the object in such manner as may be specified in the consent.

Head 35: Finding of archaeological objects

Provide for:

- (1) a requirement to report the finding of an archaeological object to the Board of the National Museum of Ireland or a member of the Garda Síochána;
- (2) the information that is to be provided when reporting the finding of an archaeological object;
- (3) the inspection of a reported finding.

Explanatory note:

The requirements relating to the discovery of an archaeological object will be set out here. In general, a person will have 72 hours to report the finding to the Board or a member of the Garda Síochána and will be required to provide certain information (such as a description of the object or the site where it is situated). After a report is received, the Board may request further information and carry out an inspection of the location of the reported find.

Head 36: Prohibition against interfering, *etc.*, with archaeological object

Provide that a person (other than the Minister or an officer of the Minister, the Board of the National Museum of Ireland or person acting on behalf of or authorized by the Board) shall not interfere with or remove a find of an archaeological object other than in accordance with a license or under limited circumstances.

Head 37: Actions that may be taken by Board in respect of archaeological object

Provide for powers for the Board of the National Museum of Ireland with regard to the safe keeping and retention of archaeological objects.

Explanatory note:

Where no owner is known, the Board will be empowered to take archaeological objects into custody, retain such objects on behalf of the State and dispose of such objects.

Head 38: Placing of archaeological objects in designated museums

Provide that:

- (1) the Board of the National Museum of Ireland shall, with the consent of the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media, have the power to designate museums for the purposes of the Act.
- (2) where an archaeological object is owned by the State, is in the possession of the Board, and the Board is of the opinion that the object is of local interest, the Board may place the object in such designated museum as, in its opinion, is the most appropriate having regard to such local interest.

Explanatory note:

This re-enacts in modified form procedures already provided for under the existing legislation.

Head 39: Standards to be complied with in respect of archaeological objects placed in designated museum

Provide that the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media may, after consultation with the Board of the National Museum of Ireland, prescribe standards for the protection and safety of archaeological objects placed in a designated museum.

Explanatory note:

Examples of standards include temperature, humidity, lighting, security measures and the availability of professional curatorial and conservation staff.

Head 40: Payment of rewards in respect of finds of relevant archaeological objects

Provide that the Board of the National Museum of Ireland may, at its discretion, pay a reward, to the finder of a relevant archaeological object, found on or after the commencement of this section, or to the owner or occupier of the land in, on or under which the object was found, or both such finder and owner or occupier, as the Board thinks fit, if the object is retained on behalf of the State and the Board is satisfied that it is in the public interest to pay such reward.

Head 41: Possession of archaeological objects by person other than Board, *etc.*

Provide for the prohibition of the possession of archaeological objects found since the coming into effect of the National Monuments Act 1930 unless held in accordance with the provisions of the enacted Bill.

Head 42: Disposal or acquisition of archaeological objects by person other than Board, etc.

Provide that, unless otherwise permitted under the enacted Bill, a person shall not dispose of or acquire an archaeological object for the time being situated within the territorial extent of the application of the enacted Bill, without having first given, not less than 30 days' notice in writing to the Board of the National Museum of Ireland of such proposed disposal or acquisition

Explanatory note:

This will ensure relevant authorities are aware of proposals to dispose of or acquire archaeological objects.

Head 43: Duties of coroners in respect of reports of human remains

Provide that where reports relating to human remains are made to a coroner and it appears to the coroner that such remains are archaeological objects, the coroner shall consult with the Board of the National Museum of Ireland and where appropriate the remains shall be dealt with in accordance with the provisions of the enacted Bill.

Explanatory note:

This will ensure that the carrying out by coroners of their functions is compatible with the protection of archaeological heritage.

Head 44: Alteration of archaeological object

Provide that a person shall not alter, or cause the alteration of, an archaeological object otherwise than under and in accordance with a licence.

Explanatory note:

Most of existing law on archaeological objects remains broadly unchanged; in summary, all objects coming within the definition of “archaeological object” will be legally protected through a licensing requirement for their alteration and all finds of archaeological objects will have to be reported to the National Museum.

Head 45: Acceptance into the law of the State of rules established under the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects

Provide for the acceptance into the law of the State of rules established under the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects.

Explanatory note:

Provision will be made to ensure that claims for the return of stolen or illegally exported cultural objects are dealt with by the Courts in accordance with the rules of the 1995 Rome Unidroit Convention. In summary, provision will be made for Courts to order the return of stolen or illegally exported cultural objects where requested by the owners or States of origin.

Head 46: Measures to assist the State in ratifying UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970

Provide the necessary measures to assist the State in ratifying UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970.

Explanatory note:

The 1970 convention is the leading global convention in this field. Ireland could comply with much of it through administrative action, however in a number of areas new domestic law is considered necessary, in particular offences must be created in relation to the import of cultural property illicitly removed from other States.

Head 47: Minister may prescribe requirements for certification of exports of cultural property

Provide that for the purposes of compliance by the State with the requirements of Article 6 of the Convention, the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media may prescribe procedures and requirements under which prescribed cultural property which is exported shall be accompanied by a certificate specifying that the export is authorised under the law of the State.

Head 48: Prohibition of import of stolen cultural property

Provide that a person shall not import stolen cultural property as referred to in the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970.

Head 49: Prohibition of possession of cultural property

Provide that a person shall not be in possession of or deal in cultural property that:

- (1) has been stolen within or outside the State;
- (2) has been illegally exported from another state; or
- (3) has been exported or had its ownership transferred where, in either case, this was done under compulsion and arose directly or indirectly from the occupation of a state by another state,

knowing that, or being reckless as to whether, the cultural property was stolen or had been illegally exported or that the circumstances referred to in paragraph (3) applies to the cultural property.

Head 50: Regulations regarding sale of cultural property

Provide that for the purposes of compliance with Article 10(a) of the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970 (in particular, providing for the register referred to in that Article), there may be prescribed by the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media, requirements to be complied with by any person engaged in the sale of, or dealing with, cultural property which falls within a class of objects prescribed under the enacted Bill.

Head 51: Passing of title to archaeological and historic objects, *etc.*, obtained through dishonesty

Provide for the non-application of any rule or law relating to sale in market overt or sale under voidable title in relation to archaeological and historic objects.

Explanatory note:

This will ensure that fraudulent transfers of archaeological or historic objects do not result in the owners of such objects losing title to them.

PART 5

WRECKS AND OTHER ELEMENTS OF UNDERWATER CULTURAL HERITAGE

Head 52: State ownership of certain wrecks and restriction of salvage claims, *etc.*

Provide that the rules relating to State ownership of archaeological objects shall apply to a wreck 100 or more years old, or a wreck that is otherwise of archaeological or historic interest.

Explanatory note:

A key aspect of the new scheme for protection of monuments is that it incorporates protection for historic wrecks and Part 5 sets out the additional provisions relating to wrecks. Provision will be made in law for the first time, following on from the approach taken by the Courts in relation to the Streedagh Armada wrecks, to make clear that commercial salvage law (in particular rights to claim salvage rewards) does not apply in relation to historic wrecks (see Head 53) and that such wrecks with no known owner are State property.

Head 53: Salvage payments

Provide that salvage payments shall not be claimable in relation to:

- (1) a wreck 100 or more years old, including any object removed from the wreck whether or not having been part of the wreck;
- (2) an archaeological object that is 100 or more years old; or
- (3) a registered monument, including any object removed from the monument whether or not having been part of the monument.

Head 54: Special protection to be applied to wrecks 100 or more years old

Provide that special protection is deemed to be applied to wrecks 100 or more years old.

Head 55: Prohibited activities in vicinity, etc., of relevant wreck

Provide for the regulation of diving and related activities or any interference in relation to:

- (1) a wreck 100 or more years old;
- (2) a registered monument, or a prescribed monument, that is situated on, in or under land covered by water;
- (3) an archaeological object situated on, in or under land covered by water.

Explanatory note:

This Head deals with certain issues relating to protection of historic wrecks and archaeological objects located underwater requiring specific provisions not covered in the provisions relating to monuments and archaeological objects generally, e.g. the control of diving on such underwater locations.

Head 56: Contiguous zone

Provide for protection in relation to objects of archaeological or historic interest located in the contiguous zone to the extent permitted by the UN Convention on the Law of the Sea.

Explanatory note:

In regard to the contiguous zone (a zone of an additional 12 nautical miles beyond the Territorial Sea), provision is included insofar as permitted under the 1982 United Nations Convention on the Law of the Sea to apply Irish jurisdiction generally to underwater cultural heritage located there.

Head 57: Measures to enable the State to ratify the 2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage

Provide for the necessary measures to enable the State to ratify the 2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage including control of Irish citizens engaged in activities directed at underwater cultural heritage beyond the territorial sea and powers for the State to act as coordinating State under the Convention in relation to underwater cultural heritage on the continental shelf. Further provide for Irish citizens and vessels to be subject to the rules of the Convention regarding finds of underwater cultural heritage.

Explanatory note:

Provision is included which will enable the State to ratify the 2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage, should the Government decide to do so. These provisions will enable the State to participate in the scheme of international co-operation envisaged by the Convention in respect of finds of underwater cultural heritage beyond the Territorial Seas and Contiguous Zone, in particular by making relevant activities carried out by Irish nationals and vessels beyond Irish territorial jurisdiction subject to regulation under Irish law.

Head 58: Restriction on import of underwater cultural heritage

Provide that a person shall not import underwater cultural heritage into the State knowing it to be underwater cultural heritage, or being reckless as to whether it is underwater cultural heritage, other than under and in accordance with a licence.

PART 6

OTHER ACTIVITIES LICENSABLE UNDER THIS ACT AND RELATED MATTERS

Head 59: Other activities licensable under this Act and related matters

Provide that:

- (1) a person shall not, other than under and in accordance with a licence
 - (a) undertake or carry out, or direct or authorise the undertaking or carrying out of, archaeological excavation;
 - (b) undertake or carry out, or direct or authorise the undertaking or carrying out of, archaeological monitoring;
 - (c) search for or collect, or direct or authorise the searching for or collection of, archaeological objects lying exposed on the surface of land, whether or not any such object is known to be on, in or under that land;
 - (d) search for, or direct or authorise the searching for, wrecks one hundred or more years old or archaeological objects or prescribed monuments situated on, in or under the sea bed or land covered by water, whether or not the wrecks, objects or monuments, as the case may be, are known to be on, in or under the sea bed or that land where, or in respect of which, the searching takes place;
 - (e) be in possession of a detection device in, at, on, over or above a registered monument or a wreck one hundred or more years old; or
 - (f) use, or direct or authorise the use of, a detection device for the purpose of identifying, locating, investigating, surveying or recording any archaeological object or monument, whether or not such archaeological object or monument, as the case may be, is known to be on, in or under land where, or in respect of which, such use takes place.
- (2) a person shall not sell or otherwise supply a detection device except in a container or other packaging that is clearly and legibly marked (whether by means of a sticker, tag or otherwise) with the prescribed warning in relation to the use of that device in contravention of a provision of the enacted Bill.
- (3) a person shall not promote, whether by advertising or otherwise, the sale or use of detection devices for the purpose of searching for archaeological objects unless the promotion concerned is accompanied by a prescribed warning.

Explanatory note:

This Part provides that a range of activities not necessarily related to specific protected sites are subject to a licensing requirement. These include activities currently so regulated under the National Monuments Acts, in particular archaeological excavation and use of metal detectors to search for archaeological objects.

In addition, activities the status of which is ambiguous under existing law, such as monitoring by archaeologists of development works and use of geophysical equipment for archaeological purposes, are brought clearly within the regulatory framework. This will not represent a major expansion of regulation as many professional practitioners would, as matters stand, seek relevant consents or licences under existing legislation to be sure of being fully regulatory compliant. It will ensure that

such activities, which are for the most part carried out to assess or mitigate the impact of development on archaeological heritage, are carried out to an appropriate standard thus maximising the benefit to the public of the imposition of archaeological conditions on development permits.

Any additional regulatory burden is compensated for by the fact that persons carrying out regulated activities under licence will generally be exempted from the requirement to make reports of each prescribed monument or archaeological object found in the course of the activity. It will also ensure the groups such as treasure hunters (whether on land or at sea) cannot take advantage of gaps in the law.

PART 7

LICENCES

Head 60: Application for licence

Provide appropriate procedures for licence applications under the enacted Bill including the specification of appropriate forms and the provision of information by applicants, such as information regarding compliance with previous licences.

Explanatory note:

A single, common set of application procedures, the matters to be considered and powers to impose conditions will be available in respect of all applications for licences under the Bill. This will be a major step in terms of regulatory reform and modernisation and will mean that there is a common system of regulation of archaeological work across all sectors, public and private, further reducing the existing regulatory complexity.

Head 61: Grant or refusal of licence, etc.

Provide for the Minister to have power to grant or refuse licences and to impose conditions on such licences. Further provide for matters to be taken into account in determining licence applications, including:

- (1) competence of the applicant;
- (2) relevant standards;
- (3) archaeological, architectural, historic, artistic or traditional or other cultural or scientific interest;
and
- (4) economic and public interest.

Head 62: Assessment of competence

Provide for procedures to be set out in relation to the assessment of competence of applicants.

Explanatory note:

Under existing administrative practice, first time applicants for archaeological excavation licences have their competency assessed at interview. The introduction of this provision will give this practice a clear statutory basis and allow for similar approaches in other regulated areas.

Head 63: Consultation

Provide that the Minister shall consult the Board of the National Museum of Ireland before the Minister grants a licence.

Head 64: Revocation or suspension, *etc.*, of licence

Provide that licences may be revoked or suspended subject to appropriate procedures.

Head 65: Appeals officers

Provide for the Minister to appoint appeals officers to hear appeals from licence applicants and to make recommendations to the licensing authority.

Explanatory note:

This will, for the first time, create a statutory appeals process in regard to regulatory decisions in this sector. The Minister will have power to appoint appeals officers who can review licensing decisions (whether in respect of applications from persons such as private landowners or professional practitioners such as archaeologists) and advise as to whether the appealed decisions should be upheld.

The licensing authority will not be obliged to accept the recommendations of an appeals officer, but if the recommendation is not accepted reasons for this must be provided. It is not proposed to create any new statutory board or committee; appeals officers will be appointed individually. The new system will ensure administrative fairness and transparency in the regulatory process.

PART 8

INVENTORIES, RECORDS AND RESEARCH, PUBLICATION AND PROMOTION OF PUBLIC KNOWLEDGE AND AWARENESS

Head 66: Inventories

Provide that:

- (1) the Minister may carry out, or cause to be carried out, such inventories of, or in relation to, archaeological or architectural heritage or historic objects as he or she considers appropriate;
- (2) the Minister shall establish and maintain, or cause to be established and maintained, inventories in respect of the following:
 - (a) relevant things of archaeological interest;
 - (b) architectural heritage; and
 - (c) wrecks of archaeological or historic interest.

Explanatory note:

The creation and maintenance of inventories of heritage sites underpins all effective heritage management, providing the data used to decide which sites are protected and to advise other bodies on possible impacts of development on heritage.

Under existing legislation, the only statutory inventory of built heritage sites is the National Inventory of Architectural Heritage (NIAH), established under the Architectural Heritage (National Inventory) and Historic Monuments (Miscellaneous Provisions) Act 1999, which is to be repealed under the enacted Bill. Three statutory inventories will be provided for; for architectural heritage, archaeological sites and historic wrecks, as well as discretionary powers to create inventories of other categories of sites. The ongoing work of the Archaeological Survey of Ireland will thus be given, for the first time, a clear statutory basis. All the inventories established will benefit from clear shared powers to make the information gathered publicly available.

Head 67: Protection of records in certain circumstances

Provide for protection of archaeological objects and records collected or compiled in the course of activities carried out under licence in cases where the licensee is deceased or where a company is wound up.

Explanatory note:

This completely new provision will ensure that records compiled in the course of licensed activities (e.g. archives of archaeological excavations) are legally protected in the event of dissolution of companies holding such records or the death of licence holders. There is a gap in existing law in that regard which has, in particular, caused difficulties where archaeological consultancy firms fell into difficulties, for example during the recent financial crisis.

Head 68: Research and promotion of knowledge, interest and awareness

Provide powers for the Minister and the Board of the National Museum of Ireland in relation to the research and promotion of knowledge, interest and awareness of historic heritage and provide protection in relation to such heritage.

Explanatory note:

The Minister and other relevant bodies under the Bill will be given clear powers to promote relevant research and to provide assistance to other persons and bodies (subject to enforceable conditions), as well as to publish relevant material and generally promote knowledge and awareness of historic heritage.

PART 9

ISSUING OF GUIDELINES AND MATTERS RELATING TO HISTORIC HERITAGE

Head 69: Guidelines on historic heritage

Provide for the Minister to have powers to issue guidelines in relation to historic heritage and matters associated with historic heritage such as Environmental Impact Assessment (EIA) and Local Authority functions.

Explanatory note:

While the Minister currently has powers under the Planning and Development Act 2000 to issue guidelines on architectural heritage in the planning process, he/she has no generally applicable powers to issue statutorily recognised guidance on built heritage and, in particular, no such powers in relation to archaeological heritage.

Provision will now be made for the Minister to have power, in consultation with other relevant authorities, to issue guidance on dealing with all aspects of historic heritage in the EIA process and to issue guidance to local authorities on how they are to deal with historic heritage in the exercise of their functions under the Bill and other Acts. Local authorities will be obliged to have regard to such guidelines.

Head 70: Public authority and local authority to have regard to historic heritage

Provide that it shall be a general function of a public authority or local authority to have regard to historic heritage in the performance of their respective functions under any enactment.

Explanatory note:

The Minister will, for the first time, be given statutory functions of coordinating and developing public policy on historic heritage, promoting best practice in relevant disciplines and professions, and promoting the protection of historic heritage by public authorities (including by entering into agreements with such authorities).

All of this will provide a clear statutory underpinning for important aspects of the work of the Department and, in particular, for the first time provide a statutory basis for the Codes of Practice in relation to archaeological heritage which have been agreed by the Department with a range of public infrastructure providers. Public authorities and local authorities in general will be placed under a general obligation to have regard to historic heritage in the exercise of their functions, thus making general an approach which has been adopted in relevant legislation relating to a number of specific public authorities.

PART 10

IMPLEMENTATION AND ENFORCEMENT

Head 71: General prohibitions

Provide for the following to be offences under the Bill (when enacted):

- (1) giving false or misleading statements when providing information to another person pursuant to a provision of the enacted Bill;
- (2) knowingly supply equipment, tools, machinery or vehicles for use in the commission of an offence under the enacted Bill;
- (3) interfere with or obstruct a person in the performance of their respective functions under the enacted Bill.

Head 72: Offences

Provide for contraventions of the enacted Bill to be offences and subject to appropriate penalties.

Explanatory note:

Penalties applicable on conviction for the various offences created under the Bill will be set out in this Part. The enactment of a single new Act creates an opportunity to apply a standardised approach across the range of offences, in place of the piecemeal approach over several Acts from 1930 to 2014. Care will be taken to ensure that the penalties specified are reasonable and proportionate and in line with the pattern across Irish legislation, but serious penalties will be available for the most serious offences – on conviction on indictment in such cases penalties of up to 5 years imprisonment and a €10,000,000 fine may be imposed.

Head 73: Defences

Provide for appropriate defences including:

(1) where a person is charged with an offence under the enacted Bill relating to a failure to make a preliminary report in accordance with *Head 8* (Prescribed Monuments), it shall be a defence for the person to show that a reasonable person would not, in all the circumstances, have been aware that the prescribed monument concerned was such a monument;

(2) where a person is charged with an offence in respect of a monument to which general protection applies (not being a registered monument or a wreck one hundred or more years old), it shall be a defence for the person to show that a reasonable person would not, in all the circumstances, have been aware that the monument was a monument to which general protection applies;

(3) where a person is charged with an offence under the enacted Bill relating to a failure to make a preliminary report in accordance with *Head 35* (Finding of archaeological objects), it shall be a defence for the person to show that a reasonable person would not, in all the circumstances, have been aware that the archaeological object concerned was such an object.

Explanatory note:

Where appropriate, defences to certain offences are created, e.g. in relation to the offence of failing to report a find of a prescribed monument a person charged will be able to argue a defence that a reasonable person would not have recognised the monument. A similar defence will be available to a person charged with illegal works to a prescribed monument.

Head 74: General powers of officers, servants and agents, etc., of relevant authority

Provide that -

(1) where any function is conferred under the enacted Bill on a relevant authority, then, in so far as is reasonably necessary for the purpose of performing that function, the relevant authority or its officers, servants or agents acting on behalf of the relevant authority, or both, shall, for those purposes, have the power to—

- a) enter on, in, over or go across freely any land (including dwellings) and carry out works there or carry out all forms of survey, recording or investigation (including archaeological excavation),
- b) bring with him or her any equipment, machinery or materials as may be necessary and place them on or in any land (including dwellings),
- c) secure any site, area or object for further survey, recording or investigation (including archaeological excavation),
- d) be accompanied by any persons it would be reasonable for him or her to be accompanied by, and
- e) require any person encountered to give such assistance as is reasonable in the circumstances or provide any information about archaeological, architectural or historic heritage as may reasonably be sought.

(2) A private dwelling shall not be entered under a provision of the enacted Bill without the consent of the occupier unless—

- a) a warrant from the District Court has been obtained authorising such entry, or
- b) such entry is made under *Head 78*.

Explanatory note:

Clear provision is made to ensure that officers and agents of the Minister and other relevant authorities under the Bill can carry out necessary inspections and searches accompanied, if necessary, by members of the Garda Síochána, and with appropriate safeguards (e.g. in relation to private dwellings).

Head 75: Powers of Minister in respect of inspections

Provide that the Minister may inspect or cause to be inspected:

- (1) a relevant thing of a relevant interest or a relevant thing that the Minister reasonably believes may be of such interest;
- (2) a site where the Minister reasonably believes that a relevant thing may be situated or may once have been situated;
- (3) a site where a licensable activity (and whether or not a licence has in fact been granted for such activity) is or has been being carried out;
- (4) any other site on land that the Minister reasonably believes ought to be inspected for purposes relating to the protection, investigation or recording of archaeological objects or architectural heritage or historic objects.

Head 76: Powers of Board in respect of inspections

Provide that the Board of the National Museum of Ireland may inspect, or cause to be inspected—

- (1) any site where an archaeological object or historic object has been found or that the Board reasonably believes such an object may have been found; or
- (2) any site where an archaeological object or historic object is situated or that the Board reasonably believes such an object may be situated.

Explanatory note:

This will ensure that the National Museum has inspection powers similar to those of the office of the Minister.

Head 77: Enforcement notices

Provide for the establishment of civil enforcement procedures in relation to contravention of the Act, including powers for the Minister (or the Board of the National Museum of Ireland or the Commissioners of Public Works in certain circumstances) to issue enforcement notices requiring the remedying of contraventions of the Act, subject to a right of appeal to the courts. Further provide for such enforcement notices to be enforceable by court order.

Explanatory note:

This will be a major addition to existing legal protection for archaeological and related heritage. While the option to criminally prosecute will remain, it will now be possible to deal with breaches of the Act on a civil basis.

Head 78: Arrest, search and seizure powers

Provide for appropriate arrest, search and seizure powers in relation to alleged contraventions of the Act to be given to:

- (1) the Garda Síochána;
- (2) the Naval Service of the Defence Forces; or
- (3) the Revenue Commissioners.

Head 79: Vicarious liability

Provide that:

(1) Anything done by a person in the course of his or her employment shall, in any proceedings brought under the enacted Bill, be treated as done also by that person's employer, whether or not it was done with the employer's knowledge or approval.

(2) Anything done by a person as agent for another person, with the authority (whether express or implied and whether precedent or subsequent) of that other person shall, in any proceedings brought under the enacted Bill, be treated as done also by that other person.

Explanatory note:

This will ensure that employers are held liable for the conduct of their employees to an appropriate level.

Head 80: Costs of prosecutions and civil proceedings and recovery of debts

Provide that the court shall, unless it is satisfied that there are special and substantial reasons for not so doing:

- (1) where a person is convicted of an offence under the enacted Bill, or
- (2) where a person is the subject of an order under an enforcement notice,

order the person to pay the Minister, the Commissioners of Public Works, the Board of the National Museum, the local authority or other person, as appropriate, the costs and expenses of the action, measured by the court.

Explanatory note:

Costs and expenses shall include those incurred by any person in relation to the investigation, detection and prosecution of the offence or the seeking of the order (including costs incurred in respect of the remuneration and other expenses of employees, consultants and advisers).

Head 81: Codes of practice

Provide that the Minister may prepare and publish a code of practice, not inconsistent with the enacted Bill, for the purposes of:

- (1) setting out the manner in which he or she proposes to perform any function conferred upon him or her under a provision of the enacted Bill, or
- (2) providing practical guidance to persons, or a class of persons, to assist the persons, or the class of the persons, as the case may be, to comply with a provision of the enacted Bill that applies to the persons, or the class of the persons, as the case may be.

Explanatory note:

In line with practice in a range of other legislative fields, provision is made for the Minister to be able to issue codes of practice regarding how the enacted Bill may be implemented or complied with. Such codes will be able to be introduced as evidence in legal proceedings.

Before publishing a code of practice, the Minister shall make the draft available and consider any representations received. Codes of practice will be posted on the Department's website.

Head 82: Taking possession of objects, etc., being held or treated, etc., in a manner in contravention of this Act, etc.

Provide that where the Minister or the Board of the National Museum of Ireland is satisfied that:

- (1) a relevant thing, including archaeological or historic objects has been, is being, or is likely to be, treated in a manner that contravenes a provision of this Act, or
- (2) the ownership or right to possession is in dispute,

the Minister or Board may, by a notice in writing given to a relevant person, direct the relevant person to take the relevant thing into his or her possession on behalf of the relevant authority.

Head 83: Minister may require certain information regarding title to lands

Provide that the Minister may, for any purposes connected with the enacted Bill, by notice in writing given to a person who is the occupier of any land, or to a person receiving (whether for himself or herself or for another) rent from any land, require the person to inform him or her, within a specified period ending not less than 14 days after being so required, of particulars of the estate, right or interest by virtue of which he or she occupies such land or receives such rent, as the case may be.

Explanatory note:

This will ensure that the Minister can obtain information relating to land ownership where necessary to discharge his/her functions under the Act.

PART 11

CONSEQUENTIAL AMENDMENTS OF OTHER ENACTMENTS

Head 84: Consequential amendments of other enactments

Provide for the consequential amendment of other enactments that refer to the National Monuments Act 1930 to 2014.

Explanatory note:

The existing National Monuments Acts 1930 to 2014 are cited and referenced in a range of other existing Acts (e.g. in the Planning and Development Acts) and all such references must be revised and updated to take account of the repeal of the National Monuments Acts and its replacement with the Bill. This Part does this.

SCHEDULES TO THE BILL

Explanatory note:

There will be a number of Schedules to the Bill. Some of these deal with a range of detailed procedural matters such as procedure to be followed where land is to be compulsorily acquired under the Bill (which would arise where a decision was taken to compulsorily acquire a registered monument or interests, such as rights of way, relating to it). Others set out the text of international conventions referred to above. The scheduling of the text of such a convention will not incorporate it directly into Irish domestic law, it only serves to assist those interpreting the provisions in the main body of the Bill relating to the relevant convention.