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STATUTORY INSTRUMENTS

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**1995 No. 1625**

**Historic Monuments and Archaeological  
Objects (Northern Ireland) Order 1995**

**PART II**

**HISTORIC MONUMENTS**

*Offences*

**Restrictions on possession and use of detecting devices**

**29.**—(1) If a person has a detecting device in his possession in a protected place without the written consent of the Department he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(2) In this Article—

“detecting device” means any device designed or adapted for detecting or locating any metal or mineral on or in the ground; and

“protected place” means any place which is the site of a scheduled monument or of any monument under the ownership or guardianship of the Department.

(3) If a person without the written consent of the Department removes any archaeological object which he has discovered by the use of a detecting device in a protected place he shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum or on conviction on indictment to a fine.

(4) A consent granted by the Department for the purposes of this Article may be granted either unconditionally or subject to conditions.

(5) If any person—

(a) in using a detecting device in a protected place in accordance with any consent granted by the Department for the purposes of this Article; or

(b) in removing or otherwise dealing with any object which he has discovered by the use of a detecting device in a protected place in accordance with any such consent,

fails to comply with any condition attached to the consent, he shall be guilty of an offence and liable, in a case falling within sub-paragraph (a), to the penalty provided by paragraph (1), and in a case falling within sub-paragraph (b), to the penalty provided by paragraph (3).

(6) In any proceedings for an offence under paragraph (1) or (3), it shall be a defence for the accused to prove that he had taken all reasonable precautions to find out whether the place where he had the detecting device in his possession or (as the case may be) used it was a protected place and did not believe that it was.