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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

##### *Powers of entry*

#### **Supplementary provisions with respect to powers of entry**

**33.**—(1) A person may not in the exercise of any power of entry under this Part, other than that conferred by Article 32(1)(c), enter any building or part of a building occupied as a dwelling house without the consent of the occupier.

(2) Subject to the following provisions of this Article, a person may not in the exercise of any power of entry under this Part, other than that conferred by Article 7 or 16, demand admission as of right to any land which is occupied unless prior notice of the intended entry has been given to the occupier—

- (a) where the purpose of the entry is to carry out any works on the land (other than excavations in exercise of the power under Article 32(2)) not less than 14 days before the day on which admission is demanded; or
- (b) in any other case, not less than 24 hours before admission is demanded.

(3) A person seeking to enter any land in exercise of any power of entry under this Part shall, if so required by or on behalf of the owner or occupier thereof, produce evidence of his authority before entering.

(4) Any power of entry under this Part shall be construed as including power for any person entering any land in exercise of the power of entry to take with him any assistance or equipment reasonably required for the purpose to which this entry relates and to do there anything reasonably necessary for carrying out that purpose.

(5) Without prejudice to paragraph (4), where a person enters any land in exercise of any power of entry under this Part for the purpose of carrying out any archaeological investigation or examination of the land, he may take and remove such samples of any description as appear to him to be reasonably required for the purpose of archaeological analysis.

(6) Subject to paragraph (7), where any works are being carried out on any land in relation to which any power of entry under this Part is exercisable, a person acting in the exercise of that power shall comply with any reasonable requirements or conditions imposed by the person by whom the works are being carried out for the purpose of preventing interference with or delay to the works.

(7) Any requirements or conditions imposed by a person by whom any works are being carried out shall not be regarded as reasonable for the purposes of paragraph (6) if compliance therewith would in effect frustrate the exercise of the power of entry or the purpose of the entry; and that

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**Changes to legislation:** *Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995, Section 33 is up to date with all changes known to be in force on or before 14 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)*

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paragraph does not apply where the works in question are being carried out in contravention of Article 4(1) or (6).

(8) Any person who intentionally obstructs a person acting in the exercise of any power of entry under this Part shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

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**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

- Act am. (prosp.) by [1996 c. 24 s.14\(3\)\(5\)](#)
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